

WSR 07-08-007
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER

[Filed March 22, 2007, 9:45 a.m.]

A regular meeting of the Washington state convention and trade center board of directors will be held on Tuesday, April 3, 2007, at 2:00 p.m. in Room 303 of the Convention Center, 800 Convention Place, Seattle.

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

WSR 07-08-011
PUBLIC RECORDS OFFICER
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 23, 2007, 12:16 p.m.]

This memorandum is to notify your office that as per RCW 42.56.580, Cynthia Harris is the designated public records officer for the department of labor and industries.

My contacting information is phone (360) 902-6961, fax (360) 902-4202, or e-mail HACY235@lni.wa.gov.

Cynthia Harris
Agency Public Records Officer

WSR 07-08-013
INTERPRETIVE STATEMENT
PUBLIC DISCLOSURE COMMISSION

[Filed March 23, 2007, 2:21 p.m.]

Commission Interpretation

The commission approved **PDC Interpretation 07-01 - Computing thresholds for independent expenditures** to provide guidance to persons who make independent expenditures regarding when the expenditures need to be reported on a C-6 form and when the "notice to voters" and "top five contributor" information must be included as part of the advertisement.

The commission meeting materials can be found at www.pdc.wa.gov under **Commission Meetings**. For additional information concerning this interpretation contact Suemary Trobaugh, Administrative Officer, at (360) 753-1985, toll free 1-877-601-2828 or e-mail at strobaugh@pdc.wa.gov.

The next regular meeting of the public disclosure commission is tentatively scheduled for May 2, 2007.

WSR 07-08-014
NOTICE OF PUBLIC MEETINGS
BENTON CLEAN AIR AUTHORITY

[Filed March 26, 2007, 2:34 p.m.]

Following is a change to our "regular" board meetings schedule for 2007 in the state register as provided for in RCW

34.08.040. The meetings are held on the third Thursday of each month. The meetings begin at 5:30 p.m., with a staff briefing beginning at 5:00 p.m.

The location for the meetings will be the Conference Room at 114 Columbia Point Drive, Richland, WA 99352.

WSR 07-08-015
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Filed March 26, 2007, 2:35 p.m.]

The Bellingham Technical College presidential search advisory committee will hold a special meeting on Tuesday, March 27, 2007, from 4:00 p.m. to 5:00 p.m., in G Building, Conference Room 103B on the Bellingham Technical College campus. The special meeting will be conducted in executive session to evaluate the qualifications of an applicant for public employment (RCW 42.30.110 (1)(g)). Call 752-8334 for information.

WSR 07-08-016
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING

(Real Estate Commission)

[Filed March 26, 2007, 2:35 p.m.]

Update for hotel regarding the
December 3, 2007, Regular Commission Meeting

The December 3, 2007, regular commission meeting will be held at the DoubleTree Hotel Seattle Airport, 18740 International Boulevard, Seattle, WA 98188-4001, phone (206) 246-8600, fax (206) 439-4596.

The department of licensing has a policy of providing equal access to its services. This correspondence is available in an alternate format. If you need special accommodations, please call (360) 902-3600 or TTY (360) 664-8885.

WSR 07-08-017
NOTICE OF PUBLIC MEETINGS
BEER COMMISSION

[Filed March 26, 2007, 4:00 p.m.]

Change to 2007 Meeting Schedule

The Washington beer commission has rescheduled its meeting in May 2007. The meeting will be held as follows:

Date	Time	Meeting Type	Location
Tuesday, May 15, 2007	7:00 p.m.	Regular	Dick's Brewing Company 5945 Prather Road Centralia, WA 98531 phone (800) 586-7760

Commission meetings are open to the public.

WSR 07-08-028**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Boarding Home Advisory Board)

[Filed March 27, 2007, 1:03 p.m.]

Spring Meeting Date

The Thursday, April 26, 2007, boarding home advisory board meeting has been rescheduled to Friday, May 18, 2007.

The May 18 meeting will take place in Lacey at the residential care services (RCS) headquarters in the Blake Office Building East, First Floor, Rose Conference Room. The office is located at 4500 10th Avenue S.E., Lacey, WA. The meeting will be from 9 a.m. to noon.

The boarding home advisory board is established under RCW 18.20.260. A map with driving directions to the RCS headquarters may be found at <http://www.aasa.dshs.wa.gov/Resources/rcshelp.htm>.

Any questions you may have can be addressed to Todd Henry, Boarding Home Advisory Board/Residential Care Services Program Manager, at (360) 725-2580 or henryte@dshs.wa.gov.

WSR 07-08-029**INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed March 27, 2007, 1:17 p.m.]

Notice of Interpretive/Policy Statements**March 27, 2007**

In accordance with RCW 34.05.230(12), the following interpretive/policy statements issued by the department of social and health services have been filed:

**Economic Services Administration
Division of Child Support**

Document Title: DCS Administrative Policy 1.24.

Subject: How the division of child support (DCS) pays claims for DCS liability.

Effective Date: March 19, 2007.

Document Description: This DCS policy explains how DCS pays claims when DCS is found financially liable to individuals as a result of agency actions or inactions.

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

WSR 07-08-041**NOTICE OF PUBLIC MEETINGS
CANOLA/RAPESEED COMMISSION**

[Filed March 28, 2007, 8:58 a.m.]

As required by the Open Public Meetings Act, following is a list of regular meetings of the Washington canola/rape-seed commission to be held for calendar year 2007:

January 10, 2007	1:00 Commission Meeting	Commission Office Kennewick
May 23, 2007	9:00 Commission Meeting	Conservation District Office Spokane
September 5, 2007	9:00 Commission Meeting	Public Service Building Colfax
November 7, 2007	9:00 Commission Meeting	Adams County Conservation Ritzville

If you have any questions, please do not hesitate to contact Dan Ollero at (509) 783-4676.

WSR 07-08-042**NOTICE OF PUBLIC MEETINGS
TURFGRASS SEED COMMISSION**

[Filed March 28, 2007, 8:58 a.m.]

As required by the Open Public Meetings Act, following is a list of regular meetings of the Washington turfgrass seed commission to be held for calendar year 2007:

January 10, 2007	1:00 Commission Meeting	Commission Office Kennewick
March 2, 2007	9:00 Commission Meeting	Conservation District Office Spokane
June 15, 2007	9:00 Commission Meeting	WDSA [WSDA] Seed Lab Yakima
September 7, 2007	9:00 Commission Meeting	Public Service Building Colfax
November 2, 2007	9:00 Commission Meeting	Michael Jay's Restaurant Connell

If you have any questions, please do not hesitate to contact Dan Ollero at (509) 783-4676.

WSR 07-08-043

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Filed March 28, 2007, 8:59 a.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for Thursday, April 19, 2007, has been cancelled and rescheduled for **Tuesday, April 24, 2007**, 8:00 - 11:00 a.m. in the College Services Board Room on the Bellingham Technical College campus. The board of trustees will recess into executive session to evaluate the qualifications of applicants for public employment, RCW 42.30.110 (1)(g). The board of trustees will have a study session at approximately 8:15 a.m. to discuss the proposed revised 06-07 operating budget; the regular meeting will begin at 9:00 a.m. Action may be taken during open session as a result of discussions during executive session. Call 752-8334 for information.

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for Thursday, May 17, 2007, has been cancelled and rescheduled for **Thursday, May 24, 2007**, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 07-08-054

**NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE**

[Filed March 29, 2007, 9:00 a.m.]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold a special closed executive session on Friday, March 30, 2007, at 1:00 p.m. to discuss personnel issues, which will be followed by a special open board of trustees meeting at 2:00 p.m. wherein the board anticipates two agenda items for action: (1) President emeritus; (2) presidential transition. Both meetings will be held in the Laidlaw Center Boardroom, #143, 237 West Kellogg Road, Bellingham, WA 98226. All are welcome to attend the open meeting.

SPECIAL CLOSED EXECUTIVE SESSION

March 30, 2007	1:00 p.m.	Whatcom Community College
Friday		Laidlaw Boardroom #143
		237 West Kellogg Road
		Bellingham, WA 98226

SPECIAL OPEN BOARD OF TRUSTEES MEETING

March 30, 2007	2:00 p.m.	Whatcom Community College
Friday		Laidlaw Boardroom #143
		237 West Kellogg Road
		Bellingham, WA 98226

WSR 07-08-057

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION**

(State Capitol Committee)

[Filed March 29, 2007, 10:27 a.m.]

A state capitol committee (SCC) special meeting has been scheduled for April 3, 2007.

The SCC meeting will be held in the senate rules room from 9:00 a.m. to 10:00 a.m. in Olympia, Washington.

The primary purpose of this SCC special meeting is approval of the proposed Wheeler site development.

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

WSR 07-08-058

OFFICE OF THE GOVERNOR

[Filed March 29, 2007, 10:28 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 February 15, 2007, the Governor received an appeal from Edwin D. Rauzi relating to the Department of Social and Health Service's denial of a petition to adopt new rules regarding "safe harbor" language for providers who receive DSHS reimbursements. The Governor's Office denied the Petition on March 26, 2007.

DATE: March 28, 2007

Richard E. Mitchell
General Counsel to the Governor

March 26, 2007

Edwin Rauzi
Davis Wright Tremaine LLP
1600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688

Dear Mr. Rauzi

This letter is in response to your February 15, 2007, appeal (dated February 13, 2007), of the denial of your petition for rulemaking to the Department of Social and Health Services (Department).

In your appeal to the Department, you requested that it adopt new rules implementing Section 6032 of the federal Deficit Reduction Act of 2005 (DRA) relating to employee education about false claims recovery. Specifically, you requested that the Department promulgate new rules codifying "safe harbor" language that Washington health care providers can use to comply with the DRA. In a letter dated February 2,

2007, the Department denied your petition stating in part: "Nothing in the DRA requires the Department to adopt regulations effectively assuring providers that use of such language will meet their obligations under the DRA."

Under the Administrative Procedures Act, the Governor does not have jurisdiction to consider petitions where the petitioner is petitioning an agency's denial to adopt a *new* rule. RCW 34.05.330. It is for this jurisdictional reason that the Governor cannot consider your petition.

Notwithstanding the lack of jurisdiction, the Governor encourages you to address your concerns for more clarity to the U.S. Department's of Health & Human Services' Centers for Medicare and Medicaid Services, which has independent authority to enforce the DRA.

Sincerely,

Richard E. Mitchell
General Counsel

cc:

Robin Arnold-Williams, Director, Department of Social and Health Services
Jonathan Seib, Executive Policy Advisor

Reviser's note: The typographical errors in 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 07-08-059
OFFICE OF THE GOVERNOR

[Filed March 29, 2007, 10:28 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 February 9, 2007, the Governor received an appeal from the Resources Coalition and Washington Miners' Council relating to the Washington Fish and Wildlife Commission's denial of a petition to adopt new rules regarding small-scale mineral prospecting. The Governor's Office denied the Petition on March 22, 2007.

DATE: March 22, 2007

Richard E. Mitchell
General Counsel to the Governor

March 22, 2007

Mark Erickson, President
Resources Coalition
P.O. Box 2131
Sumner, WA 98390

Miscellaneous

Bruce Beatty, President
Washington Miners' Council
4602 Alameda Avenue West
University Place, WA 98466

Dear Messrs. Erickson and Beatty:

This letter is in response to your February 9, 2007, petition (dated Feb. 7, 2007) requesting an appeal of a denied rule-making petition filed with the Washington Fish and Wildlife Commission (Commission). Specifically, your petition appeals the Commission's January 19, 2007, denial of your July 13, 2006, petition to adopt new rules regarding small-scale mineral prospecting.

After a careful review of the file relating to your petition, it appears that the Commission did not conclusively *deny* your July 13, 2006, petition within sixty (60) days as required by RCW 34.05.330. Rather, it commenced rulemaking on alternative proposed rules, which is reflected in the Commission's August 11, 2006, minutes. Since the Commission's official minutes of its actions indicate that you (Mr. Beatty), were present at its meeting where it voted to initiate rulemaking to amend the existing WACs 220-110-200 through 209, you were aware of its response to your petition at that time. The Commission first communicated its actions in writing to you by letter dated November 21, 2006.

The Commission also wrote to you on the status of your petition on January 19, 2007. On that date, the Commission wrote the following: "We are not adopting the miner's proposed interim rules because we believe they conflict with RCW 77.55 and would require changing that statute..." It appears from the Commission's letter that it considered your petition to concern "interim rules", which we understand to be new rules, as opposed to amending or rescinding existing rules.

Under the Administrative Procedures Act, the Governor does not have jurisdiction to consider petitions where the underlying agency has not issued a denial, where the petitioner fails to timely petition within thirty (30) days of the agency denial, or where the petitioner is petitioning an agency's denial to adopt a new rule. RCW 34.05.330. For these jurisdictional reasons, the Governor cannot consider your petition.

Notwithstanding the lack of jurisdiction, given that the Commission has acted on your petition by commencing the rule-making process and created a stakeholder work group, the Governor encourages you to participate fully in this process. Your input will help the Commission address concerns over small-scale mineral prospecting rules to the greatest extent possible.

Sincerely,

Melynda Campbell
for Richard E. Mitchell
General Counsel

cc:

Dr. Jeff Koenings, Director, Department of Fish and Wildlife

Jerry Gutzwiler, Chair, Washington Fish and Wildlife Commission

John Mankowski, Executive Policy Advisor, Governor's Office

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

WSR 07-08-063

DEPARTMENT OF CORRECTIONS

[Filed March 29, 2007, 2:21 p.m., effective April 29, 2007]

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

Following are the department of corrections' amendments to chapter 137-32 WAC, administration segregation. These rules are submitted for publication in the Washington State Register and the Washington Administrative Code. Pertinent information follows:

1. Amendments to chapter 137-32 WAC, are adopted as of March 29, 2007.
2. The effective date of these rules shall be thirty-one days after filing.

Harold W. Clarke
Secretary

AMENDATORY SECTION (Amending WSR 00-09-063, filed 4/17/00, effective 5/19/00)

WAC 137-32-002 Definitions. For the purpose of this chapter the following words shall have the following meanings:

- (1) "Department" means the department of corrections.
- (2) "Adult correctional institution" and "institution" mean a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.
- (3) "Secretary" means the secretary of the department of corrections.
- (4) "Deputy secretary" means the deputy secretary of the ~~((office of correctional operations))~~ prisons division of the department, or the deputy secretary's designee.
- (5) "Superintendent" means the superintendent of an institution, or the superintendent's designees.
- (6) "Hearing officer" means the person named by a superintendent to act for the superintendent in reviewing the cases of inmates assigned to administrative segregation status.
- (7) "Inmate" means any person assigned to the custody of the department, including any person transferred to an institution from another state or the federal government.
- (8) "Administrative segregation status" means segregation of an inmate of an institution for nondisciplinary reasons.
- (9) "Intensive management status" means an assignment to administrative segregation for an extended period after other alternatives have been explored.
- (10) "Classification meeting" means a meeting with an inmate held to:

(a) Determine whether the inmate should be placed on administrative segregation status, continued on administrative segregation status, placed on intensive management status, continued on intensive management status, released to the general inmate population, recommended for either an in-state or out-of-state transfer; and/or

(b) Develop an action plan, expectations and goals relative to the rehabilitation of the inmate.

(11) "Working days" means Monday through Friday excluding holidays.

~~((12) "Intermediate informal review" means an informal review of the inmate's adjustment in administrative segregation by the hearing officer which is documented and may consist of, but not be limited to, discussions with the inmate involved, interviews with staff supervising the inmate and review of any documents relating to the inmate.))~~

AMENDATORY SECTION (Amending WSR 00-09-063, filed 4/17/00, effective 5/19/00)

WAC 137-32-005 Initial placement. (1) The superintendent/designee may segregate an inmate from the general inmate population and assign such inmate to a segregation or intensive management unit if, in the judgment of the superintendent, the inmate:

- (a) Poses a threat to himself/herself, others, or the security of the institution;
- (b) Requests protection or is deemed by staff to require protection;
- (c) Is pending or in transit to a more secure institution; or
- (d) Poses a serious escape risk.

(2) The authorizing department staff member must determine that placement in administrative segregation status is appropriate and document the facts supporting such reason.

AMENDATORY SECTION (Amending WSR 00-09-063, filed 4/17/00, effective 5/19/00)

WAC 137-32-010 Initial review. (1) Immediately after an inmate's initial placement in segregation, a department staff member will inform the inmate in writing of the reason for the inmate's segregation and the date, time and place of the initial review meeting.

(2) The hearing officer will meet with such inmate within two working days after initial placement for the initial review of the basis for the assignment of such inmate to administrative segregation status. During this initial review the inmate will be provided an opportunity to respond to the reasons for such inmate's placement in a segregation or intensive management unit.

(3) The hearing officer will prepare a written report of the initial review meeting with the inmate and deliver such report to the superintendent. This report will include the information provided to the inmate, the reason for initial placement in a segregation or intensive management unit, the inmate's response to the allegation resulting in the initial placement in a segregation or intensive management unit, the reasons supporting protective custody, special restrictions, including monitoring of special medications and/or diets, and the hearing officer's recommendation whether to continue the administrative segregation or to release the inmate to the gen-

eral inmate population, together with the facts supporting such recommendation.

(4) The superintendent (~~((will))~~ should review the hearing officer's report, and within (~~((three))~~ one working day(~~((s))~~) after (~~((the inmate's initial review meeting))~~ receipt), will prepare a written decision accepting or rejecting the hearing officer's recommendations.

AMENDATORY SECTION (Amending WSR 00-09-063, filed 4/17/00, effective 5/19/00)

WAC 137-32-015 ((Classification)) Segregation meeting procedures. (1) The hearing officer will preside over (~~((classification))~~ segregation meetings of inmates assigned to administrative segregation status.

(2) (~~((A classification meeting will be held not more than ten working days after the initial review meeting decision if continued administrative segregation placement is recommended.))~~ Subsequent to the initial review a segregation review will occur every seven days for the first two months and at least every thirty days thereafter.

(3) (~~((If an inmate is kept in administrative segregation status following the first classification meeting and intermediate informal review, the status will be reviewed in a second classification meeting which will be held within twenty working days after the superintendent's intermediate informal review decision. Subsequent classification meetings shall be held at intervals not exceeding one hundred eighty calendar days from the previous meeting.))~~

(4) Not less than forty-eight hours prior to each classification meeting the hearing officer, or the hearing officer's designee, will advise the inmate in writing. Offenders will be provided advanced notice, of at least forty-eight hours, for any segregation review, to include:

(a) (~~((The))~~ The date, time, purpose, and place of the classification meeting;

(b) (~~((The))~~ Related criminal charges, if known, evolving from the incident for which the inmate is placed on administrative segregation status;

(c) That the inmate has the opportunity to provide the hearing officer with names of inmates or institution staff from whom witness statements should be obtained; and

(d) That only written statements will be considered during the course of the hearing unless the hearing officer requires oral testimony for clarification.

(~~((5))~~ (4) The hearing officer will ensure that all witnesses named by the inmate are provided with witness statement forms as soon as practical, but not less than twenty-four hours prior to the classification meeting.

(~~((6))~~ (5) The following procedures will be adhered to during all classification meetings:

(a) The inmate may be present at all stages of the meeting except during discussions involving information from confidential sources.

(b) The hearing officer will document the meeting setting forth the information presented, including all witness statements.

(c) The superintendent may designate an institution staff member, other than the hearing officer, to present evidence

either supporting continued administrative segregation or release therefrom.

(d) The hearing officer shall have the authority to schedule inmates, institution staff members, or other persons to appear and present or clarify information which may be relevant to the hearing officer's decision. To the extent possible, confidential information presented to the hearing officer shall be presented by the individual receiving the information. The source shall be identified to the hearing officer, except when the superintendent directs that the source is to remain confidential.

(e) The hearing officer will provide the inmate with an opportunity to present the inmate's views to the hearing officer to clarify information from the witness statements. The inmate may present a written statement in lieu of, or in addition to oral testimony. The written statement will be included in the record.

(f) If the inmate refuses to attend the hearing, this fact will be documented by the hearing officer.

(g) An inmate may select an institution staff member, approved by the superintendent, to assist and advise the inmate at the hearing. The advisor may be a staff member not ordinarily assigned responsibility for the inmate. The advisor shall not be an inmate. The advisor will be approved by the superintendent only if, in the superintendent's judgment, the inmate is unable to present his/her own case.

(~~((7))~~ (6) The hearing officer (~~((shall))~~ should make a written report to the superintendent and the inmate within (~~((three))~~ one working day(~~((s))~~) after the classification meeting, which will include:

(a) A recommendation that the inmate be continued in administrative segregation, released back to the general population, or transferred to a more appropriate facility, in or out of state;

(b) An individual behavioral management plan which includes expectations for changes necessary in the inmate's behavior and appropriate program participation for the inmate's return to the general inmate population; provided, however, accomplishment of any such identified behavioral changes and/or program completions/referrals shall not necessarily require discharge from administrative segregation, but shall be considered along with all other circumstances; and

(c) A summary of the inmate's adjustment while in administrative segregation status(~~((; and~~

~~((d) For inmates under the jurisdiction of the indeterminate sentence review board, additional information on the inmate's adjustment and behavior covering the entire applicable reporting period)).~~

(~~((8))~~ (7) The inmate may appeal the report by submitting written objections and whatever other written information the inmate feels is relevant to the superintendent/designee. Such material shall be filed within twenty-four hours of the inmate's receipt of the report.

(~~((9))~~ (8) The hearing officer (~~((shall))~~ should notify the inmate in writing within (~~((five))~~ one working day(~~((s))~~) after receiving the superintendent's decision regarding retention of the inmate in administrative segregation or the inmate's release therefrom, other action directed by the superintendent, and the date of the next classification meeting, if any.

~~((10))~~ (9) Inmates reviewed at the ~~((second classification))~~ segregation review meeting will be considered for one or more of the following:

- (a) Referral to the deputy secretary/designee with a recommendation that the inmate be placed on intensive management status;
- (b) Return to the general inmate population with clear behavioral expectations for remaining there; or
- (c) Transfer to a more appropriate facility or unit, within or outside the state.

AMENDATORY SECTION (Amending WSR 00-09-063, filed 4/17/00, effective 5/19/00)

WAC 137-32-025 Intensive management status. An inmate will be placed on intensive management status in accordance with the following procedures:

- (1) The hearing officer may, after conducting a formal hearing, recommend to the superintendent that the inmate be placed on intensive management status stating the reasons ~~((therefor))~~ therefore.
- (2) The superintendent/designee will review the hearing officer's recommendation, and if approved will forward a copy thereof to the deputy secretary/designee for final approval.
- (3) The cases of all inmates assigned to intensive management status will have an assessment completed within the first thirty days. Reviews by the hearing officer will be held at intervals not to exceed thirty days.

Formal classification meetings will be held at intervals not to exceed ~~((six months))~~ one hundred eighty days.

AMENDATORY SECTION (Amending WSR 00-09-063, filed 4/17/00, effective 5/19/00)

WAC 137-32-035 Administrative release. (1) The superintendent may release an inmate from administrative segregation status at any time after determining that, in the superintendent's judgment, the conditions or reasons which required the inmate's administrative segregation no longer exist. Recommendations for release may be submitted to the superintendent at any time by segregation unit staff or other staff familiar with the inmate's situation. An inmate who voluntarily requests segregation or protective custody in writing, on the security designation review form, may request to be returned to his or her housing unit at any time.

(2) Only the deputy secretary/designee has the authority to release an inmate from intensive management status.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 137-32-020	Intermediate informal review.
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WSR 07-08-065

STATE INDEPENDENT LIVING COUNCIL

[Filed March 29, 2007, 2:54 p.m.]

The state independent living council SPIL committee will be holding a public forum on May 22, 2007, Lakewood Branch of the Pierce County Library (PCL), 6300 Wildaire Road S.W., Lakewood, WA 98499, 4:30 to 8:00 p.m.

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

ASL interpreters will be on site; for assistive listening equipment or other accommodation needs, please call Grace Doyle by May 8th at 1-866-252-2939 or (360) 725-3692.

WSR 07-08-069

**NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD**

[Filed March 29, 2007, 4:42 p.m.]

The May 1, 2007, regular scheduled meeting will be located at the Enzian Inn, 590 Highway 2, Leavenworth, WA 98826, 800-223-8511. The meeting will begin at 8:30 a.m.

The public works board will be holding a retreat at the same location, the Enzian Inn, Leavenworth, Washington. The retreat will begin on May 1, 2007, at 1:30 p.m. - 5:00 p.m.; May 2, 2007, at 8:00 a.m. - 5:00 p.m.; and May 3, 2007, at 8:00 a.m. - 12:00 p.m.

Please contact the public works board at (360) 586-4120 for any further information.

WSR 07-08-073

**NOTICE OF PUBLIC MEETINGS
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed March 30, 2007, 10:50 a.m.]

2007 MEETING SCHEDULE

The Washington state board of pilotage commissioners meets on the second Thursday of each month unless otherwise rescheduled or canceled. Meetings are held at 9:30 a.m., at 2901 Third Avenue, Seattle, WA. Following is the schedule of 2007 board meetings:

- January 11
- February 8
- March 21
- April 18
- May 23
- June 14
- July 12

August 9
September 13
October 11
November 8
December 13

In accordance with RCW 42.30.075, this schedule of regular meeting dates for the board of pilotage commissioners is filed with the office of the code reviser for publication in the Washington state register.

WSR 07-08-074
POLICY STATEMENT
BOARD OF
PILOTAGE COMMISSIONERS
[Filed March 30, 2007, 11:15 a.m.]

In accordance with RCW 34.05.230, the following is a policy statement issued by the Board of Pilotage Commissioners, 2901 Third Avenue, Seattle, WA 98121.

The Interpretation of the Term "Deadweight Tons" as Used in RCW 88.16.190: The final proviso of RCW 88.16.190 exempts vessels under 40,000 deadweight tons from the provisions of RCW 88.16.070 through 88.16.190.

It is the policy of the board that for all voyages henceforth, deadweight tons referred to in this proviso means deadweight as measured in metric tons (one metric ton equals 1,000 kilograms). This new policy was issued on March 21, 2007.

Contact person: Peggy Larson, (206) 515-3904.

WSR 07-08-075
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Driver Training Schools Advisory Committee)
[Filed March 30, 2007, 2:53 p.m.]

The next three meetings of the driver training schools advisory committee are scheduled as follows:

Thursday, June 21, 2007 9:00 a.m. - 3:00 p.m.	Highways-Licensing Building Room 413 1125 Washington Street S.E. Olympia, WA 98501
Wednesday, August 22, 2007 9:00 a.m. - 3:00 p.m.	Big Bend Community College 7662 Chanute Street N.E. Moses Lake, WA 98837
Wednesday, October 24, 2007 9:00 a.m. - 3:00 p.m.	Highways-Licensing Building Room 413 1125 Washington Street S.E. Olympia, WA 98501

If you have any questions regarding these meetings you can reach Tana Cochran at (360) 902-0110 or via e-mail to tse@dol.wa.gov.

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

WSR 07-08-076
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Driver Training Schools Advisory Committee)
[Filed March 30, 2007, 2:53 p.m.]

Upcoming DTS Advisory Committee Meetings

PLEASE NOTE: THE FOLLOWING DRIVER TRAINING SCHOOL[S] ADVISORY COMMITTEE MEETING HAS BEEN CANCELLED:

Thursday, April 12, 2007 9:00 a.m. - 3:00 p.m.	Highways-Licensing Building Room 413 1125 Washington Street S.E. Olympia, WA 98501
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THE RESCHEDULED MEETING IS SCHEDULED FOR:

Wednesday, May 9, 2007 9:00 a.m. - 3:00 p.m.	Highways-Licensing Building Room 413 1125 Washington Street S.E. Olympia, WA 98501
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If you have any questions regarding this matter, you can reach Tana Cochran at (360) 902-0110 or via e-mail to tse@dol.wa.gov.

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

WSR 07-08-078
NOTICE OF PUBLIC MEETINGS
GREEN RIVER
COMMUNITY COLLEGE
[Filed April 2, 2007, 9:47 a.m.]

Regular Meeting Date Change

The board of trustees of Community College District No. 10 has rescheduled the date of its regular May 2007 meeting, from May 17 to Wednesday, May 9, 2007.

WSR 07-08-082
DEPARTMENT OF CORRECTIONS
[Filed April 2, 2007, 11:11 a.m., effective May 3, 2007]

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

Following are the department of corrections' amendments to WAC 137-52-010, escorted leave, WAC 137-96-020, prerelease programs and WAC 137-104-020 and 137-104-030, community custody violation hearings. These amendments are submitted for publication in the Washington State Register and the Washington Administrative Code. Pertinent information follows:

1. The amendments to the WAC sections identified above are adopted as of April 2, 2007.

2. The effective date of these rules shall be thirty-one days after filing.

3. I certify pursuant to RCW 34.05.030 that the rules as stated above are excluded from the Administrative Procedure Act.

H. W. Clarke
Secretary

AMENDATORY SECTION (Amending WSR 01-04-001, filed 1/24/01, effective 2/22/01)

WAC 137-52-010 Definitions. (1) "Escorted leave" is an approved leave of absence by an inmate from a correctional facility under the continuous supervision of trained correctional staff.

(2) "Immediate family" includes an inmate's parents, stepparents, parent surrogates, grandparents, legal guardians, spouse, brothers, sisters, half or step-brothers or sisters, children, stepchildren, and dependents whether or not in direct lineal relationship to the inmate.

(3) "Indigent" shall be understood to mean an inmate who has not been credited with five dollars or more total from any source(s) for deposit to the inmate's trust fund account during the thirty days preceding the request for an escorted leave and has less than a five dollar balance in his/her trust fund account on the day the escorted leave is requested, or together with his/her immediate family cannot post a five hundred dollar bond to secure the repayment of the expenses of the escorted leave on the day the escorted leave is requested. A declaration of indigency shall be signed by the inmate and the inmate's family on forms provided by the department.

(4) "Director" means the deputy secretary of the (~~office of correctional operations~~) prisons division or his/her designee(s).

(5) "Superintendent" means the superintendent of a state correctional institution, state honor camp, or other penal institutions as now or hereafter established under the jurisdiction of the department of corrections pursuant to law or his/her designee.

(6) "Department" means the department of corrections.

(7) "Secretary" means the secretary of the department of corrections or his/her designee(s).

(8) "Nonviolent offender" means any person convicted of a felony not classified as a violent offense under chapter 9.94A RCW.

AMENDATORY SECTION (Amending WSR 03-16-072, filed 8/4/03, effective 9/4/03)

WAC 137-96-020 Definitions. (1) "Secretary" is the secretary of the department of corrections.

(2) "Deputy secretary" is the deputy secretary, (~~office of correctional operations~~) prisons division, department of corrections.

(3) "Assistant deputy secretary" is the assistant deputy secretary, (~~office of correctional operations~~) prisons division.

(4) "Superintendent" is the individual responsible for the planning, organizing, and implementation of programs at a prerelease facility.

(5) "Contract staff" is the staff member(s) of an agency under contract to the department of corrections to provide programming for offenders at prerelease.

(6) "Prerelease offender" is an offender who has been approved and placed in prerelease.

(7) "Volunteer escort" is a responsible citizen who has been screened, trained, and assigned to escort and supervise offenders during official and approved activities outside of the facility or to participate in approved activities inside the facility.

(8) "Prerelease" is a total confinement facility approved for housing and supervision of offenders under the jurisdiction of the department of corrections. The program provides the transitional services necessary to assist offenders in their successful return into the community.

AMENDATORY SECTION (Amending WSR 03-16-072, filed 8/4/03, effective 9/4/03)

WAC 137-104-020 Definitions. For purposes of this chapter, the following words have the following meanings:

(1) "Appeals panel" means three reviewing officers designated by the secretary with the authority to review hearing officers' decisions, and to affirm, reverse, or modify decisions and sanctions in accordance with RCW 9.94A.737.

(2) "Community corrections officer" means an employee of the department responsible for carrying out specific duties concerning the supervision of sentenced offenders and monitoring of sentence conditions.

(3) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time served in the community subject to controls placed on the offender's movement and activities by the department. Offenders supervised on community custody include those subject to community placement (as defined in RCW 9.94A.-030), drug offender sentencing alternative (as described in RCW 9.94A.505), community custody for a sex offense (as described in RCW 9.94A.505), community custody max, first-time offender waiver (as described in RCW 9.94A.505), or a work ethic camp program (as defined in RCW 9.94A.-030), and those sentenced to community custody by the court for crimes committed on or after July 1, 2000, whose sentence is less than one year of confinement. For purposes of this subsection, "community custody max" means a term of community custody for certain sex offenders who have completed their maximum sentences of confinement.

(4) "Department" means the Washington state department of corrections.

(5) "Deputy secretary" means the deputy secretary of the (~~office of correctional operations~~) prisons division of the department, or the deputy secretary's designee.

(6) "Graduated sanction system" means structured incremental responses designed to reduce risk to the public, effectively intervene in noncompliant behavior, where possible, repair harm to the community, and make efficient use of limited state resources. Sanctions may include, but are not limited to, partial or total confinement; home detention with

electronic monitoring; work crew; community service; inpatient treatment; daily reporting; curfew; educational or counseling sessions; supervisions enhanced through electronic monitoring; or any other sanctions available in the community.

(7) "Hearing officer" means an employee of the department authorized to conduct department hearings.

(8) "Hearings program manager" means the manager of the hearings unit of the department, or the hearings program manager's designee.

(9) "Offender" means any person in the custody of or subject to the jurisdiction of the department.

(10) "Partial confinement" means confinement in a facility or institution operated or utilized under contract by the state or by any other unit of government, to include, but not be limited to, work release, treatment center, residential facility, or home detention with electronic monitoring.

(11) "Probable cause" means a determination, made by a hearing officer, that there is cause to believe a violation has occurred.

(12) "Secretary" means the secretary of the department, or the secretary's designee.

(13) "Stipulated agreement" means an agreement between the offender and the department in which the offender admits violations and agrees to comply with intermediate sanctions. For the purposes of this subsection, "intermediate sanction" means department-imposed sanctions that are served in the community rather than total confinement.

(14) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, to include, but not be limited to, adult correctional facilities, camp and prerelease facilities or a county or municipal jail.

(15) "Working day" means Monday through Friday, 8:00 a.m. to 5:00 p.m., Pacific Time, except for holidays observed by the state of Washington.

AMENDATORY SECTION (Amending WSR 01-04-044, filed 2/1/01, effective 3/1/01)

WAC 137-104-030 Hearing officers. (1) Hearing officers will report to and be supervised by the hearings program manager, within the department's (~~office of correctional operations~~) prisons division, through an independent chain of command.

(2) Hearing officers may not hear a case in which they have direct personal involvement in the incident under consideration and must formally disqualify themselves by notifying the hearings program manager. The hearings program manager will select a replacement hearing officer.

(3) Hearing officers shall disqualify themselves if they believe that they cannot render a fair judgment in the hearing. The hearings program manager may change the hearing officer assigned to hear a case upon a written request from an offender and a showing of good cause.

WSR 07-08-098

**PUBLIC RECORDS OFFICER
STATE BOARD OF EDUCATION**

[Filed April 3, 2007, 2:16 p.m.]

On April 2, 2007, Loy McColm will become the public records officer for the state board of education. She replaces Pat Eirish.

Edith W. Harding
Executive Director