

WSR 14-10-001
NOTICE OF PUBLIC MEETINGS
WINE COMMISSION

[Filed April 23, 2014, 1:40 p.m.]

The Washington state wine commission has changed the following regular meetings:

Friday, May 9, 2014.

From: WSU Tri-Cities Campus, Room CIC 210/212, Richland.

To: Walter Clore Wine and Culinary Center, 2140 Wine Country Road, Prosser.

Friday, September 12, 2014.

From: WSU Tri-Cities Campus, Room CIC 210/212, Richland.

To: Walter Clore Wine and Culinary Center, 2140 Wine Country Road, Prosser.

If you need further information contact Jayne Cain, 1201 Western Avenue, Suite 450, Seattle, WA 98101-2402, (206) 326-5760, (206) 583-0573, jcain@washingtonwine.org, www.washingtonwine.org.

WSR 14-10-005
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION

[Filed April 24, 2014, 8:51 a.m.]

The following date, time and location is for the May 22, 2014, commission meeting: Revised Washington state human rights commission meeting, Greater Tacoma Convention and Trade Center, on May 22, 2014, at 9:30 a.m., 1500 Broadway, Tacoma, WA 98402.

WSR 14-10-008
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 24, 2014, 11:44 a.m.]

Under RCW 34.05.230, following are two policy and interpretive statements issued by the department of labor and industries regarding the insurance services division.

If you have any questions or need additional information, please call Suchi Sharma at (360) 902-6744.

Suchi Sharma
Senior Policy Advisor
and Rules Coordinator

Title: Policy 15.70, Payment or Reimbursement for Burial Expenses.

Date Issued: May 1, 2014.

Description: This policy applies when death results from an accepted industrial injury or occupational disease and the state fund or self-insurance pension adjudicator receives a

request for reimbursement for burial expenses. The policy gives guidance for what will and won't be reimbursed for burial expenses.

Contact: Nancy Lach, 7273 Linderson Way, Tumwater, WA 98501, (360) 902-4379, nancy.lach@lni.wa.gov.

Title: Policy 61.06, Industrial Insurance Coverage for Volunteers.

Date Issued: April 7, 2014.

Description: This policy is updated to add additional clarification and to reflect current practice. This policy is amended to recognize that for-profit businesses may have situations in which they have legitimate volunteers. These volunteers are not covered for industrial insurance, and the department does not offer coverage for them. The amended policy outlines specific criteria a business must meet to distinguish noncovered volunteers from covered workers.

Contact: Nancy Lach, 7273 Linderson Way, Tumwater, WA 98501, (360) 902-4379, nancy.lach@lni.wa.gov.

WSR 14-10-027
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH

(Board of Denturists)

[Filed April 28, 2014, 11:02 a.m.]

In accordance with the Open Public Meeting[s] 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 denturists, for the year 2014. 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
June 27, 2014	10:00 a.m.	Bellingham
August 8, 2014	10:00 a.m.	Spokane
November 7, 2014	10:00 a.m.	Department of Health Tumwater

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 14-10-029

DEPARTMENT OF AGRICULTURE

[Filed April 28, 2014, 1:13 p.m.]

LEGAL NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON

LEGAL NOTICE FOR SPARTINA TREATMENTS: The Washington state department of agriculture (WSDA) is hereby notifying the affected public that the herbicides imazapyr and glyphosate may be used to control invasive *Spartina* grass species between June 1, 2014, and October 31, 2014.

Licensed pesticide applicators operating under WSDA's national pollutant discharge elimination system (NPDES) state waste discharge general permit may apply these products in the following locations: Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, the north and west sides of the Olympic Peninsula, and the mouth of the Columbia River.

For more information, including locations of possible application sites or information on *Spartina*, contact WSDA *Spartina* Control Program: Phone (360) 902-2070, e-mail pestprogram@agr.wa.gov or web site <http://agr.wa.gov/PlantsInsects/Weeds/Spartina/>, or write WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560.

The Washington state department of ecology 24-hour emergency number for reporting concerns about *Spartina* treatments is (360) 407-6283.

WSR 14-10-032

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF REVENUE

[Filed April 29, 2014, 11:26 a.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has reissued the following excise tax advisory (ETA): **ETA 3050.2014 *Dump Truck Operators***.

This ETA explains the public utility tax (PUT), business and occupation tax (B&O), and retail sales tax reporting responsibilities for various services commonly provided by dump truck operators. This ETA previously issued on May 24, 2013, is being reissued in order to clarify how to distinguish the taxability of persons hauling for hire from persons hauling construction debris.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Tim Jennrich
Tax Policy Manager
ETA and Special Projects

WSR 14-10-035

INTERPRETIVE STATEMENT

DEPARTMENT OF REVENUE

[Filed April 29, 2014, 2:51 p.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following excise tax advisory (ETA): **ETA 3019.2014 *How are Port Charges for Dockage, Berthage, and Moorage of Ocean Vessels Taxed?***

This ETA explains the application of the stevedoring business and occupation tax to dockage, berthage, or moorage of ocean going vessels that is a part of a port's functions, and alternatively, the application of the public utility tax to ocean vessels docked for other purposes. This ETA was previously issued on February 2, 2009, has been reissued to address stevedoring; to include "dockage;" and to direct businesses to WAC 458-20-118 for reporting instructions for recreational moorage.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Tim Jennrich
Tax Policy Manager
ETA and Special Projects

WSR 14-10-050

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed May 1, 2014, 10:38 a.m.]

**Aging and Disability Services
Behavioral Health and Service
Integration Administration
Management Services Division**

**Notice of Possible Changes to the
Medicaid Nursing Facility Payment System
Effective July 1, 2014**

The purpose of this notice is to advise nursing facilities and the general public that the state of Washington is considering adjustments to the methodology by which nursing facilities are paid for services they provide to medicaid recipients, as of July 1, 2014.

This notice is furnished in accordance with federal medicaid law, at 42 U.S.C. Sec. 1396a (a)(13)(A) and 42 C.F.R. Sec. 447.205, and state regulations, at WAC 388-96-718. Under these provisions, the department of social and health services (DSHS) must publish proposed new methodologies for determining the payment rates, and the justification for those new methodologies, when the changes would amount to "material" changes that require DSHS to amend its medicaid state plan under Title XIX of the federal Social Security Act.

In the two-year state operating budget adopted in 2013, the current rate methodology was calculated to produce a weighted average daily rate of \$171.35 in state fiscal year (SFY) 2014, and \$171.58 in SFY 2015. (The SFY runs from

July 1 of one year to June 30 of the following calendar year, with the later year used for designation. For example, SFY 2015 runs from July 1, 2014, through June 30, 2015.) In the supplemental state operating budget adopted in its 2014 session, the legislature has now made changes which will raise the projected weighted average daily rate for SFY 2015 to \$178.82. These changes are found in section 206 of the supplemental state operating budget, which passed the legislature as ESSB 6002 and was designated as chapter 221, Laws of 2014. The weighted average daily rate designated in the operating budget is commonly known as the "budget dial" amount. DSHS is directed by state law to ensure that the weighted average daily rate actually paid does not exceed that amount; see RCW 74.46.421.

The following are the changes which the legislature adopted for SFY 2015. Note that these changes were made in the supplemental budget, not in chapter 74.46 RCW, the basic statute governing medicaid nursing facility rates. This means that the changes apply only from July 1, 2014, through June 30, 2015. In its 2015 session the legislature might - or might not - decide to extend these measures, but at present the changes will apply only to SFY 2015. These changes are:

1) Provision of a **supplemental low wage worker add-on**. This add-on is in addition to the existing add-on of \$1.57 per medicaid resident day. On the basis of the industry weighted average, this will add \$2.44 to the medicaid daily rate. However, because a few facilities are likely to decline this add-on (which is voluntary), the actual increase to those facilities accepting is estimated to be somewhat higher, \$2.53. This supplemental add-on may be used for a limited number of purposes only:

a) To increase wages, benefits, and/or staffing levels for certified nurse aides;

b) To increase wages and/or benefits for dietary aides, housekeepers, laundry aides; and

c) To increase wages and/or benefits for any other category of worker whose statewide average dollars-per-hour wage was less than \$17 in calendar year 2012, according to cost report data.

2) Provision of a **direct care rate add-on** of \$3.63 per medicaid resident day to each facility.

3) Provision of a **support services rate add-on** of \$1.12 per medicaid resident day to each facility.

4) Provision of a **therapy care rate add-on** of \$0.05 per patient day.

5) Continuation of the **comparative analysis add-on** and the **acuity add-on** for SFY 2015, with clarification as to how the various rate add-ons described above are to be treated in the calculation. The add-ons are generally excluded from the calculation; see section 206, chapter 221, Laws of 2014.

The state plan amendment will also contain the new "swing bed" rate. All information needed to calculate this rate is not available at the time of this notice.

Persons or organizations that have comments on these changes may contact Edward Southon, Manager, Nursing Home Rates, Aging and Disability Services, P.O. Box 45600, Olympia, WA 98504-5600, or edward.southon@dshs.wa.gov. Comments must be submitted by June 4, 2014. The supplemental budget may be viewed at the legislature's web site,

<http://www.leg.wa.gov>. Click on "Bill information," then type "6002" in the box that says "Search by bill number." Under "Available Documents," click on "Session Law." That will bring up the law as signed (and partially vetoed) by the governor, chapter 221, Laws of 2014. The relevant section is section 206.

WSR 14-10-055

NOTICE OF PUBLIC MEETINGS RENTON TECHNICAL COLLEGE

[Filed May 2, 2014, 10:05 a.m.]

A special meeting of the board of trustees of Community College District 27, state of Washington, 3000 Fourth Street, Renton, WA, will be held on Thursday, May 22, 2014, in Room I-202 at 7:00 a.m. to discuss the president search process.

Please contact Di Beers at (425) 235-2426 if you have questions.

WSR 14-10-058

NOTICE OF PUBLIC MEETINGS CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

[Filed May 5, 2014, 8:36 a.m.]

The Washington State Center for Childhood Deafness and Hearing Loss board of trustees is moving their June meeting, from June 13 to June 12 from 10:45 a.m. - 3:00 p.m. This meeting will be held on the Washington School for the Deaf Campus, 611 Grand Boulevard, Vancouver, WA.

WSR 14-10-059

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF REVENUE

[Filed May 5, 2014, 10:58 a.m.]

Interpretive Statement Issued

The department of revenue has issued the following excise tax advisory (ETA): **ETA 3190.2014 Hazardous Substance Tax, Biodiesel (B100), and B99.9/B99 Biodiesel Blend.**

This ETA first explains the following:

- "Biodiesel" (B100) is a fuel blend stock comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of American Society for Testing and Materials (ASTM) D6751 specifications for Biodiesel Fuel (B100) - Blend Stock for Distillate Fuels;
- B100 is not a hazardous substance for hazardous substance tax (HST) purposes and is not subject to HST;

- B99.9/B99 biodiesel blend is produced when 0.1 to 1 percent (by volume) of petroleum diesel is added to biodiesel (B100). Producers or blenders may add this amount of petroleum diesel to receive a blender's tax credit under federal law (26 U.S.C. § 6426(c)); and
- B99.9/B99 biodiesel blend that meets the ASTM D6751 specifications is not considered a hazardous substance for HST purposes and is not subject to the HST.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Tim Jennrich
Tax Policy Manager
ETA and Special Projects

WSR 14-10-063
NOTICE OF PUBLIC MEETINGS
STATUTE LAW COMMITTEE

[Filed May 5, 2014, 4:02 p.m.]

A statute law committee meeting has been scheduled for Tuesday, May 20, 2014. The meeting will begin at 12:30 p.m. and will end at approximately 2:00 p.m. Agenda items include approval of minutes, a general overview of publications, current office activities, financial status of accounts, and code maintenance.

The meeting will be held in the senate rules room on the second floor of the legislative building.

Debbie Deibert or K. Kyle Thiessen are the contact persons for information concerning this meeting and can be reached at (360) 786-6777.

WSR 14-10-064
ATTORNEY GENERAL'S OFFICE

[Filed May 6, 2014, 8:40 a.m.]

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

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by May 28, 2014. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by e-mail to jeff.even@atg.wa.gov or by writing

to the Office of the Attorney General, Solicitor General Division, Attention Jeff Even, Deputy Solicitor General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested, information about the attorney general's opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the attorney general's web site at www.atg.wa.gov/AGOOpinions/default.aspx for more information on how to join our AGO opinions list.

The attorney general's office seeks public input on the following opinion request(s):

Opinion Docket No. 14-05-01 Request by Shelly Short, Representative, District 7

QUESTION(S):

1. If a surplus exists in a utility fund on a yearly basis after all required obligations are paid according to RCW 35.23.535, is a city required to reduce rates for that utility, or may a city transfer excess monies to the current expense fund on a routine basis?

2. What is the purpose of the four percent allowed by RCW. 35.23.535?

3. What authority determines if a city's utility rates are "reasonable" under the applicable law?

WSR 14-10-069
RULES OF COURT
STATE SUPREME COURT

[May 1, 2014]

IN THE MATTER OF THE ADOPTION)	ORDER
OF THE COURT'S OWN MOTION TO)	NO. 25700-A-1058
CORRECT A SCRIVENER'S ERROR)	
FOR ER 1101 (c)(4))	

The Supreme Court having moved to correct a scrivener's error to ER 1101 (c)(4), and the Court having determined that the correction will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates a correction;

Now, therefore, it is hereby

ORDERED:

(a) That the correction as to ER 1101 (c)(4) shown below is adopted.

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

DATED at Olympia, Washington this 1st day of May, 2014.

		Madsen, C.J.
C. Johnson, J.	_____	Wiggins, J.
Owens, J.	_____	Gonzalez, J.

Fairhurst, J.
Stephens, J.

Gordon McCloud, J.

Proposed Amendment:

EVIDENCE RULE 1101
APPLICABILITY OF RULES

(a) Courts Generally. Except as otherwise provided in section (c), these rules apply to all actions and proceedings in the courts of the state of Washington. The terms "judge" and "court" in these rules refer to any judge of any court to which these rules apply or any other officer who is authorized by law to hold any hearing to which these rules apply.

(b) Law With Respect to Privilege. The law with respect to privileges applies at all stages of all actions, cases, and proceedings.

(c) When Rules Need Not Be Applied. The rules (other than with respect to privileges, the rape shield statute and ER 412)) need not be applied in the following situations:

(1) Preliminary Questions of Fact. The determination of questions of fact preliminary to admissibility of evidence when the issue is to be determined by the court under rule 104(a).

(2) Grand Jury. Proceedings before grand juries and special inquiry judges.

(3) Miscellaneous Proceedings. Proceedings for extradition or rendition; detainer proceedings under RCW 9.100; preliminary determinations in criminal cases; sentencing, or granting or revoking probation; issuance of warrants for arrest, criminal summonses, and search warrants; proceedings with respect to release on bail or otherwise; contempt proceedings in which the court may act summarily; habeas corpus proceedings; small claims court; supplemental proceedings under RCW 6.32; coroners' inquests; preliminary determinations in juvenile court; juvenile court hearings on declining jurisdiction; disposition, review, and permanency planning hearings in juvenile court; dispositional determinations related to treatment for alcoholism, intoxication, or drug addiction under RCW 70.96A; and dispositional determinations under the Civil Commitment Act, RCW 71.05.

(4) Applications for Protection Orders. Protection order proceedings under RCW 7.90, ~~7.94~~ 7.92, 10.14, 26.50 and 74.34. Provided when a judge proposes to consider information from a criminal or civil database, the judge shall disclose the information to each party present at the hearing; on timely request, provide each party with an opportunity to be heard; and, take appropriate measures to alleviate litigants' safety concerns. The judge has discretion not to disclose information that he or she does not propose to consider.

(d) Arbitration Hearings. In a mandatory arbitration hearing under RCW 7.06, the admissibility of evidence is governed by MAR 5.3.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 14-10-073
INTERPRETIVE OR POLICY STATEMENT
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)
[Filed May 6, 2014, 12:45 p.m.]

Notice of Administrative Policy Statements

The public employees benefits board (PEBB) program has corrected the following administrative policy. This version supersedes the version approved on April 15, 2014, and is effective March 22, 2014. The policy provides additional clarification in the definition section and corrects a word in section 2. You can download the complete policy statements at www.hca.wa.gov/pebb/Pages/policy.aspx.

Policy #70-1: Postponement of various due dates for certain individuals affected by the SR 530 mudslide. To provide relief to "affected individuals" in the "disaster area" by changing due dates occurring on or after March 22, 2014, for premium payments, form submissions, elections, attestations, appeals, eligibility verification documents, and wellness activity requirements to the later of the original due date or August 29, 2014.

To receive a hard copy of the policy statements, contact Rob Parkman, 626 8th Avenue S.E., Olympia, WA 98501-2684, phone (360) 725-0883.

WSR 14-10-075
NOTICE OF PUBLIC MEETINGS
BOARD OF
PILOTAGE COMMISSIONERS
[Filed May 6, 2014, 12:58 p.m.]

CHANGE OF MONTHLY BOARD MEETING DATE

The regular meeting of the board of pilotage commissioners scheduled for June 17, 2014, has been rescheduled to Thursday, June 19, 2014, at 9:30 a.m., 2901 Third Avenue, Seattle, WA.

WSR 14-10-088
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
[Filed May 7, 2014, 11:14 a.m.]

Chairperson, Lindsay Fiker, has called a special meeting of the board of trustees for **Tuesday, May 13, 2014, 3:00 p.m.**, Whidbey Island Campus, Oak Hall 306, 1900 S.E. Pioneer Way, Oak Harbor, WA 98277.

This meeting is being held as a study session on the proposed 2014-2015 college budget, the proposed 2014-2015 services and activities fee budget, and the proposed 2014-2015 McIntyre Hall budget.