

WSR 05-24-002
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
(Capitol Campus Design Advisory Committee)
[Memorandum—November 22, 2005]

Following is the quarterly Capitol Campus Design Advisory Committee (CCDAC) meeting dates for the 2006 calendar year:

- Thursday, February 9
- Thursday, May 18
- Thursday, September 21
- Thursday, November 16

The CCDAC meetings will be held in room 207 on the second floor of the General Administration Building, 210 11th Avenue S.W., Olympia, WA. Meetings will begin at 10:00 a.m.

If you have any questions, please contact Victoria Brooks at (360) 902-0975.

WSR 05-24-003
NOTICE OF PUBLIC MEETINGS
MARINE EMPLOYEES' COMMISSION
[Memorandum—November 22, 2005]

There will be a change in the previously adopted schedule for the 2005 meeting schedule of the Marine Employees' Commission. The December 9, 2005, meeting will now be held in the Fifth Floor Conference Room of the Washington State Ferries Building, 2901 3rd Avenue, Seattle, rather than the Rainier Room, as originally published. The meeting time remains the same: 10:00 a.m. As previously published, the agency's quarterly GMAP meeting will be held immediately following the commission meeting.

For further information, please call (360) 586-6354 or send an e-mail to mec@olywa.net.

WSR 05-24-004
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION
[Memorandum—November 23, 2005]

The following is a list of the meetings currently scheduled for the Public Disclosure Commission for the year of 2006:

- Thursday, January 26
- Thursday, February 23
- Thursday, March 23
- Thursday, April 28
- Thursday, May 25
- Thursday, June 22
- Thursday, July 27

- Thursday, August 24
- Thursday, September 28
- Thursday, October 26
- Thursday, December 7

WSR 05-24-006
RULES COORDINATOR
OLYMPIC COLLEGE
[Filed November 28, 2005, 10:44 a.m.]

Millicent B. LaMonica is designated as the rules coordinator for Olympic College. Millicent's contact information is as follows: Millicent B. LaMonica, Project Coordinator, College Policy, Procedure and Rules, Olympic College, 1600 Chester Avenue, Bremerton, WA 98337-1699, phone (360) 475-7405, fax (360) 475-7104, e-mail mlamonica@oc.ctc.edu.

Dr. David Mitchell
President

WSR 05-24-008
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE
(Salmon Recovery Funding Board)
[Memorandum—November 23, 2005]

- December 1 and 2, 2005
- King Street Station
- 8th Floor Conference Room
- 201 South Jackson Street
- Seattle, WA

If you need special accommodations to participate in this meeting, please notify us by November 28, 2005, at (360) 902-2636 or TDD (360) 902-1996.

Next meeting is January 5 and 6, 2006, Red Lion Hotel, Olympia, Washington (funding meeting).

WSR 05-24-010
ATTORNEY GENERAL'S OFFICE
[Filed November 28, 2005, 2:58 p.m.]

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

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this vol-

ume of the register, you should notify the Attorney General's Office of your interest by December 28, 2005. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will 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.

The Attorney General's Office seeks public input on the following opinion request(s).

**05-10-01 Request by Joyce Mulliken
State Senator, 13th District; and
Mark Miloscia
State Representative, 30th District**

- 1. Under RCW 48.43.065(3), may a religious organization purchase health coverage for its employees that includes coverage for prescription drugs, but decline to purchase coverage for prescription contraceptives?**
- 2. What are the parameters of the statutory conscience clause right, and how may it be legally exercised?**

WSR 05-24-012

**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—November 29, 2005]

**BOARD OF TRUSTEES
December 2, 2005**

**Open Public Session at 9:00 a.m.
(TAW 215 B&C)**

**Executive Session at 12:00 p.m.
(TAW 215 A)**

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-6598.

WSR 05-24-013

**NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Memorandum—November 29, 2005]

The Washington State Criminal Justice Training Commission (WSCJTC) members have been invited to attend the

Governor's Boards and Commissions Executive Commissioner Conference on Thursday, December 15, 2005, at the Department of Labor and Industries Building, 7273 Linderon Way S.W., Tumwater, WA. The conference is scheduled from 9:00 a.m. - 3:00 p.m.

The members may receive training at the conference on topics to include: An orientation for new board and commission members, an executive briefing for board and commission chairs, the role of boards and commissions in state government, how to serve as an effective executive commissioner, ethics training, and a Q&A. The conference will be followed by a social reception with Governor Gregoire at the Governor's Mansion on the Capitol Campus in Olympia at 4:00 p.m. Conference information is available on the Governor's Office web site at <http://www.governor.wa.gov/actions/appointments/boards/conference/121505.pdf>.

The WSCJTC may have a quorum who will be able to attend this conference and social reception planned by the governor's office. No WSCJTC business will be conducted.

WSR 05-24-014

NOTICE OF PUBLIC MEETINGS

**DEPARTMENT OF
NATURAL RESOURCES**

(Natural Heritage Advisory Council)

[Memorandum—November 23, 2005]

The Natural Heritage Advisory Council will meet on the following dates:

January 18, 2006	9:30 a.m. to 4:30 p.m. Office Building 2 (DSHS) 1115 Washington Street S.E. Rainier Room
March 15, 2006	9:30 a.m. to 4:30 p.m. Natural Resources Building 1111 Washington Street S.E. Room 172
June 8 and 9, 2006	Field trip - to be determined
October 18, 2006	9:30 a.m. to 4:30 p.m. Natural Resources Building 1111 Washington Street S.E. Room 175A/B

Regular council business generally includes consideration of proposals for new natural areas, additions to existing natural areas, and management activities within existing natural areas.

For further information contact the Department of Natural Resources, Natural Heritage Program, 1111 Washington Street S.E., Olympia, WA 98504-7014, (360) 902-1661.

WSR 05-24-015
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
 [Memorandum—November 21, 2005]

The following schedule of regular meetings of the board of trustees of Walla Walla Community College for 2006 was adopted by the board at its meeting held November 16, 2005. The time of all meetings will be 9:30 a.m. unless otherwise advised, with the April 2006, meeting to start at 10:00 a.m.

2006 Board of Trustees Meeting Schedule

Date	Time	Location
January 18, 2006	9:30 a.m.	WWCC Board Room
February 15, 2006	9:30 a.m.	WWCC Board Room
March 15, 2006	9:30 a.m.	WWCC Board Room
April 12, 2006	10:00 a.m.	Clarkston Campus
May 17, 2006	9:30 a.m.	WWCC Board Room
June 28, 2006	9:30 a.m.	WWCC Board Room
*July 19, 2006	9:30 a.m.	WWCC Board Room
*August 16, 2006	9:30 a.m.	WWCC Board Room
September 20, 2006	9:30 a.m.	WWCC Board Room
October 18, 2006	9:30 a.m.	WWCC Board Room
November 15, 2006	9:30 a.m.	WWCC Board Room
December 20, 2006	9:30 a.m.	WWCC Board Room

*Optional

WSR 05-24-016
RULES COORDINATOR
INDETERMINATE SENTENCE
REVIEW BOARD
 [Filed November 29, 2005, 10:00 a.m.]

The Indeterminate Sentence Review Board is designating Russ Snelson, P.O. Box 40907, Olympia, WA 98504-0907, phone (360) 493-9271, fax (360) 493-9287, e-mail rlsnelson@doc1.wa.gov, as the agency's rules coordinator.

Jeralita P. Costa
 Chair

WSR 05-24-017
PUBLIC RECORDS OFFICER
INDETERMINATE SENTENCE
REVIEW BOARD
 [Filed November 29, 2005, 10:00 a.m.]

The Indeterminate Sentence Review Board is designating Robin Riley, P.O. Box 40907, Olympia, WA 98504-0907, phone (360) 493-9274, fax (360) 493-9287, e-mail rlriley@doc1.wa.gov, as the agency's public records officer.

Jeralita P. Costa
 Chair

WSR 05-24-022
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Public Employees Benefits Board)
 [Memorandum—November 29, 2005]

2006 PEBB Board Meeting Schedule

1.	January 17, 2006 Working lunch 11:30 a.m. - 1:00 p.m. Board meeting 1:00 p.m. - 3:00 p.m. Location: To be determined
2.	February 14, 2006 Tentative Working lunch 11:30 a.m. - 1:00 p.m. Board meeting 1:00 p.m. - 3:00 p.m. Location: To be determined
3.	March 16, 2006 Working lunch 11:30 a.m. - 1:00 p.m. Board meeting 1:00 p.m. - 3:00 p.m. Location: To be determined
4.	April 20, 2006 Working lunch 11:30 a.m. - 1:00 p.m. Board meeting 1:00 p.m. - 3:00 p.m. Location: To be determined
5.	May 23, 2006 Tentative Working lunch 11:30 a.m. - 1:00 p.m. Board meeting 1:00 p.m. - 3:00 p.m. Location: To be determined
6.	June 29, 2006 Working lunch 11:30 a.m. - 1:00 p.m. Board meeting 1:00 p.m. - 3:00 p.m. Location: To be determined
7.	July 6, 2006 Tentative Working lunch 11:30 a.m. - 1:00 p.m. Board meeting 1:00 p.m. - 3:00 p.m. Location: To be determined
8.	October 17, 2006 Board Retreat 10:00 a.m. - 3:30 p.m. Location: To be determined
9.	November 14, 2006 Working lunch 11:30 a.m. - 1:00 p.m. Board meeting 1:00 p.m. - 3:00 p.m. Location: To be determined

If you are a person with a disability and need a special accommodation, please contact Lynn Kennedy, (360) 923-2829.

WSR 05-24-023
PUBLIC RECORDS OFFICER
HEALTH CARE AUTHORITY
 [Filed November 29, 2005, 1:11 p.m.]

Effective December 1, 2005, and until further notice, Sheri Ammerman, P.O. Box 42700, Olympia, WA, phone (360) 923-2830, fax (360) 923-2606, e-mail samm107@hca.wa.gov, is designated public disclosure officer for the Health Care Authority.

Steve Hill
 Administrator

WSR 05-24-024
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
 (Capital Projects Advisory Review Board)
 [Memorandum—November 29, 2005]

Following are the Capital Projects Advisory Review Board (CPARB) subcommittee meetings scheduled for December 2005, all meetings will be held at the Kilroy Building, 17900 International Boulevard, SeaTac, WA, across the street from SeaTac Airport, just north of the Twin Towers:

Data Collection Subcommittee

Friday, December 2, 2005
 1:00 - 3:00 p.m.
 "Get On It" Conference Room
 Lead: Darlene Septelka, (509) 358-7920

Reauthorization Subcommittee

Thursday, December 1, 2005
 1:00 - 3:00 p.m.
 "World Class" Conference Room
 Lead: Rodney Eng, (206) 684-8241

Expansion Subcommittee

Friday, December 2, 2005
 9:00 - 11:00 a.m.
 "Get On It" Conference Room
 Lead: Olivia Yang, (206) 221-4224

Check for the latest information at www.ga.wa.gov/cparb/.

If you would like to request this information in alternative formats (Braille, large type, etc.), please call (360) 902-7941. If you have any questions, please contact Seartha Kelly.

WSR 05-24-033
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed November 30, 2005, 1:51 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Canary Notice 245: Chapter 3 Paternity.

Subject: Chapter 3 paternity.

Effective Date: November 14, 2005.

Document Description: This notice explains to the Division of Child Support (DCS) staff that DCS must establish paternity for a child born out of wedlock. It also explains how to code the case to show the child's born out of wedlock status.

To receive a copy of the interpretive or policy statement, contact Fran Ferry, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5322, TDD (360) 753-9122, fax (360) 586-3274, e-mail fferry@dshs.wa.gov.

November 21, 2005

Fran Ferry

WSR 05-24-034
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed November 30, 2005, 1:52 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN-246 2005 Bankruptcy Changes.

Subject: 2005 bankruptcy changes.

Effective Date: November 14, 2005.

Document Description: This notice explains to the Division of Child Support (DCS) staff how DCS will handle cases under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), and how we will handle pre-BAPCPA cases.

To receive a copy of the interpretive or policy statement, contact Fran Ferry, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail FFerry@dshs.wa.gov.

November 21, 2005

Fran Ferry

WSR 05-24-035
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed November 30, 2005, 1:53 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: DCS Administrative Policy.

Subject: Public information.

Effective Date: November 14, 2005.

Document Description: This notice explains to the Division of Child Support (DCS) staff the DCS' policy for official communication between DCS and the media, public officials, advocacy groups, and the public on specific issues. This is a sunset review of the administrative policy with minimal changes.

To receive a copy of the interpretive or policy statement, contact Fran Ferry, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5322, TDD (360) 753-9122, fax (360) 586-3274, e-mail fferry@dshs.wa.gov.

November 21, 2005

Fran Ferry

Document Description: Numbered Memorandum 05-102 MAA, Medicare Part D; Numbered Memorandum 05-101 MAA, Disease Management; Numbered Memorandum 05-99 MAA, Change in Billing Requirements for Synagis®; Numbered Memorandum 05-98 MAA, Flu Vaccines; and Numbered Memorandum 05-96 MAA, Hospice services: Fee schedule changes.

To receive a copy of the interpretive or policy statement, contact Amelia Holl, Office of Rules and Publications, Department of Social and Health Services, Health and Recovery Services Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD (800) 848-5429, fax (360) 586-9727, e-mail hollag@dshs.wa.gov.

November 29, 2005

Amelia Holl

for Ann Myers, Manager
Rules and Publications Section

WSR 05-24-036

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

[Filed November 30, 2005, 1:54 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 05-011 2006 Changes to the Need Standard and Minimum Wage.

Subject: 2006 changes to the need standard and minimum wage.

Effective Date: November 15, 2005.

Document Description: This notice explains to the Division of Child Support (DCS) staff how to apply the changes to the need standard and minimum wage effective January 1, 2006, and how to apply the current standards through December 31, 2005.

To receive a copy of the interpretive or policy statement, contact Fran Ferry, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5233, TDD (360) 753-9122, fax (360) 586-3274, e-mail FFerry@dshs.wa.gov.

November 15, 2005

Fran Ferry

WSR 05-24-037

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

[Filed November 30, 2005, 1:55 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: HRSA numbered memorandums.

Subject: 05-102 MAA; 05-101 MAA; 05-99 MAA; 05-98 MAA; and 05-96 MAA.

Effective Date: 05-102 January 1, 2006; 05-101 August 1, 2005; 05-99 December 1, 2005; 05-98 October 1, 2005; and 05-96 November 1, 2005.

WSR 05-24-045

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY**

(Natural Resource Damage Assessment Committee)

[Memorandum—November 30, 2005]

**Natural Resource Damage Assessment Committee
January - December 2006 Meeting Schedule**

The Washington State Natural Resource Damage Assessment (NRDA) Committee, which is chaired by the Department of Ecology, includes representatives of the state departments of Fish and Wildlife, Natural Resources, Health, the Parks and Recreation Commission, and the Office of Archaeology and Historic Preservation. The committee makes decisions regarding the most appropriate damage assessment to pursue for oil spills in state waters, and evaluates restoration projects proposed by responsible parties in lieu of monetary claims.

Meetings for January through December 2006 will be held on the second Wednesday of each month as follows:

<u>Date</u>	<u>Room Number</u>
January 11	ROA-34
February 8	ROA-34
March 8	ROA-34
April 12	ROA-34
May 10	ROA-34
June 14	ROA-34
July 12	ROA-34
August 9	ROA-34
September 13	ROA-34
October 11	ROA-34
November 8	ROA-34
December 13	2S-21

Meetings start at 9:00 a.m. at the Department of Ecology, Headquarters Building, 300 Desmond Drive S.E., Lacey, WA.

For more information, contact Dale Davis at (360) 407-6972, dald461@ecy.wa.gov.

WSR 05-24-052

DEPARTMENT OF ECOLOGY

[Filed December 1, 2005, 1:05 p.m.]

Commercial Low-Level Radioactive Waste Site Use Permit Fees

In accordance with chapter 173-326 WAC, Commercial low-level radioactive waste disposal—Site use permits, the Department of Ecology is providing notice of the site use permit fees for the period of March 1, 2006, through February 28, 2007. The annual base fee, 1x, has been set at \$424. Site use permit fees for each category are as follows:

<u>CATEGORY</u>	<u>FACTOR</u>	<u>FEE</u>
<50 cubic feet	1x	\$424
≥50 <500 cubic feet	2x	\$848
≥500 <1,000 cubic feet	5x	\$2,120
≥1,000 <2,500 cubic feet	10x	\$4,240
≥2,500 cubic feet	35x	\$14,840
Nuclear Utilities	100x	\$42,400

For further information please contact Mike Garner at (360) 407-7102.

WSR 05-24-055

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

[Memorandum—November 15, 2005]

Pursuant to RCW 42.30.075, the Lake Washington Technical College board of trustees are schedule to hold regular meetings during 2006:

- Monday, January 9, 2006
- Monday, February 6, 2006
- Monday, March 6, 2006
- Monday, April 3, 2006
- Monday, May 1, 2006
- Monday, June 5, 2006
- NO MEETINGS IN JULY OR AUGUST
- Tuesday, September 11, 2006
- Monday, October 2, 2006
- Monday, November 6, 2006
- Monday, December 4, 2006

Work sessions begin at 6:00 p.m. in Room W302E at the college; the regular meeting agenda begins at 7:00 p.m. in Room W305A at the college.

In the event it is necessary to change any of these meeting dates appropriate advertising will take place.

WSR 05-24-056

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

(Board for Volunteer Firefighters)

[Memorandum—November 29, 2005]

The state Board for Volunteer Firefighters will meet in the James R. Larson Forum Building, 605 11th Avenue S.E., Suite 112, on January 21, April 21, July 21, and October 13, 2006, at 9:00 a.m.

WSR 05-24-057

**NOTICE OF PUBLIC MEETINGS
THE EVERGREEN
STATE COLLEGE**

[Memorandum—November 28, 2005]

The board of trustees of The Evergreen State College will hold regular meetings on the following dates in 2006. Unless otherwise noted, all meetings will be held in Olympia, Room 3112, Daniel J. Evans Library Building, The Evergreen State College, 2700 Evergreen Parkway N.W.

Date	Time	Event
January 11	9:00 - 3:00	Meeting: Work session/ Action items
March 7	10:00 - 5:00	Meeting: Work session Note location: TESC, Tacoma, 1210 6th Avenue
March 8	9:00 - 3:00	Meeting: Action items
May 9	10:00 - 5:00	Meeting: Work session
May 10	9:00 - 3:00	Meeting: Action items
June 15	9:00 - 5:00	Meeting: Action items
June 16	1:00 - 4:00	Commencement
July 12	9:00 - 5:00	Meeting: Action items
September 14	10:00 - 5:00	Meeting: Work session
September 15	9:00 - 3:00	Convocation/Regular meeting
November 8	9:00 - 3:00	Meeting: Work session/ Action items

Notices of special meetings, if any, will be published on campus and provided to local news media.

WSR 05-24-058
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON
STATE HISTORICAL SOCIETY
[Memorandum—November 29, 2005]

Following is the schedule for the board of trustees for the Eastern Washington State Historical Society for the calendar year, January 2006 through December 2006. We are agency number 395 and our board is a volunteer board.

Eastern Washington State Historical Society
(Northwest Museum of Arts and Culture)
Board of Trustees Meeting Schedule

12:00 Noon - 1:30 p.m.
(unless otherwise noted)

Gilkey Community Room
2316 West First Avenue
Spokane, WA 99204

- January 3, 2006
March 7, 2006
May 2, 2006
June 6, 2006

August Summer Social - Date TBD (social gathering for trustees and spouses or guests)
September 5, 2006
November 7, 2006

Meetings are scheduled for noon on the first Tuesday of the month.
Approved by the board of trustees on November 1, 2005.

WSR 05-24-063
RULES OF COURT
STATE SUPREME COURT
[December 1, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO APR 15,) NO. 25700-A-836
APR 19 AND ADOPTION OF NEW RULE)
APR 26)

The Washington State Bar Association having recommended the adoption of the proposed amendments to APR 15, APR 19 and adoption of the proposed new rule APR 26, and the Court having approved the proposed amendments and proposed new rule for publication;

Now, therefore, it is hereby
ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments and proposed new rule as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites in January 2006.

(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 April 28, 2006. 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 1st day of December 2005.

For the Court
Gerry L. Alexander

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 06-01 issue of the Register.

WSR 05-24-064
RULES OF COURT
STATE SUPREME COURT
[December 1, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO RAP 1.1,) NO. 25700-A-838
2.2, 5.2, 8.1, 9.6, 10.2, 10.3, 10.4, 10.5, 11.4,)
12.3, 13.4, NEW RAP 13.5A, 13.7, 16.7,)
16.9, 16.14, 16.16, 16.18, 17.4, 17.5, 18.1,)
18.5, 18.6, 18.7, 18.13, 18.15, RAP FORMS)
4, 6, 7, 12, 14, 17 AND NEW FORM 24,)
RALJ 4.1 AND 9.3, NEW GR 3.1, MAR)
7.1, CR 43 AND 66, CRLJ 43 AND ER)
(DELETION OF ALL COMMENTS TO)
THE ERS) INTRODUCTORY COM-)
MENT, COMMENT 101, 102, 103, 104,)
105, 106, 201, 301, 302, 401, 402, 403, 404,)
405, 406, 407, 408, 409, 410, 411, 412, 501,)
601, 602, 603, 604, 605, 606, 607, 608, 609,)
610, 611, 612, 613, 614, 615, 701, 702, 703,)
704, 705, 706, 801, 802, 803, 804, 805, 806,)
807, 901, 902, 903, 1001, 1002, 1003, 1004,)
1005, 1006, 1007, 1008 AND 1101)

The Washington State Bar Association having recommended the adoption of the proposed amendments to RAP 1.1, 2.2, 5.2, 8.1, 9.6, 10.2, 10.3, 10.4, 10.5, 11.4, 12.3, 13.4, New RAP 13.5A, 13.7, 16.7, 16.9, 16.14, 16.16, 16.18, 17.4, 17.5, 18.1, 18.5, 18.6, 18.7, 18.13, 18.15, RAP FORMS 4, 6, 7, 12, 14, 17 and New Form 24, RALJ 4.1 and 9.3, New GR 3.1, MAR 7.1, CR 43 AND 66, CRLJ 43 and ER (deletion of all comments to the ERs) Introductory Comment, Comment 101, 102, 103, 104, 105, 106, 201, 301, 302, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 501, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 701, 702, 703, 704, 705, 706, 801, 802, 803, 804, 805, 806, 807, 901, 902, 903, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008 AND 1101, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites in January 2006.

(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 April 28, 2006. 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 1st day of December 2005.

For the Court

Gerry L. Alexander

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 06-02 issue of the Register.

WSR 05-24-065
RULES OF COURT
STATE SUPREME COURT

[December 1, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO GR 31) NO. 25700-A-839

The Judicial Information System Committee having recommended the adoption of the proposed amendment to GR 31, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 1st day of December 2005.

Alexander, C.J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Sanders, J.

Fairhurst, J.

Bridge, J.

J. M. Johnson, J.

GR 31
ACCESS TO COURT RECORDS

(a) Policy and Purpose. It is the policy of the courts to facilitate access to court records as provided by article I, section 10 of the Washington State Constitution. Access to court records is not absolute and shall be consistent with reasonable expectations of personal privacy as provided by article 1, section 7 of the Washington State Constitution and shall not unduly burden the business of the courts.

(b) Scope. This rule applies to all court records, regardless of the physical form of the court record, the method of recording the court record or the method of storage of the court record. Administrative records are not within the scope of this rule. Court records are further governed by GR 22.

(c) Definitions.

(1) "Access" means the ability to view or obtain a copy of a court record.

(2) "Administrative record" means any record pertaining to the management, supervision or administration of the judicial branch, including any court, board, or committee appointed by or under the direction of any court or other entity within the judicial branch, or the office of any county clerk.

(3) "Bulk distribution" means distribution of all, or a significant subset, of the information in court records, as is and without modification.

(4) "Court record" includes, but is not limited to: (i) Any document, information, exhibit, or other thing that is maintained by a court in connection with a judicial proceeding, and (ii) Any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute, and any information in a case management system created or prepared by the court that is related to a judicial proceeding. Court record does not include data maintained by or for a judge pertaining to a particular case or party, such as personal notes and communications, memoranda, drafts, or other working papers; or information gathered, maintained, or stored by a government agency or other entity to which the court has access but which is not entered into the record.

(5) "Criminal justice agencies" are government agencies that perform criminal justice functions pursuant to statute or executive order and that allocate a substantial part of their annual budget to those functions.

(6) "Dissemination contract" means an agreement between a court record provider and any person or entity, except a Washington State court (Supreme Court, court of appeals, superior court, district court or municipal court), that is provided court records. The essential elements of a dissemination contract shall be promulgated by the JIS Committee.

(7) "Judicial Information System (JIS) Committee" is the committee with oversight of the statewide judicial information system. The judicial information system is the automated, centralized, statewide information system that serves the state courts.

(8) "Judge" means a judicial officer as defined in the Code of Judicial Conduct (CJC) Application of the Code of Judicial Conduct Section (A).

(9) "Public" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency, however constituted, or any other organization or group of persons, however organized.

(10) "Public purpose agency" means governmental agencies included in the definition of "agency" in RCW 42.17.020 and other non-profit organizations whose principal function is to provide services to the public.

(d) Access.

(1) The public shall have access to all court records except as restricted by federal law, state law, court rule, court order, or case law.

(2) Each court by action of a majority of the judges may from time to time make and amend local rules governing access to court records not inconsistent with this rule.

(3) A fee may not be charged to view court records at the courthouse.

(e) Personal Identifiers Omitted or Redacted from Court Records

(1) Except as otherwise provided in GR 22, parties shall not include, and if present shall redact, the following personal identifiers from all documents filed with the court, whether filed electronically or in paper, unless necessary or otherwise ordered by the Court.

(A) Social Security Numbers. If the social security number of an individual must be included in a document, only the last four digits of that number shall be used.

~~(B) Names of Minor Children. If the involvement of a minor child must be mentioned, only that child's initials shall be used, unless otherwise necessary.~~

(C) Financial Account Numbers. If financial account numbers are relevant, only the last four digits shall be recited in the document.

~~(D) Driver's License Numbers.~~

(2) The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Court or the Clerk will not review each pleading for compliance with this rule. If a pleading is filed without redaction, the opposing party or identified person may move the Court to order redaction. The court may award the prevailing party reasonable expenses, including attorney fees and court costs, incurred in making or opposing the motion.

COMMENT

This rule does not require any party, attorney, clerk, or judicial officer to redact information from a court record that was filed prior to the adoption of this rule.

(f) Distribution of Court Records Not Publicly Accessible

(1) A public purpose agency may request court records not publicly accessible for scholarly, governmental, or research purposes where the identification of specific individuals is ancillary to the purpose of the inquiry. In order to

grant such requests, the court or the Administrator for the Courts must:

(A) Consider: (i) the extent to which access will result in efficiencies in the operation of the judiciary; (ii) the extent to which access will fulfill a legislative mandate; (iii) the extent to which access will result in efficiencies in other parts of the justice system; and (iv) the risks created by permitting the access.

(B) Determine, in its discretion, that filling the request will not violate this rule.

(C) Determine the minimum access to restricted court records necessary for the purpose is provided to the requestor.

(D) Assure that prior to the release of court records under section (f)(1), the requestor has executed a dissemination contract that includes terms and conditions which: (i) require the requester to specify provisions for the secure protection of any data that is confidential; (ii) prohibit the disclosure of data in any form which identifies an individual; (iii) prohibit the copying, duplication, or dissemination of information or data provided other than for the stated purpose; and (iv) maintain a log of any distribution of court records which will be open and available for audit by the court or the Administrator of the Courts. Any audit should verify that the court records are being appropriately used and in a manner consistent with this rule.

(2) Courts, court employees, clerks and clerk employees, and the Commission on Judicial Conduct may access and use court records only for the purpose of conducting official court business.

(3) Criminal justice agencies may request court records not publicly accessible.

(A) The provider of court records shall approve the access level and permitted use for classes of criminal justice agencies including, but not limited to, law enforcement, prosecutors, and corrections. An agency that is not included in a class may request access.

(B) Agencies requesting access under this section of the rule shall identify the court records requested and the proposed use for the court records.

(C) Access by criminal justice agencies shall be governed by a dissemination contract. The contract shall: (i) specify the data to which access is granted; (ii) specify the uses which the agency will make of the data; and (iii) include the agency's agreement that its employees will access the data only for the uses specified.

(g) Bulk Distribution of Court Records

(1) A dissemination contract and disclaimer approved by the JIS Committee for JIS records or a dissemination contract and disclaimer approved by the court clerk for local records must accompany all bulk distribution of court records.

(2) A request for bulk distribution of court records may be denied if providing the information will create an undue burden on court or court clerk operations because of the amount of equipment, materials, staff time, computer time or other resources required to satisfy the request.

(3) The use of court records, distributed in bulk form, for the purpose of commercial solicitation of individuals named in the court records is prohibited.

(h) Appeals. Appeals of denials of access to JIS records maintained at state level shall be governed by the rules and policies established by the JIS Committee.

(i) Notice. The Administrator for the Courts shall develop a method to notify the public of access to court records and the restrictions on access.

(j) Access to Juror Information. Individual juror information, other than name, is presumed to be private. After the conclusion of a jury trial, the attorney for a party, or party pro se, or member of the public, may petition the trial court for access to individual juror information under the control of court. Upon a showing of good cause, the court may permit the petitioner to have access to relevant information. The court may require that juror information not be disclosed to other persons.

(k) Access to Master Jury Source List. Master jury source list information, other than name and address, is presumed to be private. Upon a showing of good cause, the court may permit a petitioner to have access to relevant information from the list. The court may require that the information not be disclosed to other persons.

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

WSR 05-24-066
RULES OF COURT
STATE SUPREME COURT
[December 1, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO ELC 7.2) NO. 25700-A-841

The Rules Committee having recommended the adoption of the proposed amendment to ELC 7.2, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(j)(1), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 1st day of December 2005.

Alexander, C.J.
C. Johnson, J. Chambers, J.
Madsen, J. Owens, J.
Sanders, J. Fairhurst, J.
Bridge, J. J. M. Johnson, J.

ELC 7.2

INTERIM SUSPENSION IN OTHER CIRCUMSTANCES

(a) Types of Interim Suspension. [no change]

(b) Procedure.

(1) Petition. A petition to the Court under this rule must set forth the acts of the lawyer constituting grounds for suspension, and if filed under subsection (a)(2) must include a copy of the Board's decision. The petition may be supported by documents or affidavits. The Association must serve the petition by mail on the day of filing. In addition, a copy of the petition must be personally served on the lawyer no later than the date of service of the show cause order.

(2) Show Cause Order. Upon filing of the petition, the Chief Justice orders the lawyer to appear before the Court on a date set by the Chief Justice, and to show cause why the petition for suspension should not be granted. Disciplinary counsel must have a copy of the order to show cause personally served on the lawyer at least five ten days before the scheduled show cause hearing. Subsection (b)(5) notification requirements must be included in the show cause order.

(3) Answer to Petition. The lawyer may answer the petition. An answer may be supported by documents or affidavits. Failure to answer does not result in default or waive the right to appear at the show cause hearing.

(4) Filing of Answer. A copy of any answer must be filed with both the Court and disciplinary counsel by the date specified in the show cause order, which will be at least three five days before the scheduled show cause hearing.

(5) Notification. The lawyer must inform the court no less than 7 days prior to the show cause hearing whether the lawyer will appear for the show cause hearing, or the hearing will be stricken and the Court will decide the matter without oral argument.

(6) Application of Other Rules. If the Court enters an order suspending the lawyer, the rules relating to suspended lawyers, including title 14, apply.

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.

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

WSR 05-24-067
RULES OF COURT
STATE SUPREME COURT
[December 1, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO IRLJ 1.2,) NO. 25700-A-843
2.1, 2.2, 2.4, 2.6, 3.1, 3.3, 3.4, 3.5, 4.2, 6.6)
AND 6.7)

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendments to IRLJ 1.2, 2.1, 2.2, 2.4, 2.6, 3.1, 3.3, 3.4, 3.5, 4.2, 6.6 and 6.7, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 1st day of December 2005.

	Alexander, C.J.
C. Johnson, J.	Chambers, J.
	Owens, J.
	Fairhurst, J.
Bridge, J.	

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 06-01 issue of the Register.

WSR 05-24-068
RULES OF COURT
STATE SUPREME COURT
 [December 1, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENT TO CR 23) NO. 25700-A-844

The Access to Justice Board, Legal Foundation of Washington and the Washington State Bar Association having recommended the adoption of the proposed amendment to CR 23, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 1st day of December 2005.

	Alexander, C.J.
C. Johnson, J.	Chambers, J.
Madsen, J.	Owens, J.
Sanders, J.	Fairhurst, J.
Bridge, J.	J. M. Johnson, J.

CIVIL RULES (CR)
RULE 23. CLASS ACTIONS
 CR 23

(a) - (e) [Unchanged.]

(f) Disposition of Residual Funds.

(1) "Residual Funds" are funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorneys' fees, and other court-approved disbursements to implement the relief granted. Nothing in this rule is intended to limit the parties to a class action from suggesting, or the trial court from approving, a settlement that does not create residual funds.

(2) Any order entering a judgment or approving a proposed compromise of a class action certified under this rule that establishes a process for identifying and compensating members of the class shall provide for the disbursement of residual funds. In matters where the claims process has been exhausted and residual funds remain, not less than twenty-five percent (25%) of the residual funds shall be disbursed to the Legal Foundation of Washington to support activities and programs that promote access to the civil justice system for low income residents of Washington State. The court may disburse the balance of any residual funds beyond the minimum percentage to the Legal Foundation of Washington or to any other entity for purposes that have a direct or indirect relationship to the objectives of the underlying litigation or otherwise promote the substantive or procedural interests of members of the certified class.

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 05-24-069
RULES OF COURT
STATE SUPREME COURT
 [December 1, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENT TO AR 6) NO. 25700-A-845

The Superior Court Judges' Association having recommended the adoption of the proposed amendment to AR 6, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(j)(1), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 1st day of December 2005.

	Alexander
C. Johnson, J.	Chambers, J.

Madsen, J.	Owens, J.
Sanders, J.	Fairhurst, J.
Bridge, J.	J. M. Johnson, J.

**AR 6
Elected Judges Pro Tempore**

(a) Generally. Wa. const. art. IV, § 7 and RCW 2.08.180 authorize the appointment of judges pro tempore. RCW 2.08.180(2) provides for the appointment of any elected sitting judge as an elected judge pro tempore.

(b) Assignment and Qualifications. The presiding judge of any superior court may, in the interest of justice, assign an elected sitting judge from the Supreme Court, Court of Appeals, District or Municipal Court to serve as an elected judge pro tempore. The presiding judge will obtain the consent of an elected judge pro tempore before making the assignment. Consent of the parties or attorneys is not required. The presiding judge will make these assignments based on the experience and demonstrated ability of the elected judge pro tempore with the subject matter and the level of complexity of the case.

(c) Number and Publication of Judges Pro Tempore. Each superior court shall file with the Administrative Office of the Courts (AOC) by February 1st the list of elected judges pro tempore to which it will be assigning cases during the year commencing on April 1st. Each court may appoint a minimum of three (3) elected judges pro tempore or one (1) elected judge pro tempore for every five (5) judges but in no event may the list contain more than fifteen (15) elected judges pro tempore. The list shall identify the court upon which the elected judge pro tempore serves and the number of years of judicial service. The list shall be disseminated in the same manner as required for local court rules by GR 7 and shall be published on the AOC website.

(d) Date of Filing of Action Controls Assignment of Elected Judges Pro Tempore. The list of elected judges pro tempore which is on file on the date of the filing of the action is the list from which an elected judge pro tempore shall be appointed by the presiding judge to hear matters for the duration of that case.

(e) Substitute Judge Pro Tempore. In the event an elected judge pro tempore appointed in accordance with section (c) becomes unable to serve as an elected judge pro tempore, a new elected judge pro tempore may be substituted on the list for the elected judge pro tempore who is unavailable. The appointment of a substitute elected judge pro tempore is not required to comply with the time periods set forth in section (c) but shall comply with identification and dissemination requirements set forth in that section. The provisions of section (b) and (d) shall apply to the appointment of a substitute elected judge pro tempore. For courts having three (3) elected judges pro tempore, one elected pro tempore judge may be substituted annually and in all other courts no more than two (2) elected judges pro tempore may be substituted annually.

(f) Notice of Change of Elected Judge Pro Tempore.

In addition to RCW 4.12.050, any party to or any attorney appearing in any case which is assigned to an elected judge pro tempore shall be entitled to one (1) notice of change of judge when that judge has been assigned a matter over which to preside. Counsel shall file any "Notice of Change of Judge" before the noticed judge has made any discretionary ruling in the case, either on the motion of the party filing the notice of change of judge or on the motion of any other party to the action. The notice of change of judge shall be filed with the clerk of the court and copies served on all parties, the presiding judge, the court administrator and the noticed judge. Upon the filing of a notice or change of judge, the case shall be transferred to the presiding judge for reassignment and the noticed judge shall thereafter be ineligible to preside over any matters in that case.

Comment

For attorney judges pro tempore, see RCW 2.08.180(1). For visiting judges, see RCW 2.08.140 and 150.

WSR 05-24-072

**NOTICE OF PUBLIC MEETINGS
HORSE RACING COMMISSION**

[Memorandum—December 5, 2005]

2006 MEETING DATES

DATE	TOPIC	LOCATION
Thursday, January 12		9:30 a.m. Auburn City Council Chambers 25 West Main Auburn, WA
Thursday, February 9	Class A & C Officials Class C Spring and Fall Dates	9:30 a.m. Auburn City Council Chambers 25 West Main Auburn, WA
Thursday, March 9		9:30 a.m. Auburn City Council Chambers 25 West Main Auburn, WA
Thursday, April 6	College of Veterinary Medicine	Pullman, Wash- ington
Friday, April 7		Kennewick, Wash- ington
Thursday, May 11	Equine Health Report	Auburn, Washington
Thursday, June 8		Auburn, Washington
Thursday, July 13		Auburn, Washington
Thursday, August 10	Class C Fall Officials	Auburn, Washington
Thursday, September 14		Auburn, Washington
Thursday, October 12	Commission Meeting Dates 2007	Auburn, Washington
Thursday, November 9		Auburn, Washington
Thursday, December 14	Class A Race Dates	Auburn, Washington

WSR 05-24-073
NOTICE OF PUBLIC MEETINGS
PUGET SOUND
CLEAN AIR AGENCY
 [Memorandum—December 1, 2005]

Following is the list of board of directors meeting dates for the year 2006. If you have any questions, please call Carol Pogers at (206) 689-4080.

BOARD OF DIRECTORS
 MEETING DATES FOR YEAR 2006

Regular Monthly Meetings

- January (no meeting)
- February 23, 2006
- March 23, 2006
- April 27, 2006
- May 25, 2006
- June 22, 2006
- July 27, 2006
- August (no meeting)
- September 28, 2006
- October 26, 2006
- November 16, 2006
- December 28, 2006

WSR 05-24-074
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—December 2, 2005]

In accordance with RCW 42.30.075, 28B.20.105, 28B.20.130, and WAC 478-04-030, the board of regents of the University of Washington established the following meeting schedule for 2006 at its meeting held November 18, 2005.

DAY	DATE	LOCATION
Thursday	January 19, 2006	
Thursday	February 16	
Thursday	March 16	
Thursday	April 20*	
Thursday	May 18	
Thursday	June 8	1:00 p.m., HUB Room 310
Thursday	July 20	
Thursday	August 17*	
Thursday	September 21	
Thursday	October 19	
Thursday	November 16	
Thursday	December 7*	

*The April, August, and December meetings will be canceled, circumstances permitting.

The meetings will commence at **3:00 p.m.** (except as otherwise noted) unless public notice is given to the contrary. The meetings will be held in the Peterson Room of the Allen Library on the University of Washington main campus, Seattle, Washington, unless another location is established and public notice given in accordance with chapter 42.30 RCW.

To request disability accommodations, contact the Office of the ADA Coordinator, at least ten days in advance of the event, 543-6450 (voice), 543-6452 (TDD), 685-3885 (fax), access@u.washington.edu (e-mail).

WSR 05-24-075
OFFICE OF THE GOVERNOR
 [Filed December 5, 2005, 10:19 a.m.]

NOTICE OF APPEAL
 RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On October 17, the Governor received an appeal from Boyd Stacy of Aberdeen, Washington, relating to the Department of Corrections' rule contained in WAC 137-28-260 (507 Infraction).

DATE: December 1, 2005

Richard E. Mitchell
 General Counsel to the Governor

OFFICE OF THE GOVERNOR

December 1, 2005

Mr. Boyd Stacy
 DOC 986567
 Stafford Creek Corrections Center, FN C11
 191 Constantine Way
 Aberdeen, WA 98520

RE: Rule Petition under RCW 34.05 concerning WAC 137-28-260 (507 Infraction)
 Your letter dated 9/15/05 (Received on 10/17/05)

Dear Mr. Stacy:

The Governor's Office has reviewed your petition under the Administrative Procedure Act (Act) concerning the Department of Corrections' (Department) rule contained in WAC 137-28-260 (507 Infraction). Having reviewed the documents submitted, including your several petitions to the Department under its rule appeal process (WAC 137-10-020 and 137-10-025), it is clear that the Department has neither fully considered nor formally denied your petition. As noted in your September 15, 2005, letter to the Governor's Office, the Department's response to you did not "specifically address the concerns [that you] raised." You further observed that the Department "did not comply" with WAC 137-10-020. Under these circumstances, and as the Department has neither fully considered nor formally denied your petition to it, the Governor is without statutory authority to review or otherwise act on your petition to her.

As you know, the Act in RCW 34.05.330(3) authorizes petitions to the Governor only after the agency promulgating the rule in question "denies" the petition to the agency concerning that rule. Consequently, the Governor's Office has advised the Department that it is required to address the issues raised in your petition and to formally grant or deny it under WAC 137-10-025 and the Act. The Department is in the process of preparing a formal and complete response to your petition to it. On receipt of the Department's response, you may wish to consider what, if any, additional administrative remedies are available to you.

Sincerely,

Richard E. Mitchell
General Counsel

cc:

- Tom Fitzsimmons, Chief of Staff, Governor's Office
- Secretary Harold Clarke, Department of Corrections
- Eldon Vail, Deputy Secretary, DOC
- John Lane, Executive Policy Advisor

WSR 05-24-077
RULES OF COURT
STATE SUPREME COURT
 [December 1, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENTS TO APR 12,) NO. 25700-A-842
 REGULATIONS 2, 3 AND 9)

The Limited Practice Board having recommended the adoption of the proposed amendment to APR 12, Regulations 2, 3 and 9, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendments as attached hereto are adopted.
- (b) That pursuant to the emergency provisions of GR 9(j)(1), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 1st day of December 2005.

	Alexander, C.J.
C. Johnson, J.	Chambers, J.
Madsen, J.	Owens, J.
	Fairhurst, J.
Bridge, J.	J. M. Johnson, J.

REGULATIONS OF THE APR 12 LIMITED PRACTICE BOARD

REGULATION 2: APPLICATIONS

A. Application. An applicant must complete and file in duplicate with the Washington State Bar Association (WSBA):

- 1. two copies of a completed application for admission to limited practice under APR 12 (one of which may be a photocopy);
- 2. a fingerprint card which has been processed by the applicant at a local police department;
- 3. a signed Authorization and Release; and
- 4. a signed Affidavit of Applicant.

The application shall not be considered complete and will not be approved pursuant to Regulation 4 3 unless the applicant has provided a current residential address.

B. Fees. An applicant will pay a fee of ~~\$125.00~~ an examination fee in an amount set by the Limited Practice Board with the approval of the Supreme Court, which must be paid with the application, and each applicant will be sent a receipt ~~of~~ for the application and fee.

D. Refunds and Transfers.

1. For all applicants there is a ~~\$75.00~~ nonrefundable administration fee totaling one half the amount of the examination fee.

2. An applicant may withdraw from the current examination by written request received at least 14 days prior to the date set for the examination and may also request a refund of the fee less the administration fee.

3. An applicant may withdraw from the current examination and apply the examination fee to the next examination only, and only upon the following conditions: the written request to transfer must be received at least 14 days prior to the date set for the examination, and the applicant must repay the administration fee.

4. An applicant withdrawing an application or requesting to transfer to the next examination less than 14 days prior to the date set for the examination will receive no refund of any kind.

5. If the application is denied before the examination, the ~~application~~ examination fee less the ~~\$75 nonrefundable~~ administration fee will be refunded. If the applicant reapplies to sit for the examination, the applicant will pay the full ~~application~~ examination fee then required of all applicants.

6. If an applicant fails the examination and applies to repeat the next scheduled examination, the examination fee shall be ~~\$125.00~~ the amount set by the Limited Practice Board with the approval of the Supreme Court.

7. Any applicant transferring to the next ~~application~~ examination must execute and file a Declaration in the form prescribed by the Limited Practice Officer Board.

REGULATION 9: ANNUAL FEE

A. Except as set forth in section B of this Regulation, every Limited Practice Officer shall pay an annual fee ~~of \$85.00~~ in an amount set by the Limited Practice Board with the approval of the Supreme Court, which is due July 1 of each year. ...

B. The prorated annual fee for LPOs who pass the qualifying examination given in the spring and who request active

status prior to July 1 of that same calendar year shall be \$40 one half the amount of the annual fee. ...

REGULATION 3: APPROVAL OR DENIAL OF APPLICATION

A. Approval of Application. The Limited Practice Board will determine if the application meets the criteria established in APR 12.

B. Denial of Application. If the application is denied, the applicant will be granted the right to an appeal of the determination pursuant to Regulation § 4.

C. Notification of Action on Application. The applicant will be notified whether the application has been approved or denied. If the application has been approved, the applicant will be informed of the date, time and location of the next examination. If the application has been denied, the applicant will be notified of the basis for the denial and of the appeal process of Regulation § 4.

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

WSR 05-24-078
RULES OF COURT
STATE SUPREME COURT
[December 1, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO RAP 15.2,) NO. 25700-A-840
SAR 17, CAR 17 AND JISCR 16)

The Reporter of Decisions having recommended the adoption of the proposed amendment to RAP 15.2, SAR 17, CAR 17 and JISCR 16, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(j)(1), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 1st day of December 2005.

Alexander, C.J.
C. Johnson, J.
Madsen, J.
Sanders, J.
Bridge, J.
Chambers, J.
Owens, J.
Fairhurst, J.
J. M. Johnson, J.

RAP 15.2

DETERMINATION OF INDIGENCY AND RIGHTS OF INDIGENT PARTY

(a) Motion for Order of Indigency. A party seeking review in the Court of Appeals or the Supreme Court partially or wholly at public expense must move in the trial court for an order of indigency. The party shall submit a Motion for Order of Indigency prescribed by the office of public defense to the trial court. In any case of a type not listed in section (b)(2) of this rule, the party must also demonstrate in the motion or the supporting affidavit that the issues the party wants reviewed have probable merit and that the party has a constitutional right to review partially or wholly at public expense.

(b) Action by the Trial Court. In written findings and after a hearing, if circumstances warrant, the trial court shall determine the indigency, if any, of the party seeking review at public expense and

(1) shall grant the motion for an order of indigency if the party seeking public funds is unable by reason of poverty to pay for all or some of the expenses for appellate review of:

- (a) criminal prosecutions or juvenile offense proceedings meeting the requirements of RCW 10.73.150,
(b) dependency and termination cases under Ch. 13.34,
(c) commitment proceedings under RCW 71.05 and 71.09,

(d) civil contempt cases directing incarceration of the contemner,

(e) orders denying petitions for writ of habeas corpus under RCW 7.36, including attorneys' fees upon a showing of extraordinary circumstances, and

(f) any other case in which the party has a constitutional or statutory right to counsel at all stages of the proceeding.

(2) shall deny the motion for an order of indigency if a party has adequate means to pay all of the expenses of review. The order denying the motion for an order of indigency shall contain findings designating the funds or source of funds available to the party to pay all of the expenses of review.

(c) Other Cases. In cases not governed by subsection (b) of this rule, the trial court shall determine in written findings the indigency, if any, of the party seeking review.

(1) Party Not Indigent. The trial court shall deny the motion if a party has adequate means to pay all of the expenses of review. The order denying the motion for an order of indigency shall contain findings designating the funds or source of funds available to the party to pay all of the expenses of review.

(2) Party Indigent. If the trial court finds the party seeking review is unable by reason of poverty to pay for all or some of the expenses of appellate review, the trial court shall enter such findings, which shall be forwarded to the Supreme Court for consideration, pursuant to section (d) of this rule. The trial court shall determine in those findings the portion of the records necessary for review and the amount, if any, the party is able to contribute toward the expense of review. The findings shall conclude with an order to the clerk of the trial court to promptly transmit to the Supreme Court, without charge to the moving party, the findings of indigency, the affidavit in support of the motion, and all other papers sub-

mitted in support of or in opposition to the motion. The trial court clerk shall promptly transmit to the Supreme Court the papers designated in the findings of indigency.

(d) Action by Supreme Court. If findings of indigency and other papers relating to the motion for an order of indigency are transmitted to the Supreme Court, the Supreme Court will determine whether an order of indigency in that case should be entered by the superior court. The determination will be made by a department of the Supreme Court on a regular motion day without oral argument and based only on the papers transmitted to the Supreme Court by the trial court clerk, unless the Supreme Court directs otherwise. If the Supreme Court determines that the party is seeking review in good faith, that an issue of probable merit is presented, and that the party is entitled to review partially or wholly at public expense, the Supreme Court will enter an order directing the trial court to enter an order of indigency. In all other cases, the Supreme Court will enter an order denying the party's motion for an order of indigency. The clerk of the appellate court will transmit a copy of the order to the clerk of the trial court and notify all parties of the decision of the Supreme Court.

(e) Order of Indigency. An order of indigency shall designate the items of expense which are to be paid with public funds and, where appropriate, the items of expense to be paid by a party or the amount which the party must contribute toward the expense of review. The order shall designate the extent to which public funds are to be used for payment of the expense of the record on review, limited to those parts of the record reasonably necessary to review issues argued in good faith. The order of indigency must be transmitted to the appellate court as a part of the record on review.

(f) Continued Indigency Presumed. A party and counsel for the party who has been granted an order of indigency must bring to the attention of the trial court any significant improvement during review in the financial condition of the party. The appellate court will give a party the benefits of an order of indigency throughout the review unless the trial court finds the party's financial condition has improved to the extent that the party is no longer indigent.

(g) Appointment and Withdrawal of Counsel in Appellate Court. The appellate court shall determine questions relating to the appointment and withdrawal of counsel for an indigent party on review. The Office of Public Defense shall, in accordance with its indigent appellate representation policies, provide the names of indigent appellate counsel to the appellate courts on a case-by-case bases. If trial counsel is not appointed, trial counsel must assist counsel appointed for review in preparing the record.

(h) Review of Order of Indigency. Only a party in a case of a type listed in section (b)(1) of this rule may seek review of an order of indigency or an order denying an order of indigency entered by a trial court. Review must be sought by a motion for discretionary review.

(i) Withdrawal of Counsel in Appellate Court. If counsel can find no basis for a good faith argument on review, counsel should file a motion in the appellate court to withdraw as counsel for the indigent as provided in rule 18.3(a).

SAR 17
REPORTER—APPOINTMENT—DUTIES

(1) The Justices of the Supreme Court shall appoint a reporter for the opinions of the court, who shall be removable at their pleasure. The reporter shall receive such annual salary as shall be fixed and determined by the Supreme Court.

(2) The reporter shall provide for publication of the rules of court as directed by the court.

(3) The reporter shall be a member of the ~~Commission on Supreme Court Reports~~ Washington Court Reports Commission and shall perform any and all other duties as may be prescribed by the Supreme Court or by statute.

(4) The reporter shall provide for publication of opinions in advance sheets and in permanent volumes of the Washington Reports and the Washington Appellate Reports. The opinions shall be published chronologically, unless otherwise directed by the court. Publication of opinions shall include the title of each case, a list of the precedential holdings in the opinion, a summary of the nature of the action and prior court proceedings, and the names of counsel. Each advance sheet shall contain a table of cases and a subject index. The last advance sheet of a volume shall contain a cumulative table of cases and subject index.

Before publishing the permanent volume, the advance sheet material shall be revised by adding volume and page numbers for recent citations and dispositions of motions for reconsideration, petitions for review, and other post filing dispositions. The reporter shall also make corrections for typographical errors noted in the advance sheets, revisions of language directed by modification orders, and changes otherwise directed by the courts. Opinions withdrawn shall be deleted, and tables and indexes shall be revised accordingly. Additional material such as memorials and rolls of attorneys shall be inserted in the permanent volume as directed by the courts or in the discretion of the reporter.

CAR 17
REPORTER

The opinions of the Court of Appeals shall be published by the reporter of decisions of the Supreme Court, under the supervision of the ~~Commission on Supreme Court Reports~~ Washington Court Reports Commission.

JISCR 16
RECORD AND DISSEMINATION DATA PROCESSING

The ~~Office of the Administrator for the Courts~~ Administrative Office of the Courts shall be responsible for the recording and dissemination of decisions concerning the policies of the Supreme Court in the area of data processing, except for such policies as relate to the preparation of appellate court opinions and their publication in the official law reports which are the responsibility of the Reporter of Decisions and the ~~Commission on State Law Reports~~ Washington Court Reports Commission.

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

WSR 05-24-079
RULES OF COURT
STATE SUPREME COURT
[December 1, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO SAR 15(j)) NO. 25700-A-837

The Rules Committee having recommended the adoption of the proposed amendment to SAR 17(j), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 1st day of December 2005.

	Alexander, C.J.
C. Johnson, J.	Chambers, J.
Madsen, J.	Owens, J.
Sanders, J.	Fairhurst, J.
Bridge, J.	J. M. Johnson, J.

I. Suggested rule change to Supreme Court Administrative Rule 15(i)—Qualifications

15(i) Qualifications. The commissioner must be a ~~graduate of an accredited law school and~~ a member in good standing of the Washington State Bar Association and, prior to appointment, have at least 5 years of experience in the practice of law or in a judicially related field.

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 05-24-084
AGENDA
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed December 6, 2005, 9:35 a.m.]

In accordance with RCW 34.05.314 following is the Department of Labor and Industries' Semi-annual Rules Development Agenda for January 1, 2006 - July 31, 2006.

Please contact Carmen Moore at (360) 902-4206 or e-mail at moog235@lni.wa.gov, if you have any questions.

Carmen Moore
Rules Coordinator

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 06-01 issue of the Register.

WSR 05-24-086
NOTICE OF PUBLIC MEETINGS
BIG BEND
COMMUNITY COLLEGE
[Memorandum—December 1, 2005]

The board of trustees for Big Bend Community College, District No. 18, meet Tuesdays at 1:30 p.m., as per the schedule posted below, in Grant County ATEC Building 1800, Room 1837, Hardin Community Room, on the campus of Big Bend Community College.

- January 10, 2006
- February 28, 2006
- April 11, 2006
- May 23, 2006
- June 27, 2006
- August 1, 2006
- September 12, 2006
- October 24, 2006
- November 28, 2006

WSR 05-24-089
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed December 6, 2005, 3:26 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: DCS Handbook Revision.

Subject: Chapter 10: Enforcement Actions.

Effective Date: November 30, 2005.

Document Description: We revised Chapter 10 to show updated procedures and to incorporate all related canary notices and policy clarifications memos. The chapter tells Division of Child Support staff what tools are available to enforce collections on child support and medical support cases.

To receive a copy of the interpretive or policy statement, contact Fran Ferry, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5322, TDD (360) 753-9122, fax (360) 586-3274, e-mail fferry@dshs.wa.gov.

December 5, 2005

Fran Ferry

WSR 05-24-092
NOTICE OF PUBLIC MEETINGS
BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Memorandum—December 5, 2005]

RESOLUTION 05-10-27

The state board has agreed upon the following schedule of meeting dates and locations for 2006:

January 17-18	State Board Office (Olympia)
March 8-9	South Puget Sound Community College
April 5	Renton Technical College
May 3-4	Olympic College - Poulsbo Campus
June 21-22	Walla Walla Community College
September 13-14	Whatcom Community College
October 18-19	Everett Community College
November 29-30	Bates Technical College

Approved and adopted on October 19, 2005.

WSR 05-24-097
OFFICE OF THE GOVERNOR

[Filed December 7, 2005, 9:09 a.m.]

NOTICE OF APPEAL
 RCW 34.05.350(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On November 22, 2005, the Governor received an appeal from James Brummett of Lacey, Washington, relating to the Department of Fish & Wildlife's rule contained in WAC 220-56-11600B.

December 2, 2005

James L. Brummett
 6247 - 54th Ave. SE
 Lacey, WA 98513

RE: RCW 34.05.350 Petition of Emergency Rule WAC 220-56-11600B

Dear Mr. Brummett:

With respect to your above-noted petition to review the Department of Fish and Wildlife's (Department) adoption of emergency rule WAC 220-56-11600B (saltwater hook rules), I have reviewed the Department's actions and respond as follows:

- 1) The Department adopted the emergency rule (WAC 220-56-11600A) in June 2006 because it determined that the current rule (WAC 220-56-115) was unenforceable as written. WAC 220-56-115 could only be enforced if the Department specified what barbless fishing hooks could and could not be used in the specified Catch Record Card areas.
- 2) Consistent with RCW 34.05.350(2), the Department adopted a second emergency rule (WAC 220-

56-11600B), because the first emergency rule expired after it had commenced permanent saltwater hook rule-making procedures.

- 3) During the November 19, 2005, Fish and Wildlife Commission meeting, the public was invited to comment on the permanent saltwater hook rule.

After reviewing your petition, I have determined that the Department acted consistently with the Administrative Procedure Act, and did not act arbitrarily or capriciously. As a result, I am denying your petition to me.

Sincerely,

Christine O. Gregoire
 Governor

WSR 05-24-098
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION

(State Capitol Committee)

[Memorandum—December 5, 2005]

STATE CAPITOL COMMITTEE MEETING

Following is a notice of cancellation for the Thursday, December 15, 2005, State Capitol Committee meeting. This meeting has been rescheduled for Thursday, January 31, 2006, from 10:00 a.m. to 2:00 p.m. in Room 207, Second Floor, General Administration Building, 210 11th Avenue S.W., Olympia, WA.

If you have any questions, please contact Victoria Brooks at (360) 902-0975.

WSR 05-24-099
RULES COORDINATOR
OFFICE OF THE GOVERNOR

(Washington Council for Prevention of Child Abuse and Neglect)

[Filed December 7, 2005, 9:10 a.m.]

I am serving as the designated rules coordinator for the Washington Council for Prevention of Child Abuse and Neglect.

My official contact information is as follows: Joan Sharp, Executive Director, Washington Council for Prevention of Child Abuse and Neglect (WCPCAN), Children's Trust Fund of Washington, 318 First Avenue South, Suite 310, Seattle, WA 98104, phone (206) 464-5493, fax (206) 464-6642, e-mail sharpjd@dshs.wa.gov.

Joan Sharp
 Executive Director

WSR 05-24-099A
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR

(Washington Council for Prevention of Child Abuse and Neglect)

[Memorandum—December 7, 2005]

The Washington Council for Prevention of Child Abuse and Neglect plans the following schedule of meetings for 2006:

- 9:30 - 3 p.m. February 10, 2006 Olympia
Meeting location TBD
- 9:30 - 3 p.m. May 5, 2006 Seattle
Meeting location TBD
- 9:30 - 3 p.m. August 11, 2006 Marysville
Tulalip Tribe HQ
- 9:30 - 3 p.m. November 3, 2006 Seattle
Meeting location TBD

Any changes to this schedule (including specific meeting places) will be published at least twenty days in advance in the Washington State Register.

Additional information is available by contacting the WCPCAN office, (206) 464-6151 or wpcan@dshs.wa.gov.

WSR 05-24-100
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
AFRICAN AMERICAN AFFAIRS

[Memorandum—December 7, 2005]

Washington State Commission on African American Affairs
2006 Meeting Schedule

- January 20, 2006
- March 17, 2006
- May 19, 2006
- July 21, 2006
- September 15, 2006
- November 17, 2006

WSR 05-24-101
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Beef Commission)

[Memorandum—December 5, 2005]

Following are the meeting dates for the Washington State Beef Commission:

- January 17, 2006 Board Meeting Ellensburg
- TBD Strategic Planning Seattle
- April 18, 2006 Board Meeting Ellensburg
- May 31, 2006 Board Meeting Ellensburg

- August 8, 2006 Board Meeting Ellensburg
- November 2006 Board Meeting TBD
(specific date unknown)

Should you have questions, please contact Rosalee Mohney at (206) 444-2902.

WSR 05-24-102
RULES OF COURT
STATE SUPREME COURT

[December 1, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO SAR 15(i)) NO. 25700-A-837

The Rules Committee having recommended the adoption of the proposed amendment to SAR 15(i), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 1st day of December 2005.

Alexander, C.J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Sanders, J.

Fairhurst, J.

Bridge, J.

J.M. Johnson, J.

I. Suggested rule change to Supreme Court Administrative Rule 15(i) - Qualifications

15(i) Qualifications. The commissioner must be a ~~graduate of an accredited law school and~~ a member in good standing of the Washington State Bar Association and, prior to appointment, have at least 5 years of experience in the practice of law or in a judicially related field.

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 05-24-123
DEPARTMENT OF ECOLOGY
 [Filed December 7, 2005, 9:46 a.m.]

**Public Comment Period on Proposed Modification
 of the Sand and Gravel General Permit**

The Department of Ecology (ecology) is proposing to modify "The Sand and Gravel General Permit: A National Pollutant Discharge Elimination System and State Waste Discharge General Permit" (the sand and gravel general permit). On January 5, 2005, ecology issued the current sand and gravel general permit. In February 2005, Washington Concrete and Aggregates Association (WACA) and the Puget Sound Keeper Alliance (PSA) appealed the permit to the Pollution Control Hearings Board (PCHB).

Over the spring and summer of 2005, ecology worked with both appealing parties to reach a negotiated settlement of the two appeals of the sand and gravel general permit. In late September, the three parties reached a settlement, which resulted in the three parties signing a stipulation and agreed order of dismissal. On October 21, 2005, the PCHB entered the stipulation and agreed order of dismissal and closed the two appeals. Under the agreement, ecology must initiate a public comment period to modify the sand and gravel general permit within sixty days of the date that the PCHB enters the order of dismissal. As part of the settlement agreement, the appealing parties worked out the exact permit language for the proposed permit modifications.

NOTE: Copies of both appeals and settlement documents are available from the Department of Ecology web site at <http://www.ecy.wa.gov/programs/wq/sand/settlement.html>. To obtain a copy directly from ecology, contact Jennifer Hennessey at (360) 407-7529.

Ecology drafted a modified permit to reflect the settlement. The draft permit and fact sheet are available for review and public comment from December 21, 2005, to January 31, 2006. Ecology will host an informational workshop and public hearing on its proposed permit. The public is encouraged to give written comments during the public comment period or oral comments at the public hearings.

The public comment period is only on the proposed permit modifications. Ecology also agreed to provide an opportunity for public comment regarding the frequency of pH monitoring of the permit during the proposed permit modification comment period (see condition S2). Ecology will not consider comments received on any other parts of the permit (i.e. those parts of the permit that are not being changed).

Purpose of the General Permit: The proposed general permit covers discharges of stormwater and wastewater from sand and gravel operations to both surface and ground waters of Washington state. Under federal and state water quality law (federal Clean Water Act, Title 33 United States Code, Section 1251 et seq.) and state Water Pollution Control Act (RCW 90.48.160 and 90.48.260), a permit is required for the discharge of wastewater. The proposed permit addresses these legal requirements and controls the discharge of pollutants to protect surface water and ground water quality in Washington state.

A general permit is like an individual wastewater discharge permit except that it addresses a group of facilities as

a whole. Ecology develops a single permit to use standard stormwater management, treatment, monitoring, and reporting requirements for all permit holders covered under the general permit. Interested persons are encouraged to obtain a copy of the proposed modified permit and fact sheet addendum and/or attend a workshop and hearing.

Some of the changes proposed in this permit modification include:

- Dropped the requirement to sample type 2 stormwater.
- Added language to make the permit consistent with other applicable laws. For example, no discharge can cause or contribute to a violation of other water quality standards.
- Changed total maximum daily load (TMDL) requirements. TMDLs issued after the final sand and gravel permit are only applicable to facility, if ecology imposes them through the issuance of an administrative order.
- Changed pH monitoring requirements. If a facility meets standards for eighteen consecutive months, it can reduce monitoring from once per month to once per quarter. The permit restores original monitoring frequency, if a facility violates pH limits or significantly changes its processing.
- Clarified conditions for reducing frequency of turbidity monitoring.
- Changed daily effluent limitation for oil sheen to "no visible sheen." The permittee may now monitor for oil sheen at representative locations, rather than the discharge point.
- Added new conditions for public access to a facility's stormwater pollution prevention plan.
- Changed reference for "equivalent stormwater management guidance documents" to the stormwater management manuals for either eastern or western Washington.
- Clarified inspection processes to make consistent with applicable laws and requirements for inactive mining sites and certification of inspection reports.

For all detailed changes, please consult the draft modified permit and fact sheet addendum.

Requesting Copies of the Permit: You can request copies of the proposed permit and fact sheet by contacting Jennifer Hennessey, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7529, fax (360) 407-6426, e-mail jenh461@ecy.wa.gov.

The proposed permit and fact sheet are also available online at <http://www.ecy.wa.gov/programs/wq/sand/settlement.html>.

Submitting Written and Oral Comments: Ecology will accept written and oral comments on the proposed permit modifications and pH monitoring for the sand and gravel general permit. Comments should reference specific text when possible. Ecology is only accepting comments on its proposed changes and pH monitoring (section S2). Comments may address the following:

- Technical issues,
- Accuracy and completeness of information,
- The scope of facilities proposed for coverage,

- Adequacy of environmental protection and permit conditions, or
- Any other concern that would result from issuance of the revised permit.

Please submit written comments to Sand and Gravel General Permit Modification, Water Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, fax (360) 407-6426, e-mail sandandgravel_comments@ecy.wa.gov.

Ecology must receive all written, e-mailed and faxed comments no later than 5 p.m., Tuesday, January 31, 2006. The public can provide oral comments by attending and testifying at the public hearings.

Public Workshop/Hearing: The workshop begins at 2 p.m. The hearings will begin when the workshop ends. The purpose of the workshop is to explain the general permit modifications and answer questions. The purpose of the hearing is to provide an opportunity for people to give formal comments on the proposed permit modifications. The public workshop and hearing on the draft general permit is in **Olympia**, on Wednesday, January 25, 2006, at 2 p.m., Department of Ecology, ROA 32, 300 Desmond Drive, Olympia, WA 98504.

Issuing the Final Modified Sand and Gravel General Permit: Ecology will issue the final permit after it considers all public comments. The schedule following the public comment period depends on the volume and nature of comments received. Ecology expects to issue the permit and have it effective no earlier than March 31, 2006. When ecology issues the permit, it will send a copy of the final permit decision and a copy of the responsiveness summary to everyone who commented or requests copies.

If you have special accommodation needs or require a copy of the permit and fact sheet in an alternative format, please contact the water quality program at (360) 407-6401. If you are a person with a speech or hearing impairment, call 711 or 800-833-6388 for TTY.

WSR 05-24-124

HOUSING FINANCE COMMISSION

[Filed December 7, 2005, 10:01 a.m.]

NOTICE OF PUBLIC HEARING

The Washington State Housing Finance Commission (the "commission") will hold an open public hearing for the purpose of accepting public comment on the biennial review of amendments to the commission's housing finance plan, as required by laws governing the commission. The public hearing will be held at 1:00 p.m., Thursday, January 26, 2006, at the Commission Offices, 1000 Second Avenue, in its Board Room, 28th Floor, Seattle, WA.

The state housing finance plan provides the general policies of the commission and specific policies with regard to the programs of the commission. The plan outlines the manner in which the commission intends to issue bonds and allocate and use other financial resources during the period in accordance with the goals and objectives of the plan.

The commission is encouraging public comment on the proposed housing finance plan. Interested parties and individuals are encouraged to send written comments to the commission at the address provided below or to attend the public hearing. A copy of the proposed document may be obtained by telephone at 1-800-767-4663; e-mail at april.kristjansson@wshfc.org; or by written request to the commission and will be available at the commission as of this publication date.

Written public comment is invited, but must be received by 5:00 p.m., Friday, January 13, 2006, in the offices of the Washington State Housing Finance Commission, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046. Verbal testimony will be heard from all interested members of the public attending the hearing. The commission will consider the public testimony and written comments in potential changes made to its housing finance plan.

Kim Herman
Executive Director

WSR 05-24-126

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF PERSONNEL**

[Memorandum—December 6, 2005]

The following is a schedule of the 2006 regular meetings for the Department of Personnel director's meetings. The director's meetings will be held at the times and locations listed below.

Thursday, January 12, 2006	10:00 a.m.	Classroom #4 Department of Personnel 600 South Franklin Street Olympia, WA
Thursday, March 9, 2006	10:00 a.m.	Joan Darin Conference Room 521 Capitol Way South Olympia, WA
Thursday, May 11, 2006	10:00 a.m.	Classroom #4 Department of Personnel 600 South Franklin Street Olympia, WA

Meetings will occur on the following dates and they will all be held at 10:00 a.m. in the Hearings Room at 2828 Capitol Boulevard, Olympia, WA:

Thursday, July 13, 2006	10:00 a.m.	Hearings Room 2828 Capitol Boulevard Olympia, WA
Thursday, September 14, 2006	10:00 a.m.	Hearings Room 2828 Capitol Boulevard Olympia, WA
Thursday, November 9, 2006	10:00 a.m.	Hearings Room 2828 Capitol Boulevard Olympia, WA

Should you have any questions regarding this matter, please contact Connie Goff at (360) 664-6250.

WSR 05-24-127
RULES COORDINATOR
DEPARTMENT OF PERSONNEL

[Filed December 7, 2005, 11:19 a.m.]

In accordance with RCW 34.05.312 please publish the following information in the state register: Agency Rules Coordinator is Connie Goff, Department of Personnel, P.O. Box 47500, Olympia, WA 98504.

Should you have any questions regarding this matter, please contact Connie Goff at (360) 664-6250.

Michael P. Sellars
Deputy Director