

**WSR 09-23-001**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed November 4, 2009, 2:09 p.m.]

**Notice of Interpretive or Policy Statement**

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

**Health and Recovery Services Administration (HRSA)**  
**Division of Behavioral Health and Recovery (DBHR)**

Document Title: WAC Implementation Guide (WIG).  
 Subject: Chapter 388-805 WAC, Certification requirements for chemical dependency service providers.

Effective Date: September 1, 2009.

Document Description: The HRSA DBHR, WIG is a resource manual about chapter 388-805 WAC that is used by Washington state certified chemical dependency service providers. The WIG provides interpretive guidelines, background information, additional resource information, and general expectations about chapter 388-805 WAC, and describes survey procedures used by DSHS DBHR certification specialists during an on-site survey. This document is only available through the DBHR web site.

To receive a copy of the interpretive or policy statements, contact Jennifer Fine, Certification [Certification] Section Administrative Assistant, HRSA Division of Behavioral Health and Recovery, phone (360) 725-3703, e-mail finejk@dshs.wa.gov, to access the WIG in PDF, see the DBHR web site at <http://www1.dshs.wa.gov/dasa>.

**WSR 09-23-003**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE AUTHORITY**  
 (Health Technology Clinical Committee)

[Filed November 4, 2009, 3:45 p.m.]

**2010 PUBLIC MEETING SCHEDULE**

	<b>Date of Public Meeting</b>	<b>Location</b>
1.	<b>Friday, May 14, 2010</b> 8:00 a.m. - 5:00 p.m.	<b>Marriott Hotel</b> 3201 South 176th Street Seattle, WA 98188
2.	<b>Friday, August 20, 2010</b> 8:00 a.m. - 5:00 p.m.	<b>Marriott Hotel</b> 3201 South 176th Street Seattle, WA 98188
3.	<b>Friday, October 22, 2010</b> 8:00 a.m. - 5:00 p.m.	<b>TBA</b>
4.	<b>Friday, November 12, 2010</b> 8:00 a.m. - 5:00 p.m.	<b>Marriott Hotel</b> 3201 South 176th Street Seattle, WA 98188

*\*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 09-23-011**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION IMPROVEMENT BOARD**

[Filed November 6, 2009, 8:43 a.m.]

The following dates and locations list the meeting schedule for the 2010 transportation improvement board.

<b>DATE</b>	<b>CITY</b>
January 21-22, <b>2010</b>	SeaTac
March 25-26	Wenatchee
June 24-25	Vancouver
September 23-24	Walla Walla
November 18-19*	Everett

\*Meeting date moved to third Thursday and Friday of month due to Thanksgiving.

Please contact Eileen Bushman at 586-1146 or at [eileenb@tib.wa.gov](mailto:eileenb@tib.wa.gov) if you need additional information.

**WSR 09-23-012**  
**NOTICE OF PUBLIC MEETINGS**  
**SHORELINE COMMUNITY COLLEGE**

[Filed November 6, 2009, 8:43 a.m.]

In compliance with the Open Public Meetings Act, Shoreline Community College board of trustees will participate in a joint dinner meeting with the Shoreline School District board of directors beginning at 6:00 p.m. on Monday, November 9, 2009, for the purpose of discussing shared facilities, the Core 24 framework, the Running Start program, the national skills certification system and workforce education programs.

This special meeting will take place in the Darlene Sherrick Room (#D105) at the Shoreline Conference Center, 18560 1st Avenue N.E., Shoreline, WA 98155.

Please call (206) 546-4552 or e-mail Lori Y. Yonemitsu at [lyonemitsu@shoreline.edu](mailto:lyonemitsu@shoreline.edu) if you need further information.

**WSR 09-23-013**  
**NOTICE OF PUBLIC MEETINGS**  
**RECREATION AND CONSERVATION**  
**OFFICE**

(Habitat and Recreation Lands Coordinating Group)

[Filed November 6, 2009, 8:44 a.m.]

The state legislature created the habitat and recreation lands coordinating group (lands group) in 2007 (RCW 79A.25.260). Our assistant attorney general has advised us that this group is subject to the Open Public Meetings Act, RCW 42.30.075.

The purpose of this memo is to inform you of the lands group's regular meeting information to comply with the act. Following are the dates and locations of the land's group quarterly meetings and annual forum in 2010 for publication in the Washington state register.

Quarterly meeting	January 20, 2010 9:00 a.m. - 12:00 p.m. Room 172 Natural Resources Building Capitol Campus
Annual Forum	February 3, 2010 9:00 a.m. - 4:00 p.m. and February 4, 2010 9:00 a.m. - 12:00 p.m. Room 172 Natural Resources Building Capitol Campus
Quarterly meeting	April 28, 2010 9:00 a.m. - 12:00 p.m. Room 175 A/B Natural Resources Building Capitol Campus
Quarterly meeting	July 28, 2010 9:00 a.m. - 12:00 p.m. Room 175 A/B Natural Resources Building Capitol Campus
Quarterly meeting	October 13, 2010 9:00 a.m. - 12:00 p.m. Room 175 A/B Natural Resources Building Capitol Campus

**WSR 09-23-014**  
**NOTICE OF PUBLIC MEETINGS**  
**SIRTI**

[Filed November 6, 2009, 10:01 a.m.]

The December 17, 2009, regularly scheduled meeting of the Sirti board of directors has been cancelled.

**WSR 09-23-015**  
**NOTICE OF PUBLIC MEETINGS**  
**SIRTI**

[Filed November 6, 2009, 10:52 a.m.]

**BOARD OF DIRECTORS**  
**2010 REGULAR MEETING SCHEDULE**  
**SUBJECT TO MODIFICATION BY THE BOARD**

*Unless indicated by bold type, the meetings will be held on the third Thursday every other month beginning February 11, 2010:*

3:00 - 4:30 p.m.  
Board Room #432  
Fourth Floor  
Sirti Building  
665 North Riverpoint Boulevard  
Spokane, WA 99202

**February 11, 2010**

April 15, 2010  
June 17, 2010                      Annual Meeting  
August 19, 2010  
October 21, 2010  
December 16, 2010

Please RSVP attendance for meetings to Geralyn Garberg, executive assistant, (509) 358-2021 or geraldng@sirti.org.

**WSR 09-23-023**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed November 9, 2009, 9:03 a.m.]

**Notice of Interpretive or Policy Statement**

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

**Health and Recovery Services Administration (HRSA)**  
**Division of Legal Services**

Document Title: # Memo 09-68.

Subject: Alien emergency medical (AEM) program, nursing facility program, and alien medical program: Changes in medical eligibility and benefits.

Effective Date: November 1, 2009.

Document Description: DSHS will offer coverage for noncitizens under three medical programs: The federally funded alien emergency medical (AEM) program, the state-funded nursing facility program, and the state-funded alien medical program.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassosal@dshs.wa.gov, web site http://hrsa.dshs.wa.gov.

**WSR 09-23-024**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed November 9, 2009, 9:03 a.m.]

**Notice of Interpretive or Policy Statement**

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

**Health and Recovery Services Administration (HRSA)**  
**Division of Legal Services**

Document Title: # Memo 09-69.

Subject: Prescription drug program: Additions to the covered over-the-counter drug list, changes to the Washington PDL, changes and additions to EA list, and additions to drugs requiring prior authorization.

Effective Date: December 1, 2009.

Document Description: Effective for dates of service on and after December 1, 2009, unless otherwise noted, DSHS will:

- Make additions/changes to the Covered Over-the-Counter Drug list;
- Make changes to the Washington PDL;
- Make changes and additions to the expedited authorization (EA) list; and
- Make additions to drugs requiring prior authorization.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [dassoal@dshs.wa.gov](mailto:dassoal@dshs.wa.gov), web site <http://hrsa.dshs.wa.gov>.

**WSR 09-23-025**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed November 9, 2009, 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 (DSHS).

**Health and Recovery Services Administration (HRSA)**  
**Division of Legal Services**

Document Title: # Memo 09-70.

Subject: Prescription drug program: Maximum allowable cost update.

Effective Date: December 1, 2009.

Document Description: DSHS will implement the following changes to the prescription drug program:

1. New additions to the maximum allowable cost (MAC) list; and
2. Adjustments to existing MACs; and

3. MAC deletions.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [dassoal@dshs.wa.gov](mailto:dassoal@dshs.wa.gov), web site <http://hrsa.dshs.wa.gov>.

**WSR 09-23-026**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed November 9, 2009, 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 (DSHS).

**Health and Recovery Services Administration (HRSA)**  
**Division of Legal Services**

Document Title: # Memo 09-67.

Subject: Home infusion therapy/parenteral nutrition program: Coverage changes.

Effective Date: August 1, 2009.

Document Description: DSHS has changed coverage limitations regarding sterile and nonsterile gloves.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [dassoal@dshs.wa.gov](mailto:dassoal@dshs.wa.gov), web site <http://hrsa.dshs.wa.gov>.

**WSR 09-23-027**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed November 9, 2009, 9:05 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 (DSHS).

**Health and Recovery Services Administration (HRSA)**  
**Division of Legal Services**

Document Title: # Memo 09-66.

Subject: Outpatient hospital services: Policy and procedure code updates.

Effective Date: October 1, 2009.

Document Description: Retroactive to dates of service on and after October 1, 2009, DSHS has implemented:

- New procedure codes;
- Procedure codes that have changed to covered status;

- Procedure codes that have changed to noncovered status;
- Prior authorization requirements; and
- Maximum unit changes.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [dassoal@dshs.wa.gov](mailto:dassoal@dshs.wa.gov), web site <http://hrsa.dshs.wa.gov>.

**WSR 09-23-028**

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

[Filed November 9, 2009, 9:06 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 (DSHS).

**Health and Recovery Services Administration (HRSA)  
Division of Legal Services**

Document Title: # Memo 09-65.

Subject: Prescription drug program: Maximum allowable cost update.

Effective Date: November 1, 2009.

Document Description: Effective for dates of service on and after November 1, 2009, (unless otherwise noted) DSHS will implement the following changes to the prescription drug program:

1. New additions to the maximum allowable cost (MAC) list; and
2. Adjustments to existing MACs; and
3. MAC deletions.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [dassoal@dshs.wa.gov](mailto:dassoal@dshs.wa.gov), web site <http://hrsa.dshs.wa.gov>.

**WSR 09-23-029**

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

[Filed November 9, 2009, 9:06 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 (DSHS).

**Health and Recovery Services Administration (HRSA)  
Division of Legal Services**

Document Title: DC-2009-4.

Subject: Prescription drug program memo # 09-21 and expedited authorization list.

Effective Date: Retroactive for dates of service on and after July 1, 2009.

Document Description: On June 1, 2009, DSHS issued # memo 09-21, effective for dates on and after July 1, 2009. This memo contained information on new expedited authorization requirements for lamotrigine/Lamictal®.

Retroactive to the effective date of July 1, 2009, DSHS is amending # memo 09-21 with a new description for Code 084.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [dassoal@dshs.wa.gov](mailto:dassoal@dshs.wa.gov), web site <http://hrsa.dshs.wa.gov>.

**WSR 09-23-030**

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

[Filed November 9, 2009, 9:07 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 (DSHS).

**Health and Recovery Services Administration (HRSA)  
Division of Legal Services**

Document Title: DC-2009-5.

Subject: Physician-related services billing instructions.

Effective Date: Retroactive to dates of service on and after July 1, 2009.

Document Description: DSHS made corrections to pages with errors in the physician-related services billing instructions. To obtain DSHS's/HRSA's provider numbered memoranda and billing instructions, go to DSHS's/HRSA's web site at <http://hrsa.dshs.wa.gov> (click the Billing Instructions and Numbered Memorandum link). These may be downloaded and printed.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [dassoal@dshs.wa.gov](mailto:dassoal@dshs.wa.gov), web site <http://hrsa.dshs.wa.gov>.

**WSR 09-23-031**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed November 9, 2009, 9:07 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 (DSHS).

**Health and Recovery Services Administration (HRSA)**  
**Division of Legal Services**

Document Title: DC-2009-6.

Subject: # Memo 09-63 General assistance-unemployable (GA-U).

Effective Date: November 1, 2009.

Document Description: On September 22, 2009, DSHS issued # memo 09-63, effective for dates of service on and after November 1, 2009. This memo contained information on managed care enrollment requirements. Effective for dates of service on and after November 1, 2009, DSHS is amending this publication. To obtain DSHS's/HRSA's provider numbered memoranda and billing instructions, go to DSHS's/HRSA's web site at <http://hrsa.dshs.wa.gov> (click the Billing Instructions and Numbered Memorandum link). These may be downloaded and printed.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [dassoal@dshs.wa.gov](mailto:dassoal@dshs.wa.gov), web site <http://hrsa.dshs.wa.gov>.

**WSR 09-23-032**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[November 5, 2009]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENTS TO CrRLJ 3.2- ) NO. 25700-A-928  
RELEASE OF ACCUSED )

The District Municipal Court Judges Association having recommended the adoption of the proposed amendments to CrRLJ 3.2-Release of Accused, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below 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](mailto:Camilla.Faulk@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of November 2009.

For the Court

Gerry L. Alexander

CHIEF JUSTICE

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 09-24 issue of the Register.

**WSR 09-23-033**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[November 5, 2009]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENTS TO RAP 2.4, ) NO. 25700-A-929  
RAP 4.2, RAP 4.3, RAP 4.4, RAP 9.5, RAP )  
9.6, RAP 9.7, RAP 9.8, RAP 10.3, RAP )  
10.4, RAP 12.4, RAP 12.7, RAP 12.9, RAP )  
14.3, RAP 15.1, RAP 16.7, RAP 16.20, )  
RAP 17.4, RAP 17.5, RAP 18.1, RAP 18.6, )  
RAP 18.14, RAP FORM 15A AND RAP )  
FORM 19 )

The Court of Appeals having recommended the adoption of the proposed amendments to RAP 2.4, RAP 4.2, RAP 4.3, RAP 4.4, RAP 9.5, RAP 9.6, RAP 9.7, RAP 9.8, RAP 10.3, RAP 10.4, RAP 12.4, RAP 12.7, RAP 12.9, RAP 14.3, RAP 15.1, RAP 16.7, RAP 16.20, RAP 17.4, RAP 17.5, RAP 18.1, RAP 18.6, RAP 18.14, RAP FORM 15A AND RAP FORM 19, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January, 2010.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2010. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [Camilla.Faulk@courts.wa.gov](mailto:Camilla.Faulk@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of November 2009.

For the Court

Gerry L. Alexander

CHIEF JUSTICE

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 10-01 issue of the Register.

WSR 09-23-034
RULES OF COURT
STATE SUPREME COURT

[November 5, 2009]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE NEW CODE OF JUDICIAL CON- ) NO. 25700-A-930
DUCT )

The Code of Judicial Conduct Task Force having recommended the adoption of the new Code of Judicial Conduct, and the Court having approved the proposed adoption for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed adoption shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2010.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2010. 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 5th day of November, 2009.

For the Court

Gerry L. Alexander

CHIEF JUSTICE

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 10-01 issue of the Register.

WSR 09-23-035
RULES OF COURT
STATE SUPREME COURT

[November 5, 2009]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO CrR 6.16- ) NO. 25700-A-931
VERDICTS AND FINDINGS, CrRLJ 6.16- )
VERDICTS AND FINDINGS AND NEW )
MPR 3.5-NOTICE OF RESTRICTIONS )

The Washington Association of Prosecuting Attorneys having recommended the adoption of the proposed amendments to CrR 6.16-Verdicts and Findings, CrRLJ 6.16-Verdicts and Findings and New MPR 3.5-Notice of Restrictions, and the Court having determined that the proposed amend-

ments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments shown below are adopted.

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

DATED at Olympia, Washington this 5th day of November, 2009.

Alexander, C. J.

C. Johnson, J.

Owens, Susan

Madsen, J.

Fairhurst, J.

Sanders, J.

J. M. Johnson, J.

Chambers, J.

Stephens, J.

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 09-24 issue of the Register.

WSR 09-23-036
RULES OF COURT
STATE SUPREME COURT

[November 5, 2009]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO RPC 1.15A, ) NO. 25700-A-932
ELC 15.4, ELC TITLE 15, ELPOC 15.4 )
AND NEW ELC 15.7 )

The Washington State Bar Association and the Legal Foundation of Washington having recommended the adoption of the proposed amendments to RPC 1.15A, ELC 15.4, ELC TITLE 15, ELPOC 15.4 AND New ELC 15.7, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments shown below are adopted.

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

DATED at Olympia, Washington this 5th day of November, 2009.

Chambers, J.

C. Johnson, J.

Susan Owens

Madsen, J.	Fairhurst, J.
Alexander, C. J.	
Chambers, J.	Stephens, J.

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 09-24 issue of the Register.

**WSR 09-23-037**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
[November 5, 2009]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENTS TO APR 15, ) NO. 25700-A-933  
APR 15 PROCEDURAL RULES 1 AND 5 )

The Washington State Bar Association having recommended the adoption of the proposed amendment to APR 15, APR 15 Procedural Rules 1 and 5, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments shown below are adopted.

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

DATED at Olympia, Washington this 5th day of November, 2009.

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

**SUGGESTED AMENDMENT**  
**ADMISSION TO PRACTICE RULES (APR)**  
**APR 15. LAWYERS' FUND FOR CLIENT PROTECTION**

**(a) Purpose.** [No change.]

**(b) Establishment.** There is established the Lawyers' Fund for Client Protection (Fund). The Fund may be used for the purpose of relieving or mitigating a pecuniary loss sustained by any client by reason of the dishonesty of, or failure to account for money or property entrusted to, any member of the WSBA ~~in connection with~~ as a result of or directly related to the member's practice of law (as defined in GR 24) or

while acting as a fiduciary in a matter directly related to the member's practice of law. The Fund may also be used to relieve or mitigate like loss sustained by persons by reason of similar acts of an individual who was at one time a member of the WSBA but who was, at the time of the act complained of, under court ordered suspension. The Fund shall not be used for the purpose of relieving any pecuniary loss resulting from an attorney's negligent performance of services or for acts performed after a member is disbarred. Payments from the Fund shall be considered gifts to the recipients and shall not be considered entitlements.

**(c) Funding.** [No change.]

**(d) Enforcement.** [No change.]

**(e) Restitution.** [No change.]

**(f) Administration.** [No change.]

**(g) Subpoenas.** [No change.]

**(h) Reports.** [No change.]

**(i) Communications to the Association.** [No change.]

**SUGGESTED AMENDMENT**  
**ADMISSION TO PRACTICE RULES (APR)**  
**APR 15. LAWYERS' FUND FOR CLIENT PROTECTION**  
**PROCEDURAL RULES**

**RULE 1. PURPOSE**

**A.\*\*\***

**B.** Funds accruing and appropriated to the Fund may be used for the purpose of relieving or mitigating a pecuniary loss sustained by any person by reason of the dishonesty of, or failure to account for money or property entrusted to, any member of the WSBA ~~in connection with~~ as a result of or directly related to the member's practice of law (as defined in GR 24), or while acting as a fiduciary in a matter directly related to the member's practice of law. Such funds may also, through the Fund, be used to relieve or mitigate like losses sustained by persons by reason of similar acts of an individual who was at one time a member of the WSBA but who was at the time of the act complained of under a court ordered suspension.

\*\*\*

**RULE 5. ELIGIBLE CLAIMS**

**A. Eligibility.** To be eligible for payment from the Fund, the loss must be caused by the dishonest conduct of a lawyer or the failure to account for money or property entrusted to a lawyer ~~in connection with~~ as a result of or directly related to the lawyer's practice of law or while acting as a fiduciary in a matter related to the lawyer's practice of law (as defined in GR 24). The loss must also have arisen out of and by reason of a client-lawyer relationship or a fiduciary relationship in a matter directly related to the lawyer's practice of law.

\*\*\*

**D. Excluded Losses.** Except as provided by Section E of this Rule, the following losses shall not be reimbursable:

(1) Losses incurred by related persons, law partners and associate attorneys of the lawyer causing the loss. For purposes of these Rules, "related persons" includes a spouse.

domestic partner, child, grandchild, parent, grandparent, sibling, or other Relative or individual with whom the lawyer maintains a close, familial relationship;

(2) Losses covered by any bond, surety agreement, or insurance contract to the extent covered thereby, including any loss to which any bonding agent, surety, or insurer is subrogated, to the extent of that subrogated interest;

(3) Losses incurred by any financial institution which are recoverable under a "banker's blanket bond" or similar commonly available insurance or surety contract;

(4) Losses incurred by any business entity controlled by the lawyer or any person or entity described in Rule 5 D (1), (2) or (3);

(5) Losses incurred by an assignee, lienholder, or creditor of the applicant or lawyer, unless application has been made by the client or beneficiary or the client or beneficiary has authorized such reimbursement;

(6) Losses incurred by any governmental entity or agency;

(7) Losses arising from business or personal investments not arising in the course of or arising out of the client-lawyer relationship;

~~(7)~~ (8) Consequential damages, such as lost interest, or attorney's fees or other costs incurred in seeking recovery of a loss.

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

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 09-23-038  
RULES OF COURT  
STATE SUPREME COURT**

[November 5, 2009]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENTS TO IRLJ 3.1(b)- ) NO. 25700-A-934  
CONTESTED HEARINGS-PRELIMI- )  
NARY PROCEEDINGS )

The District Municipal Court Judges Association having recommended the adoption of the proposed amendments to IRLJ 3.1(b)-Contested Hearings-Preliminary Proceedings, 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 shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2010.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2010. Comments may be sent to the fol-

lowing 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 5th day of November, 2009.

For the Court

Gerry L. Alexander

CHIEF JUSTICE

**GR 9 Cover Sheet**

**Suggested Changes to IRLJ 3.1  
(CONTESTED HEARINGS—PRELIMINARY PROCEEDINGS)**

**Purpose:** The suggested changes to IRLJ 3.1 concern a defendant's right to discovery in an infraction case. Currently, only the citing officer's sworn statement and the names of any witnesses not identified in the citing officer's sworn statement must be turned over by the prosecuting authority pursuant to a request for discovery. *IRLJ 3.1(b)*. However, in several jurisdictions, law enforcement agencies have begun using video recording and photos as evidence of infractions. For example, red light camera tickets involve photos and video.

Given this use of technology by law enforcement, which is becoming more common every year, it seems appropriate to require that the prosecuting authority include in discovery any evidence which has been gathered in this manner, rather than requiring defendants to separately subpoena photos or video/DVDs from the prosecuting authority.

Under the suggested rule change, the prosecuting authority must either provide a copy of video or photographic evidence that the prosecuting authority proposes to use at trial, or else provide the website address where the evidence has been posted by the jurisdiction. For example, jurisdictions with red light cameras typically post the photographs showing the alleged misconduct for persons to review when they get a ticket in the mail. The defendant is able to access the website using the instructions sent by the jurisdiction.

The DMCJA also suggests amending IRLJ 3.1(b) to clarify when evidence may be suppressed at trial if discovery has not been produced by the prosecuting authority in a timely manner.

**RULE IRLJ 3.1  
CONTESTED HEARINGS—PRELIMINARY PROCEEDINGS**

**(a) Subpoena.** The defendant and the plaintiff prosecuting authority may subpoena witnesses necessary for the presentation of their respective cases. Witnesses should be served at least 7 days before the hearing. The subpoena may be issued by a judge, court commissioner, or clerk of the court or by a party's lawyer. If a party's lawyer issues a subpoena, a copy shall be filed with the court and with the office of the prosecuting authority assigned to the court in which the infraction is filed on the same day it is sent out for service. A request that an officer appear at a contested hearing pursuant to rule 3.3(c) shall be filed on a separate pleading. A subpoena may be directed for service within their jurisdiction to the sheriff of any county or any peace officer of any municipi-



WSR 09-23-039
RULES OF COURT
STATE SUPREME COURT
[November 5, 2009]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO RPC 8.5- ) NO. 25700-A-935
DISCIPLINARY AUTHORITY; CHOICE )
OF LAW AND ELC 1.2-JURISDICTION )

pality in the state in which the witness may be or it may be served as provided in CR 45(c), or it may be served by first-class mail, postage prepaid, sent to the witnesses' last known address. Service by mail shall be deemed complete upon the third day following the day upon which the subpoena was placed in the mail. If the subpoena is for a witness outside the county, a judge must approve of the subpoena.

(b) Discovery. Upon written demand of the defendant at least 14 days before a contested hearing, filed with the court and served on the office of the prosecuting authority assigned to the court in which the infraction is filed, the plaintiff's lawyer prosecuting authority shall at least 7 days before the hearing provide the defendant or the defendant's lawyer with: (1) a copy of the citing officer's sworn statement; (2) a copy of video or photographic evidence the prosecutor proposes to introduce at trial, unless in reply to the discovery request the prosecutor provides the address to a website where such evidence is accessible to the defendant; and (3) and with the names of any witnesses not identified in the citing officer's sworn statement. No other discovery shall be required. If the prosecuting authority provides the citing officer's sworn statement any portion of the discovery less than 7 days before the hearing but not later than one day before the hearing, such untimely discovery the citing officer's sworn statement shall be suppressed only upon a showing of prejudice in the presentation of the defendant's case. If the prosecuting authority, without reasonable excuse or justification, fails to provide the citing officer's sworn statement any portion of the discovery prior to the day of the hearing, the statement shall portion of discovery not provided shall be suppressed. No other discovery shall be required. Neither party is precluded from investigating the case, and neither party shall impede another party's investigation. A request for discovery pursuant to this section shall be filed on a separate pleading.

(c) Amendment of Notice. The court may permit a notice of infraction to be amended at any time before judgment if no additional or different infraction is charged, and if substantial rights of the defendant are not thereby prejudiced. A continuance shall be granted if the defendant satisfies the court that the additional time is needed to defend against the amended notice of infraction.

(d) Sufficiency. No notice of infraction shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific infraction which the defendant is alleged to have committed, nor by reason of defects or imperfections which do not tend to prejudice substantial rights of the defendant.

Adopted as JTIR effective January 1, 1981. Changed from JTIR to IRLJ effective September 1, 1992; amended effective January 2, 1997; amended effective January 3, 2006; January 2, 2007.]

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.

The Washington State Bar Association having recommended the adoption of the proposed amendments to RPC 8.5-Disciplinary Authority; Choice of Law and ELC 1.2-Jurisdiction, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2010.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2010. 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 5th day of November, 2009.

For the Court

Gerry L. Alexander

CHIEF JUSTICE

Reviser's note: The spelling 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.

GR 9 COVER SHEET

Suggested Amendment

RULES OF PROFESSIONAL CONDUCT (RPC)
RPC 8.5 - Disciplinary Authority; Choice of Law

(Defining limits and extent of WSBA disciplinary authority over judges subject to the jurisdiction of the Washington Commission on Judicial Conduct)

Submitted by the Board of Governors of the Washington State Bar Association

Purpose

WSBA disciplinary authority over lawyers is established and defined by the Rules for Enforcement of Lawyer Conduct (ELC) and the Rules of Professional Conduct (RPC). ELC 1.1 provides that a lawyer may be subject to discipline

for violating the RPC. Both ELC 1.2 and RPC 8.5(a) provide that any lawyer admitted to the practice of law in this state is subject to Washington's disciplinary authority. Under ELC 5.3(a), disciplinary counsel "must review" and may investigate any alleged or apparent act of misconduct by a lawyer. The RPC provide that it is professional misconduct for a lawyer to violate the Code of Judicial Conduct. RPC 8.4(m).

The Commission on Judicial Conduct (CJC) has authority to investigate complaints of, and conduct proceedings as to, alleged violations of the Code of Judicial Conduct. RCW 2.64.057. There is no affirmative provision of law conferring exclusive jurisdiction on the CJC over complaints alleging misconduct committed by a judge.

If a judge subject to CJC jurisdiction is a lawyer, the judge is subject to WSBA disciplinary authority. Because it is a violation of RPC 8.4(m) to violate the Code of Judicial Conduct, the rules can be interpreted to confer concurrent jurisdiction with the CJC over allegations of judicial misconduct. Under this view, the rules require the WSBA Office of Disciplinary Counsel (ODC) to review grievances alleging judicial misconduct against judges. Though ODC has always endeavored to refer grievants with complaints regarding judicial acts to the CJC, it can reasonably be concluded that ODC is obliged to open a grievance file if a grievant insists that his or her allegations be reviewed by WSBA. This can result in an undesirable extension of WSBA disciplinary authority if the allegations in question relate to violations of the Code of Judicial Conduct that are appropriately investigated by the CJC.

The suggested amendment to RPC 8.5 is intended to address this dilemma. New paragraph (c) of RPC 8.5 provides that, notwithstanding the provisions of RPC 8.4(m), a lawyer, while serving as a judge, shall not be subject to the disciplinary authority provided for in the RPC or the ELC "for acts performed in his or her judicial capacity or as a candidate for judicial office." This exception expressly does not apply if judicial discipline has been imposed for the conduct by the CJC. There are also a number of suggested new comments to the rule:

- Comment [8] describes the jurisdiction of the CJC;
- Comment [9] addresses the scope of the term "judicial capacity";
- Comment [10] clarifies the situations in which WSBA jurisdiction would still exist over a judge;
- Comment [11] explains when prior judicial discipline should not establish a basis for subsequent lawyer discipline;
- Comment [12] deals with the jurisdictional analysis as applied to candidates for judicial office;
- Comment [13] delineates the types of judges that are subject to the new rule.

A companion amendment to ELC 1.2 is intended as a cross-reference to the provisions of suggested RPC 8.5(c) for purposes of clarity.

The suggested amendments will accommodate legitimate concerns of the judiciary while preserving necessary aspects of WSBA's disciplinary authority over lawyers. These amendments will provide an express basis for ODC to decline to open grievances in situations where the CJC ought to be investigating the allegations in the first instance.

The draft has been circulated to and approved by the Superior Court Judges' Association and the District and Municipal Court Judges' Association. It has also been provided to and reviewed by the judges of the Court of Appeals and the Commission on Judicial Conduct, without objection.

**RULES OF PROFESSIONAL CONDUCT (RPC)**  
**RULE 8.5 DISCIPLINARY AUTHORITY; CHOICE OF LAW**

(a) - (b) [Unchanged.]

**(c) Disciplinary Authority Over Judges.** Notwithstanding the provisions of Rule 8.4(m), a lawyer, while serving as a judge or justice as defined in RCW 2.64.010, shall not be subject to the disciplinary authority provided for in these Rules or the Rules for Enforcement of Lawyer Conduct for acts performed in his or her judicial capacity or as a candidate for judicial office unless judicial discipline is imposed for that conduct by the Commission on Judicial Conduct or the Supreme Court.

**Comment**

[1] - [7] [Unchanged.]

**Additional Washington Comments (8-12)**

[8] The Commission on Judicial Conduct is an independent agency of the judicial branch of state government. Wash. Const. Art. IV, § 31; RCW 2.64.120. The Commission has authority to receive and investigate complaints of and conduct proceedings as to, alleged violations of rules of judicial conduct by a "judge or justice". Wash. Const. Art. IV, § 31; RCW 2.64.057. The terms "judge" and "justice" are defined to include justices of the supreme court, judges of the court of appeals, judges of the superior courts, judges of any court organized under RCW Titles 3 or 35, judges pro tempore, court commissioners, and magistrates, and the Commission's authority applies regardless of whether the judge or justice serves full time or part time. RCW 2.64.010(4).

[9] Whether an act is performed in the judge's "judicial capacity" depends on the facts and circumstances of the conduct. In general, acts are performed in the judicial capacity if they involve the making of judicial decisions, the performance of judicial duties, or the discharge of administrative responsibilities in connection with judicial office. Other factors include whether the act was performed or purported to be performed in the individual's official capacity as a judge and whether the conduct is expressly governed by the Code of Judicial Conduct. With the exception of conduct committed during a judicial campaign, see Comment [12], paragraph (c) does not apply to conduct occurring prior to service as a judge, nor does it apply to conduct wholly outside of the judicial capacity.

[10] Paragraph (c) does not prevent the exercise of disciplinary authority over (1) a judge or justice after he or she has been disciplined for judicial misconduct by the Commission on Judicial Conduct or the Supreme Court, (2) a former judge or justice, or (3) a lawyer who serves as a pro tem or part time judge for acts performed by him or her as a lawyer and otherwise outside of his or her judicial capacity.

[11] In situations where a judge or justice has been disciplined for judicial misconduct by the Commission on Judicial Conduct or the Supreme Court, disciplinary authority should

not be exercised for the identical conduct if the violation of the Code of Judicial Conduct pertains to the role of the judiciary and does not relate to the judge's or justice's fitness to practice law. For example, disciplinary authority should not ordinarily extend to a violation of the requirement in Canon 3 (A)(2) that "Judges should maintain order and decorum in proceedings before them."

[12] Acts performed as a candidate for judicial office are governed by paragraph (c) if performed by a judge or a justice or a successful lawyer candidate for judicial office. This rule has no application to acts performed by an unsuccessful lawyer candidate for judicial office.

[13] Paragraph (c) applies to judges and justices defined to be within the jurisdiction of the Commission on Judicial Conduct under Wash. Const. Art. IV, § 31 and RCW Title 2.64 and is not intended to apply to other lawyers in this state designated as judges, including but not limited to federal judges, administrative law judges, and tribal judges.

**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.

**GR 9 COVER SHEET**

**Suggested Amendment  
RULES FOR ENFORCEMENT OF LAWYER CONDUCT (ELC)  
ELC 1.2 - Jurisdiction**

(Companion to Suggested Amendment to RPC 8.5)

**Submitted by the Board of Governors of the Washington State Bar Association**

**Purpose**

See Statement of Purpose accompanying Suggested Amendment to RPC 8.5.

**RULES FOR ENFORCEMENT OF LAWYER CONDUCT (ELC)  
RULE 1.2. JURISDICTION**

Except as provided in RPC 8.5(c), Any lawyer admitted, or permitted by rule, to practice law in this state, and any lawyer specially admitted by a court of this state for a particular case, is subject to these Rules for Enforcement of Lawyer Conduct. Jurisdiction exists regardless of the lawyer's residency or authority to practice law in this state.

**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 09-23-041  
NOTICE OF PUBLIC MEETINGS  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed November 9, 2009, 11:40 a.m.]

The following is the schedule for the 2010 regular public meetings of the Washington utilities and transportation commission:

- January 14, 2010
- January 28, 2010
- February 11, 2010
- February 25, 2010
- March 11, 2010
- March 25, 2010
- April 15, 2010
- April 29, 2010
- May 13, 2010
- May 27, 2010
- June 10, 2010
- June 24, 2010
- July 15, 2010
- July 29, 2010
- August 12, 2010
- August 26, 2010
- September 16, 2010
- September 30, 2010
- October 14, 2010
- October 28, 2010
- November 10, 2010
- November 24, 2010
- December 16, 2010
- December 30, 2010

All commission meetings will commence at 9:30 a.m. on the scheduled day. The meetings will be held in the Commission's Main Hearing Room, Second Floor, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA.

Assistance with sign language interpreters or information in alternate formats will be provided when requested ten days prior to the meeting date, by contacting the ADA coordinator at (360) 664-1243 or TTY 800-416-5289.

**WSR 09-23-042**

**NOTICE OF PUBLIC MEETINGS  
HEALTH CARE AUTHORITY**

(Pharmacy and Therapeutics Committee)  
[Filed November 9, 2009, 12:52 p.m.]

2010 Meeting Schedule

Contact Regina Chacon, program coordinator, (206) 521-2027, regina.chacon@hca.wa.gov.

1.	<b>February 17, 2010</b> 9:00 a.m. - 4:00 p.m. Location: SeaTac Marriott Hotel 3201 South 176th Street Seattle, WA 98188
2.	<b>April 21, 2010</b> 9:00 a.m. - 4:00 p.m. Location: SeaTac Marriott Hotel 3201 South 176th Street Seattle, WA 98188
3.	<b>June 16, 2010</b> 9:00 a.m. - 4:00 p.m. Location: SeaTac Marriott Hotel 3201 South 176th Street Seattle, WA 98188
4.	<b>August 18, 2010</b> 9:00 a.m. - 4:00 p.m. Location: SeaTac Marriott Hotel 3201 South 176th Street Seattle, WA 98188
5.	<b>October 20, 2010</b> 9:00 a.m. - 4:00 p.m. Location: SeaTac Marriott Hotel 3201 South 176th Street Seattle, WA 98188
6.	<b>December 15, 2010</b> 9:00 a.m. - 4:00 p.m. Location: SeaTac Marriott Hotel 3201 South 176th Street Seattle, WA 98188

**WSR 09-23-046**

**NOTICE OF PUBLIC MEETINGS  
BELLINGHAM TECHNICAL COLLEGE**

[Filed November 9, 2009, 2:22 p.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, November 19, 2009, from 9:00-11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

**WSR 09-23-047**

**OFFICE OF THE GOVERNOR**

[Filed November 10, 2009, 9:06 a.m.]

Lowering of the Washington State and United States Flags

I hereby direct that Washington State and United States flags at all state agency facilities be lowered to half-staff on **Monday, November 9, 2009**, in memory of U.S. Army Chief Warrant Officer 4 Michael P. Montgomery, 36, of Redmond, who died October 26 in Afghanistan, of injuries sustained when his helicopter crashed.

**Please notify your staff and all of your field offices and facilities around the state.**

Flags should remain at half-staff until close of business on Monday, or first thing Tuesday morning.

Other government entities, citizens and businesses are encouraged to join this recognition.

Please call (360) 902-0383 if you have any questions about this flag lowering.

Christine O. Gregoire  
Governor

**WSR 09-23-052**

**NOTICE OF PUBLIC MEETINGS  
MARINE EMPLOYEES' COMMISSION**

[Filed November 12, 2009, 8:36 a.m.]

The following is the amended 2010 schedule for monthly meetings of the marine employees' commission (MEC) adopted by the MEC at its public meeting on October 23, 2009:

MONTH AND DAY	LOCATION
*January 29	Olympia 711 Capitol Way South Evergreen Plaza Building 2nd Floor Conference Room
February 26	Olympia 711 Capitol Way South Evergreen Plaza Building 2nd Floor Conference Room
March 26	Olympia 711 Capitol Way South Evergreen Plaza Building 2nd Floor Conference Room
*April 23	Olympia 711 Capitol Way South Evergreen Plaza Building 2nd Floor Conference Room
May 21	Seattle Rainier Conference Room Washington State Ferries 2901 3rd Avenue

June 25 Seattle  
Rainier Conference Room  
Washington State Ferries  
2901 3rd Avenue

\*July 23 Seattle  
Rainier Conference Room  
Washington State Ferries  
2901 3rd Avenue

August 27 Seattle  
Rainier Conference Room  
Washington State Ferries  
2901 3rd Avenue

September 24 Seattle  
Rainier Conference Room  
Washington State Ferries  
2901 3rd Avenue

\*October 22 Seattle  
Rainier Conference Room  
Washington State Ferries  
2901 3rd Avenue

November NO MEETING

December 10 Seattle  
Rainier Conference Room  
Washington State Ferries  
2901 3rd Avenue

All meetings begin at 10:00 a.m.

\*Quarterly GMAP meetings will be held immediately following the commission meetings.

**WSR 09-23-053**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
(Capitol Campus Design Advisory Committee)  
[Filed November 12, 2009, 8:36 a.m.]

General Administration Building  
210 11th Avenue S.W.  
Room 324  
Olympia, WA

**November 19, 2009**  
(10:00 - 2:30)

**WSR 09-23-054**  
**NOTICE OF PUBLIC MEETINGS**  
**GUARANTEED EDUCATION**  
**TUITION PROGRAM**  
[Filed November 12, 2009, 8:41 a.m.]

In accordance with RCW 28B.95.020 and WAC 14-276-030, the advanced college tuition program, known as the

guaranteed education tuition program has made a revision to the committee meeting schedule:

**Actuary Work Study and GET Committee Meeting: Wednesday, January 6, 2010, 1:00 p.m. - 4:00 p.m., Insurance Building, Capitol Campus, Olympia, Washington 98504.**

**Meeting Cancelled: Monday, February 8, 2010, 2:00 p.m. - 4:00 p.m., Insurance Building, Capitol Campus, Olympia, Washington 98504.**

If anyone wishes to request disability accommodations, notice should be given to the guaranteed education tuition program at least ten days in advance of the meeting in question. Notice may be given by any of the following methods: (360) 753-7860 (voice); (360) 753-7809 (TDD); or (360) 704-6200 (fax).

Please contact Betsy Hagen, 753-7860, if you need additional information.

**WSR 09-23-064**  
**NOTICE OF PUBLIC MEETINGS**  
**BOARD FOR VOLUNTEER**  
**FIREFIGHTERS AND RESERVE OFFICERS**  
[Filed November 13, 2009, 8:39 a.m.]

The state board for volunteer firefighters will meet in the James R. Larson Forum Building, 605 11th Avenue S.E., Suite 112, on February 19, April 16, July 16, and October 15, 2010, at 9:00 a.m.

**WSR 09-23-067**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE UNIVERSITY**  
[Filed November 13, 2009, 11:36 a.m.]  
**BOARD OF REGENTS MEETING NOTICE**  
November 19-20, 2009

The Washington State University board of regents will hold its next official meetings on Thursday and Friday, November 19-20, 2009, in Pullman, Washington, as outlined in the schedule below.

The board will begin meeting on Thursday at 11:30 a.m. Committee meetings will run consecutively throughout the afternoon; starting times following the first committee meeting are estimates only. If a session ends earlier than expected, the next scheduled session may convene immediately. Committee meetings may be attended by all members of the board of regents.

Thursday, November 19, 2009		Location
11:30 a.m.	Board of regents lunch	Compton Union Building Room 208
12:30 p.m.*	<a href="#">External affairs committee</a>	Compton Union Building Room 204
2:00 p.m.*	<a href="#">Academic and student affairs committee</a>	Compton Union Building Room 204
3:00 p.m.*	<a href="#">Finance and audit committee</a>	Compton Union Building Room 204

4:00 p.m.*	Executive session, if needed	Compton Union Building Room 204
6:30 p.m.	Board of regents dinner	755 NE Campus Avenue Pullman

\*or upon conclusion of previous session

Friday, November 20, 2009		Location
7:30 a.m.	Board of regents breakfast	Compton Union Building Room 208
9:00 a.m.	<u>Board of regents meeting</u>	Compton Union Building Room 204

In addition, at 10:30 a.m. on Thursday, November 19, the regents will attend the WSU Children's Center Open House Celebration, and at 5:00 p.m., they will attend the Olympia Avenue Student Housing Building Dedication. Lastly, the regents will host the Eastern Washington University president and trustees at their dinner meeting on Thursday, as noted above.

Questions about the board of regents meeting and schedule may be directed to Christine R. Hoyt, executive assistant to the board of regents, (509) 335-4200.

**WSR 09-23-069**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**  
 [Filed November 13, 2009, 12:20 p.m.]

The Skagit Valley College (Community College District No. 4) board of trustees has changed the following regular meetings:

From: February 9, 2010  
 To: February 16, 2010

From: March 9, 2010  
 To: March 16, 2010

If you need further information, please contact Lisa Radeleff, President's Office, 2405 East College Way, Mount Vernon, WA 98273, (360) 416-7995 (office), (360) 416-7773 (fax), lradeleff@skagit.edu, www.skagit.edu.

**WSR 09-23-079**  
**NOTICE OF PUBLIC MEETINGS**  
**RED RASPBERRY COMMISSION**  
 [Filed November 16, 2009, 12:10 p.m.]

The Washington red raspberry commission has changed the date of its December 2009, board meeting. Rather than December 9 the meeting will be held December 7 in Lynden.

**WSR 09-23-086**  
**OFFICE OF THE GOVERNOR**  
 [Filed November 17, 2009, 8:45 a.m.]

Lowering of the Washington State and United States Flags

I hereby direct that Washington State and United States flags at all state agency facilities be lowered to half-staff on **Thursday, November 12, 2009**, in memory of U.S. Army

Specialist Aaron S. Aamot, 22, of Custer, who died November 5 in Afghanistan, of injuries sustained when an improvised explosive device detonated near his military vehicle.

**Please notify your staff and all of your field offices and facilities around the state.**

Flags should remain at half-staff until close of business on Thursday, or first thing Friday morning.

Other government entities, citizens and businesses are encouraged to join this recognition.

Please call (360) 902-0383 if you have any questions about this flag lowering.

Christine O. Gregoire  
 Governor

**WSR 09-23-087**  
**OFFICE OF THE GOVERNOR**  
 [Filed November 17, 2009, 8:45 a.m.]

Lowering of the Washington State and United States Flags

In support of President Obama's November 6, 2009, Presidential Proclamation, I hereby direct that Washington State and United States flags at all state agency facilities be lowered to half-staff today, in memory of those who lost their lives at Fort Hood in Texas yesterday.

**Please notify your staff and all of your field offices and facilities around the state.**

Flags should remain at half-staff until sunset on Tuesday, November 10, 2009, and should be at full-staff for Veterans Day on Wednesday.

Other government entities, citizens and businesses are encouraged to join this recognition.

Please call (360) 902-0383 if you have any questions about this flag lowering.

Christine O. Gregoire  
 Governor

**WSR 09-23-088**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
 [Filed November 17, 2009, 8:45 a.m.]

**BOARD OF TRUSTEES**  
 Regular Meeting  
 Friday  
 November 20, 2009

*All times are approximations*

Regular Open Board Meeting	3:30 p.m.	Cheney TAW 215 B&C
Executive Session	2:30 p.m.	Cheney TAW 215 A

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-4648.

**WSR 09-23-089**

**NOTICE OF PUBLIC MEETINGS  
WASHINGTON MATERIALS MANAGEMENT  
AND FINANCING AUTHORITY**

[Filed November 17, 2009, 8:46 a.m.]

The Washington materials management and financing authority (WMMFA) would like to publish the schedule for regularly held board meetings for calendar year 2010. All regular meetings of the board of directors of the authority will be held on the third Thursday of every other month beginning in January. Therefore, regular meetings will be held:

- January 21
- March 18
- May 20
- July 15
- September 16
- November 18

All meetings are held at 9:30 a.m. at the offices of Van Ness Feldman, 719 Second Avenue, Suite 1150, Seattle, WA 98104.

**WSR 09-23-090**

**NOTICE OF PUBLIC MEETINGS  
WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD**

[Filed November 17, 2009, 8:46 a.m.]

The workforce training and education coordinating board will conduct a special board meeting on December 7, 2009, in the workforce board's main conference room to provide comments on recommendations generated from the workforce system review.

Please feel free to contact Julie Anderson, (360) 753-5677 or janderson@wtb.wa.gov, if you have any questions.

**WSR 09-23-098**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF ECOLOGY**

(Natural Resource Damage Assessment Committee)

[Filed November 17, 2009, 9:52 a.m.]

**January – December 2010 Meeting Schedule**

The Washington state natural resource damage assessment (NRDA) committee, which is chaired by the department of ecology, includes representatives of the state departments of fish and wildlife, natural resources, health, archaeology and historic preservation, and the parks and recreation commission. The committee makes decisions regarding the most appropriate damage assessment to pursue for oil spills in state waters, and evaluates restoration projects proposed by responsible parties in lieu of monetary claims.

Meetings for January through December 2010 will be held on the second Wednesday of each month. All meetings will be held in Room ROA-09.

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

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

**WSR 09-23-099**

**NOTICE OF PUBLIC MEETINGS  
EDMONDS COMMUNITY COLLEGE**

[Filed November 17, 2009, 9:52 a.m.]

In compliance with RCW 42.30.075, the following board of trustees 2010 meeting schedule has been approved for Edmonds Community College. The regularly scheduled meetings will take place on the second Thursday of the month beginning at 4:30 p.m. in Snohomish Hall, Room 304, Cascade Conference Room, Edmonds Community College, 20226 68th Avenue West, Lynnwood, WA 98036.

- January No meeting
- February 11
- March 11
- April 8
- May 13
- June 18 Friday - special meeting
- July No meeting
- August 19 and 20 Off campus study session - special meeting
- September 9
- October 14
- November 11
- December No meeting

**WSR 09-23-101**

**NOTICE OF PUBLIC MEETINGS  
STATE BOARD OF EDUCATION**

[Filed November 17, 2009, 10:34 a.m.]

The regular board meetings of the Washington state board of education for 2010 are as follows:

Date	Meeting Type	Location
January 13-14	Regular board meeting	New Market Skills Center 7299 New Market Street S.W. Tumwater, WA 98501 <a href="http://www.nmvsc.com/">http://www.nmvsc.com/</a>
March 17-18	Regular board meeting	Puget Sound Skills Center 18010 8th Avenue South Seattle, WA 98148 <a href="http://www.hsd401.org/PSSC/campus.html">http://www.hsd401.org/PSSC/campus.html</a>

Date	Meeting Type	Location
May 13-14	Regular board meeting	NEWESD 101 Regal Center 4202 South Regal Street Spokane, WA 99223-7738 <a href="http://www.esd101.net/">http://www.esd101.net/</a>
July 13-15	July 13-board retreat July 14-board retreat July 15-board meeting	La Conner Country Inn 107 South Second Street La Conner, WA 98257 <a href="http://www.laconnerlodging.com/laconner-country-inn.php">http://www.laconnerlodging.com/laconner-country-inn.php</a>
September 15-16	Regular board meeting	Puget Sound Educational Service District 800 Oakesdale Avenue S.W. Renton, WA 98057 <a href="http://www.psesd.org/">http://www.psesd.org/</a>
November 9-10	Regular board meeting (combined with PESB)	New Market Skills Center 7299 New Market Street S.W. Tumwater, WA 98501 <a href="http://www.nmvsc.com/">http://www.nmvsc.com/</a>

More information and meeting materials for these meetings are posted on the web site at [www.sbe.wa.gov](http://www.sbe.wa.gov).

Contact Edie Harding, executive director, (360) 725-6025.

**WSR 09-23-104**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Apprenticeship and Training Council)  
 [Filed November 17, 2009, 4:24 p.m.]

Meetings - 2010

Per chapter 42.30 RCW, the Open Public Meetings Act, the Washington state apprenticeship and training council meetings for 2010 have been scheduled for:

DATE	LOCATION
January 21 - 22, 2010	Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA
April 15 – 16, 2010	Bellingham, Washington
July 15 – 16, 2010	Vancouver, Washington
October 21 – 22, 2010	Spokane, Washington

Please call (360) 902-6411, if you have questions.

**WSR 09-23-105**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Board of Boiler Rules)  
 [Filed November 17, 2009, 4:24 p.m.]

Meetings – 2010

Per chapter 42.30 RCW, the Open Public Meetings Act, the board of boiler rules board meetings for 2010 have been scheduled for:

DATE	TIME	LOCATION
February 9-10, 2010	10:00 a.m.	Labor and Industries 950 Broadway Avenue Tacoma, WA
May 11-12, 2010	10:00 a.m.	Labor and Industries 950 Broadway Avenue Tacoma, WA
September 14-15, 2010	10:00 a.m.	Labor and Industries 950 Broadway Avenue Tacoma, WA
November 16-17, 2010	10:00 a.m.	Labor and Industries 950 Broadway Avenue Tacoma, WA

Please call (360) 902-6411, if you have questions.

**WSR 09-23-106**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Electrical Board)  
 [Filed November 17, 2009, 4:25 p.m.]

Meetings – 2010

Per chapter 42.30 RCW, the Open Public Meetings Act, the electrical board meetings for 2010 have been scheduled for:

DATE	TIME	LOCATION
January 28, 2010	9:00 a.m.	Department of Labor and Industries 7273 Linderson Way S.W. Auditorium Tumwater, WA
April 29, 2010	9:00 a.m.	To be determined
July 29, 2010	9:00 a.m.	To be determined
October 28, 2010	9:00 a.m.	To be determined

Please call (360) 902-6411, if you have questions.



**WSR 09-23-107**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Factory Assembled Structure Advisory Board)  
 [Filed November 17, 2009, 4:25 p.m.]

Meetings – 2010

In accordance with chapter 42.30 RCW, Open [Public] Meeting[s] Act, the time and place of regular meetings for the FAS advisory board for 2010 have been scheduled.

The meetings are scheduled to begin at 1:00 p.m. at the Labor and Industries Headquarters Building, 7273 Linderson Way S.W., Tumwater, WA 98501.

The dates are as follows:

February 18, 2010

May 20, 2010

August 19, 2010

November 18, 2010

Please call (360) 902-6411, if you have questions.

**WSR 09-23-108**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Advisory Board of Plumbers)  
 [Filed November 17, 2009, 4:26 p.m.]

Meetings - 2010

In accordance with chapter 42.30 RCW, Open [Public] Meeting[s] Act, the quarterly meetings for the advisory board of plumbers have been scheduled for 2010. The meetings are to begin at 9:30 a.m. on the third Tuesday of January, April, July and October at the Department of Labor and Industries, 12806 Gateway Drive, Tukwila, WA 98168.

The dates are as follows:

January 19, 2010

April 20, 2010

July 20, 2010

October 19, 2010

**WSR 09-23-109**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Prevailing Wage Advisory Committee)  
 [Filed November 17, 2009, 4:27 p.m.]

2010 Public Meeting

Per chapter 42.30 RCW, the Open Public Meetings Act, the prevailing wage advisory committee will be holding meetings on:

DATE	TIME	LOCATION
March 25, 2010	9:00 a.m.	Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA
June 10, 2010	9:00 a.m.	Department of Labor and Industries 12806 Gateway Drive Tukwila, WA
September 15, 2010	9:00 a.m.	Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA
December 16, 2010	9:00 a.m.	Department of Labor and Industries 12806 Gateway Drive Tukwila, WA

Please call (360) 902-6411, if you have questions.

**WSR 09-23-114**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE AUTHORITY**  
 (Public Employees Benefits Board)  
 [Filed November 18, 2009, 9:43 a.m.]

**2010 Meeting Schedule**

The public employee benefits board annual retreat will be held on Tuesday, January 12, 2010, 8:30 a.m. to 5:00 p.m., at the Cedarbrook Lodge, 18525 36th Avenue South, SeaTac, WA 98188.

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

**WSR 09-23-118**  
**NOTICE OF PUBLIC MEETINGS**  
**STATUTE LAW COMMITTEE**  
 [Filed November 18, 2009, 10:31 a.m.]

Historically, the statute law committee meets two times each calendar year. The statute law committee meets at the call of the chair.

A statute law committee meeting has been scheduled for Wednesday, December 2, 2009. The meeting will begin at 10:00 a.m. and will end at approximately 11:30 a.m.

The meeting will be held in the house rules room located on the 1st floor, southwest corner of the legislative building.

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