

WSR 10-11-002**OFFICE OF THE GOVERNOR**

[Filed May 6, 2010, 8:45 a.m.]

Lowering of the Washington State and United States Flags

I join the President of the United States in honoring Dorothy Height, a founding matriarch of the American civil rights movement, by directing that Washington State and United States flags at all state agency facilities be lowered to half-staff **Thursday, April 29, 2010**, in her memory. She died April 20 at age 98.

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 Thursday, or first thing Friday morning, April 30.

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 10-11-003**NOTICE OF PUBLIC MEETINGS****LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' PLAN 2 RETIREMENT BOARD**

[Filed May 6, 2010, 8:46 a.m.]

The law enforcement officers' and firefighters' plan 2 retirement board has cancelled the May 26, 2010, board meeting.

The next regularly scheduled meeting is **Wednesday, June 16** at 9:30 a.m. located in the Washington state investment board room.

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 10-11-004**NOTICE OF PUBLIC MEETINGS****DEPARTMENT OF INFORMATION SERVICES**

[Filed May 6, 2010, 8:46 a.m.]

A special information services board meeting has been scheduled for Monday, June 7, 2010, at 1:00. The meeting will be held in the Department of Information Services Boardroom, 605 East 11th Street, Olympia, WA.

For further information please contact Laurel McMillan at (360) 902-3566.

WSR 10-11-009**NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION
COMMISSION**

[Filed May 7, 2010, 7:14 a.m.]

UPDATED

Snowmobile Advisory Committee Meeting Schedule

The Washington state parks and recreation commission's snowmobile advisory committee has updated the site for the July 2010 meeting as follows: **Dates and Locations: July 30 and 31**, at the Howard Johnson Plaza Hotel, 9 North 9th Street, Yakima, WA 98901, (509) 452-6511, (800) 446-4656.

The snowmobile advisory committee meeting will begin at 8 a.m. Details on the location of the snowmobile advisory committee meeting may be obtained by writing to Pam McConkey, Washington State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-2650, e-mail pam.mcconkey@parks.wa.gov, or by calling (360) 902-8595.

The public is welcome to attend all state park and recreation commission advisory committee meetings. Meeting sites will be barrier free to the greatest extent feasible. The commission will provide Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments, if a request is received at the appropriate address shown above at least ten working days in advance of the scheduled meeting date.

WSR 10-11-011**RULES COORDINATOR****DEPARTMENT OF COMMERCE**

[Filed May 7, 2010, 8:32 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the department of commerce is Nick Demerice, legislative director. Nick's contact information is Nick Demerice, Legislative Director, 128 10th Avenue S.W., P.O. Box 42525, Olympia, WA 98504-2525, phone (360) 725-4010, fax (360) 586-8440, e-mail Nick.Demerice@Commerce.wa.gov.

Nick replaces Cheryl Smith, who is the most recent agency rules coordinator. Due to reorganization at commerce, Nick has been assigned the rules coordinator duties for the agency.

Rogers Weed
Director

WSR 10-11-012**NOTICE OF PUBLIC MEETINGS****EVERETT COMMUNITY COLLEGE**

[Filed May 7, 2010, 8:33 a.m.]

NOTIFICATION OF SPECIAL MEETING

Board of Trustees
May 5, 2010

Olympus Board Room
5:00 p.m.

WSR 10-11-013
NOTICE OF PUBLIC MEETINGS
CONVENTION CENTER
[Filed May 7, 2010, 8:35 a.m.]

A regular meeting of the Washington state convention center board of directors will be held on **Tuesday, May 18, 2010**, at 2:00 p.m. The meeting will be held in the Administrative Boardroom, Level 5 Administrative Offices of the Convention Center, 800 Convention Place, Seattle.

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

WSR 10-11-026
RULES OF COURT
STATE SUPREME COURT
[May 6, 2010]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO SAR 21) NO. 25700-A-950

The Court on its own motion having recommended the adoption of the proposed amendment to SAR 21, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as shown below is adopted.

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

DATED at Olympia, Washington this 6th day of May, 2010.

Madsen, C.J.

C. Johnson, J.

Owens, J.

Alexander, J.

Fairhurst, J.

Sanders, J.

J. M. Johnson, J.

Chambers, J.

Stephens, J.

Proposed Amendments to SAR 21

RULE 21. JUSTICES PRO TEMPORE

(a) Generally. If one or more justices recuse on a case which reduces the court to an even number, a pro tempore justice shall be appointed by the Chief Justice when available, unless a majority of the court directs otherwise. In all

other cases of recusal, the Chief Justice shall notify the other justices, in writing, of the recusal as soon as the fact of recusal becomes known to the Chief Justice, and the majority shall direct whether a pro tempore justice should be appointed when available.

(b) Qualifications. If a pro tempore justice is to be selected, the proposed selection shall be made in the manner set forth hereafter by the Chief Justice, or at the Chief Justice's option by the Clerk of the Court, from a list of active and retired court of appeals judges. The list shall be approved on an annual basis by a majority of the Court. All retired appellate judges will be included on the list, *except* those who prefer not to be on the list or who are (1) incapacitated, (2) ~~are~~ litigants whose cases have been in this court or will ~~probably~~ likely come to this court, (3) ~~are~~ over 75 years of age (the mandatory judicial retirement age in this state), or (4) ~~are in a practicing law firm as a sole practitioner, member of a law firm, or of counsel to a law firm,~~ or (5) ~~who prefer not to be on the pro tem list.~~ legal counsel for any private, nonprofit, or government entity.

WSR 10-11-043
NOTICE OF PUBLIC MEETINGS
LOTTERY COMMISSION
[Filed May 12, 2010, 8:16 a.m.]

Meeting Dates and Locations
2010

Work session meetings will start at 8:30 a.m. Formal meetings will follow the work session after a short break.

February 4, 2010	Lottery Headquarters Drawing Studio	Olympia, Washington
April 29, 2010	Lottery Headquarters Drawing Studio	Olympia, Washington
June 3, 2010	Lottery Headquarters Drawing Studio	Olympia, Washington
August 26, 2010	Lottery Headquarters Drawing Studio	Olympia, Washington
October 28, 2010	Lottery Headquarters Drawing Studio	Olympia, Washington

WSR 10-11-044
OFFICE OF THE GOVERNOR
[Filed May 12, 2010, 9:04 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 **Tuesday, May 11, 2010**, in memory of U.S. Army Master Sgt. Mark W. Coleman, 40, of Yelm, who died May 2 in Afghanistan, of injuries he sustained when enemy forces attacked his unit with an improvised explosive device.

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 Tuesday, or first thing Wednesday morning, May 12.

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 10-11-054

**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Filed May 12, 2010, 3:16 p.m.]

The Skagit Valley College board of trustees, at their May 11, 2010, meeting, approved the following meeting dates for 2010-2011. Unless otherwise noted, all meetings will be held at the Mount Vernon Campus (Multipurpose Room), 2405 East College Way, Mount Vernon, WA 98273, and will begin at 4:30 p.m.

July 2010 - June 2011

Board Meeting Dates	Location
July 13, 2010	Mount Vernon Campus
September 14, 2010	Mount Vernon Campus
October 12, 2010	Mount Vernon Campus
November 9, 2010	Mount Vernon Campus
December 14, 2010	Mount Vernon Campus
January 11, 2011	Mount Vernon Campus
February 8, 2011	Mount Vernon Campus
March 8, 2011	Mount Vernon Campus
April 12, 2011	Mount Vernon Campus
May 10, 2011 - 4:30 p.m.	Whidbey Island Campus 1900 S.E. Pioneer Way Oak Harbor, WA 98277
June 14, 2011	Mount Vernon Campus

WSR 10-11-057

DEPARTMENT OF CORRECTIONS

[Filed May 13, 2010, 8:05 a.m.]

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

Following are amendments to WAC 137-48-060 Inmate mail and communications. This amendment was submitted for publication in the Washington State Register and the Washington Administrative Code. Pertinent information follows:

1. The amendments to chapter 137-48 WAC, Inmate mail and communications are adopted as of May 11, 2010.
2. The effective date of these amendments shall be May 17, 2010.

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

Eldon Vail
Secretary

AMENDATORY SECTION (Amending WSR 05-13-004, filed 6/2/05, effective 7/2/05)

WAC 137-48-060 Mail costs. (1) Except as otherwise stated in this section, mail costs shall be the responsibility of the inmate.

(2) Mail which arrives at the institution with postage due may, at the option of the superintendent, be delivered to the inmate. The institution may pay the postage due in accordance with subsection (3) of this section, or hold the mail for a reasonable period of time so as to allow the inmate to arrange for payment of the postage due. If such arrangements are not made within the time provided, the package/mail may be donated to charity or discarded.

(3) Indigent inmates shall be authorized to receive postage up to the equivalent to the mailing cost of ~~((ten))~~ five standard first class letters per week. This indigent postage provision shall cover both legal and/or regular letters.

(4) The department shall recoup any expenditures made by the institution for postage due on incoming mail and/or indigent postage for letters, (as identified in subsection (3) of this section) may be recouped by the institution whenever such indigent inmate has ten dollars or more of disposable income in his/her trust fund account.

WSR 10-11-058

DEPARTMENT OF AGRICULTURE

[Filed May 13, 2010, 9:56 a.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, 2010, and October 31, 2010. Properly licensed pesticide applicators who have obtained coverage under the WSDA national pollutant discharge elimination system (NPDES) 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) 407-6938.

Please call the office of public records and open public meetings at (206) 543-9180 with questions or concerns.

WSR 10-11-060
NOTICE OF PUBLIC MEETINGS
CLEMENCY AND PARDONS BOARD

[Filed May 13, 2010, 11:06 a.m.]

The Washington state clemency and pardons board hereby gives notice that its quarterly hearings are scheduled for September 9 and 10, 2010, at 10:00 a.m., in Senate Hearing Room 3, of the John A. Cherberg Building, Olympia, Washington. The following petitions will be considered by the board¹:

¹At the board's discretion, the order of the petitions to be called for hearing is subject to change.

SEPTEMBER 9, 2010

Petitioner:	Petition For:
Starcia Ague	Pardon
Elizabeth Jones	Pardon
Konstantin Manzar	Pardon
Troy Prouty	Pardon
Theodore Randall	Pardon
David Reed	Pardon
Jacob Morgan	Pardon
Gregory P. Ciego	Pardon
Cecilio Huitron	Pardon
Michael Harris	Commutation
Barry Massey	Commutation

WSR 10-11-063
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON

[Filed May 13, 2010, 3:05 p.m.]

School of Pharmacy Curriculum Committee
Regular Meeting Schedule
January through December 2010

Meeting Date	Location (Bldg. & Room #)	Time
Thursday, June 24	H-371 Department of Pharmacy Conference Room	9:30 - 11:00
Thursday, August 12	H-371 Department of Pharmacy Conference Room	11:00 - 12:00

WSR 10-11-067
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE

(Salmon Recovery Funding Board)

[Filed May 14, 2010, 8:33 a.m.]

The next public meeting of the salmon recovery funding board will be **Thursday, May 20, 2010, from 9:00 a.m. to 1:35 p.m.** at the Best Western Lakeway Inn, 714 Lakeway Drive, Bellingham, WA.

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

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 10-11-078
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE

[Filed May 14, 2010, 10:42 a.m.]

The board of trustees of Walla Walla Community College, District No. Twenty, has changed the dates of the following meetings:

From: June 29 and 30, 2010
To: June 23 and June 24, 2010
Start times: June 23 - 1:00 p.m. and June 24 - 9:00 a.m.
Location: Walla Walla Community College Board Room

If you need further information, please contact Jerri Ramsey, 500 Tausick Way, Walla Walla, WA 99362, phone (509) 527-4274, fax (509) 527-4249, e-mail jerri.ramsey@wwcc.edu, wwcc.edu, web www.wwcc.edu.

WSR 10-11-079
NOTICE OF PUBLIC MEETINGS
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Filed May 17, 2010, 9:19 a.m.]

The state board adopts its meeting schedule for the fiscal year for publication in the *Washington State Register*.

The state board has agreed upon the following meeting dates and locations for 2010-11:

September 13-15, 2010 (retreat)	State Board Office - Olympia
October 27-28, 2010	Everett Community College
December 1-2, 2010	Bates Technical College
January 19-20, 2011	State Board Office - Olympia
March 16-17, 2011	State Board Office - Olympia
May 11-12, 2011	Highline Community College
June 22-23, 2011	State Board Office - Olympia

WSR 10-11-080**NOTICE OF PUBLIC MEETINGS
FORENSIC INVESTIGATIONS COUNCIL**

[Filed May 17, 2010, 9:19 a.m.]

Pursuant to RCW 42.30.075, the forensic investigations council meeting scheduled for June 25, 2010, at the WA Counties Building in Olympia, Washington is being cancelled.

If you have questions or need further information, David McEachran can be reached at (360) 676-6784.

WSR 10-11-108**INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed May 18, 2010, 12:08 p.m.]

In accordance with RCW 34.05.230(12), following is a policy and interpretive statement issued by the department regarding the insurance services division policies.

If you have any questions or need additional information please call Naomi Goodman at (360) 902-4211.

Insurance Services: Office of the medical director, state fund claims administration, self-insurance and crime victims.

New Policy: Provider Bulletin 10-03 Advanced Imaging Utilization Review.

In 2009, the Washington legislature passed ESHB 2105, which directed the state to convene an advanced imaging management work group to identify evidence-based best practice guidelines for advanced imaging. State agencies were directed to implement the work group recommendations. This bulletin announces the implementation of the recommendations.

The bulletin provides guidelines and utilization review for advanced imaging studies. Beginning June 1, 2010, the department of labor and industries will implement evidence-based guidelines for MRI scans of the spine and upper and lower extremities; and CT and MRI scans for headaches. These require prior authorization. For state fund claims, prior authorization must go through the department's contracted utilization firm. Requests for advanced imaging for crime victims' claims go through labor and industries' crime victims' compensation program. Requests for advance[d] imaging for self-insured claims go through the self-insured

employer or third party administrator. Labor and industries will pilot an expedited review program for advanced imaging studies with organizations that meet certain criteria.

Contact: Josh Morse, P.O. Box 44321, Olympia, WA 98504-4321, phone (360) 902-5026, e-mail mojo235@lni.wa.gov.

WSR 10-11-126**INTERPRETIVE AND POLICY STATEMENT
HEALTH CARE AUTHORITY**

[Filed May 19, 2010, 11:01 a.m.]

Notice of Interpretive or Policy Statements

The following is a list of policy and interpretive statements issued by public employee benefits board (PEBB) customer service regarding employee eligibility and enrollment. The complete policy statements can be downloaded on-line from <http://www.pebb.hca.wa.gov/policy.html>.

Policy #11-1: *Providing notifications to employees and employers.* The purpose of this policy is to clarify the requirements of employer-to-employee and employee-to-employer notices, as stated in RCW 41.05.009 and 41.05.065 (iii),(iv) and (v). Effective June 1, 2010.

Policy #17-1: *Determining faculty eligibility for summer/short class sessions.* The purpose of this policy is to provide a method for determining eligibility for the employer contribution for faculty teaching nontraditional class sessions. Effective January 1, 2010.

Policy #17-2: *Determining faculty eligibility after a lay-off.* The purpose of this policy is to apply the criteria for maintaining the employer contribution toward insurance coverage after a layoff, as described in WAC 182-12-129, to faculty. Effective January 1, 2010.

Policy #17-3: *Determining faculty eligibility for off quarter/semester and for decreases in workload.* The purpose of this policy is to clarify when a faculty qualifies for the employer contribution toward insurance coverage during an off-quarter/semester and when there is a decrease in workload. Effective January 1, 2010.

The PEBB customer service is rescinding the following policies:

Policy #409: *Determining half-time employment.* The purpose of this policy was to clarify accepted methods for calculating half-time employment for employees. This is now addressed in statute.

Policy #2-11: *Extension of PEBB deadlines, grace periods, and other timelines for members affected by Hurricane Katrina.* The purpose of this policy was to extend deadlines and other timeframes for affected individuals acting on behalf of PEBB members affected by Hurricane Katrina. This policy is no longer required by federal regulations.

To receive a hard copy of the policy statements, contact Matthew Albright, P.O. Box 42684, Olympia, WA 98504-2684, phone (360) 923-2629.