

WSR 08-13-019
RULES OF COURT
STATE SUPREME COURT

[June 6, 2008]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO NEW MPR) NO. 25700-A-895
3.5—NOTICE OF RESTRICTIONS, CrR)
6.16—VERDICTS AND FINDINGS AND)
CrRLJ 6.16 VERDICTS AND FINDINGS)

The Washington Association of Prosecuting Attorneys having recommended the adoption of the proposed amendments to New MPR 3.5—Notice of Restrictions, CrR 6.16—Verdicts and Findings and CrRLJ 6.16—Verdicts and Findings, 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 amendment as attached hereto are to be published for comment in the Washington Reports, Washington Register, and on the Washington State Bar Association and Office of the Administrator for the Courts' websites expeditiously.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 60 days from the published date. 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 6th day of June, 2008.

For the Court
Gerry L. Alexander
CHIEF JUSTICE

GR 9 COVER SHEET

New Mental Proceedings Rule 3.5
Concerning Statutory Notifications Regarding Firearm Restrictions

Purpose:

RCW 9.41.047 was enacted in 1994 as part of an omnibus violence reduction program. See Laws of 1994, 1st Sp. Sess. §§ 101 and 404. This statute provides, in pertinent part, that

At the time a person is ... committed by court order under RCW 71.05.320, 71.34.090 [recodified in 2005 as RCW 71.34.750], or chapter 10.77 RCW for mental health treatment, the ... or committing court shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record....

The convicting or committing court also shall forward a copy of the person's driver's license or identicard, or compa-

rable information, to the department of licensing, along with the date of conviction or commitment.

RCW 9.41.047(1).

A recent informal review of the adequacy of the state's compliance with the above statute indicates that, while some courts are providing the statutorily required notice, many are not. This informal review also established that sufficient information is often not being submitted to the Department of Licensing to allow the Department to match the notice to a specific person's file. In addition, proposed federal legislation would reduce federal provided to states that do not fully report the names of individuals who are ineligible to possess a firearm under 18 U.S.C. § 922 (g)(4) due to the individual having "been adjudicated as a mental defective or has been committed to any mental institution." See H.R. 2640 and S. 2084 (NICS Improvement Amendment Act of 2007).

Providing committed individuals with information regarding the impact of the commitment upon their ability to possess a firearm is only fair. While the failure to provide such notice may present a defense to a state firearms charge, the federal law recognizes no such defense. See United States v. Milheron, 231 F. Supp. 2d 376, 378-81 (D. Maine 2002) (ignorance of the law is not a defense to prosecution for possession a firearm in violation of 18 U.S.C. § 922 (g)(4)). Cf. United States v. Napier, 233 F.3d 394 (6th Cir. 2000) (failure to notify the person restrained by a DV order that federal law bars their possession of a firearm is not a defense to federal prosecution for unlawfully possessing a firearm); United States v. Kafka, 222 F.3d 1129, 1131-32 (9th Cir. 2000) (same).

Adding a new court rule to the Mental Proceedings Rules that outlines the duties mandated by a statute that is buried in Title 9 RCW, will increase the likelihood that individuals who are committed for mental health treatment will receive information that can assist them in avoiding criminal liability and that the government will receive information that can assist it during gun purchase background checks.

NEW MENTAL PROCEEDING RULE 3.5
NOTICE OF RESTRICTIONS

A. Notice Requirements. The court shall, immediately after entry of an order of detention under RCW 71.05.320 or RCW 71.34.750, advise the respondent that of the need to surrender any firearm and any concealed pistol license, and of the prohibition upon the possession of any firearm or of a concealed pistol license.

B. Form. The form shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR [] COUNTY
In re the Detention of:) No.
) NOTICE OF
Petitioner:) FIREARM
and) DISABILITY
Respondent:)

TO THE ABOVE-NAMED RESPONDENT:

You are hereby advised that you have been

- committed by court order under RCW 71.05.320
- committed by court order under RCW 71.34.750

YOU ARE ADVISED THAT YOU ARE TO IMMEDIATELY SURRENDER ANY FIREARM AND ANY CONCEALED PISTOL LICENSE AND YOU MAY NOT POSSESS A FIREARM OR A CONCEALED PISTOL LICENSE UNTIL YOUR RIGHT HAS BEEN RESTORED BY A COURT OF RECORD.

This document has been read to the respondent.

DATED:

Respondent's Signature _____ Judge/Commissioner/Pro Tem _____
 Respondent's Last Name _____ First Name _____ Middle Name _____
 List any aliases _____
 Residential Street Address _____
 City _____ State _____ Zip _____
 Date of Birth (month/date/year) _____ Driver's License/ID Number _____
 Race _____ Sex _____ Weight _____ Height _____ Eyes _____ Hair _____
 Court NCIC # _____

Submit to: Dept. of Licensing, Business & Professions Firearms Unit, PO Box 9649, Olympia, WA 98507-9649

C. Record. A verbatim record of the notice of firearm disability shall be made. The clerk of the court shall forward a copy of the notice of firearm disability to the Department of Licensing, Business & Professions Firearms Unit.

GR 9 COVER SHEET

Proposal to Amend Superior Court Criminal Rules Rule 6.16

Concerning Not Guilty By Reason of Insanity Verdicts

Purpose:

1. Notification of Firearm Restrictions. RCW 9.41.047 was enacted in 1994 as part of an omnibus violence reduction program. See Laws of 1994, 1st Sp. Sess. §§ 101 and 404. This statute provides, in pertinent part, that

At the time a person is ... committed by court order under RCW 71.05.320, 71.34.090 [recodified in 2005 as RCW 71.34.750], or chapter 10.77 RCW for mental health treatment, the ... or committing court shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record. For purposes of this section a convicting court includes a court in which a person has been found not guilty by reason of insanity.

The convicting or committing court also shall forward a copy of the person's driver's license or identicard, or comparable information, to the department of licensing, along with the date of conviction or commitment.

RCW 9.41.047(1).

A recent informal review of the adequacy of the state's compliance with the above statute indicates that, while some courts are providing the statutorily required notice when an

individual is acquitted by reason of insanity, many are not. This informal review also established that sufficient information is often not being submitted to the Department of Licensing to allow the Department to match the notice to a specific person's file. In addition, proposed federal legislation would reduce federal provided to states that do not fully report the names of individuals who are ineligible to possess a firearm under 18 U.S.C. § 922 (g)(4) due to the individual having "been adjudicated as a mental defective or has been committed to any mental institution." See H.R. 2640 and S. 2084 (NICS Improvement Amendment Act of 2007).

Providing defendants who are acquitted by reason of insanity (hereinafter "NGI acquittee") with information regarding the impact of the acquittal upon their ability to possess a firearm is only fair. While the failure to provide such notice may present a defense to a state firearms charge, the federal law recognizes no such defense. See *United States v. Milheron*, 231 F. Supp. 2d 376, 378-81 (D. Maine 2002) (ignorance of the law is not a defense to prosecution for possession a firearm in violation of 18 U.S.C. § 922 (g)(4)). Cf. *United States v. Napier*, 233 F.3d 394 (6th Cir. 2000) (failure to notify the person restrained by a DV order that federal law bars their possession of a firearm is not a defense to federal prosecution for unlawfully possessing a firearm); *United States v. Kafka*, 222 F.3d 1129, 1131-32 (9th Cir. 2000) (same).

Adding a new section to CrR 6.16 that outlines the duties mandated by a statute that is buried in Title 9 RCW, will increase the likelihood that NGI acquittees will receive information that can assist them in avoiding criminal liability and that the government will receive information that can assist it during gun purchase background checks.

2. Sex Offender Registration. Persons who are found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense as defined by RCW 9A.44.130(10), are required to register as sex offenders pursuant to RCW 9A.44.130. While persons who plead guilty to a sex offense or kidnapping offense or who are found guilty of a sex offense or kidnapping offense are advised by the court of their obligation to register pursuant to CrR 4.2(g) and CrR 7.2(d)'s adoption of the uniform judgment and sentence, no court rule or statute mandates that the NGI acquittee receive the same information.

Providing an NGI acquittee with information regarding their obligations under RCW 9A.44.130 at the time of the NGI verdict will increase the likelihood that the NGI acquittee will satisfy his or her obligations under the law. Improved compliance with the sex offender registration law by NGI acquittees, increases the ability of law enforcement agencies to keep their communities safe.

3. Time Limits on Collateral Attacks. The legislature in RCW 10.73.090 mandated that collateral attacks on facially valid judgments must generally be brought within one year of the judgment becoming final. This one year time bar has been incorporated into numerous court rules. See, e.g., CrR 7.8(b); CrRLJ 7.8(b); RAP 16.4(d). This one year time bar has been applied by this court to an NGI acquittee's collateral attack. See *In re Personal Restraint of Well*, 133 Wn.2d 433, 946 P.2d 750 (1997).

Individuals who are convicted of crimes are advised pursuant to statute and court rule of the one year time period for filing a collateral attack. See RCW 10.73.110; CrR 7.2 (b)(6); CrRLJ 7.2 (b)(6). No statute or court rule requires that NGI acquittees receive the same warning. Well, 133 Wn.2d at 443-44.

Providing an NGI acquittee with information regarding the time bar upon filing a collateral attack when the verdict is received will alert the NGI acquittee of the need to act in a timely manner.

PROPOSED AMENDMENT TO CrR 6.16

VERDICTS AND FINDINGS

(a) Verdicts.

(1) Several Defendants. If there are two or more defendants, the jury at any time during its deliberations may return a verdict or verdicts with respect to a defendant or defendants as to whom it has agreed; if a jury cannot agree with respect to all, the defendant or defendants as to whom it does not agree may be tried again.

(2) Return of Verdict. When all members of the jury agree upon a verdict, the presiding juror shall complete and sign the verdict form and return it to the judge in open court.

(3) Poll of Jurors. When a verdict or special finding is returned and before it is recorded, the jury shall be polled at the request of any party or upon the court's own motion. If at the conclusion of the poll, all of the jurors do not concur, the jury may be directed to retire for further deliberations or may be discharged by the court.

(b) Special Findings. The court may submit to the jury forms for such special findings which may be required or authorized by law. The court shall give such instruction as may be necessary to enable the jury both to make these special findings or verdicts and to render a general verdict. When a special finding is inconsistent with another special finding or with the general verdict, the court may order the jury to retire for further consideration.

(c) Forms.

(1) Verdict. The verdict of the jury may be in substantially the following form:

We, the jury, find the defendant guilty (or not guilty) of the crime of _____ as charged in count number _____.

Signature of Presiding Juror

(2) Special Findings. Special findings may be substantially in the following form:

Was the defendant _____ (name) _____ armed with a deadly weapon at the time of the commission of the crime charged in count number _____ No () Yes ()

(d) Not Guilty By Reason of Insanity.

(1) Procedure When Verdict Received. If a defendant is acquitted of a crime by reason of insanity, the court shall either direct the defendant's release or shall order the defendant's hospitalization or an appropriate alternative treatment as mandated by RCW 10.77.110. Prior to the entry of an

appropriate order releasing or detaining the defendant, the court shall advise the defendant: (i) of the need to surrender any firearm and any concealed pistol license, and of the prohibition upon the possession of any firearm or of a concealed pistol license; (ii) of the time limits on the right to collateral attack imposed by RCW 10.73.090 and .100; and (iii) if the defendant is acquitted of a sex offense or kidnapping offense as defined in RCW 9A.44.130, of the need to register as a sex offender or kidnapping offender.

(2) Form of Notice. The form shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR [] COUNTY
STATE OF WASHINGTON) No.
Plaintiff) NOT GUILTY BY REASON OF
vs.) INSANITY
) ACQUITTEE'S NOTICE OF
) [] FIREARM DISABILITY
) [] TIME LIMITS ON COLLAT-
) ERAL ATTACKS
) [] SEX OFFENDER OR KID-
_____) NAPPING
Defendant.) OFFENDER REGISTRATION
) REQUIREMENTS
_____)

TO THE ABOVE-NAMED DEFENDANT:

You are hereby advised that you have been acquitted by reason of insanity of the offense of _____.

YOU ARE ADVISED THAT YOU ARE TO IMMEDIATELY SURRENDER ANY FIREARM AND ANY CONCEALED PISTOL LICENSE AND YOU MAY NOT POSSESS A FIREARM OR A CONCEALED PISTOL LICENSE UNTIL YOUR RIGHT HAS BEEN RESTORED BY A COURT OF RECORD.

You are further advised that if you wish to petition or move for collateral attack on any order of hospitalization or order mandating alternative treatment less restrictive than detention in a state hospital, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. In re Personal Restraint of Well, 133 Wn.2d 433, 946 P.2d 750 (1997).

If the following numbered paragraphs apply, they should initialed by the Defendant and the Judge.

1. General Applicability and Requirements. Because the offense which you have been acquitted of committing by reason of insanity is classified as a sex offense or kidnapping offense in RCW 9A.44.130, you will be required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of my school, place of employment, or vocation. You must register imme-

diately upon being acquitted by reason of insanity unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has you in custody and you must also register within 24 hours of your release with the sheriff of the county of the state of Washington where you will be residing, or if not residing in the state of Washington, where you are a student, where you are employed, or where you carry on a vocation.

2. Offenders Who Leave the State and Return: If you leave this state following your acquittal or release from custody but later move back to Washington, you must register within three business days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Social and Health Services. If you leave this state following your acquittal or release from custody, but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Social and Health Services.

3. Change of Residence Within State and Leaving the State: If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence and you must register with the sheriff of the new county within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move out of Washington State, you must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom you last registered in Washington State.

4. Additional Requirements Upon Moving to Another State: If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): If you are a resident of Washington and you are admitted to a public or private institution of higher education, you shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of your residence of your intent to attend the institution. If you become employed at a public or private institution of higher education, You are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first

business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. The sheriff shall promptly notify the principal of the school.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you not have a residence at the time of your release from custody. Within 48 hours, excluding weekends and holidays, after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report in person to the sheriff of the county where you are registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list of the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make you subject to disclosure to the public at large pursuant to RCW 4.24.550.

7. Reporting Requirements for Persons Who Are Risk Level II or III: If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the community, you may petition the superior court to be relieved of the duty to report every 90 days.

8. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

The warning regarding firearms has been read to the defendant.

DATED:

Defendant's Signature
Defendant's Last Name

Judge/Commissioner/Pro Tem
First Name Middle Name

List any aliases

Residential Street Address

City State Zip

Date of Birth Driver's License/ID Number
(month/date/year)

Race Sex Weight Height Eyes Hair

Court NCIC #

Submit to: Dept. of Licensing, Business & Professions
Firearms Unit, PO Box 9649, Olympia, WA 98507-9649

(3) Record. A verbatim record of the notice of verdict return proceedings shall be made. The clerk of the court shall forward a copy of the notice of firearm disability to the Department of Licensing, Business & Professions Firearms Unit.

GR 9 COVER SHEET

Criminal Rules for Courts of Limited Jurisdiction Rule 6.16 Concerning Not Guilty By Reason of Insanity Verdicts

Purpose:

1. Notification of Firearm Restrictions. RCW 9A.41-047 was enacted in 1994 as part of an omnibus violence reduction program. See Laws of 1994, 1st Sp. Sess. §§ 101 and 404. This statute provides, in pertinent part, that

At the time a person is ... committed by court order under RCW 71.05.320, 71.34.090 [recodified in 2005 as RCW 71.34.750], or chapter 10.77 RCW for mental health treatment, the ... or committing court shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record. For purposes of this section a convicting court includes a court in which a person has been found not guilty by reason of insanity.

The convicting or committing court also shall forward a copy of the person's driver's license or identicaid, or comparable information, to the department of licensing, along with the date of conviction or commitment.

RCW 9A.41.047(1).

A recent informal review of the adequacy of the state's compliance with the above statute indicates that, while some courts are providing the statutorily required notice when an individual is acquitted by reason of insanity, many are not. This informal review also established that sufficient information is often not being submitted to the Department of Licensing to allow the Department to match the notice to a specific person's file. In addition, proposed federal legislation would reduce federal provided to states that do not fully report the names of individuals who are ineligible to possess a firearm under 18 U.S.C. § 922 (g)(4) due to the individual having "been adjudicated as a mental defective or has been committed to any mental institution." See H.R. 2640 and S. 2084 (NICS Improvement Amendment Act of 2007).

Providing defendants who are acquitted by reason of insanity (hereinafter "NGI acquittee") with information regarding the impact of the acquittal upon their ability to possess a firearm is only fair. While the failure to provide such

notice may present a defense to a state firearms charge, the federal law recognizes no such defense. See *United States v. Milheron*, 231 F. Supp. 2d 376, 378-81 (D. Maine 2002) (ignorance of the law is not a defense to prosecution for possession of a firearm in violation of 18 U.S.C. § 922 (g)(4)). Cf. *United States v. Napier*, 233 F.3d 394 (6th Cir. 2000) (failure to notify the person restrained by a DV order that federal law bars their possession of a firearm is not a defense to federal prosecution for unlawfully possessing a firearm); *United States v. Kafka*, 222 F.3d 1129, 1131-32 (9th Cir. 2000) (same).

Adding a new section to CrRLJ 6.16 that outlines the duties mandated by a statute that is buried in Title 9 RCW, will increase the likelihood that NGI acquittees will receive information that can assist them in avoiding criminal liability and that the government will receive information that can assist it during gun purchase background checks.

2. Sex Offender Registration. Persons who are found not guilty by reason of insanity under chapter 10.77 RCW for committing any sex offense or kidnapping offense as defined by RCW 9A.44.130(10), are required to register as sex offenders pursuant to RCW 9A.44.130. While persons who plead guilty to a sex offense or kidnapping offense or who are found guilty of a sex offense or kidnapping offense are advised by the court of their obligation to register pursuant to CrRLJ 4.2(g) and CrRLJ 7.2(e)'s adoption of the uniform judgment and sentence, no court rule or statute mandates that the NGI acquittee receive the same information.

Providing an NGI acquittee with information regarding their obligations under RCW 9A.44.130 at the time of the NGI verdict will increase the likelihood that the NGI acquittee will satisfy his or her obligations under the law. Improved compliance with the sex offender registration law by NGI acquittees, increases the ability of law enforcement agencies to keep their communities safe.

3. Time Limits on Collateral Attacks. The legislature in RCW 10.73.090 mandated that collateral attacks on facially valid judgments must generally be brought within one year of the judgment becoming final. This one year time bar has been incorporated into numerous court rules. See, e.g., CrR 7.8(b); CrRLJ 7.8(b); RAP 16.4(d). This one year time bar has been applied by this court to an NGI acquittee's collateral attack. See *In re Personal Restraint of Well*, 133 Wn.2d 433, 946 P.2d 750 (1997).

Individuals who are convicted of crimes are advised pursuant to statute and court rule of the one year time period for filing a collateral attack. See RCW 10.73.110; CrR 7.2 (b)(6); CrRLJ 7.2 (b)(6). No statute or court rule requires that NGI acquittees receive the same warning. *Well*, 133 Wn.2d at 443-44.

Providing an NGI acquittee with information regarding the time bar upon filing a collateral attack when the verdict is received will alert the NGI acquittee of the need to act in a timely manner.

CrRLJ 6.16—Verdicts and Findings

(a) Verdicts.

(1) *Several Defendants.* If there are two or more defendants, the jury at any time during its deliberations may return a verdict or verdicts with respect to a defendant or defendants

as to whom it has agreed; if a jury cannot agree with respect to all, the defendant or defendants as to whom it does not agree may be tried again.

(2) *Return of Verdict.* When all members of the jury agree upon a verdict of guilty or not guilty, the presiding juror shall complete and sign the verdict form and return it to the judge in open court.

(3) *Poll of Jurors.* When a verdict or special finding is returned and before it is recorded, the jury shall be polled at the request of any party or upon the courts own motion. If at the conclusion of the poll, all of the jurors do not concur, the jury may be directed to retire for further deliberations or may be discharged by the court.

(b) **Special Findings.** The court may submit to the jury forms for such special findings which may be required or authorized by law. The court shall give such instruction as may be necessary to enable the jury both to make these special findings or verdicts and to render a general verdict. When a special finding is inconsistent with another special finding or with the general verdict, the court may order the jury to retire for further consideration.

(c) **Not Guilty By Reason of Insanity.**

(1) *Procedure When Verdict Received.* If a defendant is acquitted of a crime by reason of insanity, the court shall either direct the defendant's release or shall order the defendant's hospitalization or an appropriate alternative treatment as mandated by RCW 10.77.110. Prior to the entry of an appropriate order releasing or detaining the defendant, the court shall advise the defendant: (i) of the need to surrender any firearm and any concealed pistol license, and of the prohibition upon the possession of any firearm or of a concealed pistol license; (ii) of the time limits on the right to collateral attack imposed by RCW 10.73.090 and .100; and (iii) if the defendant is acquitted of a sex offense or kidnapping offense as defined in RCW 9A.44.130, of the need to register as a sex offender or kidnapping offender.

(2) *Form of Notice.* The form shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY

STATE OF WASHINGTON) No.
Plaintiff,) NOT GUILTY BY REASON OF
vs.) INSANITY
) ACQUITTEE'S NOTICE OF
) FIREARM DISABILITY
) TIME LIMITS ON COLLAT-
) ERAL ATTACKS
) SEX OFFENDER OR KID-
_____) NAPPING
Defendant,) OFFENDER REGISTRATION
) REQUIREMENTS
)

TO THE ABOVE-NAMED DEFENDANT:

You are hereby advised that you have been acquitted by reason of insanity of the offense of _____.

YOU ARE ADVISED THAT YOU ARE TO IMMEDIATELY SURRENDER ANY FIREARM AND ANY CONCEALED PISTOL LICENSE AND YOU MAY NOT POSSESS A FIREARM OR A CONCEALED PISTOL LICENSE UNTIL YOUR RIGHT HAS BEEN RESTORED BY A COURT OF RECORD.

You are further advised that if you wish to petition or move for collateral attack on any order of hospitalization or order mandating alternative treatment less restrictive than detention in a state hospital, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. In re Personal Restraint of Well, 133 Wn.2d 433, 946 P.2d 750 (1997).

If the following numbered paragraphs apply, they should initialed by the Defendant and the Judge.

1. General Applicability and Requirements. Because the offense which you have been acquitted of committing by reason of insanity is classified as a sex offense or kidnapping offense in RCW 9A.44.130, you will be required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of my school, place of employment, or vocation. You must register immediately upon being acquitted by reason of insanity unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has you in custody and you must also register within 24 hours of your release with the sheriff of the county of the state of Washington where you will be residing, or if not residing in the state of Washington, where you are a student, where you are employed, or where you carry on a vocation.

2. Offenders Who Leave the State and Return: If you leave this state following your acquittal or release from custody but later move back to Washington, you must register within three business days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Social and Health Services. If you leave this state following your acquittal or release from custody, but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Social and Health Services.

3. Change of Residence Within State and Leaving the State: If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence and you must register with the sheriff of the new county within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff

of the county where last registered within 10 days of moving. If you move out of Washington State, you must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom you last registered in Washington State.

4. Additional Requirements Upon Moving to Another State: If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): If you are a resident of Washington and you are admitted to a public or private institution of higher education, you shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of your residence of your intent to attend the institution. If you become employed at a public or private institution of higher education, You are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. The sheriff shall promptly notify the principal of the school.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you not have a residence at the time of your release from custody. Within 48 hours, excluding weekends and holidays, after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report in person to the sheriff of the county where you are registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list of the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make you subject to disclosure to the public at large pursuant to RCW 4.24.550.

7. Reporting Requirements for Persons Who Are Risk Level II or III: If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the community, you may petition the superior court to be relieved of the duty to report every 90 days.

8. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

The warning regarding firearms has been read to the defendant.

DATED:

_____	_____	Judge/Commissioner/Pro Tem
Defendant's Signature		
Defendant's Last Name	First Name	Middle Name
List any aliases		
Residential Street Address		
City	State	Zip
Date of Birth	Driver's License/ID Number	
(month/date/year)		
Race	Sex	Weight
		Height
		Eyes
		Hair
Court NCIC #		

Submit to: Dept. of Licensing, Business & Professions Firearms Unit, PO Box 9649, Olympia, WA 98507-9649

(3) Record. A verbatim record of the notice of verdict return proceedings shall be made. The clerk of the court shall forward a copy of the notice of firearm disability to the Department of Licensing, Business & Professions Firearms Unit.

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 08-14-003
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Health Technology Clinical Committee)
 [Filed June 19, 2008, 10:16 a.m.]

AMENDED
2008 PUBLIC MEETING SCHEDULE

	Date of Public Meeting	Location	Tentative Topics*
1.	Friday, February 15, 2008 8:00 a.m. - 4:30 p.m.	Marriott Hotel 3201 South 176th Street Seattle, WA 98188	1. Discography. 2. Virtual colonoscopy.
2.	Friday, May 9, 2008 CANCELLED		
3.	Friday, August 15, 2008 8:00 a.m. - 4:30 p.m.	Marriott Hotel 3201 South 176th Street Seattle, WA 98188	1. Intrathecal pumps. 2. Arthroscopic surgery of the knee.
4.	Friday, October 17, 2008 8:00 a.m. - 4:30 p.m.	Marriott Hotel 3201 South 176th Street Seattle, WA 98188	1. Artificial discs.
5.	Friday, November 14, 2008 8:00 a.m. - 4:30 p.m.	TBA	1. Cardiac stent (off label usage). 2. Computed tomographic angiography (CTA for cardiac care).

*Topics to be finalized with each meeting's published agenda.

If you are a person with a disability and need special accommodation, please contact Denise Santoyo at (360) 923-2742.

WSR 08-14-004
NOTICE OF PUBLIC MEETINGS
WASHINGTON SCHOOL FOR THE DEAF
 [Filed June 19, 2008, 11:19 a.m.]

The Washington School for the Deaf board of trustees approved the following meeting schedule for the 2008/2009 and 2009/2010 school years. The meetings will be held on the WSD campus (unless indicated otherwise) in Clarke Hall Room 150 from 9 a.m. - 3 p.m.

- 2008/2009 School Year
 - July 25, 2008
 - September 5, 2008
 - October 3, 2008
 - November 7, 2008 (meeting held in Congressional District #6)
 - December 5, 2008
 - January 9, 2009
 - February 6, 2009
 - March 6, 2009
 - April 10, 2009

- May 8, 2009 (meeting held in Congressional District #4)
- June 5, 2009
- 2009/2010 School Year
 - July 24, 2009
 - September 4, 2009
 - October 2, 2009
 - November 6, 2009 (meeting held in Congressional District #2)
 - December 4, 2009
 - January 8, 2010
 - February 5, 2010
 - March 5, 2010
 - April 16, 2010
 - May 7, 2010 (Congressional District #5)
 - June 4, 2010

WSR 08-14-007
AGENDA
DEPARTMENT OF CORRECTIONS
 [Filed June 19, 2008, 1:35 p.m.]

Following is the department of corrections' semi-annual rule development agenda for publication in the Washington state register pursuant to RCW 34.05.314.

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

RULE DEVELOPMENT CALENDAR
 July - December 31, 2008

<u>WAC Chapter or Section</u>	<u>Purpose</u>
WAC 137-08	Public disclosure - revise policies and procedures for disclosure of public records.
WAC 137-59	Facility siting.
WAC 137-65	Costs of supervision.

John Nispel
 Rules Coordinator

WSR 08-14-016
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed June 20, 2008, 2:45 p.m.]

ISSUANCE OF INTERPRETIVE STATEMENT

Excise Tax Advisory 2002.16.179—Low-density light and power utility deduction

The department of revenue has issued a revised Excise Tax Advisory 2002.16.179 Low-density light and power utility deduction (ETA 2002). This advisory explains the public

utility tax deduction provided by RCW 82.16.053 to qualifying power and light businesses.

RCW 82.16.053 requires that the department determine the state average electric power rate each year and inform taxpayers of this rate. This rate is used by the power and light business to compute the amount of the deduction. The revised ETA 2002 updates the information to provide the rate to be used for the period of July 2008 through June 2009.

A copy of this advisory is available via the internet at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/Actions.aspx>. Alternatively, a request for a copy of this advisory may be directed to Roseanna Hodson, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-0127.

Alan R. Lynn
Rules Coordinator

WSR 08-14-020

DEPARTMENT OF AGRICULTURE

[Filed June 20, 2008, 3:18 p.m.]

PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON

LEGAL NOTICE: The Washington state department of agriculture (WSDA) plant protection division is hereby notifying the affected public that the herbicides glyphosate (e.g. Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (e.g. Habitat® or Polaris AQ®), surfactants (e.g. Agri-Dex™, Class Act Next Generation™, Competitor™, Dyne-Amic™, Kinetic™, or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1, 2008, and October 31, 2008. Properly licensed pesticide applicators who have obtained coverage under the WSDA national pollutant discharge elimination system waste discharge general permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater tideflats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

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

For more information, including locations of possible application sites or information on *Spartina*, contact the WSDA *Spartina* Control Program at (360) 902-1923. Or write: WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. To contact the WSDA NPDES permit coordinator, call Brad White at (360) 902-2071. The Washington state department of ecology 24-hour emergency number for reporting concerns about *Spartina* treatments is (360) 407-6562.

WSR 08-14-035 NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Filed June 23, 2008, 9:35 a.m.]

The board of directors of the Washington state convention and trade center has approved the following meeting dates through fiscal year 2009. The dates were approved at the June 18, 2008, regular board meeting.

Regular Board Meeting Dates

July 15, 2008
Special start time 12:30 p.m.

September 16, 2008
November 18, 2008
January 20, 2009
March 17, 2009
May 19, 2009

All meetings will be held at the Washington state convention and trade center, and are scheduled bimonthly for the third Tuesday of the month. *With the exception of the unique start time for the July 15, 2008, meeting*, all meetings begin at 2:00 p.m.

Meeting rooms are not noted because the room location may change on short notice as convention center event needs dictate.

WSR 08-14-036 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF FISH AND WILDLIFE (Fish and Wildlife Commission)

[Filed June 23, 2008, 9:35 a.m.]

REVISIONS TO THE 2008 MEETING CALENDAR

The fish and wildlife commission has made the following changes to its 2008 regular meeting calendar:

DATE	TYPE	LOCATION
July 18-19	Meeting	Spokane and Olympia
August 8-9	Meeting	Bellingham Lynnwood
September 5-6	Meeting	Issaquah Olympia

Additional meetings and conference calls may be scheduled by the commission on an as-needed basis. Changes and agendas will be posted on the internet at <http://www.wdfw.wa.gov/com/meetings.htm>.

For more information, please contact Susan Yeager in the commission office at (360) 902-2267, or via e-mail to commission@dfw.wa.gov.

Washington fish and wildlife commission meetings are open to the public and conducted at barrier-free sites. All meetings are recorded, except during executive sessions.

Contact Susan Yeager in the commission office at (360) 902-2267 if you need special assistance.

WSR 08-14-043

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Real Estate Appraiser Commission)**

[Filed June 23, 2008, 3:56 p.m.]

Per WAC 308-125-225, regular commission meetings are scheduled in February, May, August and November on the third Friday.

The schedule was filed with the office of the code reviser on January 4, 2008, however, the location for the November 21, 2008, meeting had not been determined. Following is the location for that date: Yakima County Court House, Commission Hearing Room, 128 North 2nd Street, Yakima, WA.

WSR 08-14-051

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Filed June 24, 2008, 1:45 p.m.]

The Bellingham Technical College board of trustees will hold a special meeting on Thursday, July 17, 2008, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. The special meeting will be conducted in executive session to review the performance of a public employee. No action will be taken as a result of discussions. (RCW 42.30.110 (1)(g).) Call 752-8334 for information.

WSR 08-14-053

**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**

[Filed June 24, 2008, 4:24 p.m.]

BOARD OF TRUSTEES
Thursday
June 26, 2008

Open Public Session	Approximately 2:00 p.m.	Cheney Campus Tawanka Room 215 B & C
Executive Session	11:45 a.m.	Cheney Campus PUB Room 261

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) 359-4648.

WSR 08-14-061

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

[Filed June 25, 2008, 9:04 a.m.]

Notice of Interpretive or Policy Statement

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

**Economic Services Administration
Division of Child Support**

Document Title: Administrative Policy 1.07: Security, Safes and Combinations, and File Cabinets for Personnel Files in Field Offices.

Subject: Security, safes and combinations, and file cabinets for personnel files in field offices.

Effective Date: June 16, 2008.

Document Description: This policy explains division of child support (DCS) policy for building security, office safes and combinations, and personnel files.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, 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://www1.dshs.wa.gov/dcs/>.

WSR 08-14-068

**INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE**

[Filed June 25, 2008, 3:03 p.m.]

INTERPRETIVE STATEMENT ISSUED

ETA 2029.04.245

Retail Sales Taxes Imposed on Telecommunications Used to Provide Internet Access Services

ETA 2029.04.245 (ETA 2029) addresses Washington's taxation of telecommunications purchased, sold, or used to provide Internet access under the Internet Tax Freedom Act (ITFA), 47 U.S.C. section 151 note, as amended. This ETA has been updated to recognize the enactment of the Internet Tax Freedom Act Amendments Act of 2007, Pub. L. No. 110-108 (2007). ETA 2029 clarifies that Washington's retail sales tax is not due on the sale of telecommunications purchased, sold, or used to provide Internet access services beginning June 30, 2008, under the ITFA's tax moratorium. The ETA also explains that Washington's business and occupation tax is not subject to the ITFA's tax moratorium and that Washington is permitted to continue imposing this tax on Internet access services under the other business or service activities classification. Finally, this ETA discusses Washington's taxation of telecommunications purchased, sold, or used to provide Internet access prior to June 30, 2008, under ITFA's two grandfathering clauses.

A copy of this document is available via the internet at <http://dor.wa.gov/content/FindALawOrRule/>, or a request for a copy may be directed to Roseanna Hodson, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-0127.

Alan R. Lynn
Rules Coordinator

WSR 08-14-069
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING

[Filed June 25, 2008, 3:49 p.m.]

Subject: Public hearings to review of the need for regulation of general and specialty contractors involved in the repair, alteration, or construction of single-family homes.

The following is the schedule for 2008 residential contractor hearings:

- July 9, 2008 9:00 a.m. to 4:00 p.m.
Criminal Justice Training Center
19010 First Avenue South
Burien, WA 98148-2055
(206) 835-7300
- July 11, 2008 9:00 a.m. to 4:00 p.m.
Washington State School for the Deaf
611 Grand Boulevard
Vancouver, WA 98661
(360) 418-0401
- July 15, 2008 4:00 p.m. to 8:00 p.m.
Franklin County PUD
1411 West Clark Street
Pasco, WA 99301
(509) 547-5591
- July 22, 2008 4:00 p.m. to 8:00 p.m.
Spokane City Hall
808 West Spokane Falls Boulevard
Spokane, WA 99201
(509) 625-6300

Please check our web site at <http://www.dol.wa.gov> in the interim for updates on our public hearings regarding the residential contractor industry.

WSR 08-14-071
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Filed June 26, 2008, 8:44 a.m.]

BOARD OF TRUSTEES
Retreat and Meeting Schedule
June 25 and 26, 2008

Wednesday, June 25, 2008

8:15 a.m. - Board of Trustees Retreat Riverpoint Campus
5:00 p.m. Riverpoint Academic Center
Building
Room 501
Spokane, Washington

5:30 p.m. - Dinner Meeting - Trustees, Ci Shenanigan's Restaurant
7:00 p.m. President, Vice Presidents 332 Spokane Falls Court
Spokane, WA

Thursday, June 26, 2008

8:30 a.m. - Board of Trustees Retreat EWU Cheney Campus
2:00 p.m. PUB
Room 261
Cheney, Washington

11:45 a.m. - Board Executive EWU Cheney Campus
2:00 p.m. Committee Meeting PUB
Room 261
Cheney, Washington

2:00 p.m. - Board of Trustees Eastern Washington University
4:45 p.m. Regular Open Meeting Cheney Campus
Tawanka
Room 215 B&C

BOARD OF TRUSTEES
Thursday
June 26, 2008

Open Public Session	Approximately 2:00 p.m.	Cheney Campus Tawanka Room 215 B&C
Executive Session	11:45 a.m.	Cheney Campus PUB Room 261

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) 359-4648.

WSR 08-14-082
NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIRE FIGHTERS' PLAN 2 RETIREMENT BOARD

[Filed June 26, 2008, 4:02 p.m.]

The law enforcement officers' and fire fighters' Plan 2 retirement board has changed the location of the July 23, 2008, board meeting.

The meeting will now be located at the John A. Cherberg Building, Conference Rooms A-C, Capitol Campus, Olympia, Washington.

Please feel free to contact Jessica Burkhart at (360) 586-2322 or by e-mail at jessica.burkhart@leoff.wa.gov should you have any questions.

WSR 08-14-084
NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY

[Filed June 26, 2008, 4:41 p.m.]

Meetings of the Central Washington University board of trustees for the 2008-09 academic year are listed below. The location for this summer's board retreat was changed, so the retreat is also listed.

Regular meetings of the Central Washington University board of trustees will be held at 1:30 p.m. in Barge Hall, Room 412, on the Central Washington University Ellensburg campus, except where noted, on the following dates:

- July 31-August 1, 2008
(Retreat, 211 East 10th, Ellensburg)
- October 3, 2008
- December 5, 2008
- February 6, 2009
- March 6, 2009
(CWU-Pierce County)
- May 1, 2009
- June 12, 2009
- July 30-31, 2009 (Retreat)

WSR 08-14-086
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION OFFICE

(Forum on Monitoring)
 [Filed June 27, 2008, 8:43 a.m.]

The next public meeting of the Washington forum on monitoring salmon recovery and watershed health will be **Wednesday, July 16, 2008, from 9:00 a.m. to 4:00 p.m.** in the Columbia Room of the Legislative Building in Olympia, Washington.

For further information, please contact Moriah Blake, recreation and conservation office (RCO), (360) 902-3086 or check the web page at <http://www.rco.wa.gov/monitoring/schedule.htm>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Moriah Blake at the number listed above or by e-mail at Moriah.Blake@rco.wa.gov.

WSR 08-14-087
DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 27, 2008, 11:24 a.m.]

Notice of Dividend

Pursuant to WAC 296-17-89505, the department of labor and industries, using the calculation to determine the dividend percentage as found in WAC 296-17-89505, has fixed

the percentage for the 2007 rate holiday dividend at **14.49%**. The dividend for any employer not enrolled in retrospective rating for work reported from July 1, 2007, to December 31, 2007, will be 14.49% X Accident Fund premiums paid for work done during the period July 1, 2007, to December 31, 2007.

Dividends will either be applied to debt, credited to the employer's account, or sent to employers as a dividend check.

Dividend warrants are scheduled to be mailed to eligible employers at the beginning of July 2008. Employers receiving a net dividend of \$10.00 or less will not receive a warrant, but will receive a credit on their industrial insurance account.

Judy Schurke
 Director

WSR 08-14-092
NOTICE OF PUBLIC MEETINGS
CLEMENCY AND PARDONS BOARD

[Filed June 27, 2008, 3:41 p.m.]

The Washington state clemency and pardons board hereby gives notice of the quarterly hearing dates and times scheduled for the year 2009:

Date	Time	Location ¹
March 12, 2009	10:00 a.m.	O'Brien Building Room A
June 11, 2009	10:00 a.m.	O'Brien Building Room A
September 10, 2009	10:00 a.m.	O'Brien Building Room A
December 10, 2009	10:00 a.m.	O'Brien Building Room A

¹ The location of these meetings are subject to change depending on the availability of the legislative building during the 2009 legislative session.

WSR 08-14-096
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF INFORMATION SERVICES

[Filed June 30, 2008, 8:44 a.m.]

High-speed internet strategy work group - all meetings are held from 1:00 - 4:00 p.m., in the department of information services boardroom, located on the 2nd floor of the James R. Larson Forum Building, 605 East 11th Street, Olympia, WA.

- July 9
- August 7
- September 10
- October 8
- October 22

November 6
November 19

publication in the Washington state register pursuant to RCW 34.05.314.

Please direct any questions to Kippi Walker at (360) 664-1139 or kwalker@utc.wa.gov.

For further information please contact Tamara M. Jones at (360) 902-3557.

**Semi-annual Rules Development Agenda
(July 1, 2008 - December 31, 2008)**

This report is the utilities and transportation commission's semi-annual report rule development agenda for publication in the Washington state register pursuant to RCW 34.05.314.

Additional rule-making activity not on the agenda may be undertaken to meet conditions not now anticipated.

Dates that are in "bold" print, indicate that filing has occurred. All other dates are projected. The commission maintains a schedule of rule-making activity that is updated several times per month. See <www.utc.wa.gov>.

WSR 08-14-115

AGENDA

**UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed June 30, 2008, 1:27 p.m.]

The Washington utilities and transportation commission submits its semi-annual report rule development agenda for

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102	CR-103 HEARING	
WAC 480-120-071	Telecom line extension rule making	Sharyn Bate (360) 664-1295	8/10/07	5/7/08 6/23/08 (cont.)	8/14/08	Consider standards for line extensions to unserved areas.
WAC 480-07	Procedural rules	Ann Rendahl (360) 664-1144	12/5/07 3/19/08	6/4/08	8/14/08	Examine the need to revise and clarify rules to selected sections of chapter 480-07 WAC, Procedural rules.
WAC 480-31-080	Nonprofit bus fee rule making	Betty Young (360) 664-1202	6/4/08	8/6/08	9/23/08	Examine the need to remove the annual vehicle fee for nonprofit transportation providers from rule and allow the commission to set the fee by order each year.
WAC 480-70-016(3)	Solid waste—Definitions rule making	Penny Ingram (360) 664-1242	5/7/08	2/09	4/09	Consider changing rule to eliminate interpretation that soil used as cover in a landfill has value and is regulated as a commodity under chapter 80.80 RCW instead of regulated as solid waste under chapter 81.77 RCW.
WAC 480-100 and 480-107	Greenhouse gas emissions standard rules	Dick Byers (360) 664-1209	2/5/08	8/20/08	10/23/08	Consider rules to govern the process for determining compliance with the greenhouse gas emissions standard established pursuant to SB 6001 (chapter 80.80 RCW).
WAC 480-120 480-121 480-123 480-80	Telecom tune-up rule making	Sharyn Bate (360) 664-1295	To be determined	To be determined	To be determined	Consider possible changes to rules in chapter 480-120 WAC, Telephone companies, and chapter 480-80 WAC, Utilities general—Tariff and contracts, relating to telecommunications.
WAC 480-110	Investor-owned water companies	David Gomez (360) 664-1240	9/08	3/09	5/09	Consider rule changes to streamline and improve the effectiveness of the commission's regulation of investor-owned water companies.
"999" Sections in various chapters of Title 480 WAC	Adoption by reference expedited rule making	Christopher Mickelson (360) 664-1267	To be determined	To be determined	To be determined	Annual update of the citations to material that's incorporated by reference.

David W. Danner
Executive Director

WSR 08-14-128**NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE**

[Filed July 1, 2008, 9:06 a.m.]

Pursuant to RCW 42.30.075, please be advised the board of trustees for Washington State Community College District 17 has cancelled the meeting scheduled for August 19, 2008.

Should you have questions, please contact Christine Pearl, executive assistant to the chancellor/CEO and liaison to the board of trustees, at (509) 434-5006.

WSR 08-14-129**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL**

[Filed July 1, 2008, 9:43 a.m.]

You are invited to
A Community Forum Sponsored by
the Washington State Rehabilitation Council

Thursday July 24, 2008
5:30 p.m. to 6:30 p.m.

Doubletree Spokane City Center
322 North Spokane Falls Court
Salon 3

If you use public transportation call (509) 328-7433, TTY 232-6555.

ASL interpretation provided. Other reasonable accommodation happily provided on request.

If you are receiving this notice you may be familiar with DVR services. The Washington state rehabilitation council is a governor-appointed council of volunteers working to improve the quality and availability of DVR services. Our ability to improve services depends on you. We need your comments to understand what changes you'd like to have happen. During this meeting people from the local community will: Talk about their experiences with DVR; offer suggestions for making the system better; learn about local resources; offer tips about the local resources they like best and use most. YOU ARE NOT REQUIRED TO ATTEND. ATTENDANCE WILL NOT IMPACT YOUR ACCESS TO SERVICES. This forum will be recorded. To learn more about the council visit, www.wastrehabcouncil.org.

To RSVP, to request reasonable accommodation, or a spoken language interpreter, please contact Joelle Brouner at (360) 725-3690 or brounjm@dshs.wa.gov.

WSR 08-14-130**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL**

[Filed July 1, 2008, 9:47 a.m.]

WSRC Committee Work Day

Thursday, July 24, 2008
11:00 a.m. - 4:00 p.m.

Doubletree Hotel Spokane City Center
322 North Spokane Falls Court
Spokane, WA 99201

WSRC FULL COUNCIL MEETING

Friday, July 25, 2008
9:00 a.m. to 4:00 p.m.

Doubletree Hotel Spokane City Center
322 North Spokane Falls Court
Spokane, WA 99201

WSR 08-14-131**AGENDA
FOREST PRACTICES BOARD**

[Filed July 1, 2008, 10:35 a.m.]

July - December 2008

The forest practices board's (FPB) mandate is to adopt rules to protect the state's public resources while maintaining a viable forest products industry. The following rule proposals are under development or are anticipated during this time period.

1. **Desired Future Condition.** The board initiated rule making to amend chapter 222-30 WAC related to desired future condition performance targets in riparian management zones. The board will consider rule adoption at its November 2008 meeting.

2. **Historic Sites.** The board initiated rule making to amend WAC 222-16-050 and 222-16-010 relating to Class IV-Special classifications to include historic sites as a SEPA trigger. The board will consider rule adoption at its August 2008 meeting.

3. **Conversion Activity.** The board initiated rule making to amend WAC 222-16-010 to implement changes contained in 2SSB 5883 passed by the 2007 legislature. The board will consider rule adoption at its August 2008 meeting.

4. **Trees and Houses.** The board may consider rule making to amend rules that clarify the boundary between urban and forest lands.

5. **Board Composition and Miscellaneous Corrections.** The board will consider expedited rule making to implement changes contained in SHB 2893 (2008 legislation) which added a thirteenth member to the forest practices board, and changed the criterion for the small forest land-

owner general public member position. This rule proposal may also contain minor corrections to several additional WACs.

6. **Upland Wildlife.** The board, with the department of fish and wildlife, continues to conduct a comprehensive review of the forest practices rules and science for upland wildlife protection and development of cooperative management planning processes. This review and planning process, along with new species listings, and the designation of critical habitat, may result in a rule proposal.

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

WSR 08-14-134

**NOTICE OF PUBLIC MEETINGS
BOARD ON GEOGRAPHIC NAMES**

[Filed July 1, 2008, 11:34 a.m.]

2008 Meeting Schedule

Date	Time	Place (building and room)
October 17, 2008	1:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172, 1st Floor Olympia, WA 98504

WSR 08-14-135

**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Filed July 1, 2008, 11:34 a.m.]

The board of trustees for Community College District 4, Skagit Valley College, has cancelled the meeting scheduled for July 8, 2008.

Should you have questions, please contact Lisa Radeleff at (360) 416-7995, lisa.radeleff@skagit.edu.

WSR 08-14-136

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

[Filed July 1, 2008, 12:13 p.m.]

The board of trustees of Walla Walla Community College, District Number Twenty, has cancelled its regular board meeting for the month of July; scheduled to be held on Wednesday, July 16, 2008.

Please direct any questions to Jerri Ramsey at jerri.ramsey@wwcc.edu or by phone (509) 527-4274.

WSR 08-14-145

**NOTICE OF PUBLIC MEETINGS
CLEMENCY AND PARDONS BOARD**

[Filed July 1, 2008, 1:57 p.m.]

The Washington state clemency and pardons board hereby gives notice that a quarterly hearing is scheduled for September 11, 2008, at 10:00 a.m., in Senate Hearing Room 2, of the John A. Cherberg Building, Olympia, Washington. The following Petitions will be considered by the board:

Petitioner:	Petition For:
Linda Louise Bonner	Restoration of Civil Rights
Eric Earl Chatman	Restoration of Civil Rights
Stacy C. Cleveland	Restoration of Civil Rights
Ann Llewellyn Evans	Restoration of Civil Rights
Gary M. Gribble	Restoration of Civil Rights
Martha Jane Meyerding	Restoration of Civil Rights
David A. Hawkins	Commutation
Michael Pritchard	Commutation
Patricia M. Teafatiller	Commutation
Marcy Renee Barker	Pardon
Jose Lopez Dominguez	Pardon
Chan Ly	Pardon

WSR 08-14-147

**INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE**

[Filed July 1, 2008, 2:19 p.m.]

INTERPRETIVE STATEMENT ISSUED

ETA 2041.04.246

**Direct Seller's Use of the Internet,
Mail Orders, Direct Calls, etc.**

RCW 82.04.423 provides a business and occupation (B&O) tax exemption for wholesale and retail sales by certain out-of-state businesses that make sales in this state exclusively to or through a "direct seller's representative." This exemption is often referred to as the "direct seller's exemption" and the person claiming the exemption is referred to as the "direct seller." This exemption is limited to the B&O tax and does not extend to the retail sales tax.

This excise tax advisory (ETA) discusses the use of the internet, mail orders, direct calls, and other methods used by direct sellers to make sales directly to customers in this state. The ETA explains when these methods satisfy or fail to satisfy the statutory requirement that the direct seller make "sales in this state exclusively to or through a direct seller's representative."

A copy of this document is available via the internet at <http://dor.wa.gov/content/FindALawOrRule/>, or a request for a copy may be directed to Roseanna Hodson, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia,

WA 98504-7453, phone (360) 570-6119, fax (360) 586-0127.

Alan R. Lynn
Rules Coordinator

Doubletree Hotel Seattle Airport
18740 International Boulevard
Seattle, WA 98188

WSR 08-14-151
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Real Estate Commission)
[Filed July 1, 2008, 3:48 p.m.]

Special Meeting

November 4, 2008
Real Estate Commission Meeting

WSR 08-14-154
AGENDA
DEPARTMENT OF ECOLOGY
[Filed July 1, 2008, 4:22 p.m.]

Pursuant to RCW 34.05.314, following is the department of ecology's rule agenda for July 2008 - December 2008.

If you have any questions please contact Jerry Thielen at (360) 407-7551 or e-mail at jthi461@ecy.wa.gov.

*The bolded dates indicate filings that have occurred. Shaded rows indicated adopted rules.

WAC Chapter	Program	Chapter Title	CR-101 Filing Date	CR-102 Filing Date	CR-103 Filing Date	Program Contact
173- 400 and 173-460 AO 05-19 11/05	AQ	General regulation for air pollution sources (WAC 173-400-110 only) and controls for new sources of toxic air pollutants.	Jan-06	Aug-08	Dec-08	Tom Todd/Linda Whitcher
173-406 and 173-400 AO 07-07 5/06	AQ	Acid rain regulation (mercury emissions from coal burning power plants) and general regulation for air pollution sources (WAC 173-400-112 and 173-400-113 only).	Mar-07	On Hold	On Hold	Tom Todd
173-407 and 173-218 AO 07-11 7/07	AQ/WQ	Chapter 173-407 WAC, Carbon dioxide mitigation program for fossil-fueled thermal electric generating facilities and chapter 173-218 WAC, Underground injection control program.	Jul-07	Feb-08	Jun-08	Nancy Pritchett/ John Stormon
173-700 (New) AO 04-13 7/04	SEA	Wetland mitigation banking -pilot rule.	Jul-04	Nov-08	Mar-08	Lauren Driscoll
173-334 (New) AO 08-09 5/08	SWFAP	Children's safe products rule.	May-08	Aug-08	Dec-08	Carol Kraege
173-351 AO 07-15 7/07	SWFAP	Criteria for municipal solid waste landfills.	Aug-07	Dec-08	Apr-09	Kathi Scanlan/ Wayne Krafft
173-345 (New) AO 07-16 10/07	SWFAP	Transporter rule.	Nov-07	Aug-08	Dec-08	Randy Martin/ Kathi Scanlan
173-303 AO 07-12 7/07	HWTR	Dangerous waste regulations.	Oct-07	Aug-08	Feb-09	Chipper Hervieux
173-219 AO 06-12 8/06	WQ	Reclaimed water use.	Nov-06	Aug-10	Nov-10	Kathleen Emmett
173-224 AO 08-05 4/08	WQ	Wastewater discharge fee.	Apr-08	Jun-08	Aug-08	Bev Poston
173-160 AO 08-10 5/08	WR	Well drilling.	Jun-08	Aug-08	Nov-08	Marsha Beery
173-525 AO 05-03 3/2/05	WR	Grays Elochoman instream resources protection and water management program WRIA 25.	Mar-05	Under Development	Under Development	Travis Burns

WAC Chapter	Program	Chapter Title	CR-101 Filing Date	CR-102 Filing Date	CR-103 Filing Date	Program Contact
173-526 AO 05-04 3/2/05	WR	Cowlitz instream resources protection and water management program WRIA 26.	Mar-05	Under Development	Under Development	Travis Burns
173-527 and 173-592 AO 08-02 4/08	WR	Lewis instream resources protection and water management program WRIA 27 and chapter 173-592 WAC, Reservation of future public water supply for Clark County ground water reservation.	Apr-08	Jul-08	Dec-08	Travis Burns
173-528 and 173-592 AO 08-03 4/08	WR	Salmon-Washougal instream resources protection and water management program WRIA 28 and chapter 173-592 WAC, Reservation of future public water supply for Clark County ground water reservation.	Apr-08	Jul-08	Dec-08	Travis Burns
173-503A AO 04-01 2/04	WR	Instream flow rule for the Samish subbasin.	Feb-04	Spring-09	Summer-09	Sarah Ferguson
173-517 AO 04-02 3/04	WR	Quilcene-Snow instream resources protection and water management program.	Mar-04	Winter-09	Summer-09	Ann Wessel
173-518 AO 07-17 11/07	WR	Focusing on the Dungeness only: Dungeness Instream resources protection and watershed management program.	Nov-07	Nov-08	Spring-09	Sarah Ferguson
508-12 and 173-152-050 AO 08-04 3/08	WR	Chapter 508-12 WAC, Administration of surface and ground water codes and WAC 173-152-050 Criteria for priority processing of competing applications.	May-08	Winter-09	Spring-09	Brian Walsh

Jerry Thielen
Rules Coordinator

WSR 08-14-162
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE
[Filed July 2, 2008, 9:09 a.m.]

BOARD OF TRUSTEE
MEETINGS DATES
2008-2009

Board meeting schedule will be as follows:

July 9, 2008
August 13, 2008
September 17, 2008
October 15, 2008
November 19, 2008
December 17, 2008
January 21, 2009
February 18, 2009
March 18, 2009
April 15, 2009
May 20, 2009
June 17, 2009