

WSR 11-14-046
AGENDA
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 28, 2011, 1:23 p.m.]

Pursuant to RCW 34.05.314, following is the department of labor and industries' semi-annual rules development agenda for July 1 through December 31, 2011.

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

Please contact Tamara Jones at (360) 902-6805 or Tamara.Jones@lni.wa.gov if you have any questions.

Semi-Annual Rules Development Agenda

July 1 - December 31, 2011

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
DIVISION: INSURANCE SERVICES						
296-14	Wages.	Sandi Haerling Integrated Claims Services—Policies and Rules (360) 902-5006	4/22/08 WSR 08-09-115	Suspended per Executive Order 10-06	TBD	This rule making will amend existing rules for consistency with RCW 51.08.178 (2007 SHB 1244). In addition, a new rule will be added to clarify when the value of health care benefits is included in determining the worker's monthly wage.
296-14	Industrial insurance definitions.	Sandi Haerling Integrated Claims Services—Policies and Rules (360) 902-5006	5/3/05 WSR 05-10-073	Suspended per Executive Order 10-06	TBD	This rule making will define terms used in chapter 296-14 WAC and move definitions currently in chapter 296-20 WAC to chapter 296-14 WAC. The rule making will amend the definition of temporary partial disability.
296-14	Confidentiality of workers' compensation claim files.	Sandi Haerling Integrated Claims Services—Policies and Rules (360) 902-5006	11/16/04 WSR 04-23-080	Suspended per Executive Order 10-06	TBD	This rule making will define the responsibility of employers, workers, and other parties who have access to workers' compensation claim files for confidentiality and release of claim information.
296-14	Worker employment patterns.	Sandi Haerling Integrated Claims Services—Policies and Rules (360) 902-5006	8/21/02 WSR 02-17-108	Suspended per Executive Order 10-06	TBD	This rule making will provide clarification on how to determine a worker's employment pattern at the time of injury or on the date of disease manifestation for the purpose of calculating the worker's wage.
296-14	Pension discount rates and mortality assumptions.	Sandi Haerling Integrated Claims Services—Policies and Rules (360) 902-5006	6/20/01 WSR 01-13-096	Suspended per Executive Order 10-06	TBD	This rule making will update the mortality assumptions used to determine pension reserves and actuarial benefit reductions.
296-14 296-15	Claim resolution structured settlement agreements.	Sandi Haerling Integrated Claims Services—Policies and Rules (360) 902-5006	7/19/11	TBD	TBD	This rule making is necessary for the implementation of EHB 2123 (chapter 37, Laws of 2011) allowing claim resolution structured settlements for injured workers age fifty-five and older effective January 1, 2012, fifty-three and older effective January 1, 2015, and fifty and older effective January 1, 2016.

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296-14 296-15	Suppressing workers' compensation claims.	Sandi Haerling Integrated Claims Services—Policies and Rules (360) 902-5006	6/5/07 WSR 07-12-079	Suspended per Executive Order 10-06	TBD	Pursuant to RCW 51.28.010 and 51.28.025 (2007 SSB 5443), rules are needed to define "bona fide workplace safety," "accident prevention program" and "first aid," and establish the penalty structure for employers when there is a finding of claim suppression. Consideration will be given to when and how employers may be required to notify workers of a finding of claim suppression. In addition, the rule making may address additional issues identified in the rule development process.
296-15	Continuing education requirements for self-insurance claims administrators.	Margaret Conley Self-Insurance (360) 902-6723	12/15/09 WSR 10-01-083	Suspended per Executive Order 10-06	TBD	In response to a request from the Washington Self-Insurers Association, the purpose of this rule making is to simplify the requirements for recertification of department-approved claims administrators by reducing credit types.
Chapter 296-15 WAC	Self-insurance—Housekeeping changes.	Margaret Conley Self-Insurance (360) 902-6723	8/20/08 WSR 08-17-117	Suspended per Executive Order 10-06	TBD	The purpose of this rule making is to review chapter 296-15 WAC for any corrections and to ensure consistency with statute. Affected rules will also be rewritten using "plain talk."
Chapter 296-15 WAC	Self-insurance electronic data reporting system (SIEDRS) requirements and penalties.	Margaret Conley Self-Insurance (360) 902-6723	Suspended per Executive Order 10-06	TBD	TBD	The purpose of this rule making is to clarify language regarding reporting requirements and penalties as they relate to SIEDRS.
Chapter 296-15 WAC	Reporting option 2 vocational costs to L&I.	Margaret Conley Self-Insurance (360) 902-6723	Suspended per Executive Order 10-06	TBD	TBD	The purpose of this rule making is to clarify the process by which a self-insured employer reports retraining costs for any claims upon which option 2 benefits have been granted.
296-17 296-17A TBD (new WAC chapter under Title 296 WAC)	Stay at work program.	Sara Spiering Insurance Services (360) 902-5658	TBD	TBD	TBD	This rule making is necessary to implement part of EHB 2123 (chapter 37, Laws of 2011) for a program allowing employers to be reimbursed for a portion of wages and other allowed costs paid to injured workers on light duty.
296-17 296-17A	For-hire vehicle coverage.	Bill Moomau Employer Services (360) 902-4774 Jo Anne Attwood Employer Services (360) 902-4777	5/31/11 WSR 11-12-070	8/23/11	11/8/11	Rules will be proposed to implement ESHB 1367 (chapter 190, Laws of 2011) requiring workers' compensation coverage for certain for-hire vehicle operators.
296-17A	Horse racing industry.	Bill Moomau Employer Services (360) 902-4774 Jo Anne Attwood Employer Services (360) 902-4777	An emergency CR-103 was filed on 6/21/11 and is effective 6/21/11. WSR 11-13-101			The rule will create classifications to accommodate the Washington horse racing commission's rule for short-term duration licenses.
			5/17/11 WSR 11-11-071	7/5/11	9/2/11	

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296-17 296-17A	Agricultural classes.	Karen Chamberlain Employer Services (360) 902-4772	Suspended per Executive Order 10-06	TBD	TBD	This rule will clarify language and better organize subclassifi- cations in the agricultural industries.
296-17 296-17A	Classifications for land surveyors.	Karen Chamberlain Employer Services (360) 902-4772	Suspended per Executive Order 10-06	TBD	TBD	The department is evaluating the fairness and equality of rates in the land survey indus- try.
296-17 296-17A	Reporting for sports teams.	Richard Bredeson Employer Services (360) 902-4985	2/15/11 WSR 11-05-072	4/5/11 WSR 11-08-043	TBD	The department has been asked to review the appropriateness of our current practices for reporting sports team coaches.
296-17 296-17A	Reporting for schools.	Jo Anne Attwood Employer Services (360) 902-4777	8/3/10 WSR 10-16-120	Suspended per Executive Order 10-06	TBD	This rule is to update the way school faculty may be reported.
296-17 296-17A	Tree topping industry.	Julee Gronley Employer Services (360) 902-4726	Suspended per Executive Order 10-06	TBD	TBD	The department is evaluating the fairness and equality of rates in the tree topping indus- try.
296-17 296-17A	Employer ser- vices—House- keeping changes.	Jo Anne Attwood Employer Services (360) 902-4777	Suspended per Executive Order 10-06	TBD	TBD	Employer services files a yearly rule making to make housekeeping changes in reporting rules, classifications, and retrospective rating.
296-17 296-17B	2012 workers' compensation pre- mium rates.	Jo Anne Attwood Employer Services (360) 902-4777	6/21/11 WSR 11-13-100	9/20/11	11/30/11	L&I is required by law to establish and maintain a work- ers' compensation classifica- tion plan and to set premium rates that are the lowest neces- sary to maintain actuarial sol- vency of the accident and med- ical aid funds and are designed to attempt to limit fluctuations in premium rates. The plan must be consistent with recog- nized principles of insurance. L&I is also required by law to offer retrospective rating plans to employers as a further incen- tive to encourage workplace safety and prevent employee injury.
296-17B	Retrospective rat- ing.	Jo Anne Attwood Employer Services (360) 902-4777 Tim Smolen Retrospective Rating (360) 902-4835	TBD	TBD	TBD	This rule will accommodate requirements made by EHB 2123 (chapter 37, Laws of 2011).
296-17B	Retrospective rat- ing.	Jo Anne Attwood Employer Services (360) 902-4777 Tim Smolen Retrospective Rating (360) 902-4835	TBD	TBD	TBD	This rule will accommodate requirements made by ESHB 1725 (chapter 290, Laws of 2011).
296-17B	Retrospective rat- ing.	Jo Anne Attwood Employer Services (360) 902-4777 Tim Smolen Retrospective Rating (360) 902-4835	TBD	TBD	TBD	This placeholder is for poten- tial rule changes resulting from recommendations from the ret- rospective rating advisory committee.

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296-19A	Vocational rehabilitation.	Keith Klinger Integrated Claims Services—Return-to-Work Services (360) 902-6362	N/A	8/2/11 (CR-105)	10/25/11	Rules will be proposed to implement HB 1726 (chapter 291, Laws of 2011) which addresses recommendations from the vocational rehabilitation subcommittee.
296-20	Missed medical appointment policy.	Aaron Huff Health Services Analysis (360) 902-4259	12/22/09 WSR 10-01-171	TBD	TBD	This rule will clarify if medical providers can charge injured workers for missed appointments.
296-20 296-23	Medical aid conversion factors and occupational and physical therapy rules.	Erik Landaas Health Services Analysis (360) 902-4244 Tom Davis Health Services Analysis (360) 902-6687	12/20/11	TBD	TBD	This rule making is to update conversion factors used to determine payments to medical providers. It will also update the maximum daily fees payable to physical therapists and occupational therapists.
296-20	Clarifying "minimum standards" and "risk of harm" as used in SSB 5801 (chapter 6, Laws of 2011).	Diane Reus Office of the Medical Director (360) 902-4996	5/31/11 WSR 11-12-071	11/2/11	12/30/11	This rule will: (1) Establish minimum standards for credentials of medical providers and other requirements for medical provider network participation; and (2) clarify what constitutes patterns of risk of physical or psychiatric harm or death that determines when the department may remove a provider from the network.
296-20	Other WACs that may be in conflict with SSB 5801.	Diane Reus Office of the Medical Director (360) 902-4996	5/31/11 WSR 11-12-071	11/2/11	12/30/11	In the process of promulgating rules for SSB 5801 as described above, we may identify other WACs that are in conflict with SSB 5801. The timing for the adoption of these rules may or may not be the same as that for the "minimum standards" and "risk of harm," but we can reach for that goal.
296-20	Additional WACs that may be outside the scope of the CR-101 filed on May 31, 2011, in response to SSB 5801.	Diane Reus Office of the Medical Director (360) 902-4996	TBD <i>(CR-101 may be filed prior to 12/31/11)</i>	TBD	TBD	We may need a second round of rules to implement SSB 5801, in case we need to modify or expand the initial set of rules on minimum qualifications/risk of harm beyond what was written on the first CR-101. For instance, we may want to start the rule-making process to clarify the second tier network. It's possible that we will or won't file another CR-101 before the end of December.
296-20	Health technology clinical committee (HTCC) decisions.	Jami Lifka Office of the Medical Director (360) 902-4941	TBD	TBD	TBD	As the HTCC makes decisions, the agency may need to make rule changes to come in line with the decisions.
296-20	Clarify medication coverage in general and in response to E2SSB 5073 (chapter 181, Laws of 2011).	Jaymie Mai Office of the Medical Director (360) 902-6792	TBD	TBD	TBD	This rule would clarify that we do not cover non-FDA approved medications (i.e., medical cannabis) and add a statement about drugs regulated outside of the country.

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296-20	Pain management for chronic pain.	Jami Lifka Office of the Medical Director (360) 902-4941	TBD	TBD	TBD	During the 2010 legislative session, the department of health (DOH) boards and commissions were mandated to adopt rules that relate to pain management for chronic pain. There may be a need for L&I to amend its opioid rules in response to the DOH rules.
296-20	Permanent partial disability (PPD) impairment—Partial amputation of the finger.	Jami Lifka Office of the Medical Director (360) 902-4941	Suspended per Executive Order 10-06	TBD	TBD	Currently, RCW 51.32.080(1) specifies the PPD value of an amputation at the joint for upper extremities and lower extremities. It also specifies PPD values for amputation between the joints for upper extremities and lower extremities, but it does not list PPD values for amputation between the joints of the fingers. This leads to inconsistent PPD awards by claim managers. The new rule would specify how examiners determine impairment and specify how the department and self-insurers award PPD.
296-20	Mental health impairment ratings.	Jami Lifka Office of the Medical Director (360) 902-4941	Suspended per Executive Order 10-06	TBD	TBD	There has been some discussion with external stakeholders for the mental health impairment ratings. However, the department has not yet filed a CR-101, nor has the department made any decisions on what direction to go.
296-20	Psychiatric services.	Jami Lifka Office of the Medical Director (360) 902-4941	Suspended per Executive Order 10-06	TBD	TBD	The focus of amending the psychiatric services WAC is to lead to: Better medical outcomes; shorter treatment timeframes; and earlier return to work. There has been no discussion on this possible rule change with external stakeholders. The department has not filed a CR-101, nor has the department made any decisions on what direction to go.
DIVISION: CRIME VICTIMS COMPENSATION PROGRAM						
296-30	Administration of the crime victims compensation program.	Maty Brimmer Crime Victims Compensation (360) 902-6707	6/21/11 WSR 11-13-099	8/23/11	10/31/11	This rule making will update four rules under chapter 296-30 WAC and will add one rule to be consistent with SSB 5691 (chapter 346, Laws of 2011). The updates include removal of references to Title 51 RCW, addition or clarification of some definitions, an explanation of new medical cap, fee schedule changes, and fee schedule change notification methods.

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DIVISION: DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (DOSH)						
All DOSH WACs	DOSH rules over- haul.	Beverly Clark DOSH Standards (360) 902-5516	Suspended per Executive Order 10-06	TBD	TBD	This rule making will consist of reorganization, renumbering, and plain language changes. The Washington Industrial Safety and Health Act (WISHA) advisory committee is urging DOSH to proceed with this work.
296-24	General safety and health standards— Electrical rules.	Kimberly Johnson DOSH Standards (360) 902-5008	TBD	TBD	TBD	DOSH is required to have rules at-least-as-effective-as the federal Occupational Safety and Health Administration (OSHA). DOSH was notified that there are areas in our electrical section of chapter 296-24 WAC that are considered to be "not-at-least-as-effective-as" OSHA. While it will be necessary to make these changes, we have proposed to OSHA that this be done once the moratorium is lifted.
296-32	Telecommunica- tions.	Beverly Clark DOSH Standards (360) 902-5516	Suspended per Executive Order 10-06	TBD	TBD	In 2009, DOSH began working with a telecommunications stakeholder group to develop draft language to update our current telecommunications standard and bring it up to date with industry standards.
296-36 296-155, Part Q	Compressed atmo- spheres.	Cindy Ireland DOSH Standards (360) 902-5522	TBD	TBD	TBD	This rule making will address requirements relating to compressed atmospheres. The current requirements have not been amended since 1962 resulting in multiple variances that had to be issued to deal with these outdated requirements. A stakeholder group has been formed to assist the department with this rule making.
296-54	Safety standards for logging.	Kimberly Johnson DOSH Standards (360) 902-5008	11/16/10 WSR 10-23-096	Suspended per Executive Order 10-06	TBD	The department received several petitions for rule making for the logging standard. The department has accepted the petitions, but will postpone further formal rule making during the moratorium.
296-62	Hazardous drugs.	Beverly Clark DOSH Standards (360) 902-5516	7/19/11	10/2011	1/2012	ESSB 5594 (chapter 39, Laws of 2011) requires the department to adopt rules implementing the 2004 National Institute for Occupational Safety and Health (NIOSH) guidelines on safe handling of hazardous drugs. The legislation requires the rules be consistent with the requirements set forth in NOISH [NIOSH]'s alert and states that the rules may not exceed these requirements.

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						The department may incorporate Centers for Disease Control and Prevention (CDC) updates and changes to the alert.
296-155	Crane construction (Phase II).	Cindy Ireland DOSH Standards (360) 902-5522	9/16/08 WSR 08-19-073	7/26/11	11/22/11	OSHA recently adopted a crane construction rule, effective November 8, 2010. This rule making is to address the requirements that employers must follow with regard to inspection, maintenance, and operation of cranes used in the construction industry. This phase will also include updates to the department's current rigging and personnel lifting requirements. The department may suspend some portions of the rule making that are not required by the federal government or requested by the affected entities.
296-155	Fall protection.	Kimberly Johnson DOSH Standards (360) 902-5008	4/4/06 WSR 06-08-085	Suspended per Executive Order 10-06	TBD	DOSH has been working with a fall protection ad hoc committee to consolidate the fall protection requirements of the construction safety rules into one coherent set of requirements. In addition, DOSH asked the committee to help identify any technical changes needed due to industry developments and to ensure that any gap in current fall protection would be addressed and rectified by the rule update.
296-304	Shipyards.	Kimberly Johnson DOSH Standards (360) 902-5008	TBD	TBD	TBD	OSHA is changing their rules on working conditions in shipyards, which updates existing requirements to reflect advances in industry practices and technology and provides new protections from hazards that were not previously addressed, including the control of hazardous energy. The department will be required to modify our rules to ensure they are "at-least-as-effective-as" OSHA's new policies.
296-305	Firefighting.	Kimberly Johnson DOSH Standards (360) 902-5008	11/4/08 WSR 08-22-082	8/31/10 WSR 10-18-078 <i>(withdrawn on 3/15/11)</i> Suspended per Executive Order 10-06	TBD	OSHA advised the department of a couple areas in the firefighter standards where we are not as-effective-as the federal rules. Stakeholders asked us to look at our firefighter standards and bring them up-to-date with current consensus standards and practices.

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296-307	Safety standards in agriculture—REDON fit testing.	Devin Proctor DOSH Standards (360) 902-5541	N/A	8/31/10 (CR-105) WSR 10-18-081 <i>(withdrawn on 3/15/11)</i> Suspended per Executive Order 10-06	TBD	The department will put respirator requirements for the controlled negative pressure REDON fit testing protocol into the agriculture rule.
296-800	Accident prevention program.	Cathy Julian DOSH Standards (360) 902-5401	Suspended per Executive Order 10-06	TBD	TBD	This rule making is to address an inconsistency that currently exists among several rules. Each call for an employer to create an accident prevention program, but have differing requirements for that program. The rule making will clarify the requirements for an accident prevention program, and will provide a single location where these requirements are stated. This will create consistency across the rules, and make it easier for employers to comply.
296-800	Emergency washing facilities.	Devin Proctor DOSH Standards (360) 902-5541	N/A	8/31/10 (CR-105) WSR 10-18-082 <i>(withdrawn on 3/15/11)</i> Suspended per Executive Order 10-06	TBD	This rule making will change the definition of "corrosive" in chapter 296-800 WAC, Safety and health core rules, so that it is identical to the definition of "corrosive" in Table 5 of chapter 296-839 WAC, Content and distribution of material safety data sheets (MSDSs) and label information. A reference also needs updating to reflect the most current American National Standards Institute's emergency eyewash and shower equipment standard.
296-900	Abatement.	Devin Proctor DOSH Standards (360) 902-5541	7/19/11	10/2011	1/2012	ESSB 5068 (chapter 91, Laws of 2011) relates to abatement of violations of the Washington Industrial Safety and Health Act during an appeal, which amends RCW 49.17.140. ESSB 5068 directs an appeal of any violations classified and cited as serious, willful, repeat serious, or failure to abate serious violations does not stay abatement dates and requirements, except under certain circumstances. The department will not grant a stay when it can determine that the preliminary evidence shows a substantial probability of death or serious harm to workers.
296-900	Safety and health investment project (SHIP) grants.	Beverly Clark DOSH Standards (360) 902-5516	TBD	TBD	TBD	This rule making will address the criteria for the distribution of SHIP grants fund awards required by EHB 2123 (chapter 37, Laws of 2011).

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296-900	Monetary penalties.	Kimberly Johnson DOSH Standards (360) 902-5008	11/16/10 WSR 10-23-095	TBD	TBD	OSHA is changing their policies and procedures for how they assess penalties. The department will be required to modify its rules to ensure they are "at-least-as-effective-as" OSHA's new policies.
TBD (new WAC chapter under Title 296 WAC)	Employment standards—Wage violations.	Sally Elliott Specialty Compliance Services (360) 902-6411	Suspended per Executive Order 10-06	TBD	TBD	This rule making is a result of 2006 SHB 3185. RCW 49.48.082 through 49.48.087 authorize 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.
296-05	Apprenticeship rules.	Sally Elliott Specialty Compliance Services (360) 902-6411	6/1/10 WSR 10-12-088	8/2/11	11/1/11	This rule making is a result of 2009 ESSB 5873, which made changes to RCW 39.04.320, 39.04.350, and 39.12.055. It phases in apprentice utilization requirements (AURs) for four-year institutions of higher education for contracts advertised for bid on or after January 1, 2010. It also establishes penalties for contractors found to be working apprentices out of ratio, with inappropriate supervision, or outside their work process scope of the approved apprenticeship program. Contractors who are found out of compliance in any of these areas may have their responsible bidder status revoked for the first violation and be barred from bidding on any public works contract for five years upon the second violation.
296-96	Elevator rules.	Sally Elliott Specialty Compliance Services (360) 902-6411	Suspended per Executive Order 10-06	TBD	TBD	This rule making is a result of 2009 SHB 1055, which made changes to RCW 70.87.230 and 70.87.250. The rule making will also review the elevator rules for additions and revisions. The elevator rules are reviewed on a regular basis to ensure the rules are consistent with the national consensus standards and industry practice and to clarify the rules as needed.

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296-104	Board of boiler rules.	Sally Elliott Specialty Compliance Services (360) 902-6411	7/20/10 WSR 10-15-102	10/5/10 WSR 10-20-135 <i>(withdrawn on 4/19/11)</i> Suspended per Executive Order 10-06	TBD	The rule making amends the board of boiler rules by making clarifying and technical changes. The changes will: Add a definition of a "pool heater" to eliminate confusion for inspectors, owner/users, manufacturers and installers regarding what units are acceptable for service by the jurisdiction. Adopt the current edition of the ASME Boiler and Pressure Vessel Code.
296-125	Employment standards—Child labor rules.	Sally Elliott Specialty Compliance Services (360) 902-6411	2/19/08 WSR 08-05-107	TBD	TBD	The rule making reviews the child labor rules in order to incorporate current administrative policies and federal law. The rules are also being reviewed and amended for clarity and ease of use. A number of changes are necessary to update the state regulations to be compatible with federal law and to remove the jeopardy of noncompliance with federal law for Washington employers. Pursuant to Executive Order 10-06, the program will file a new CR-101 to clarify the amendments will reflect federal law.
296-126	Employment standards—Meal and rest break rules.	Sally Elliott Specialty Compliance Services (360) 902-6411	5/19/10 WSR 10-11-121	Suspended per Executive Order 10-06	TBD	The rule making is to clarify the meal and rest break rules as a result of existing law such as <i>Wingert v. Yellow Freight</i> , 146 Wn.2d 841 (2002) and <i>Alvarez v. IBP</i> , 339 F.3d 894 (9th Cir. 2003).
296-127	Prevailing wage— Scope of work descriptions for dredge workers, truck drivers, and ready mix truck drivers.	Sally Elliott Specialty Compliance Services (360) 902-6411	7/20/10 WSR 10-15-107	11/2/10 WSR 10-22-104 <i>(withdrawn on 12/2/10)</i> Suspended per Executive Order 10-06	TBD	The department has wage rates for dredge workers, truck drivers, and ready mix drivers, but no corresponding scope of work descriptions. The rule making will adopt scope of work descriptions for those worker classifications.
296-127	Prevailing wage.	Sally Elliott Specialty Compliance Services (360) 902-6411	6/16/09 WSR 09-13-077	5/18/10 WSR 10-11-116 <i>(withdrawn on 12/1/10)</i> Suspended per Executive Order 10-06	TBD	The rule making reviews prevailing wage rules, which have not gone through a comprehensive review since the early 90s. Amendments will be made to reflect: Court decisions; integrate administrative policies; streamline current processes; create consistency with the statute; and make housekeeping changes.

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296-127	Prevailing wage— Scope of work descriptions for utilities construction and laborers in utilities construction.	Sally Elliott Specialty Compliance Services (360) 902-6411	8/16/10 WSR 10-17-087	Suspended per Executive Order 10-06	TBD	The department received rule-making petitions to repeal the scope of work definitions for utilities construction and laborers in utilities construction. The petitions state the repeal of these scopes of work would eliminate confusion for wage survey respondents, would allow the department to calculate a more accurate wage rate, and would be consistent with references from the federal Davis Bacon Act.
296-127	Prevailing wage— Scope of work description for fabricated precast concrete products.	Sally Elliott Specialty Compliance Services (360) 902-6411	Suspended per Executive Order 10-06	TBD	TBD	The department is currently working with the prevailing wage advisory committee on the scope of work definition for fabricated precast concrete products.
296-150C 296-150F 296-150I 296-150M 296-150P 296-150R 296-150T 296-150V	Factory assembled structures.	Sally Elliott Specialty Compliance Services (360) 902-6411	8/23/11	10/18/11	1/2012	The purpose of this rule making is to increase the factory assembled structure fees in order to cover the costs for ongoing services for the program.
296-150C 296-150F 296-150I 296-150M 296-150P 296-150R 296-150T 296-150V	Factory assembled structures.	Sally Elliott Specialty Compliance Services (360) 902-6411	9/22/09 WSR 09-19-121	9/1/10 WSR 10-18-103 <i>(withdrawn on 3/15/11)</i> Suspended per Executive Order 10-06	TBD	The rule making reviews the factory assembled structure rules on a regular basis to ensure the rules are consistent with industry practice, for clarification, and for possible housekeeping changes. The rules need to be amended to reflect current code references and in response to internal audit findings.
296-200A	Contractor certificate of registration.	Sally Elliott Specialty Compliance Services (360) 902-6411	7/6/10 WSR 10-14-103	Suspended per Executive Order 10-06	TBD	The rule making reviews the contractor registration rules to ensure consistency with industry practice and clarity of language. The rule making will make housekeeping changes and update language for clarity and consistency with industry practices.
296-200A	Contractor certificate of registration.	Sally Elliott Specialty Compliance Services (360) 902-6411	7/19/11	9/20/11	11/22/11	This rule making is a result of ESHB 1055 (chapter 15, Laws of 2011). The bill change[s] the time period to appeal contractor infractions from twenty to thirty days.
296-200A 296-400A	Contractor certificate of registration. Plumber certification.	Sally Elliott Specialty Compliance Services (360) 902-6411	TBD	TBD	TBD	This rule making is a result of SSB 5067 (chapter 301, Laws of 2011). The bill allows the programs to use alternative methods for mailing certified and registered mail.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-400A	Plumber certification.	Sally Elliott Specialty Compliance Services (360) 902-6411	7/19/11	9/20/11	11/22/11	The purpose of this rule making is to increase the plumber certification fees in order to cover the costs for ongoing services for the program.

Tamara Jones
Assistant Director for
Legislative and Government Affairs
Rules Coordinator

WSR 11-15-006
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed July 6, 2011, 3:19 p.m.]

Notice of Interpretive or Policy Statement

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

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

Document Title: Canary Notice 279: Child Care Cooperation.

Subject: Child care cooperation.
Effective Date: July 6, 2011.

Document Description: This canary notice explains how DCS will receive nonassistance child support applications from individuals who apply for or receive working connections child care or subsidized child care from the department of early learning.

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

WSR 11-15-008
AGENDA
WESTERN WASHINGTON UNIVERSITY
[Filed July 7, 2011, 9:34 a.m.]

Pursuant to RCW 34.05.314, the following is Western Washington University's semi-annual agenda for (WAC) rules development for the term of July 1 through December 31, 2011:

1. Chapter 516-52 WAC, Health and safety: Rule-making amendments to comply with a state initiative adopted in 2006 that prohibits smoking in public places and workplaces. Preproposal CR-101 was filed February 10, 2010, as WSR 10-05-049. CR-102 anticipated in 2011.

2. Chapter 516-23 WAC, Student rights and responsibilities code: Preproposal CR-101 was filed September 11, 2009 as WSR 09-19-061. CR-102 anticipated in 2011.

3. Chapter 516-09 WAC, Public records: Housekeeping amendments to WAC 516-09-020 and 516-09-030. Preproposal to be filed summer 2011.

4. Chapter 516-34 WAC, Leasing of university property for business purposes: Preproposal to be filed fall 2011.

5. Chapter 516-36 WAC, Use of university facilities—Scheduling: Preproposal to be filed fall 2011.

Additional rule-making activity not on the agenda may occur as conditions warrant. For more information concerning the semi-annual agenda, please contact Suzanne Baker, Rules Coordinator, Western Washington University, 516 High Street, Bellingham, WA 98225-9015, phone (360) 650-3117, e-mail Suzanne.Baker@wwu.edu.

Suzanne M. Baker

WSR 11-15-009
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
HISTORICAL SOCIETY
[Filed July 7, 2011, 9:36 a.m.]

The Washington state historical society board of trustees adopted, at their June 18, 2011, meeting, the following change in meeting date. All other meeting dates and locations are unchanged.

September 27, 2011, (Wednesday) Tacoma

If you need additional information, please contact Misty Dawn Reese at (253) 798-5901 or misty.reese@wshs.wa.gov.

WSR 11-15-012
DEPARTMENT OF AGRICULTURE
 [Filed July 7, 2011, 2:53 p.m.]

PUBLIC NOTICE FOR *SPARTINA* TREATMENT IN WESTERN WASHINGTON

LEGAL NOTICE: The Washington state department of agriculture (WSDA) plant protection division is hereby notifying the affected public that the herbicides glyphosate (e.g. Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (e.g. Habitat® or Polaris AQ®), surfactants (e.g. Agri-Dex™, Class Act Next Generation™, Competitor™, Dyne-Amic™, Kinetic™, or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1, 2011, and October 31, 2011. Properly licensed pesticide applicators who have obtained coverage under the WSDA National Pollutant Discharge Elimination System (NPDES) waste discharge general permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* in Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula, and the mouth of the Columbia River.

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

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

WSR 11-15-013
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed July 7, 2011, 3:40 p.m.]

Pursuant to chapter 42.30 RCW, the Open Public Meetings Act, this memo gives notice that the provider network advisory group is scheduled to meet as follows:

COMMITTEE	DATES	TIME	LOCATION
Provider Network Advisory Group	July 28, 2011	9:00 a.m. - 1:00 p.m.	SeaTac Airport Port of Seattle-Beijing Conference Room 17801 International Boulevard Room 6012M Seattle, WA 98158

Please call Diane Reus at (360) 902-4996 if you have any questions about these meetings.

The meeting agenda will be posted at least twenty calendar days prior to the meeting at <http://www.lni.wa.gov/ClaimsIns/Providers/ProjResearchComm/ProvNetwork/>.

WSR 11-15-019
NOTICE OF PUBLIC MEETINGS
GRAYS HARBOR COLLEGE
 [Filed July 8, 2011, 10:22 a.m.]

There will be a special meeting of the Grays Harbor College board of trustees on July 19, 2011, at 9:00 a.m. prior to the regular board meeting beginning at 1:00 p.m. The meeting will be held in the Boardroom of the Manspeaker Building on the Grays Harbor College campus.

WSR 11-15-021
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Physical Therapy)
 [Filed July 8, 2011, 11:55 a.m.]

In accordance with the Open Public Meeting Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of physical therapy, for the year 2011. The board of physical therapy meetings are open to the public, and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of physical therapy reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 26, 2011	9:00 a.m.	Conference Call
March 16 30, 2011	9:00 a.m.- 10:00 a.m.	Conference Call Kent
May 18, 2011	10:00 a.m.	Tumwater
July 20, 2011	9:00 a.m.	Conference Call
September 14 19, 2011	10:00 a.m.	Kent
November 16, 2011	10:00 a.m.	Kent

If you need further information, please contact Kris Waidely, Program Manager, Board of Physical Therapy, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4847, (360) 236-2901, kris.waidely@doh.wa.gov, www.doh.wa.gov.

Please be advised the board of physical therapy is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 11-15-027
NOTICE OF PUBLIC MEETINGS
CONVENTION CENTER
 [Filed July 11, 2011, 9:18 a.m.]

A regular meeting of the Washington state convention center public facilities district board of directors will be held

on Tuesday, July 19, 2011, at 2:00 p.m. The meeting will take place in Room 310 of the Convention Center, 800 Pike Street, Seattle.

If you have any question regarding the board meeting, please call (206) 694-5000.

WSR 11-15-034
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Denturists)
 [Filed July 12, 2011, 2:46 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of denturists, for the year 2011. The board of denturists meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of denturists reserves the right to change or amend agendas at the meeting.

Date	Time	Location
March 24, 2011	1:00 p.m.	Tumwater
June 3, 2011	9:00 a.m.	Conference call
August 5, 2011	1:00 p.m.	Cancelled
September 15, 2011	1:00 p.m.	Leavenworth
November 4, 2011	9:00 a.m.	Conference call

If you need further information, please contact Vicki Brown, Program Manager, Board of Denturists, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4865, fax (360) 236-2901, vicki.brown@doh.wa.gov, www.doh.wa.gov.

Please be advised the board of denturists is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 11-15-035
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD
 [Filed July 13, 2011, 8:32 a.m.]

The public works board has made some changes to the 2011 regular scheduled meetings. Please see below. The changes are in bold.

Please contact the public works board at (360) 725-3151 for any further information.

- ~~June 7~~ - Cancelled
- June 15**
- July 12
- ~~August 2~~ - Cancelled
- August 9**
- ~~August 16~~ - Cancelled
- August 26**
- September 13
- October 4
- November 1
- November 15
- December 6

WSR 11-15-036
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Osteopathic Medicine and Surgery)
 [Filed July 13, 2011, 9:24 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of osteopathic medicine and surgery, for the year 2011. The board of osteopathic medicine and surgery meetings are open to the public, and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of osteopathic medicine and surgery reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 21, 2011	9:00 a.m.	St. Francis Hospital 34515 9th Avenue South Federal Way, WA 98003
March 18, 2011	9:00 a.m.	St. Francis Hospital 34515 9th Avenue South Federal Way, WA 98003
May 20, 2011	9:00 a.m.	St. Francis Hospital 34515 9th Avenue South Federal Way, WA 98003
July 22, 2011	9:00 a.m.	St. Francis Hospital 34515 9th Avenue South Federal Way, WA 98003
September 16, 2011	9:00 a.m.	Pacific Northwest University of Health Sciences 200 University Parkway Butler-Haney Hall Room 242 Yakima, WA 98901
November 18, 2011	9:00 a.m.	St. Francis Hospital 34515 9th Avenue South Federal Way, WA 98003

If you need further information, please contact Erin Obenland, Health Service Consultant 3, Washington Department of Health, Board of Osteopathic Medicine and Surgery, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4945, fax (360) 236-2901, e-mail erin.obenland@doh.wa.gov, web www.doh.wa.gov.

Please be advised the board of osteopathic medicine and surgery is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 11-15-053

AGENDA

FOREST PRACTICES BOARD

[Filed July 18, 2011, 9:28 a.m.]

**Rule Development Agenda
July - December 2011**

The forest practices board's mandate is to adopt rules to protect the state's public resources while maintaining a viable forest products industry. The following rule proposals are under development or are anticipated during this time period. There may be additional rule making activity not on the agenda as conditions warrant.

1. **Notice of forest practice to affected Indian tribes**, the board may consider rule making at its August meeting to clarify rules that require landowners to meet with tribes when an application involves a cultural resource.

2. **Road maintenance and abandonment plan**, the board will consider rule adoption at its August meeting to amend WAC 222-24-050 and 222-24-051 to allow landowners to apply for an extension of the road maintenance and abandonment plan (RMAP) deadline for up to five years.

3. **Bald eagle/peregrin [peregrine] falcon**, the board may consider rule making at its [its] August meeting that will implement Washington fish and wildlife commission rules that delisted the bald eagle and peregrin [peregrine] falcon as a state threatened and endangered species.

4. **Forestry riparian easement program**, the board may consider rule making to amend chapter 222-21 WAC to implement HB [ESHB] 1509 (2011 legislation) that reforms the program by including a definition of a qualifying small forest landowner as a for profit entity and modifying the duties of the small forest landowner office.

5. **WAC 222-16-080 Critical habitats (state) of threatened and endangered species**, the board may consider rule making to amend WAC 222-16-080 to ensure special wildlife management plans (SWMP) are subject to SEPA review.

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

**WSR 11-15-054
RULES OF COURT
STATE SUPREME COURT**

[July 13, 2011]

IN THE MATTER OF THE SUSPENSION) ORDER
OF THE EFFECTIVE DATE OF THE) NO. 25700-A-982
AMENDMENTS TO CrR 3.1(d), JuCR)
9.2(d) AND CrRLJ 3.1(d))

By ORDER NO. 25700-A-959, dated July 8, 2010, the Court adopted proposed amendments to CrR 3.1-Right to and Assignment of Lawyer; CrRLJ 3.1-Right to Assignment of Lawyer, and JuCR 9.2-Additional Right to Representation by Lawyer. The Board of Judicial Administration (BJA) requested that the Court delay the effective date of September 1, 2010, until such time as Standards for Indigent Defense Services had been promulgated and adopted by this Court. The Court considered the request and by ORDER NO. 25700-A-964, dated September 10, 2010, delayed the effective date until September 1, 2011. The Standards for Indigent Defense Services have not yet been adopted.

Now, therefore, it is hereby

ORDERED:

That the previously ordered effective date for CrR 3.1, CrRLJ 3.1 and JuCR 9.2 of September 1, 2011, is suspended until January 1, 2012, in order for the Standards for Indigent Defense Services to be published for comment.

DATED at Olympia, Washington this 13th day of July, 2011.

For the Court

Madsen, C. J.

CHIEF JUSTICE

**RULE CrR 3.1
RIGHT TO AND ASSIGNMENT OF LAWYER**

(a) Types of Proceedings. The right to a lawyer shall extend to all criminal proceedings for offenses punishable by loss of liberty regardless of their denomination as felonies, misdemeanors, or otherwise.

(b) Stage of Proceedings.

(1) The right to a lawyer shall accrue as soon as feasible after the defendant is taken into custody, appears before a committing magistrate, or is formally charged, whichever occurs earliest.

(2) A lawyer shall be provided at every stage of the proceedings, including sentencing, appeal, and post conviction review. A lawyer initially appointed shall continue to represent the defendant through all stages of the proceedings unless a new appointment is made by the court following withdrawal of the original lawyer pursuant to section (e) because geographical considerations or other factors make it necessary.

(c) Explaining the Availability of a Lawyer.

(1) When a person is taken into custody that person shall immediately be advised of the right to a lawyer. Such advice shall be made in words easily understood, and it shall be stated expressly that a person who is unable to pay a lawyer is entitled to have one provided without charge.

(2) At the earliest opportunity a person in custody who desires a lawyer shall be provided access to a telephone, the telephone number of the public defender or official responsible for assigning a lawyer, and any other means necessary to place the person in communication with a lawyer.

(d) Assignment of Lawyer.

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

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

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

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

(e) Withdrawal of Lawyer. Whenever a criminal cause has been set for trial, no lawyer shall be allowed to withdraw from said cause, except upon written consent of the court, for good and sufficient reason shown.

(f) Services Other Than a Lawyer.

(1) A lawyer for a defendant who is financially unable to obtain investigative, expert or other services necessary to an adequate defense in the case may request them by a motion to the court.

(2) Upon finding the services are necessary and that the defendant is financially unable to obtain them, the court, or a person or agency to which the administration of the program may have been delegated by local court rule, shall authorize the services. The motion may be made ex parte and, upon a showing of good cause, the moving papers may be ordered sealed by the court and shall remain sealed until further order of the court. The court, in the interest of justice and on a finding that timely procurement of necessary services could not await prior authorization, shall ratify such services after they have been obtained.

(3) Reasonable compensation for the services shall be determined and payment directed to the organization or person who rendered them upon the filing of a claim for compensation supported by affidavit specifying the time expended and the services and expenses incurred on behalf of the defendant, and the compensation received in the same case or for the same services from any other source.

[Amended effective September 1, 1986; September 1, 1995, amended effective September 1, 2010.]

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.

Comment

Supersedes RCW 10.01.110; RCW 10.40.030; RCW 10.46.050.

RULE CrRLJ 3.1

RIGHT TO AND ASSIGNMENT OF LAWYER

(a) Types of Proceedings. The right to a lawyer shall extend to all criminal proceedings for offenses punishable by loss of liberty regardless of their denomination as felonies, misdemeanors, or otherwise.

(b) Stage of Proceedings.

(1) The right to a lawyer shall accrue as soon as feasible after the defendant has been arrested, appears before a committing magistrate, or is formally charged, whichever occurs earliest.

(2) A lawyer shall be provided at every critical stage of the proceedings.

(c) Explaining the Availability of a Lawyer.

(1) When a person has been arrested he or she shall as soon as practicable be advised of the right to a lawyer. Such advice shall be made in words easily understood, and it shall be stated expressly that a person who is unable to pay a lawyer is entitled to have one provided without charge.

(2) At the earliest opportunity a person in custody who desires a lawyer shall be provided access to a telephone, the telephone number of the public defender or official responsible for assigning a lawyer, and any other means necessary to place him or her in communication with a lawyer.

(d) Assignment of Lawyer.

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

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

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

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

(e) Withdrawal of Lawyer. Whenever a case has been set for trial, no lawyer shall be allowed to withdraw except upon consent of the court for good cause shown and upon substitution of another lawyer or upon the defendant's knowing and voluntary decision to proceed without a lawyer.

(f) Services Other Than Lawyer.

(1) A lawyer for a defendant who is financially unable to obtain investigative, expert or other services necessary to an adequate defense in the case may request them by a motion to the court.

(2) Upon finding that the services are necessary and that the defendant is financially unable to obtain them, the court, or a person or agency to which the administration of the program may have been delegated by local court rule, shall authorize the services. The motion may be made ex parte, and, upon a showing of good cause, the moving papers may be ordered sealed by the court, and shall remain sealed until further order of the court. The court, in the interest of justice and on a finding that timely procurement of necessary services could not await prior authorization, shall ratify such services after they have been obtained.

(3) Reasonable compensation for the services shall be determined and payment directed to the organization or person who rendered them upon the filing of a claim for compensation supported by affidavit specifying the time expended and the services and expenses incurred on behalf of the defendant, and the compensation received in the same case or for the same services from any other source.

[Amended effective September 1, 1995; amended effective September 1, 2010.]

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.

RULE JuCR 9.2
ADDITIONAL RIGHT TO REPRESENTATION BY LAWYER

(a) Retained Lawyer. Any party may be represented by a retained lawyer in any proceedings before the juvenile court.

(b) Child in Need of Services Proceedings. The court shall appoint a lawyer for indigent parents of a juvenile in a child in need of services proceeding.

(c) Dependency and Termination Proceedings. The court shall provide a lawyer at public expense in a dependency or termination proceeding as follows:

(1) Upon request of a party or on the court's own initiative, the court shall appoint a lawyer for a juvenile who has no guardian ad litem and who is financially unable to obtain a lawyer without causing substantial hardship to himself or herself or the juvenile's family. The ability to pay part of the cost of a lawyer shall not preclude assignment. A juvenile shall not be deprived of a lawyer because a parent, guardian, or custodian refuses to pay for a lawyer for the juvenile. If the court has appointed a guardian ad litem for the juvenile, the court may, but need not, appoint a lawyer for the juvenile.

(2) Upon request of the parent or parents, the court shall appoint a lawyer for a parent who is unable to obtain a lawyer without causing substantial hardship to himself or herself or the juvenile's family. The ability to pay part of the cost of a lawyer shall not preclude assignment.

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

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

[Amended effective September 1, 1987; September 1, 1997; September 1, 2010.]

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 11-15-055
RULES OF COURT
STATE SUPREME COURT

[July 13, 2011]

IN THE MATTER OF THE ADOPTION) ORDER
OF STANDARDS 3.2, 5.2, 6.1, 13 AND 14) NO. 25700-A-983
OF THE WASHINGTON STATE BAR)
ASSOCIATION 2011 STANDARDS FOR)
INDIGENT DEFENSE SERVICES; AND)
STANDARDS 3.3 AND 3.4 OF THE)
WASHINGTON STATE BAR ASSOCIA-)
TION 2011 STANDARDS FOR INDI-)
GENT DEFENSE SERVICES)

The Washington State Bar Association having recommended the adoption of the Standards 3.2, 5.2, 6.1, 13, and 14 of the Washington State Bar Association 2011 Standards for Indigent Defense Services with a January 1, 2012 effective date; Standards 3.3 and 3.4 of the Washington State Bar Association 2011 Standards for Indigent Defense Services with a January 1, 2013, effective date, and the Court having approved the Standards for publication;

Now, therefore, it is hereby

ORDERED:

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

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than October 31, 2011. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Camilla.Faulk@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 13th day of July, 2011.

For the Court

Madsen, C. J.

CHIEF JUSTICE

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 11-16 issue of the Register.

WSR 11-15-057
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 18, 2011, 10:03 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.

Aging and Disability Services Administration
Division of Home and Community Services

Document Title: Public Notice.

Subject: Home and community based services waiver and State Plan Amendment 11-24.

Effective Date: October 1, 2011.

Document Description: In order to comply with legislative directive, the state will submit State Plan Amendment 11-24 to eliminate adult day health services from the State Plan 1915(i) option and reestablish it as a community options program entry system (COPES) waiver service.

To receive a copy of the interpretive or policy statements, contact Marilee Fosbre, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504, phone (360) 725-2536, TDD/TTY (360) 493-2637, fax (360) 438-8633, e-mail marilee.fosbre@dshs.wa.gov.

WSR 11-15-058
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 18, 2011, 10:03 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.

Aging and Disability Services Administration
Division of Home and Community Services

Document Title: Public Notice.

Subject: State plan amendment.

Effective Date: September 1, 2011.

Document Description: The state of Washington intends to submit Medicaid State Plan Amendment 11-26 to the Centers for Medicaid and Medicare Service [Services] (CMS). This amendment is a new voluntary program made available through the national Affordable Care Act legislation. Health homes provide interventions to enrollees who have one or more chronic medical conditions and provide a system to ensure that required interventions and coordination with other health care providers support the enrollee to obtain needed services.

To receive a copy of the interpretive or policy statements, contact Candace Goehring, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504, phone (360) 725-2562, TDD/TTY (360) 493-2637, fax (360) 438-8633, e-mail candace.goehring@dshs.wa.gov.

WSR 11-15-060
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE

[Filed July 18, 2011, 12:04 p.m.]

The board of trustees of Washington State Community College District 17 (Community Colleges of Spokane) has changed the following regular meeting:

From: Tuesday, August 16, 2011.

To: This meeting has been cancelled.

If you need further information contact Linda Graham, Community Colleges of Spokane, 501 North Riverpoint Boulevard, Spokane, WA 99217, phone (509) 434-5006, fax (509) 434-5025, e-mail lgraham@ccs.spokane.edu, web site www.ccs.spokane.edu/ccs.spokane.edu.

WSR 11-15-061
DEPARTMENT OF AGRICULTURE

[Filed July 19, 2011, 8:28 a.m.]

2nd Quarter 2011 Petitions for Rule-Making

The following information is being sent to you in order to implement RCW 1.08.112 [(1)](g). The Washington state department of agriculture received one petition for rule-making during the second quarter of 2011.

2011 Number of Petitions for Rule Making			
First quarter January - March			
Number	Date	Received From	Concerning
1	March 24, 2011	Cathy Backlund	Pesticide recommendations
Second quarter April - June			
2	June 24, 2011	Cathy Backlund	Pesticide standards

Teresa Norman
Rules Coordinator

WSR 11-15-072
AGENDA
DEPARTMENT OF AGRICULTURE

[Filed July 19, 2011, 11:00 a.m.]

Following is the department of agriculture's semi-annual rules development agenda for the period of July 1 through December 31, 2011. This document is being sent to you in compliance with RCW 34.05.314.

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

Semi-Annual Rules Agenda
July 1 - December 31, 2011
P.O. Box 42560
Olympia, WA 98504-2560

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101 CR-105	CR-102	CR-103	
Agricultural Development and Assistance/Director's Office						
16-08	Practice and procedure	Elizabeth McNagney Administrative Regulations Manager Phone (360) 902-1809	CR-105 July		September	Clarifying filing requirements and delegations.
16-575	Wine commission	Kelly Frost Commodity Commission Coordinator Phone (360) 902-1802	July	September	November	Establishment of an additional assessment pursuant to RCW 15.88.110 and 66.24.215 on vinifera grapes and wine produced. Approval of the additional assessment would be approved by referendum vote of affected producers.
Animal Services Division						
16-54	Animal importation	Jodi Jones Division Coordinator Animal Services Division Phone (360) 902-1889	July	September	November	Designating when health documents require a physical address for the destination when importing animals.
16-610	Livestock brand inspection	Jodi Jones Division Coordinator Animal Services Division Phone (360) 902-1889	July	September	November	Designating when transportation documents require a physical address for the destination when moving cattle and horses within the state, and recovering time and mileage on proven violations.
New WAC chapter	Animal disease traceability	Jodi Jones Division Coordinator Animal Services Division Phone (360) 902-1889	July	September	November	Creation of the animal disease traceability program.
Commodity Inspection Division						
16-301-015	Seed labeling requirements for agricultural, vegetable, and flower seed	Victor Shaul Seed Program Manager Phone (509) 249-6955	CR-105 July		September	Seed program telephone number correction.
Food Safety and Consumer Services Division						
New WAC chapter	Cottage food operations	Julie Carlson Division Coordinator Food Safety and Consumer Services Division Phone (360) 902-1880	July	September	October	Establishing rules for cottage food operations.

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101 CR-105	CR-102	CR-103	
Plant Protection Division						
16-470	Quarantine— Agricultural pests	Tom Wessels Plant Services Program Man- ager Phone (360) 902-1984	July	September	October	The department is considering initiating an industry request quarantine that would place restrictions on the importation of hazelnut plants into Wash- ington state in response to east- ern filbert blight.
16-497	Hop disease quarantine	Mary Toohey Plant Protection Assistant Director Phone (360) 902-1907	July	September	October	The department is considering revising the Washington hop quarantine to harmonize with rules of adjoining states.
16-662	Weights and measures— National handbooks	Jerry Buendel Weights & Measures Program Manager Phone (360) 902-1856	July	September	October	The department is considering adopting the most current National Institute of Standards and Technology handbooks for technical standards for weights and measures.

Teresa Norman
Rules Coordinator

WSR 11-15-073
NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE
[Filed July 19, 2011, 11:09 a.m.]

Pursuant to RCW 42.30.075, Olympic College hereby gives notice that an additional regular meeting of the board of trustees of Olympic College, District Three, will be held on Friday, August 12, beginning at 8:00 a.m. at Poulsbo City Hall, 200 N.E. Moe Street, Poulsbo, WA 98370.

WSR 11-15-074
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
[Filed July 19, 2011, 11:09 a.m.]

In compliance with RCW 42.30.075, following is the Seattle Community Colleges - District VI board of trustees revised meeting schedule for 2011, which was adopted by the board on July 14, 2011.

The meeting date in October has been changed to Octo- ber 6 and the locations of the September and December meet- ings have also been changed.

If you have any questions, please contact Harrietta Han- son at (206) 934-3850.

REVISED
BOARD OF TRUSTEES 2011 MEETING SCHEDULE
Revision Approved by the Board of Trustees July 14, 2011

The board of trustees meetings begin with a study ses- sion or reception at **2:00 p.m.** Regular meeting agenda ses- sions will begin at **3:00 p.m.** Dates and locations of the meet- ings are noted below. **All meetings are on the second Thursday of the month except October.**

DATE	LOCATION
January 13	North Seattle Community College (NSCC) 9600 College Way North Seattle, WA 98103
February 10	Seattle Vocational Institute (SVI) 2120 South Jackson Street Seattle, WA 98144
March 10	North Seattle Community College (NSCC) 9600 College Way North Seattle, WA 98103
April 14	Seattle Central Community College (SCCC) Maritime Academy 4455 Shilshole Avenue N.W. Seattle, WA 98107
May 19	SCCD (Siegal Center) 1500 Harvard Avenue Seattle, WA 98122
June 9	South Seattle Community College (SSCC) 6000 16th Avenue S.W. Seattle, WA 98106
July 14	Seattle Vocational Institute (SVI) 2120 South Jackson Street Seattle, WA 98144
August	No Meeting
September 8	North Seattle Community College (NSCC) 9600 College Way North Seattle, WA 98103

DATE	LOCATION
October 6	South Seattle Community College (SSCC) Georgetown Campus 6737 Corson Avenue South Seattle, WA 98108
November 10	SCCD (Siegal Center) 1500 Harvard Avenue Seattle, WA 98122
December 8	Seattle Central Community College (SCCC) 1701 Broadway Seattle, WA 98122

WSR 11-15-077

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Filed July 19, 2011, 3:35 p.m.]

Please be advised of the following revision to the 2011 regular meeting schedule of the Edmonds Community College board of trustees.

A special meeting has been scheduled for July 21, 5:30-6:30 p.m., in Snohomish Hall 306.

If you have any questions, please feel free to contact Patty Michajla at (425) 640-1516.

WSR 11-15-085

**NOTICE OF PUBLIC MEETINGS
BEEF COMMISSION**

[Filed July 20, 2011, 9:01 a.m.]

The November board meeting of the Washington state beef commission scheduled for November 10 will be held in Walla Walla, Washington.

Should you have questions, please contact Daniene Giesen at (206) 444-2902.

WSR 11-15-086

**AGENDA
PARKS AND RECREATION
COMMISSION**

[Filed July 20, 2011, 9:02 a.m.]

**Semi-Annual Rule-Making Agenda
January through July 2011**

Following is the Washington state parks and recreation commission's semi-annual rule-making agenda for publication in the Washington State Register, pursuant to RCW 34.05.314.

The agency may have additional rule-making activity not listed in this semi-annual agenda that unforeseen conditions may require later development.

If you have questions relating to this agenda, please contact Valeria Evans, Rule[s] Coordinator, 1111 Israel Road S.W., Olympia, WA 98504-2650, phone (360) 902-8597.

WAC Citation	Subject Matter	Current Activity		
		Preproposal	Proposed (CR-102) or expedited (CR-105)	Permanent (CR-103)
WAC 352-32-251 Limited income senior citizen, disability, and disable [disabled] veteran passes and 352-32-252 Off-season senior citizen pass— Fee.	Staff recommends that the eligibility requirements for establishing residency in Washington be changed from twelve months to three months in subsections (1) and (3); and that proof of residency can include a Washington state driver's license.	CR-101 April 14, 2011 as WSR 11-09-049	CR-102 filed June 27, 2011 WSR 11-14-031	
Chapter 352-37 WAC, Ocean [beaches].	Pilot program expired December 2010. Before continuing this activity, the commission needs [to] specifically allow it by rule. The commission is open to continuing this recreational activity in the Seashore Conservation Area.	CR-101 filed February 8, 2011 WSR 11-05-039	CR-102 filed July 5, 2011 WSR 11-14-106	
Chapter 352-32 WAC, public use in parks.	Add sections within chapter 352-32 WAC and revise sections that will address the Discover Pass.	CR101 filed May 18, 2011 WSR 11-11-083		

Valeria Evans
Rules Coordinator

WSR 11-15-096
AGENDA
UNIVERSITY OF WASHINGTON
 [Filed July 20, 2011, 10:55 a.m.]

Semi-Annual Agenda for Rules under Development
(Per RCW 34.05.314)
July 2011

Rule-making activity not now anticipated may also be added as conditions warrant between semi-annual agendas.

1. Rule making for chapter 478-140 WAC, Rules and regulations for the University of Washington governing student education records, is anticipated to continue during the second half of 2011 (CR-101 was filed as WSR 09-17-078).

2. Rule making for chapter 478-276 WAC, governing access to public records, has been placed on hold during 2011 (CR-101 was filed as WSR 10-04-104).

3. Housekeeping amendments for various Title 478 WAC rules are anticipated during the second half of 2011.

4. Rule making is anticipated for chapter 478-156 WAC, Rules for the University of Washington residence halls and family housing apartments, during the second half of 2011.

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

WSR 11-15-097
AGENDA
TRANSPORTATION COMMISSION
DEPARTMENT OF TRANSPORTATION
 [Filed July 20, 2011, 11:10 a.m.]

Following is the department of transportation's and transportation commission's July through December 2011 semi-annual rules development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

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

Department of Transportation
Semi-Annual Rules Agenda
RCW 34.05.314
July - December 2011

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate Filing Date
468-95	Manual on uniform traffic control devices for streets and high-ways.	All	Bring the state's regulations to meet the Federal Highway Administration rules.	Rick Mowlds	CR-101 - 5/27/11 CR-102 - 8/2011 CR-103 - 9/2011
468-38	Vehicle size and weight—High-way restrictions—Equipment.	050, 071, 270	Reflect legislative revisions.	Jim Wright	CR-101 - 5/26/11 CR-102 - 7/20/11 CR-103 - 8/2011
468-300	State ferries and toll bridges.	700	Review of the preferential loading for the Washington state ferries.	Ray Deardorf	CR-101 - 5/25/11 CR-102 - Sometime in August 2011

Transportation Commission
Semi-Annual Rules Agenda
RCW 34.05.314
July - December 2011

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate Filing Date
468-300	State ferries and toll bridges.	010, 020, 040, 220	Annual fare review.	Ray Deardorf	CR-101 - 4/25/11 CR-102 - 7/20/11 CR-103 - 8/11
468-300	State ferries and toll bridges.	New	Fuel surcharge.	Ray Deardorf	CR-101 - 12/23/09 CR-102 - 7/20/11 CR-103 - 8/11

Cathy Downs
 Rules Coordinator

WSR 11-15-099

AGENDA

**DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH**

[Filed July 20, 2011, 11:18 a.m.]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 11-16 issue of the Register.