

WSR 10-13-024
RULES OF COURT
STATE SUPREME COURT

[June 3, 2010]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENTS TO RAP 2.4-) NO. 25700-A-953
 SCOPE OF REVIEW OF A TRIAL)
 COURT DECISION, RAP 4.2-DIRECT)
 REVIEW OF SUPERIOR COURT DECI-)
 SION, RAP 4.3-DIRECT REVIEW OF)
 DECISIONS OF COURTS OF LIMITED)
 JURISDICTION, RAP 4.4-TRANSFER OF)
 CASES BY SUPREME COURT, RAP 9.5-)
 FILING AND SERVICE OF REPORT OF)
 PROCEEDINGS OBJECTIONS, RAP)
 9.6(c)-DESIGNATION OF CLERK'S)
 PAPERS AND EXHIBITS, RAP 9.7-PRE-)
 PARING CLERK'S PAPERS AND EXHIB-)
 ITS FOR APPELLATE COURT, RAP 9.8-)
 TRANSMITTING RECORD ON REVIEW,)
 RAP 10.3-CONTENT OF BRIEF, RAP 10.4)
 - PREPARATION AND FILING OF BRIEF)
 BY PARTY, RAP 12.4-MOTION FOR)
 RECONSIDERATION OF DECISION)
 TERMINATING REVIEW, RAP 12.7-)
 FINALITY OF DECISION, RAP 12.9-)
 RECALL OF MANDATE OR CERTIFI-)
 CATE OF FINALITY; RAP 14.3-)
 EXPENSES ALLOWED AS COSTS, RAP)
 15.1-PROCEDURES TO WHICH TITLE)
 APPLIES, RAP 16.7-PERSONAL)
 RESTRAINT PETITION FORM OF PETI-)
 TION, RAP 16.20-TRANSMITTAL OF)
 JURY QUESTIONNAIRES AND)
 CLERK'S PAPERS IN CAPITAL CASES,)
 RAP 17.4-FILING AND SERVICE OF)
 MOTION ANSWER TO MOTION, RAP)
 17.5-ORAL ARGUMENT OF MOTION,)
 RAP 18.1-ATTORNEY FEES AND)
 EXPENSES, RAP 18.6-COMPUTATION)
 OF TIME, RAP 18.14-MOTION ON THE)
 MERITS, RAP FORM 15A-NOTICE OF)
 FILING VERBATIM REPORT OF PRO-)
 CEEDINGS, RAP FORMS 3, 4 AND 9)
 AND RAP FORM 19)

The Court of Appeals having recommended the adoption of the proposed amendments to RAP 2.4-Scope of Review of a Trial Court Decision, RAP 4.2-Direct Review of Superior Court Decision, RAP 4.3-Direct Review of Decisions of Courts of Limited Jurisdiction, RAP 4.4-Transfer of Cases by Supreme Court, RAP 9.5-Filing and Service of Report of Proceedings Objections, RAP 9.6(c)-Designation of Clerk's Papers and Exhibits, RAP 9.7-Preparing Clerk's Papers and Exhibits for Appellate Court, RAP 9.8-Transmitting Record on Review, RAP 10.3-Content of Brief, RAP 10.4-Preparation and Filing of Brief by Party, RAP 12.4-Motion for Reconsideration of Decision Terminating Review, RAP 12.7-Finality of Decision, RAP 12.9-Recall of Mandate or Certificate of Finality; RAP 14.3-Expenses Allowed as Costs, RAP 15.1-Procedures to Which Title Applies, RAP 16.7-Personal Restraint Petition Form of Petition, RAP 16.20-Transmittal of Jury Questionnaires and Clerk's Papers in Capital Cases, RAP 17.4-Filing and Service of Motion

Answer to Motion, RAP 17.5-Oral Argument of Motion, RAP 18.1-Attorney Fees and Expenses, RAP 18.6-Computation of Time, RAP 18.14-Motion on the Merits, RAP Form 15A-Notice of Filing Verbatim Report of Proceedings, RAP Forms 3, 4 and 9 and RAP Form 19, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as shown below are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2010.

DATED at Olympia, Washington this 3rd day of June, 2010.

Madsen, C.J.

C. Johnson, J.

Owens, J.

Alexander, J.

Fairhurst, J.

Sanders, J.

J. M. Johnson, J.

Chambers, J.

Stephens, J.

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 2.4

SCOPE OF REVIEW OF A TRIAL COURT DECISION

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

(b) **Order or Ruling Not Designated in Notice.** [No change.]

(c) **Final Judgment Not Designated in Notice.** Except as provided in rule 2.4(b), the appellate court will review a final judgment not designated in the notice only if the notice designates an order deciding a timely posttrial motion based on (1) CR 50(b) (judgment as a matter of law), (2) CR 52(b) (amendment of findings), (3) CR 59 (reconsideration, new trial, and amendment of judgments), (4) CrR 7.4 (arrest of judgment), or (5) CrR ~~7.6~~ 7.5 (new trial).

(d) **Order Deciding Alternative Post-Trial Motions in Civil Case.** [No change.]

(e) **Order Deciding Alternative Post-Trial Motions in Criminal Case.** [No change.]

(f) **Decisions on Certain Motions Not Designated in Notice.** An appeal from a final judgment brings up for review the ruling of the trial court on an order deciding a timely motion based on (1) CR 50(b) (judgment as a matter of law), (2) CR 52(b) (amendment of findings), (3) CR 59 (reconsideration, new trial, and amendment of judgments), (4) CrR 7.4 (arrest of judgment), or (5) CrR ~~7.6~~ 7.5 (new trial).

(g) **Award of Attorney Fees.** [No change.]

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 4.2

DIRECT REVIEW OF SUPERIOR COURT DECISION
BY SUPREME COURT

(a) **Type of Cases Reviewed Directly.** [No change.]

(b) ~~Service and Filing of Statement of Grounds for Direct Review.~~ **Procedure for Seeking Direct Review.** A party seeking direct review of a superior court decision in the Supreme Court must file a notice of appeal or notice for discretionary review directed to the Supreme Court. Within ~~within~~ 15 days after filing the notice of appeal or notice for discretionary review, the party seeking direct review must serve on all other parties and file in the Supreme Court a statement of grounds for direct review in the form provided in section (c).

(c) **Form of Statement of Grounds for Direct Review.** The statement should be captioned "Statement of Grounds for Direct Review," contain the title of the case as provided in rule 3.4, conform to the formatting requirements of rule 10.4(a), and contain under appropriate headings and in the order here indicated:

(1) *Nature of the Case and Decision.* A short statement of the substance of the case below and the basis for the superior court decision;

(2) *Issues Presented for Review.* A statement of each issue the party intends to present for review; and

(3) *Grounds for Direct Review.* The grounds upon which the party contends direct review should be granted.

The statement of grounds for direct review should not exceed 15 pages, exclusive of appendices and the title sheet.

(d) **Answer to Statement of Grounds for Direct Review.** A respondent may file an answer to the statement of grounds for direct review. In an appeal, the answer should be filed within 14 days after service of the statement on respondent. In a discretionary review, the answer should be filed with any response to the motion for discretionary review. The answer should conform to the formatting requirements of rule 10.4(a). The answer should not exceed 15 pages, exclusive of appendices and the title sheet.

(e) **Effect of Denial of Direct Review.** [No change.]

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 4.3

DIRECT REVIEW OF DECISIONS OF
COURTS OF LIMITED JURISDICTION

(a) **Prerequisites for Direct Review of Decisions of Courts of Limited Jurisdiction.** [No change.]

(b) **Service and Filing of Statement of Grounds for Direct Review.** [No change.]

(c) **Form of Statement of Grounds for Direct Review.** The statement should be captioned "Statement of Grounds for Direct Review," contain the title of the case as provided in rule 3.4, conform to the formatting requirements of rule 10.4(a), and contain under appropriate headings and in the order here indicated:

(1) *Nature of Case and Decision.* [No change.]

(2) *Issues Presented for Review.* [No change.]

(3) *Grounds for Direct Review.* [No change.]

(4) *Appendix.* [No change.]

(d) **Answer to Statement of Grounds for Direct Review.** A respondent may file an answer to the statement of grounds for direct review. The answer should be filed within 14 days after service of the statement on respondent. The answer should conform to the formatting requirements of rule 10.4(a). The answer should not exceed 15 pages, exclusive of appendices and the title sheet.

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

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 4.4

TRANSFER OF CASES BY SUPREME COURT

The Supreme Court, to promote the orderly administration of justice may, on its own initiative, upon certification by the Court of Appeals, or on motion of a party, transfer a case from the Court of Appeals to the Supreme Court or from one division to another division of the Court of Appeals. The Court of Appeals, on its own initiative or on motion of a party, may transfer a case from one division to another division pursuant to CAR 21(a). A party should not file a motion to transfer until the record has been perfected and all briefs have been filed in the Court of Appeals.

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 9.5

FILING AND SERVICE OF REPORT OF PROCEEDINGS—OBJECTIONS

(a) **Generally.** The party seeking review must file an agreed or narrative report of proceedings with the clerk of the trial court within 60 days after the statement of arrangements is filed. The court reporter or person authorized to prepare the verbatim report of proceedings must file it within 60 days after the statement of arrangements is filed and all named court reports are served. If the proceeding being reviewed was recorded on videotape, the transcript must be filed by the transcriber with the clerk of the trial court within 60 days after the statement of arrangements is filed and all named court reporters are served. ~~The party who caused a report of proceedings to be filed should at the time of filing the report of proceedings serve notice that the report of proceedings has been filed and file proof of the service on all parties.~~

(1) [No change.]

(2) [No change.]

(b) **Filing and Service of Verbatim Report of Proceedings.** If a verbatim report of proceedings cannot be completed within 60 days after the statement of arrangement is filed and served, the court reporter or ~~video transcriber~~ or authorized person shall, no later than 10 days before the report of proceedings is due to be filed, submit an affidavit to the party who ordered the report of proceedings stating the reasons for the delay. The party who requested the verbatim

report of proceedings should move for an extension of time from the appellate court. The clerk will notify the parties of the action taken on the motion. When the court reporter ~~or video transcriber~~ or authorized person files the verbatim report of proceedings, a copy shall be provided to the party who arranged for transcription and either the reporter ~~or video transcriber~~ or authorized person shall serve and file notice of the filing on all other parties and the appellate court. The notice of filing served on the appellate court shall include a declaration that (1) the transcript was computer generated and an ASCII diskette or compact disc was filed or (2) the transcript was not computer generated. Failure to timely file the verbatim report of proceedings and notice of service may subject the court reporter ~~or video transcriber~~ or authorized person to sanctions as provided in rule 18.9.

(c) Objections to Report of Proceedings. A party may serve and file objections to, and propose amendments to, a narrative report of proceedings or a verbatim report of proceedings within 10 days after receipt of the report of proceedings or receipt of the notice of filing of the report of proceedings. If objections or amendments to the report of proceedings are served and filed, any objections or proposed amendments must be heard by the trial court judge before whom the proceedings were held for settlement and approval, except objections to the form of a report of proceedings, which shall be heard by motion in the appellate court. The court may direct a party or a reporter ~~or typist~~ or authorized person ~~transcribing videotape~~ transcriber to pay for the expense of any modifications of the proposed report of proceedings. The motion procedure of the court deciding any objections shall be used in settling the report of proceedings.

(d) Substitute Judge May Settle Report of Proceedings. [No change.]

PROPOSED AMENDMENT

RAP 9.6

DESIGNATION OF CLERK'S PAPERS AND EXHIBITS

[(a) & (b) unchanged]

(c) Format.

(1) Full copies of all designated pleadings shall be included, unless the trial court orders otherwise.

(2) The trial court clerk shall number the papers sequentially from beginning to end, including any supplemental clerk's papers, regardless of which party designated them.

(3) The trial court clerk shall make available a copy of the clerk's papers transmitted to the appellate court to any party, upon payment of the trial court clerk's reasonable expenses. If the trial court clerk generates the clerk's papers in electronic format, the trial court clerk shall make available to any party a copy of the clerk's papers in electronic format, upon payment of the trial court clerk's reasonable expenses.

SUGGESTED AMENDMENT RULES OF APPELLATE PROCEDURE (RAP)

RULE 9.7

PREPARING CLERK'S PAPERS AND EXHIBITS FOR APPELLATE COURT

(a) Clerk's Papers. The clerk of the trial court shall make copies at cost, not to exceed 50 cents a page, of those portions of the clerk's papers designated by the parties and prepare them for transmission to the appellate court. The clerk shall assemble the copies and number each page of the clerk's papers in chronological order of filing, and bind in volumes of no more than 200 pages, or, as authorized by the appellate court, assemble and transmit the numbered clerk's papers to the appellate court in electronic format. The clerk shall prepare a cover sheet for the papers with the title "Clerk's Papers" and prepare an alphabetical index to the papers. The clerk shall promptly send a copy of the index to each party. The reproduction costs must be paid to the trial court clerk within 14 days of receipt of the index. Failure to do so may result in sanctions under rule 18.9. ~~Upon receipt of~~ Within 14 days of receiving payment, the clerk shall forward the clerk's papers to the appellate court.

(b) Exhibits. [No change.]

(c) Certified record of administrative adjudicative orders. [No change.]

SUGGESTED AMENDMENT RULES OF APPELLATE PROCEDURE (RAP)

RULE 9.8

TRANSMITTING RECORD ON REVIEW

(a) Duty of Trial Court Clerk. [No change.]

(b) Cumbersome Exhibits. The clerk of the trial court shall transmit to the appellate court exhibits which are difficult or unusually expensive to transmit only if the appellate court directs or if a party makes arrangements with the clerk to transmit the exhibits at the expense of the party requesting the transfer of the exhibits. No weapons, controlled substances, hazardous items, or currency shall be forwarded unless directed by the appellate court.

(c) Temporary Transmittal to Another Court. [No change.]

SUGGESTED AMENDMENT RULES OF APPELLATE PROCEDURE (RAP)

RULE 10.3

CONTENT OF BRIEF

(a) Brief of Appellant or Petitioner. The brief of the appellant or petitioner should contain under appropriate headings and in the order here indicated:

(1) *Title Page.* A title page, which is the cover.

(2) *Tables.* A table of contents, with page references, and a table of cases (alphabetically arranged), statutes and other authorities cited, with references to the pages of the brief where cited.

(3) *Introduction.* A concise introduction. The section is optional. The introduction need not contain citations to the record of authority.

(4) *Assignments of Error.* A separate concise statement of each error a party contends was made by the trial court, together with the issues pertaining to the assignments of error.

(5) *Statement of the Case.* A fair statement of the facts and procedure relevant to the issues presented for review, without argument. Reference to the record must be included for each factual statement.

(6) *Argument.* The argument in support of the issues presented for review, together with citations to legal authority and references to relevant parts of the record. The argument may be preceded by a summary. The court ordinarily encourages a concise statement of the standard of review as to each issue.

(7) *Conclusion.* A short conclusion stating the precise relief sought.

(8) *Appendix.* An appendix to the brief if deemed appropriate by the party submitting the brief. An appendix may not include materials not contained in the record on review without permission from the appellate court, except as provided in rule 10.4(c).

(b) Brief of Respondent. [No change.]

(c) Reply Brief. A reply brief should conform with subsections (1), (2), (6), (7), and (8) of section (a) and be limited to a response to the issues in the brief to which the reply brief is directed.

(d) [Reserved; see rule 10.10.] [No change.]

(e) Amicus Curiae Brief. [No change.]

(f) Answer to Brief of Amicus Curiae. [No change.]

(g) Special Provision for Assignments of Error. [No change.]

(h) Assignments of Error on Review of Certain Administrative Orders. [No change.]

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 10.4

PREPARATION AND FILING OF BRIEF BY PARTY

(a) Typing or Printing Brief. [No change.]

(b) Length of Brief. [No change.]

(c) Text of Statute, Rule, Jury Instruction, or the Like. [No change.]

(d) Motion in Brief. A party may include in a brief only a motion which, if granted, would preclude hearing the case on the merits. The answer to a motion within a brief may be made within the brief of the answering party in the time allowed for filing the brief.

(e) Reference to Party. [No change.]

(f) Reference to Record. [No change.]

(g) Citation Format. [No change.]

(h) Unpublished opinions. [No change.]

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 12.4

MOTION FOR RECONSIDERATION OF
DECISION TERMINATING REVIEW

(a) Generally. A party may file a motion for reconsideration only of a decision by the judges (1) terminating review, or (2) granting or denying a personal restraint petition on the merits. The motion should be in the form and be served and filed as provided in rules 17.3(a), 17.4 (a) and (g), and 18.5, except as otherwise provided in this rule. A party may not file a motion for reconsideration of an order refusing to modify a ruling by the commissioner or clerk, nor may a party file a motion for reconsideration of a Supreme Court order denying a petition for review.

(b) Time. [No change.]

(c) Content. [No change.]

(d) Answer and Reply. [No change.]

(e) Length. [No change.]

(f) No Oral Argument. [No change.]

(g) Grant of Motion. [No change.]

(h) Only One Motion Permitted. [No change.]

(i) Amicus Curiae Memoranda. [No change.]

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 12.7

FINALITY OF DECISION

(a) Court of Appeals. [No change.]

(b) Supreme Court. [No change.]

(c) Special Rule for Costs and Attorney Fees and Expenses. The appellate court retains the power after the issuance of the mandate or the certificate of finality to act on questions of costs as provided in Title 14 and on questions of attorney fees and expenses as provided in rule 18.1.

(d) Special Rule for Law of the Case. [No change.]

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 12.9

RECALL OF MANDATE OR CERTIFICATE OF FINALITY

(a) To Require Compliance with Decision. [No change.]

(b) To Correct Mistake or Remedy Fraud. The appellate court may recall a mandate or certificate of finality issued by it to correct an inadvertent mistake or to modify a decision obtained by the fraud of a party or counsel in the appellate court.

(c) Time for Motion. The motion to recall the mandate or certificate of finality must be made within a reasonable time.

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 14.3

EXPENSES ALLOWED AS COSTS

[No change is proposed for the text of the rule, only for the references that appear after the rule.]

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

(b) **Special Rule for Cost of Preparing Brief or Other Original Document.** [No change.]

(c) **Special Rule for Indigent Review.** [No change.]

References

Rule 18.1, Attorney Fees and Expenses; ~~RCW 4.84, Costs~~ RCW 4.84.080(2), Schedule of Attorneys' Fees.

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 15.1

PROCEDURES TO WHICH TITLE APPLIES

The rules in this title define the procedure to be used (1) to determine indigency and to determine the expenses of an indigent party to review which will be paid from public funds as provided in rule 15.2, (2) to obtain a waiver of charges imposed by the court as provided in rule 15.3, (3) to claim payment from public funds for services rendered to an indigent party to review as provided in rule 15.4, (4) to allow claims for expense as provided in rule 15.5, and (5) to recover public funds expended on behalf of an indigent as provided in rule 15.6. The rules in this title apply to all proceedings in the appellate court, except the rules apply to personal restraint petitions only to the extent defined in rule 16.15 ~~(f) and (g) and (h).~~

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 16.7

PERSONAL RESTRAINT PETITION—FORM OF PETITION

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

(b) **Standard Form.** [No change.]

(c) **Length of Petition.** The petition should not exceed 50 pages.

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 16.20

TRANSMITTAL OF JURY QUESTIONNAIRES AND
CLERK'S PAPERS IN CAPITAL CASES

If questionnaires are used during jury selection, the clerk of the trial court shall seal and transmit a copy of all the questionnaires to the Supreme Court along with all of the clerk's papers, including copies of any clerk's minutes. The clerk of the Supreme Court will provide defendant's appellate counsel and the prosecuting attorney copies of all of the juror ques-

tionnaires. These copies shall remain in the possession of counsel and not be made available to the defendant.

The clerk of the Supreme Court shall copy and distribute the clerk's papers as follows: one copy to the defendant, two copies to the defendant's appellate attorneys, and one copy to the prosecuting attorney.

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 17.4

FILING AND SERVICE OF MOTION—ANSWER TO MOTION

(a) Filing and Service Generally; Procedure for Noting a Motion Where Permitted.

(1) A motion filed by a party ~~Except in the special circumstances defined in section (e), a motion~~ must be served on all parties, amicus, and other persons entitled to notice.

(2) The Supreme Court and each division of the Court of Appeals will determine by General Order whether a party may note a motion for hearing. ~~Except in the special circumstances defined in sections (b), (c), and (d), a motion which is to be decided by a commissioner or the clerk~~ If a party is permitted to note a motion for hearing, the motion must be accompanied by a notice of the time and date set for oral argument of the motion. The movant should contact the clerk of the appellate court to determine the date and time available for argument of the motion. The motion and notice must be served on all parties, amicus, and other persons entitled to notice and filed in the appellate court at least ~~10~~ 15 days before the date noted for the hearing on the motion. ~~If service is by mail, the moving party must mail the motion and notice at least 13 days before the date noted for hearing the motion.~~ If a motion is not noted for hearing and the court does not set a date for a hearing, the motion will be decided without oral argument.

(b) Emergency Motion. In an emergency, a person may ~~present request expedited consideration of a motion to the commissioner or clerk on notice less than that required by section (a) and at any time and place the commissioner or clerk will make available to hear the motion.~~ The person presenting the motion must, at the time the motion is made, file an affidavit stating the type of notice given and the time and date the notice was given to each person, and explain in the motion why it should be decided on an emergency basis. The If the court requires an answer or sets the motion for argument, it will notify the parties and other persons entitled to notice as to when an answer should be filed, and of the date, time, and place the motion will be heard. The commissioner or clerk may decide the motion only if satisfied (1) that adequate relief cannot be given if ~~a decision of the motion is delayed to permit the notice required by section (a)~~ the motion is considered in the normal course, and (2) the movant has taken reasonable steps under the circumstances to give notice to persons who would be affected by the ruling sought. An emergency motion may be presented on less notice than that required by section (a).

(c) Summary Determination.

(1) The commissioner or clerk may summarily determine without oral argument, and without awaiting a response

an answer, a motion which, in the judgment of the commissioner or clerk, does not affect a substantial right of a party.

(2) If the commissioner or clerk makes a summary determination granting a motion under subsection (c)(1) of this rule, and a party files and serves a timely responsive pleading after the ruling has been entered, the commissioner or clerk will treat the responsive pleading as a motion for reconsideration of the ruling. If such a responsive pleading is filed, the commissioner or clerk may permit the moving party to file a reply and may allow oral argument on the motion.

(d) Motion in Brief. A party may include in a brief only a motion which, if granted, would preclude hearing the case on the merits. The answer to a motion within a brief may be made within the brief of the answering party in the time allowed for filing the brief.

(e) Answer and Reply to Motion; ~~Reply.~~ A person with a recognized interest in the subject matter of the motion may submit a written answer to the motion. ~~If the motion is to be determined without oral argument, the court will set a date for the filing of the answer to the motion. If the motion is set for oral argument, the answer must be served and filed at least 4 days preceding the day of hearing. If service is by mail, the answering party must mail the answer at least 7 days before the day noted for hearing the motion. Unless the court directs otherwise, any answer must be filed and served no later than 10 days after the motion is served on the answering party. The answer to a motion within a brief may be made within the brief of the answering party.~~ The moving party may submit a written reply to the answer to the motion. ~~If the motion is to be determined without oral argument, the court will set a date for the filing of a reply. If the motion is set for oral argument, the reply to an answer must be served and filed by noon 2 days before the hearing. Unless the court directs otherwise, any reply to an answer must be filed and served no later than 3 days after the answer is served on the moving party, but at least 1 day prior to the date set for oral argument.~~

(f) Supporting Papers. A person should serve and file with the motion all affidavits and other papers submitted in support of the motion. ~~A person must, in any event, serve and file affidavits and other papers submitted in support of the motion not less than 5 days before the date designated for hearing the motion. If the affidavits and other papers are mailed, the person must, in any event, mail them at least 8 days before the day noted for hearing the motion. Affidavits and other papers submitted in support of an answer or reply must be served and filed with the answer or reply. Rule 9.11 does not apply to affidavits and other papers submitted in connection with a motion other than a motion on the merits under rule 18.14.~~

(g) Length of Motion, Response Answer and Reply; Form of Papers and Number of Copies.

(1) A motion and ~~response~~ answer should not exceed 20 pages, not including supporting papers. A reply should not exceed 10 pages, not including supporting papers. For compelling reasons, the court may grant a motion to file an over-length motion, ~~response answer~~, or reply.

(2) All papers relating to motions or ~~responses~~ answers should be filed in the form provided for briefs in rule 10.4(a), provided an original only and no copy should be filed. The

appellate court commissioner or clerk will reproduce additional copies that may be necessary for the appellate court and charge the appropriate party as provided in rule 10.5(a).

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 17.5

ORAL ARGUMENT OF MOTION

(a) Oral Argument to Commissioner or Clerk. ~~Unless the motion is determined without oral argument, as provided in rule 17.4(c) for a motion determined summarily. If oral argument is permitted by General Order,~~ the movant, and any person entitled to notice of the motion who has filed a response to the motion, may present oral argument on a motion to be decided by a commissioner or the clerk.

(b) Oral Argument to Judges. [No change.]

(c) Date and Time of Argument. [No change.]

(d) Time Allowed, Order, and Conduct of Oral Argument. [No change.]

(e) Telephone Argument. [No change.]

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 18.1

ATTORNEY FEES AND EXPENSES

(a) Generally. [No change.]

(b) Argument in Brief. The party must devote a section of its opening brief to the request for the fees or expenses. Requests made at the Court of Appeals will be considered as continuing requests at the Supreme Court, except as stated in section (j). The request should not be made in the cost bill. In a motion on the merits pursuant to rule 18.14, the request and supporting argument must be included in the motion or response if the requesting party has not yet filed a brief.

(c) Affidavit of Financial Need. [No change.]

(d) Affidavit of Fees and Expenses. [No change.]

(e) Objection to Affidavit of Fees and Expenses; Reply. [No change.]

(f) Commissioner or Clerk Award Fees and Expenses. [No change.]

(g) Objection to Award. [No change.]

(h) Transmitting Judgment on Award. [No change.]

(i) Fees and Expenses Determined After Remand. [No change.]

(j) Fees for Answering Petition for Review. If attorney fees and expenses are awarded to the party who prevailed in the Court of Appeals, and if a petition for review to the Supreme Court is subsequently denied, reasonable attorney fees and expenses may be awarded for the prevailing party's preparation and filing of the timely answer to the petition for review. A party seeking attorney fees and expenses should request them in the answer to the petition for review. The Supreme Court will decide whether fees are to be awarded at the time the Supreme Court denies the petition for review. If fees are awarded, the party to whom fees are awarded should submit an affidavit of fees and expenses within the time and in the manner provided in section (d). An answer to the

request or a reply to an answer may be filed within the time and in the manner provided in section (e). The commissioner or clerk of the Supreme Court will determine the amount of fees without oral argument, unless oral argument is requested by the commissioner or clerk. Section (g) applies to objections to the award of fees and expenses by the commissioner or clerk.

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 18.6

COMPUTATION OF TIME

(a) Generally. [No change.]

(b) Service by Mail. Except as provided in rule 17.4 or GR 3.1, if the time period in question applies to a party serving a paper by mail, the paper is timely served if mailed within the time permitted for service. Except as provided in GR 3.1, if the time period in question applies to the party upon whom service is made, the time begins to run 3 days after the paper is mailed to the party.

(c) Filing by Mail. Except as provided in GR 3.1, a brief authorized by Title 10 or Title 13 is timely filed if mailed to the appellate court within the time permitted for filing. Except as provided in rule 17.4 or GR 3.1, any other paper, including a petition for review, is timely filed only if it is received by the appellate court within the time permitted for filing.

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 18.14

MOTION ON THE MERITS

(a) Generally. [No change.]

(b) Time. A party may submit a motion on the merits to affirm any time after the appellant's opening brief has been filed. A party may submit a motion on the merits to reverse any time after the respondent's brief has been filed. The appellate court on its own motion may, at any time, set a case on the motion calendar for disposition and enter orders the court deems appropriate to facilitate the hearing and disposition of the case. The clerk will notify the parties of the setting and of any orders entered by the court.

(c) Content, Filing, and Service; Response. [No change.]

(d) Who Decides Motion. [No change.]

(e) Considerations Governing Decision on Motion. [No change.]

(f) Oral Argument. [No change.]

(g) Form of Decision Denying Motion. [No change.]

(h) Form of Decision Granting Motion. [No change.]

(i) Review of Ruling. [No change.]

(j) Nondisqualification of Judge. [No change.]

(k) Procedure Optional With Court. [No change.]

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

FORM 15A. NOTICE OF FILING
VERBATIM REPORT OF PROCEEDINGS

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON,
DIVISION _____

_____)
_____)
_____) No.
v. _____)
_____) NOTICE OF FILING VERBATIM
_____) REPORT OF PROCEEDINGS (RAP 9.5)
_____)

DECLARATION

I, _____ (name) _____, court reporter/transcriber, filed the verbatim report of proceedings for 20__ on _____, 20__, for the following dates and provided a copy to the party who arranged for transcription:_____

The transcript (check one): was computer generated
was not computer generated.

If it was computer generated, I filed a copy of the ASCII diskette or compact disk on the same date as the transcript was filed and provided a copy to the party who arranged for transcription.

CERTIFICATE OF SERVICE

I certify that on the _____ day of _____, 20__, I caused a true and correct copy of this Notice to be served on the following in the manner indicated below:

- _____ () U.S. Mail
_____ () Hand Delivery
_____ () _____
_____ () U.S. Mail
_____ () Hand Delivery
_____ () _____
_____ () U.S. Mail
_____ () Hand Delivery
_____ () _____

By: _____

FORM 3. Motion for Discretionary Review
(Rule 6.2 (review of trial court decision); Rule 13.5 (review of Court of Appeals interlocutory decision); Rule 17.3(b) (content of motion))

No. (appellate court)
(SUPREME COURT or COURT OF APPEALS, DIVISION _____)
OF THE STATE OF WASHINGTON

(Title of trial court proceeding with parties designated as in rule 3.4, for example:

JOHN DOE, Respondent,
v.
MARY DOE, Petitioner,
and
HENRY JONES, Defendant.)

MOTION FOR DISCRETIONARY REVIEW

(Name of petitioner's attorney)
Attorney for (Petitioner)

(Address, telephone number,
and Washington State Bar
Association membership number
of petitioner's attorney)

A. IDENTITY OF PETITIONER

(Name) asks this court to accept review of the decision or parts of the decision designated in Part B of this motion.

B. DECISION

(Identify the decision or parts of decision which the party wants reviewed by the type of decision, the court entering or filing the decision, the date entered or filed, and the date and a description of any order granting or denying motions made after the decision such as a motion for reconsideration. The substance of the decision may also be described: for example, "The decision restrained defendant from using any of her assets for any purpose other than living expenses. Defendant is thus restrained from using her assets to pay fees and costs to defend against plaintiff's suit for a claimed conversion of funds from a joint bank account.") A copy of the decision (and the trial court memorandum opinion) is in the Appendix at pages A- ___ through ___.

C. ISSUES PRESENTED FOR REVIEW

(Define the issues which the court is asked to decide if review is granted. See ~~Part~~ Part II A of Form 6 for suggestions for framing issues presented for review.)

D. STATEMENT OF THE CASE

(Write a statement of the procedure below and the facts. The statement should be brief and contain only material relevant to the motion. If the motion is directed to a Court of Appeals decision, the statement should contain appropriate references to the record on review. See Part III Part B of Form 6. If the motion is directed to a trial court decision, reference should be made to portions of the trial court record. Portions of the trial court record may be placed in the Appendix. Certified copies are not necessary. If portions of the trial court record are placed in the Appendix, the portions should be identified here with reference to the pages in the Appendix where the portions of the record appear.)

E. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

(The argument should be short and concise and supported by authority. The argument should be directed to the considerations for accepting review set out in rule 2.3(b) for review of a trial court decision and rule 13.5(b) for review of a decision of the Court of Appeals.)

F. CONCLUSION

(State the relief sought if review is granted. For example: "This court should accept review for the reasons indicated in Part E and modify the restraining order to permit defendant to use her assets to pay fees and costs incurred in defending plaintiff's suit for conversion.")

(Date)

Respectfully submitted,

Signature

(Name of petitioner's attorney)

APPENDIX

(See rule 17.3 (b)(8) for materials to include within the Appendix.)

FORM 4. Statement of Grounds for Direct Review
(Rule 4.2(b))

No. (Supreme Court)

SUPREME COURT OF THE STATE OF WASHINGTON

(Title of trial court proceeding with parties designated as in rule 3.4))
) STATEMENT OF GROUNDS
) FOR DIRECT REVIEW BY
) THE SUPREME COURT

(Name of party) seeks direct review of the (describe the decision or part of the decision that the party wants reviewed) entered by the (name of court) on (date of entry.) The issues presented in the review are: (State issues presented for review. See ~~Part A II~~ of Form 6 for suggestions for framing issues presented for review.)

The reasons for granting direct review are: (Briefly indicate and argue grounds for direct review. See rule 4.2.)
(Date)

Respectfully submitted,

Signature

(Name, address, telephone number, and
Washington State Bar Association
membership number of attorney)

[Amended effective September 1, 2006.]

FORM 9. Petition for Review

(Rule 13.4(d))

(See Form 5 for form of cover which is the title page.)

TABLE OF CONTENTS

(See Form 6, except modify names of parts of brief to correspond to names of parts of Petition for Review.)

TABLE OF AUTHORITIES

(See Form 6.)

A. IDENTITY OF PETITIONER

(Name) asks this court to accept review of the Court of Appeals decision terminating review designated in Part B of this petition.

B. COURT OF APPEALS DECISION

(Identify the decision or parts of the decision of the Court of Appeals which the party wants reviewed, the date filed, and the date of any order granting or denying a motion for reconsideration.) A copy of the decision is in the Appendix at pages A- ___ through ___. A copy of the order denying petitioners motion for reconsideration is in the Appendix at pages A- ___ through ___.

C. ISSUES PRESENTED FOR REVIEW

(Define the issues which the Supreme Court is asked to decide if review is granted. See the second portion of Part II A of Form 6 for suggestions for framing issues presented for review.)

D. STATEMENT OF THE CASE

(See Part III B of Form 6.)

E. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

(The argument should be short and concise and directed to the considerations for accepting review set out in rule 13.4(b). For argument generally, see Part V D of Form 6. The argument may be preceded by a summary.)

F. CONCLUSION

(State the relief sought if review is granted. See Part F of Form 3.)

(Date)

Respectfully submitted,

Signature
(Name of attorney)
Attorney for (Petitioner or Respondent)
Washington State Bar Association
membership number

APPENDIX

(See rule 13.4 (c)(9) for materials to include within Appendix.)

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

FORM 19

NOTICE OF MOTION

(Rule RAP 17.4(a))

(Supreme Court of Court of Appeals, Division ___
of the State of Washington

) No. (appellate court)

[Title of trial court proceeding with parties designated as in rule 3.4]

) CIVIL APPEAL STATE-
) MENT NOTICE FOR
) MOTION

To: (Names of persons entitled to notice and their attorneys. See rule RAP 17.4(a).)

(Name of moving party), (appellant, petitioner, or respondent), will bring on for hearing (name of motion, for example: "Motion To Substitute Appellant") on (date). The motion will be heard by the (Judges, Commissioner, or Clerk) at (hour), or as soon thereafter as the motion can be heard. The address of the place of hearing is [room number and address].

(Date)

Signature
(Name of attorney)
Washington State Bar Association membership number
Attorney for (Appellant, Respondent, or Petitioner)

(The notice may be made a part of the motion.)

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 10-14-001
AGENDA
PARKS AND RECREATION
COMMISSION

[Filed June 23, 2010, 12:06 p.m.]

In accordance with RCW 34.05.314, the state parks and recreation commission submits the following semi-annual agenda for rules under development for publishing in the Washington State Register.

The commission may schedule additional rule-making activities in the future that do not appear on the current agenda. If you have questions about the June 2010 Agenda or about the commission's rule-making activities, please contact Valeria Evans, Washington State Parks Rules Coordinator, 1111 Israel Road S.W., Olympia, WA 98504-2650, phone (360) 902-8597, fax (360) 664-8112, or e-mail Valeria.Evans@parks.wa.gov.

Semi-Annual Rule-Making Agenda
June 2010 through January 2011

WAC Citation	Reason and/or Expected Outcome	Contact	Status of Rule Making	Anticipated Date of Adoption
Chapter 352-24 WAC, Concessions and leases	With the recent integration of the agency's concession leasing program with the real property agreement program, chapter 352-24 WAC is no longer needed.	Steve Hahn Lands Program Manager Washington State Parks P.O. Box 42650 Olympia, WA 98504-4265 (360) 902-8683 Steve.Hahn@parks.wa.gov	CR-101 filed June 2, 2010, as WSR 10-12-118	September 30, 2010
Chapter 352-32 WAC, Public use of state park areas	State parks will conduct the annual review of the rules pertaining to public use of state park areas to consider the need for changes and corrections to bring rules up-to-date.	Pamela McConkey Washington State Parks P.O. Box 42650 Olympia, WA 98504-2650 Phone: (360) 902-8595 Fax: (360) 586-6651 pamela.mcconkey@parks.wa.gov	CR-101 filed June 2, 2010, as WSR 10-13-001	September 30, 2010
Chapter 352-37 WAC, Ocean beaches	State Parks will conduct the annual review of the rules pertaining to Ocean Beaches to consider the need for changes and corrections to bring rules up-to-date.	Pamela McConkey Washington State Parks P.O. Box 42650 Olympia, WA 98504-2650 Phone: (360) 902-8595 Fax: (360) 586-6651 pamela.mcconkey@parks.wa.gov	CR-101 filed June 2, 2010, as WSR 10-13-001	September 30, 2010

J.M. French
Chief of Policy Research
and Program Development

WSR 10-14-002

AGENDA

DEPARTMENT OF CORRECTIONS

[Filed June 23, 2010, 1:27 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, 2010

WAC Chapter or Section	Purpose
137-59	Facility siting
137-65	Costs of supervision

John Nispel
Rules Coordinator

WSR 10-14-009

**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER**

[Filed June 24, 2010, 11:03 a.m.]

NOTICE OF PUBLIC MEETING

A special meeting of the Washington state convention center board of directors will be held on Tuesday, June 29, 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 10-14-013
NOTICE OF PUBLIC MEETINGS
LIFE SCIENCES
DISCOVERY FUND AUTHORITY
 [Filed June 24, 2010, 5:28 p.m.]

2010 BOARD MEETINGS

Please note the updated information underlined below for the life sciences discovery fund authority (agency #3560) 2010 board meetings. We will post our public meeting agenda and any call-in information as appropriate on our web site <http://www.lsdfa.org/about/staff/meetings.html> prior to each meeting.

2010 Public Board Meeting Dates

(times are approximate and subject to change)

Tuesday July 13	8:30 a.m.- 1:30 p.m. <u>9:15 a.m.</u> and, if needed, <u>approximately 1:30 p.m.</u>	LSDFA Office 2324 Eastlake Avenue East Suite 501 Seattle, WA 98102 or via teleconference 888-272-2618 no pass code needed
Tuesday July 20	10:30 a.m.- 11:00 a.m.	via telecon 888-272-2618 no pass code needed
Tuesday September 14	8:30 a.m.- 5 p.m.	Talaris Conference Center 4000 N.E. 41st Street Seattle, WA
Tuesday December 7	8:30 a.m.- 5 p.m.	Talaris Conference Center 4000 N.E. 41st Street Seattle, WA
Tuesday December 14	10:30 a.m.- 11:00 a.m.	via telecon

Please let Alden Jones, (206) 732-6770, know if there's any additional information you require.

WSR 10-14-014
NOTICE OF PUBLIC MEETINGS
WENATCHEE VALLEY COLLEGE
 [Filed June 25, 2010, 9:04 a.m.]

BOARD OF TRUSTEE MEETING SCHEDULE 2010
UNLESS OTHERWISE NOTIFIED, WORK SESSIONS WILL BEGIN AT 9 A.M. AND BOARD OF TRUSTEE MEETINGS AT 3 P.M.

This schedule is subject to change

- January 20, 2010
- February 17, 2010
- March 17, 2010

- April 20, 2010 board retreat
- April 21, 2010 at Omak campus
- May 19, 2010
- June 16, 2010
- July 20-21, 2010 board retreat
- August 18, 2010
- September 15, 2010
- October 20, 2010 at Omak campus
- November 16, 2010 board retreat
- November 17, 2010
- December no meeting

WSR 10-14-015
NOTICE OF PUBLIC MEETINGS
APPLE COMMISSION
 [Filed June 25, 2010, 9:04 a.m.]

The Washington apple commission has changed the previously scheduled December 9, 2010, board of directors meeting to be held on December 8, 2010, beginning at 1:00 p.m.

December 8, 2010 W. L. Hansen Building 1:00 p.m.
 Yakima, Washington

WSR 10-14-016
AGENDA
DEPARTMENT OF RETIREMENT SYSTEMS
 [Filed June 25, 2010, 9:13 a.m.]

Semi-Annual Rule-Making Agenda
July through December 2010

The following is the department of retirement systems' semi-annual rule-making 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. If you have questions about this rule-making agenda or the DRS rule-making process, please contact Ken Goolsby, Rules Coordinator, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 664-7291, e-mail Rules@drs.wa.gov.

WAC chapter	Why rule making is needed	Anticipated rule-making action
415-02	To amend rules to remove the ongoing six dollar fee associated with property division obligation payments.	File CR-103P

WAC chapter	Why rule making is needed	Anticipated rule-making action
415-112	To amend and develop rules to implement ESHB 2680 (2006) and HB 3024 (2008) regarding TRS Plan 2 and Plan 3 members purchasing TRS service credit for teaching in another state or for the federal government.	File CR-103P
415-02 415-103 415-104 415-106 415-108 415-110 and 415-112	To amend rules concerning flexible survivor options for retirees of the Washington state patrol retirement system (WSPRS), the law enforcement officers' and fire-fighters' retirement system (LEOFF), the public safety officers' retirement system (PSERS), the public employees' retirement system (PERS), the school employees' retirement system (SERS), and the teachers' retirement system (TRS).	File CR-102, hold public hearing, file CR-103
415-02 415-103 415-111	To amend rules concerning actuarial tables, schedules, and administrative factors.	Hold public hearing, file CR-103
415-08-015	To amend rules to streamline the deferred compensation program appeals process.	File CR-102, hold public hearing, file CR-103
415-110 and 415-112	To amend rules to implement EHB 2391 of 2007 regarding retirement plan choice options for new employees of SERS and TRS.	File CR-102, hold public hearing, file CR-103
415-110	To amend rules to implement SB 5303 (2009) regarding the transfer of PERS Plan 2 members to SERS Plan 2.	File CR-102, hold public hearing, file CR-103
415-106	To amend, rewrite, and create rules in plain English for PSERS as it relates to internal revenue code requirements.	File CR-102, hold public hearing, file CR-103
415-200 415-111 415-501	To amend rules to implement E2SHB 2617 (2010) which eliminates the employee retirement benefits board (ERBB). Agency rules will need repealing and updating for implementation.	File CR-102, hold public hearing, file CR-103

Ken Goolsby
Rules and Contracts Coordinator

WSR 10-14-020
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL
[Filed June 25, 2010, 11:16 a.m.]

The Washington state rehabilitation council is a group of fifteen governor-appointed volunteers. The council was created by Title 1, Section 105 of the Rehabilitation Act and by Executive Order 04-04, for the purpose of increasing employment and economic advancement for eligible job seekers with disabilities. We are systems advocates for the vocational rehabilitation service system and the customers it

serves. Our mandates include: Gathering public input about vocational rehabilitation services, assessing program data and performance, and making policy recommendations.

We are meeting in Olympia at the Red Lion Inn, 2300 Evergreen Park Drive, Olympia, WA 98502, on Thursday, July 15, 2010, at 9:00 a.m. to 4:00 p.m.

All portions of this meeting are open to the public.

American Sign Language interpretation will be provided.

The objectives for the meeting are to:

- Advance work plan goals of five council subcommittees;
- Learn more about the division of vocational rehabilitation's approach to resolving customer complaints; and
- Gather feedback about satisfaction with services during a customer forum.

For more information, or to request reasonable accommodation or a spoken language interpreter, contact JoAnne at 1-866-252-2939 or e-mail langjk@dshs.wa.gov.

Transit Access: Intercity Transit route 44 is the stop nearest the meeting location. To plan your trip call Intercity Transit at: Voice (360) 786-1881, voice outside Thurston County 1-800-287-6348, TTY (360) 943-521 [943-5211].

The Washington state rehabilitation council received approval from the office of financial management to hold this meeting in person and at this facility.

WSR 10-14-021
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL
[Filed June 25, 2010, 11:22 a.m.]

The Washington state rehabilitation council is a group of fifteen governor-appointed volunteers. The council was created by Title 1, Section 105 of the Rehabilitation Act and by Executive Order 04-04, for the purpose of increasing employment and economic advancement for eligible job seekers with disabilities. We are systems advocates for the vocational rehabilitation service system and the customers it serves. Our mandates include: Gathering public input about vocational rehabilitation services, assessing program data and performance, and making policy recommendations.

We are meeting in Olympia at the Red Lion Inn, 2300 Evergreen Park Drive, Olympia, WA 98502, on Friday, July 16, 2010, at 9:00 a.m. to 4:00 p.m.

All portions of this meeting are open to the public.

American Sign Language interpretation will be provided.

The objectives for the meeting are to:

- Learn about the division of vocational rehabilitation's (DVR) role in the new disability lifeline program which will replace general assistance;
- Receive an update on program and performance of DVR from Andres Aguirre, interim director.

For more information, or to request reasonable accommodation or a spoken language interpreter, contact JoAnne at 1-866-252-2939 or e-mail langjk@dshs.wa.gov.

Transit Access: Intercity Transit route 44 is the stop nearest the meeting location. To plan your trip call Intercity Transit at: Voice (360) 786-1881, voice outside Thurston County 1-800-287-6348, TTY (360) 943-521 [943-5211].

The Washington state rehabilitation council received approval from the office of financial management to hold this meeting in person and at this facility.

WSR 10-14-022
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL

[Filed June 25, 2010, 11:24 a.m.]

YOU ARE INVITED TO SHARE INPUT WITH
THE WASHINGTON STATE REHABILITATION COUNCIL (WSRC)

Join us if you wish
Thursday, July 15, 2010
2:00 p.m. - 4:00 p.m.

Red Lion Inn
2300 Evergreen Park Drive
Olympia, WA 98502

American Sign Language interpretation provided

The WSRC is a group of fifteen governor-appointed volunteers. The council was created by Title 1, Section 105 of the Rehabilitation Act and by Executive Order 04-04, for the purpose of increasing employment and economic advancement for eligible job seekers with disabilities. We are systems advocates for the vocational rehabilitation (VR) service system and the customers it serves. Our mandates include gathering public input, which is why you are being invited to share your thoughts. **You are not required to attend. This is not a regular division of vocational rehabilitation (DVR) appointment with your counselor.** We will take comment for ninety minutes. The last half hour will leave time for mingling and individual follow-up.

We are interested in how the VR system is working, so we hope you will help us understand:

- What you understand about how participating in DVR services is related to going to work;
- Whether your questions are answered by DVR staff in a timely manner;
- Whether or not you feel that your process will lead to a job you want;
- Whether you think you will have the wage and benefits that you need;
- What you would want decision makers to consider for the next generation of people using VR services.

To request reasonable accommodation or a spoken language interpreter, please contact JoAnne Lang at langjk@dshs.wa.gov or 1-866-252-2939 (between 9 a.m. and 1 p.m., Monday through Friday).

Although we would look forward to seeing you in person, it may be more convenient to submit written comments by e-mail. You are welcome to do that by contacting JoAnne at the e-mail listed above. There is also an opportunity to dial in to the forum by phone. The toll-free number to participate by phone is 1-866-699-3239, when prompted enter the attendee access code 20577718.

If you are attending in person, and use transit: The first leg of your trip will involve Pierce Transit (PT) or Sound Transit (ST). Both agencies run routes into Thurston County, PT runs 601 and 603 and ST runs 592. The second leg of the trip involves Intercity Transit (IT). The route nearest our meeting location is 44. To plan your trips, contact:

PT: General Information: (253) 581-8000, Toll-free 1-800-562-8109 or 711 if you're hearing impaired.

ST: Telephone: (206) 398-5000, (800) 201-4900, TTY Relay 711.

IT: 1-800-287-6348, TTY (360) 943-5211.

The WSRC received approval from the office of financial management to meet in person at this facility.

WSR 10-14-026
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Filed June 26, 2010, 3:20 p.m.]

The Bellingham Technical College board of trustees will hold a **special meeting** on Monday, June 28, 2010, 9:30 – 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. Action may be taken in open session, if necessary, as a result of discussions. (RCW 42.30.110 (1)(g).) Call 752-8334 for information.

WSR 10-14-029
ATTORNEY GENERAL'S OFFICE

[Filed June 28, 2010, 11:18 a.m.]

Removal of Obsolete Rules from Washington Administrative Code: Chapter 16-512 WAC

I am the Assistant Attorney General assigned to represent the former Washington State Fryer Commission. The Fryer Commission was created under chapter 15.66 RCW by a marketing order formerly contained in WAC 16-512-005 to WAC 16-512-070. The marketing order that created the former Fryer Commission was repealed effective June 14, 2010 in WSR 10-11-066. However, rules adopted by the former Fryer Commission remain in chapter 16-512 WAC, at sections WAC 16-512-101 to WAC 16-512-120.

RCW 34.05.210 (6)(b) provides that with the consent of the attorney general, the Code Reviser may remove obsolete rules or parts of rules from the Washington Administrative Code when the adopting agency ceases to exist and the rules are not transferred by statute to a successor agency. The adopting agency (the Fryer Commission) has ceased to exist

and the rules of the former Fryer Commission were not transferred to a successor agency.

This letter hereby requests that the Code Reviser remove the obsolete rules of the former Fryer Commission from the Washington Administrative Code. Those sections are:

WAC 16-512-101
WAC 16-512-110
WAC 16-512-120

If you have any questions regarding this matter, do not hesitate to contact me.

Kristen K. Mitchell
Assistant Attorney General

WSR 10-14-030
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR

[June 22, 2010]

EXECUTIVE ORDER 10-02
STRENGTHENING WASHINGTON'S FOOD SYSTEMS THROUGH
POLICY AND COLLABORATION

WHEREAS, a number of governmental agencies and programs of the state share goals and missions relating to food, nutrition, agriculture, health, and economic development through sustained agricultural production and improved access to nutritious foods;

WHEREAS, the current food system in Washington state is complex and directly affected by the activities and policies of multiple nongovernmental organizations, state agencies, and local governments, and a coordinated, systemic approach is necessary to improve the food security, nutrition and health of Washington's citizens;

WHEREAS, the percentage of young people who are overweight has tripled since 1980, and in Washington twenty-five percent of high school students and nearly sixty-one percent of Washington adults are either obese or overweight, and obesity contributes substantially to the burden of preventable illnesses and premature death;

WHEREAS, the Federal government has several initiatives focused on improving the nation's food security, nutrition, and health, including First Lady Michelle Obama's Let's Move campaign and the USDA's "Know Your Farmer, Know Your Food" initiative;

WHEREAS, our current economic climate and budget challenges require us to constantly evaluate state agency functions and structures and take steps to coordinate and streamline their operations; and

NOW THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, declare my commitment to improve coordination of efforts relating to our state food policy and hereby declare and direct the following:

1. The Departments of Health, Agriculture, and Social and Health Services shall work collaboratively with other agencies and non-governmental organizations to

examine state food policy, food-related programs, and food-related issues. In addition, I request the Conservation Commission and the Office of Superintendent of Public Instruction join as full partners in this effort.

2. These agencies shall produce a report to the Governor and Legislature which provides an assessment of existing data and identifies remaining gaps and opportunities in Washington State food policy to help address food security, nutrition, and health challenges faced by Washington citizens and to support realistic solutions to these issues. The report will be delivered by December 31, 2011.
3. The report is intended to help agencies, stakeholders and legislators:
 - a. Explore ways to promote nutrition, especially for those who are most in need.
 - b. Identify ways to educate the public and policy makers on the status of hunger in Washington State and the role they play in addressing the issue of food security, nutrition, and health.
 - c. Educate the public and policy makers on the importance of farmland preservation and the importance of promoting Washington-grown products to farmer's markets, food banks, and institutions.
4. It is the intent of this executive order to place the state in a favorable position to qualify for available federal funds, moneys from foundations, and other sources to address issues of food security, nutrition and health of Washington citizens.

This executive order will take effect immediately.

Signed and sealed with the official seal of the state of Washington on this 22nd day of June 2010 at Seattle, Washington.

By:

Christine O. Gregoire
Governor

BY THE GOVERNOR:

Dan Speigle

for Secretary of State

WSR 10-14-033
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed June 28, 2010, 11:36 a.m.]

INTERPRETIVE STATEMENT ISSUED

ETA 3111 - B&O Tax Exemption for Property Managers (RCW 82.04.394)—On-Site Personnel Working at Multiple Properties

RCW 82.04.394 provides a B&O tax exemption for amounts received by a property management company from the owner of a property for gross wages and benefits paid to on-site personnel.

ETA 3111 explains how this B&O tax exemption provided to property management companies applies when on-site personnel work at multiple properties.

The department has updated this ETA to recognize provisions of 2ESSB 6143 Part XII (chapter 23, Laws of 2010 1st sp. sess.). This legislation amended RCW 82.04.394 to restrict the exemption to those amounts received by:

- A "nonprofit property management company" from the owner of a property, or
- A property management company from a "housing authority."

A copy of this document is available via the internet at [Recent Rule and Interpretive Statements, Adoptions, and Repeals](#).

Alan R. Lynn
Rules Coordinator

WSR 10-14-036

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF LICENSING

(Real Estate Commission)

[Filed June 28, 2010, 2:37 p.m.]

The real estate commission meeting on September 21, 2010, at 9:00 a.m. will now be held at the City of Kennewick, Council Chambers, 210 West 6th Avenue, P.O. Box 6108, Kennewick, WA 99336-0108, 585-4200, fax 585-4445.

The department of licensing has a policy of providing equal access to its services. If you need special accommodation, please contact (360) 664-6524 or TTY (360) 664-8885.

WSR 10-14-039

NOTICE OF PUBLIC MEETINGS WALLA WALLA COMMUNITY COLLEGE

[Filed June 29, 2010, 8:34 a.m.]

The board of trustees of Walla Walla Community College (WWCC), District No. 20, has changed the date of the following retreat meeting:

From: August 4, 2010
To: August 9, 2010
Start time: 9:00 a.m.
Location: WWCC Board Room

The purpose of this retreat meeting is to discuss issues affecting the college, including a review of the college's mission and goals, indicators of institutional effectiveness, enrollment, financial, and facility master planning. No action will be taken.

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, web www.wwcc.edu.

WSR 10-14-040

NOTICE OF PUBLIC MEETINGS BOARD OF TAX APPEALS

[Filed June 29, 2010, 8:57 a.m.]

The regular monthly public meeting of the board of tax appeals, scheduled for 9:30 a.m., Friday, July 9, 2010, has been cancelled.

WSR 10-14-041

OFFICE OF THE GOVERNOR

[Filed June 29, 2010, 8:58 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, June 29, 2010**, in memory of U.S. Marine Corps Cpl. Joshua R. Dumaw, 23 of Spokane Valley, who died June 22 while supporting combat operations in Nimruz Province, in Afghanistan.

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, June 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 10-14-042

NOTICE OF PUBLIC MEETINGS SHORELINE COMMUNITY COLLEGE

[Filed June 29, 2010, 8:58 a.m.]

In compliance with the Open Public Meetings Act, this letter is to notify the code reviser's office that the Shoreline Community College board of trustees will hold a special meeting, beginning at 2:30 p.m. on Monday, June 28, 2010, for the purpose of taking action on the student services and activities (SS&A) budget.

This special meeting will take place in the board room (#1010M) in the Administration Building (#1000) at Shoreline Community College, 16101 Greenwood Avenue North, Shoreline, WA 98133.

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

WSR 10-14-043**AGENDA****WASHINGTON STATE UNIVERSITY**

[Filed June 29, 2010, 9:23 a.m.]

**Semi-Annual Agenda for Rules Under Development
July 2010**

Pursuant to RCW 34.05.314, the following is Washington State University's semi-annual agenda for Washington Administrative Code (WAC) rules under development for the period of July 1 through December 31, 2010. Additional rule-making activity not now anticipated may also be added as conditions warrant between semi-annual agendas.

1. **Chapter 504-36 WAC, Health and safety regulations**, rule-making amendments to WSU's animal control WAC to further control access by dogs and other animals to certain portions of university property in order to protect wildlife research. CR-101 filed May 2010. Anticipate filing CR-102 in July 2010.

2. **Chapter 504-43 WAC, Course materials**, rule-making amendments to WSU's course materials WACs to update the requirements and responsibilities regarding providing students with choices for purchasing course materials in accordance with recently amended RCW 28B.10.590. CR-101 filed April 2010. Anticipate filing CR-102 in July 2010.

3. **Chapter 504-07 WAC, Board of regents**, rule-making amendments to WSU's WACs adding a new chapter to provide rules regarding meetings conducted by the university's board of regents, in accordance with RCW 42.30.075 and 42.30.080. CR-101 filed April 2010. Anticipate filing CR-102 in July 2010.

For more information regarding the semi-annual agenda, contact Ralph Jenks, Rules Coordinator, Washington State University, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2004, e-mail jenks@wsu.edu.

Ralph Jenks
Rules Coordinator

WSR 10-14-060**INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH**

[Filed June 30, 2010, 9:57 a.m.]

**NOTICE OF ADOPTION OF AN INTERPRETIVE STATEMENT
OR POLICY STATEMENT**

Title of Interpretive or Policy Statement: Certified Radiologic Technologists Performing PET/CT - Positron Emission Tomography (PET) combined with Computed Tomography (CT).

Issuing Entity: Department of health.

Subject Matter: This interpretive statement describes the issue of certification requirements to perform PET/CT procedures (fusion imaging) and determines that certified nuclear medicine technologists who obtain CT certification through the American Registry of Radiologic Technologists (ARRT) or diagnostic radiologic technologists who have obtained PET certification through the Nuclear Medicine Technology

Certification Board (NMTCB) may perform fusion imaging PET/CT procedures.

Effective Date: July 1, 2010.

Contact Person: Susan Gragg, Program Manager, Department of Health, Health Professions and Facilities, Radiologic Technology Program, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4941.

WSR 10-14-062**NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD**

[Filed June 30, 2010, 10:07 a.m.]

Meeting change: The public works board will be meeting at 8:30 a.m. on July 22, 2010, at the Washington State Criminal Justice Training Commission (CJTC), 19010 First Avenue South, Burien, WA 98418, (206) 835-7300.

Please contact the public works board at (360) 725-3150 for any further information.

WSR 10-14-066**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Filed June 30, 2010, 1:11 p.m.]

The Bellingham Technical College board of trustees will hold a **special meeting** on Thursday, July 1, 2010, 2:30 - 4:00 p.m., in the College Services Board Room on the Bellingham Technical College campus. The special meeting will be conducted in executive session to discuss the qualifications of an applicant for public employment and review the performance of a public employee. Action may be taken in open session, if necessary, as a result of discussions. (RCW 42.30.110 (1)(g).) Call 752-8334 for information.

WSR 10-14-073**NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD**

[Filed July 1, 2010, 9:35 a.m.]

July 15, 2010 - Location Change

The community economic revitalization board (CERB) will be having a meeting on Thursday, July 15, 2010. The meeting will be held at the Washington State Criminal Justice Training Commission (CJTC), 19010 First Avenue South, Burien, WA 98418, (206) 835-7300.

The meeting will begin at 9:00 a.m.

WSR 10-14-075

DEPARTMENT OF HEALTH

[Filed July 1, 2010, 10:36 a.m.]

DECLARATION OF VACCINE SHORTAGE AND SUSPENSION OF
RCW 70.95M.115(1) FOR JAPANESE ENCEPHALITIS VIRUS VAC-
CINE INACTIVATED (JE-VAX®)

WHEREAS RCW 70.95M.115 prohibits vaccinating a person who is known to be pregnant or under three years of age with a vaccine that contains more than 0.5 micrograms thimerosal per 0.5 milliliter dose in Washington State, except for influenza vaccine which is limited to 1.0 microgram per 0.5 milliliter dose. RCW 70.95M.115(3) authorizes the secretary of the Department of Health to temporarily suspend those limits if there is an outbreak of vaccine-preventable disease or a shortage of vaccine that complies with these limits.

On June 16, 2009, I declared a shortage of vaccine for Japanese encephalitis virus that complies with the limits in RCW 70.95M.115(1) and temporarily suspended the thimerosal limits imposed by RCW 70.95M.115(1) on use of JE-VAX® vaccine for a period of one year, beginning July 1, 2009. This was done to allow children one to three years of age access to protection against the Japanese encephalitis virus that they would not otherwise have. The declaration also stated that I would reassess the availability and supply of Japanese encephalitis vaccine at the end of the one-year suspension to determine if an extension of this declaration and suspension is appropriate.

JE-VAX® remains the only Japanese encephalitis vaccine available in the United States for children under three years of age. The only alternative Japanese encephalitis vaccine, IXIARO®, is licensed for those 17 years of age or older. Because JE-VAX® is no longer in production and in limited supply, its manufacturer is reserving the vaccine's use for children only.

NOW, THEREFORE, I, Mary C. Selecky, Secretary of the Department of Health, under RCW 70.95M.115(3), and under the circumstances set forth above and in my original declaration signed June 16, 2009, declare that there remains a shortage of vaccine for Japanese encephalitis that complies with the limits in RCW 70.95M.115(1).

I also, under RCW 70.95M.115(3), temporarily extend the suspension of the thimerosal limits imposed by RCW 70.95M.115(1) on use of the JE-VAX® vaccine to allow children one to three years of age access to protection against the Japanese encephalitis virus they would not otherwise have. This extended suspension will last for a period of one year, beginning July 1, 2010. At the end of this one-year period, I will again reassess the availability and supply of vaccine for the Japanese encephalitis virus to determine if it is necessary to continue this declaration and suspension.

Signed this 1st day of July, 2010, at Olympia, Washington.

Mary C. Selecky
Secretary

Washington State Department of Health

WSR 10-14-076

DEPARTMENT OF HEALTH

[Filed July 1, 2010, 10:37 a.m.]

Suspension of Legal Limits of Mercury-Containing Vaccine for Japanese Encephalitis PARENT/PATIENT NOTICE
July 2010

The secretary of health has declared a shortage of a vaccine called JE-VAX®, which protects against Japanese encephalitis, and suspended the state's legal limits on mercury for that vaccine, effective July 1, 2010. (The suspension of the mercury limits renews a suspension made in July 2009.) Although JE-VAX® exceeds Washington's legal mercury limits, it is the only vaccine allowed for use in the United States to protect children one to three years of age against that disease. Suspending the state's mercury limits gives health care providers and parents the ability to vaccinate their young children against Japanese encephalitis if they choose to.

What is mercury and what is thimerosal?¹ Mercury is a naturally occurring element found in the earth's crust, air, soil and water. Mercury has been released into the environment through volcanic eruptions, weathering of rocks and burning of coal. Once released, certain types of bacteria in the environment can change mercury to methylmercury. Methylmercury makes its way through the food chain in fish, animals, and humans. At high levels, it can be toxic to people.

Thimerosal, a preservative still used in some vaccines, is a mercury-containing organic compound which has a different form of mercury called ethylmercury. Studies comparing ethylmercury and methylmercury suggest that they are processed differently in the human body. Ethylmercury is broken down and excreted much more rapidly than methylmercury. It appears that ethylmercury (the type of mercury in the influenza vaccine) is removed from the body more quickly than methylmercury (the type of mercury in the environment).

What are Washington's legal limits on mercury in vaccines? As of July 1, 2007, Washington state law requires that pregnant women and children under three years of age be given vaccines that have no more than 0.5 micrograms of mercury per 0.5 milliliter dose. The law makes an exception for mercury content of influenza vaccine and allows pregnant women and children under age three to get influenza vaccine if it has 1.0 microgram of mercury per 0.5 milliliter dose, or less. Your doctor or nurse can help explain the size of these amounts.

Can the legal limit on mercury in vaccines be suspended? Washington state law allows the secretary of the Washington department of health to suspend the state's legal mercury limit for a vaccine if the secretary determines there is a shortage of vaccine available to protect the public health against vaccine-preventable disease.

How does this apply to me? Once Washington's legal mercury limit for a vaccine has been suspended, state law requires the following people be informed they are being given a vaccine containing mercury level exceeding those limits:

- Women known to be pregnant or lactating.

- The parent or legal guardian of a child under eighteen years of age receiving the vaccine.

Where can I get more information? For more information about vaccines, go to www.doh.wa.gov/cfh/immunize. To find an immunization clinic, call the family health hotline at 1-800-322-2588.

¹ Information about mercury, methylmercury thimerosal and ethylmercury stated in the answer to this question was taken from the following two sources: Children's Hospital of Philadelphia at <http://www.chop.edu/consumer/index.jsp> and the Food and Drug Administration at www.fda.gov/cber/vaccine/thimerosal.htm.

WSR 10-14-077

AGENDA

DEPARTMENT OF AGRICULTURE

[Filed July 1, 2010, 11:27 a.m.]

Following is the department of agriculture's semi-annual rules development agenda for the period of July 1 through December 31, 2010. This document is being sent to you in compliance with RCW 34.05.314.

The department may undertake additional rule-making activity as conditions warrant. If you have any questions, please call Teresa Norman at (360) 902-2043 or e-mail tnorman@agr.wa.gov.

Semi-Annual Rules Agenda

July 1 - December 31, 2010

P.O. Box 42560

Olympia, WA 98504-2560

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102	CR-103	
Administrative Services/Director's Office						
16-08	Practice and procedure	Teresa Norman Rules Coordinator Phone (360) 902-1809	July	September	November	Updating references to WAC and addressing the use and procedures for brief adjudicative proceedings.
16-740	New WACs— Food assistance programs	Ken Harden Phone (360) 902-1932	June	July CR-105	September	Transferring rules for food assistance programs from the department of commerce to the department of agriculture in accordance with chapter 68, Laws of 2010.
Animal Services Division						
16-30	Restricted feed lots and restricted holding facilities	Jodi Jones Division Coordinator Animal Services Division Phone (360) 902-1889	January	June	September	Clarifying requirements for restricted holding facilities.
16-42	Biological products	Jodi Jones Division Coordinator Animal Services Division Phone (360) 902-1889	August	October	TBD	Veterinary biological products.
16-54	Animal importation	Jodi Jones Division Coordinator Animal Services Division Phone (360) 902-1889	December 2009	June	September	Import requirements.
16-86	Cattle and bison diseases in Washington state	Jodi Jones Division Coordinator Animal Services Division Phone (360) 902-1889	April	June	September	Cattle and bison diseases.
16-604	Public livestock markets	Jodi Jones Division Coordinator Animal Services Division Phone (360) 902-1889	December 2009	June	September	Health requirements at public livestock markets.
16-610	Livestock brand inspection	Jodi Jones Division Coordinator Animal Services Division Phone (360) 902-1889	June	August	October	Livestock brand inspection.
Commodity Inspection Division						
16-302	Pulse seed quality assurance program	Victor Shaul Seed Program Operations Manager Phone (509) 225-2630	TBD	TBD	TBD	Establishing a pulse seed quality assurance program.

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102	CR-103	
16-302-685	Small grains standards for seed certification	Victor Shaul Seed Program Operations Manager Phone (509) 225-2630	June	August	September	Establishing tolerances for triticale in wheat seed.
16-302-755	Standards for quality timothy seed	Victor Shaul Seed Program Operations Manager Phone (509) 225-2630	June	August	September	Detrimental contaminants in timothy seed.
16-302-385	Grass seed standards for certification	Victor Shaul Seed Program Operations Manager Phone (509) 225-2630	July	September	October	Amending the seed standards chart.
Food Safety and Consumer Services Division						
New WAC chapter	Dairy nutrient management program	Nora Mena Dairy Nutrient Management Program Manager Phone (360) 902-2894	TBD	TBD	TBD	Dairy nutrient management program enforcement and penalty matrix.
16-160	Registration of materials for organic food production	Martin Beagle Organic Program Manager Phone (360) 902-1924	July	September	October	Procedures for registering materials to be included on the brand name materials list.
Pesticide Management Division						
16-231	Use restricted herbicides	Cliff Weed Compliance Program Manager Phone (360) 902-2036	May 2009	August	October	Modify the nozzle requirements for air and ground apparatus.
16-232	Use restricted herbicides in certain counties	Cliff Weed Compliance Program Manager Phone (360) 902-2036	May 2009	August	October	Modify the nozzle requirements for air and ground apparatus.
Plant Protection Division						
16-326	<i>Brassica</i> seed production district	Mary Toohey Assistant Director for Plant Protection Phone (360) 902-1907	April	July	September	Amending restrictions for District 1 and other recommended provisions.
16-462	Grape planting stock—Registration and certification	Tom Wessels Plant Services Program Manager Phone (360) 902-1984	January	July	September	Amending the rules for the grape planting stock certification program by revising provisions, including field eligibility criteria.
16-470	Quarantine—Agricultural pests	Tom Wessels Plant Services Program Manager Phone (360) 902-1984	July	September	November	Initiating a quarantine in response to eastern filbert blight that would place restrictions on the importation of hazelnut plants into Washington state.
16-481	Grape insect pests	Tom Wessels Plant Services Program Manager Phone (360) 902-1984	June	July	August	Establishing a quarantine for European grapevine moth.
16-662	Weights and measures—National handbooks	Kirk Robinson Weights and Measures Program Manager Phone (360) 902-1856	June	July	August	Adopting modifications to biodiesel labeling requirements specified in the National Institute of Standards and Technology (NIST) Handbook 130; the 2010 edition of NIST Handbook 44; and the 2010 edition of NIST Handbook 130.

Teresa Norman
Rules Coordinator

WSR 10-14-078
AGENDA
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed July 1, 2010, 1:19 p.m.]

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

Semi-Annual Rules Development Agenda
(July 1 - December 31, 2010)

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.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102 or CR-105	CR-103 HEARING	
WAC 480-70-016(3)	Solid waste—Definitions rule making	Penny Ingram (360) 664-1242	5/7/08	To be determined	To be determined	Consider the circumstances under which a hauler of construction and demolition waste is not required to have a solid waste certificate.
WAC 480-120-264	Prepaid calling services	Tim Zawislak (360) 664-1294	2/17/10	5/3/10	6/28/10	Consider the need to implement additional consumer protection disclosures in WAC 480-120-264 (5)(a), the prepaid calling (card) services rule.
WAC 480-90 480-100	Paperless billing rule making	Roger Kouchi (360) 664-1101	4/7/10	8/18/10	10/18/10	Consider the need to develop a new rule and/or modify existing rules in chapters 480-90 and 480-100 WAC to address the use of electronic bills, notices of tariff revisions, bill inserts, documents in adjudicative proceedings, and reports [reports] required by settlement stipulations.
	Conservation incentive inquiry	Steve Johnson (360) 664-1346	4/6/10	To be determined	To be determined	Examine whether new regulations are needed to govern conservation incentive mechanisms or address declines in revenues due to company-sponsored conservation or other causes of conservation.
	Inquiry on regulatory treatment for renewable energy resources	Danny Kermode (360) 664-1253	5/19/10	To be determined	To be determined	Examine the need to adopt new regulations relating to the acquisition of renewable resources by Washington's investor owned electric utilities.
WAC 480-100-405 480-100-415 480-100-425 480-100-435	HB 2129 -Greenhouse gases emissions standard rule making	Danny Kermode (360) 664-1253	6/23/10	9/1/10	10/27/10	Amend greenhouse gas emissions standard rules to reflect passage of HB 2129.
WAC 480-04	Public access to information and records	Ann Rendahl (360) 664-1144	9/1/10	To be determined	To be determined	Review of rules in chapter 480-04 WAC relating to public access to information and records.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102 or CR-105	CR-103 HEARING	
WAC 480-15 480-30	Fitness standard rule making	Sharon Wallace (360) 664-1143	To be determined	To be determined	To be determined	Consider the need to modify existing rules in chapter 480-15 WAC, Household goods, and chapter 480-30 WAC, Passenger transportation, to define "fitness" for transportation industries regulated by the "fit, willing and able" entry standard.
WAC 480-120	E911 excise tax clean-up expedited rule making	Sharyn Bate (360) 664-1295		(CR-105) 10/10	N/A	Amend existing rules and statute references in chapter 480-120 WAC in response to SB 6846.
"999" sections in various chapters of Title 480 WAC	Adoption by reference expedited rule making	Alan Lundeen (360) 664-1118		(CR-105) 10/10	N/A	Annual update of the citations to material that's incorporated by reference.

David W. Danner
Executive Director
and Secretary

WSR 10-14-085

AGENDA

DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed July 2, 2010, 9:26 a.m.]

**Semi-Annual Agenda for Rules Under Development
July 1 - December 31, 2010**

DIVISION OF CONSUMER SERVICES

- Chapter 208-620 WAC (Consumer Loan Act and loan originators) - amendments to implement the Laws of 2010 including clarifying requirements for loan modification service providers and loan servicers and generally amending the rules for clarity and consistency.
- Chapter 208-620 WAC (Consumer Loan Act) - amendments via an emergency rule making to set the annual fee allowed under RCW 31.04.115 pending further rule making.
- Chapter 208-660 WAC (mortgage brokers and loan originators) - amendments to implement the Laws of 2010 including clarifying requirements for loan modification service providers and generally amending the rules for clarity and consistency.
- Chapter 208-680 WAC (escrow agents) - amendments to implement the Laws of 2010 and generally amend the rules for clarity and consistency.
- Chapter 208-690 WAC (money transmitters) - amendments via an expedited rule making to implement the annual assessment amendments made in the Laws of 2010.
- Chapter 208-690 WAC (money transmitters) - amendments to implement the remainder of the Laws of 2010.

DIVISION OF CREDIT UNIONS

- Propose and adopt rules for assessing civil money fines under section 16 in HB 2830 (chapter 87, Laws of 2010).

DIVISION OF SECURITIES

- WAC 460-16A-205 - amendments to rules regarding adoption of NASAA statements of policy.
- Chapter 460-24A WAC - amendments to rules relating to investment advisers.
- Chapter 460-33A WAC - amendments to rules relating to mortgage paper securities.
- WAC 460-42A-081 - amendments to rules regarding exchange and national market system exemption.

ADMINISTRATION

- Amendments and additions to chapter 208-08 WAC, Adjudicative procedures.
- Title 208 WAC - technical and clean up amendments to agency's general rules.

WSR 10-14-086

DEPARTMENT OF AGRICULTURE

[Filed July 2, 2010, 9:40 a.m.]

Second Quarter 2010 Petitions for Rule Making

The following information is being sent to you in order to implement RCW 1.08.112(g). The Washington state department of agriculture received one petition for rule making during the second quarter of 2010.

1 May 12, 2010 Organization of Kittitas County
 Timothy Hay Growers and Suppliers

 Teresa Norman
 Rules Coordinator

Per RCW 42.56.580(2), I request that your office publish Anita's appointment and contact information, mailing address Office of Financial Management, P.O. Box 43113, Olympia, WA 98504-3113, phone (360) 902-0593, fax (360) 664-2832, e-mail anita.wieland@ofm.wa.gov.

If you have any questions, please contact Ro Marcus, director of legal affairs for OFM.

Marty Brown
 Director

WSR 10-14-087

NOTICE OF PUBLIC MEETINGS

OLYMPIC COLLEGE

[Filed July 2, 2010, 9:41 a.m.]

Pursuant to RCW 42.30.075, Olympic College hereby gives notice that an additional regular meeting of the board of trustees of Olympic College, District Three, will be held on Wednesday, August 4, beginning at 8:00 a.m. at the Hood Canal Salmon Enhancement Group, 600 N.E. Roessel Road, Belfair, WA 98528.

WSR 10-14-088

NOTICE OF PUBLIC MEETINGS

LOWER COLUMBIA COLLEGE

[Filed July 2, 2010, 9:42 a.m.]

The July 21, 2010, board workshop of the Lower Columbia College board of trustees will be held in an alternate location. The meeting will begin at 8:30 a.m. in Room 148 in the **Main Building** on the Lower Columbia College campus.

If you have any questions, please don't hesitate to contact Linda Clark at (360) 442-2100.

WSR 10-14-089

NOTICE OF PUBLIC MEETINGS

**BIG BEND
 COMMUNITY COLLEGE**

[Filed July 6, 2010, 8:58 a.m.]

In accordance with RCW 42.30.075, the board of trustees for Big Bend Community College, District No. 18, has revised its regular meeting schedule as follows:

The August 10, 2010, board meeting is cancelled.
 A study session has been scheduled on August 25, 2010.

WSR 10-14-090

**PUBLIC RECORDS OFFICER
 OFFICE OF
 FINANCIAL MANAGEMENT**

[Filed July 6, 2010, 8:58 a.m.]

In accordance with RCW 42.56.580, I have appointed Anita Wieland as public records officer for the office of financial management (OFM), effective July 15, 2010.

WSR 10-14-108

AGENDA

DEPARTMENT OF COMMERCE

[Filed July 6, 2010, 5:32 p.m.]

Following is the department of commerce's semi-annual rules 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.

Please contact Nick Demerice if you have questions at nick.demerice@commerce.wa.gov or (360) 725-4010.

**Semi-Annual Rule-Making Agenda
 July 1 through December 31, 2010**

WAC Citation	Subject Matter/ Purpose of Rule	Current Activity/ Approximate Filing Date
New rule within Title 365 WAC	Creating a new chapter to develop rules for determining projects of statewide significance, due to changes in chapter 43.157 RCW (SB 5473, chapter 421, Laws of 2009).	CR-101 filing anticipated in August 2010 with final rule adoption in November 2010.
365-198	Providing an alternative to an interlocal agreement to cities and counties participating in the regional transfer of development rights (TDR) program for central Puget Sound. The rule would provide terms and conditions that they may adopt by reference in lieu of an interlocal agreement to transfer development rights. RCW authorization: RCW 43.362.050.	The CR-102 was filed June 2, 2010. The public hearing is on July 14, 2010, written comments are due by July 22, 2010. We hope to adopt the rule by August 11, 2010.
365-212	Updating rules pertaining to the manufactured housing relocation program for procedural purposes and to correct out-of-date and incorrect information. RCW authorization: Chapter 59.21 RCW.	CR-101 filing anticipated in August 2010 with final rule adoption in November 2010.
365-230	Updating the lead based paint abatement and renovation, repair, and painting rules, and the prerenovation information distribution requirements to ensure alignment with federal laws and rules.	CR-101 anticipated in July 2010 with final rule adoption in fall of 2010.

WAC Citation	Subject Matter/ Purpose of Rule	Current Activity/ Approximate Filing Date
365-196 365-190	To bring the rules into conformance with legislative changes occurring in 2009 and 2010. To adopt rules guiding implementation of RCW 36.70A.540 Affordable housing incentive programs. To address a petition to the agency requesting modifications to WAC 365-190-050 Agricultural resource lands and 365-196-425 Rural element.	CR-102 filing anticipated in July 2010 with final adoption in fall of 2010.
New rule within Title 365 WAC	Per RCW 43.325.080, the department shall define practicability, and clarify how state agencies and local government subdivisions will be evaluated in determining whether they have met the goals set out in RCW 43.19.648.	CR-101 filing anticipated in August 2010 with final rule adoption in November 2010.

Nick Demerice
Rules Coordinator

WSR 10-14-114

DEPARTMENT OF ECOLOGY

[Filed July 7, 2010, 9:16 a.m.]

PUBLIC NOTICE

Announcing the Draft Construction Stormwater General Permit for Review and Comment

The construction stormwater NPDES and state waste discharge general permit (CSWGP), issued by the Washington state department of ecology (ecology) on November 16, 2005, will expire on December 16, 2010. Ecology has prepared a draft CSWGP for public review and comment and is proposing to issue a revised CSWGP on December 1, 2010. Ecology will host five informational workshops and public hearings, and accept written and oral comments on the draft permit, fact sheet, and notice of intent (permit coverage application) from **July 21, 2010 to September 10, 2010**.

Purpose of the Permit: The proposed permit authorizes the discharge of stormwater and nonstormwater associated with construction activity. The permit covers all areas of Washington state, except for federal and most tribal lands (the permit does cover the Puyallup Reservation).

The proposed CSWGP limits the discharge of pollutants to surface waters under the authority of the Federal Water Pollution Control Act (U.S.C.S. 1251) and limits the discharge of pollutants to surface and groundwater under the authority of chapter 90.48 RCW. Currently, 2,309 construction sites are covered under the CSWGP.

New or unpermitted construction sites may obtain coverage under the CSWGP by submitting a complete notice of intent (permit coverage application) to ecology and satisfying all applicable public notice and State Environmental Policy Act (SEPA) requirements (WAC 173-226-200).

Summary of the Economic Impact Analysis: In accordance with WAC 173-226-120, ecology prepared an economic impact analysis (EIA) for the revised permit. The analysis finds that the cost of compliance with the draft general permit is disproportionate based on business size. On a cost-per-employee basis, the costs are generally greater for small businesses than for large firms. Cost-minimizing features have been included in the draft general permit in order to reduce the burden on small business.

Copies of the Draft Permit Documents: You may download a copy of the permit, fact sheet, economic impact analysis, and notice of intent at <http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html>.

You may request a copy of the permit, fact sheet, economic impact analysis, and notice of intent from Julie Robertson at (360) 407-6575 or by e-mail at julie.robertson@ecy.wa.gov.

Submitting Written Comments: Ecology will accept written comments on the draft permit, fact sheet, and notice of intent postmarked by **midnight, September 10, 2010**. Ecology prefers comments be submitted by e-mail. E-mailed comments must contain the commenter's name and postal address and be submitted by **midnight, September 10, 2010**. Comments should reference the CSWGP and specific text (page number and line number) when possible.

Submit e-mail comments to Sharleen.Bakeman@ecy.wa.gov.

Submit written comments to Sharleen Bakeman, Permit Comments, Water Quality Program, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504.

Submitting Oral Comments: You may provide oral testimony at any of the public hearings. A series of workshops and public hearings on the permit is scheduled to be held as noted in the list below. At the workshop, ecology will explain the draft permit and answer questions. A public hearing will follow the workshop immediately, and will provide the opportunity for formal oral testimony and comments on the proposed permit.

Hearings and Workshops: On **August 23, 2010, at 1:00 p.m.**, at the Washington State School for the Blind, 2214 East 13th Street, Vancouver, WA; on **August 25, 2010, at 1:00 p.m.**, at the Pierce County Parks and Recreation, Sprinkler Recreation Center, 3112 Lakewood Drive S.W., Lakewood, WA; on **August 27, 2010, at 1:00 p.m.**, at the Skagit Public Utility District, 1415 Freeway Drive, Mount Vernon, WA; on **August 31, 2010, at 1:00 p.m.**, at the S.E. Yakima Community Center, 1211 South 7th Street, Yakima, WA; and on **September 1, 2010, at 1:00 p.m.**, at the City of Spokane Valley, CenterPlace, 2426 Discovery Place, Spokane Valley, WA.

Issuing the Permit: After ecology receives and considers all public comments, it will issue the final permit. Ecology expects to issue the permit December 1, 2010. A copy of the notice of issuance and ecology's responses to public comments will be sent to all persons who submitted written comment or gave public testimony.

WSR 10-14-115**DEPARTMENT OF ECOLOGY**

[Filed July 7, 2010, 9:16 a.m.]

Final General Permit for Biosolids Management

Notice is hereby given that the Washington state department of ecology (ecology) has issued a final general permit for biosolids management (general permit) to replace the expiring general permit. Ecology is located at 300 Desmond Drive S.E., Lacey, WA 98503, phone (360) 407-6000.

The final general permit and associated documents are available at <http://www.ecy.wa.gov/programs/swfa/biosolids/forms.html> or by requesting from ecology.

The general permit applies to all treatment works treating domestic sewage in the state. The majority of these facilities are publicly owned wastewater treatment plants. Other types of facilities subject to the general permit include privately owned wastewater treatment plants that treat only domestic sewage, composting facilities that treat biosolids as a feedstock, biosolids beneficial use facilities, and septage management facilities.

The general permit applies within the boundaries of the state of Washington, including state and federal lands. It does not apply to lands within the boundaries of Indian reservations or lands outside of Indian reservations that are held in trust by the federal government for a tribe.

Three hundred seventy-nine facilities have stated they will apply for coverage under the general permit. A list of the facilities is available at <http://www.ecy.wa.gov/programs/swfa/biosolids/pdf/FacilitiesSubmitted.pdf> or by requesting from ecology.

Within ninety days of the effective date of the general permit, each facility seeking coverage must submit a complete permit application as defined in the general permit and comply with any SEPA and public notice requirements. Facilities that have met all the procedural requirements and submitted all required documents will be "provisionally" approved for coverage under the general permit. Ecology will then conduct a full review of each facility's biosolids program before providing "final" approval of coverage.

Ecology published a notice of a draft general permit on May 19, 2010, followed by a thirty-three day public comment period. A public hearing was held on June 22, 2010. Ecology prepared a responsiveness summary addressing all comments received during the comment period; the responsiveness summary is available at <http://www.ecy.wa.gov/programs/swfa/biosolids/forms.html> or by requesting from ecology. No substantive changes to the draft general permit were made in response to the comments.

The terms and conditions of the general permit may be appealed. Any appeal must be filed with the pollution control hearings board and served on ecology within thirty days. The basic process for an appeal is outlined in RCW 43.21B.310.

The general permit will become effective on August 20, 2010.

WSR 10-14-116**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 7, 2010, 9:28 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 (DCS)**

Document Title: Canary Notice 273: Changes to IRS Distribution.

Subject: Changes to IRS distribution.

Effective Date: July 6, 2010.

Document Description: This canary notice explains changes to DCS policy resulting from budget decisions made by the 2010 Washington state legislature.

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://www.dshs.wa.gov/dcs/>.

WSR 10-14-119**AGENDA
DEPARTMENT OF LICENSING**

[Filed July 7, 2010, 9:39 a.m.]

Following is the rule-making agenda for the department of licensing. This agenda is sent to you as a requirement of RCW 34.05.314.

Feel free to contact Walt Fahrer if you need any assistance concerning this matter at 359-4015.

**RULE-MAKING AGENDA FOR RULES UNDER DEVELOPMENT
JULY 2010**

CR-101	CR-102	PROGRAM	SUBJECT
97-11-002		Driver responsibility	Procedural rules regarding the revocation and restoration of driving privileges of those forced to be an habitual traffic offender under chapter 46.65 RCW, including rules regarding the right to a hearing.
03-17-029		Camping resorts	Fee adjustment to chapter 308-420 WAC regulating camping resorts.
06-22-105	09-13-101	Motorcycle	Establish basic requirements governing the operation and scope of motorcycle education courses offered by commercial businesses.
07-10-016		Driver training schools	Driver training school program, professional development education, school and instructor approval.
08-07-004		Engineers	Chapter 196-26A WAC, Engineer and land surveyor fees.
08-14-032		Real estate	Implement section 10, chapter 110, Laws of 2008.
08-18-055		Prorate	Chapter 308-91 WAC, Reciprocity and proration.
08-18-066		Driver responsibility	WAC 308-104-160 Nonmoving violation defined.
08-18-068		Driver examining	WAC 308-104-018.
08-19-040	09-09-111	Funeral	Chapter 308-48 WAC, clarify licensing examination process.
09-08-075		Engineering	Chapter 196-20 WAC, part of an effort to better organize existing and future rules under the existing chapter that pertain to engineers-in-training.
09-08-077		Land surveyor	Chapter 196-21 WAC, part of an effort to better organize existing and future rules under the existing chapter that pertain to land surveyors-in-training.
09-15-055		Dealers	Chapter 308-66 WAC.
09-23-078		Driver policy, programs	Chapter 308-330 WAC.
09-24-065		Boxing, wrestling, martial arts	Chapters 36-12, 36-13, 36-14 WAC.
10-01-035		Tattoo	New rules.
10-01-075		Title and registration	WAC 308-56A-420.
10-01-136		Engineers	Chapter 196-25 WAC.
10-01-150		Engineers	Chapter 196-30 WAC.
10-06-076	10-09-056	Engineer	Chapter 196-13 WAC.
10-07-156	10-11-125	Commercial driver license	Disqualification for out-of-service order.
10-07-157	10-11-124	Driver examining	Maximum age to renew driver license on line.
10-08-048		Title and registration	WAC 308-96A-099 Use class descriptions.
10-08-095		Title and registration	WAC 308-56A-206.
10-10-081		Architects	Chapter 308-12 WAC.
10-10-116		Title and registration	WAC 308-96A-560 Special license plates.
10-10-117		Title and registration	WAC 308-96A-460 Destroyed or wrecked vehicle.
10-11-090		Court reporter	Chapter 308-14 WAC, Court reporter continuing education.
10-11-107		Real estate appraiser	Rules to implement ESHB 3040, chapter 179, Laws of 2010.
10-12-073		Cosmetology	Chapter 308-20 WAC.
10-12-089		Home inspectors	To clarify the use of the term "certified" in marketing materials used by home inspectors.
	10-12-094	Real estate	WAC 308-124A-775 Real estate fees.
10-12-102		Real estate	WAC 308-124B-210 Real estate licensee advertising assumed/names.

CR-101	CR-102	PROGRAM	SUBJECT
10-12-105		Real estate	WAC 308-124E-100, 308-124C-125, 308-124C-130, 308-124C-137, 308-124C-140, 308-124C-145, Responsibilities for real estate licensees—Review of new licensees' work.
10-14-092		Real estate	Director authority on conducting audits and investigations.

Walt Fahrer
Rules Coordinator

WSR 10-14-120
AGENDA
DEPARTMENT OF ECOLOGY
[Filed July 7, 2010, 9:58 a.m.]

Pursuant to RCW 34.05.314, following is the department of ecology's rule agenda for July - December 2010. If you have any questions please contact Jerry Thielen at (360) 407-7551 or e-mail at jthi461@ecy.wa.gov.

Rule-Making Agenda July 2010						
*The bolded dates indicate filings that have occurred. Shaded rows indicated [indicates] rules for which we have not filed paperwork with the office of the code reviser						
WAC Chapter	Program	Chapter Title	CR-101 Filing Date	CR-102 Filing Date	CR-103 Filing Date	Rules Unit's Program Contact
173-406 and 173-400 AO # 07-07 5/06	AQ	Acid rain regulation (mercury emissions from coal burning powerplants) and general regulation for air pollution sources (WAC 173-400-112 and 173-400-113 only).	3/21/07	On Hold	On Hold	Nancy Pritchett
173-430 AO # 10-05 3/10	AQ	Agricultural burning.	4/21/10	Late July/August 2010	November/December 2010	Richelle Perez
173-455 AO # 10-04 3/10	AQ	Air quality fee regulation.	4/21/10	December 2010	May 2011	Elena Guilfoil
173-441 AO # 10-08 6/08	AQ	Greenhouse gases reporting.	5/18/10	September 2010	December 2010	Neil Caudill
173-422 AO # 08-01 3/08	AQ	Motor vehicle emission inspection.	8/6/08	February 2011	July 2011	John Raymond
173-400 AO # 09-01 1/09	AQ	General regulation for air pollution sources.	2/4/09 Withdrawn and new CR-101 filed - 11/10/09	September 2010	December 2010	Linda Whitcher

WAC Chapter	Program	Chapter Title	CR-101 Filing Date	CR-102 Filing Date	CR-103 Filing Date	Rules Unit's Program Contact
173-50 AO # 09-09 7/09	EAP	Accreditation of environmental laboratories.	9/16/09	3/24/10	August 2010	Stew Lombard or Will Kendra
173-26-070 AO # 08-15 8/08	SEA	Spokane County shoreline master program.	8/5/08	On Hold	On Hold	Peter Skowlund
173-18, 173-20, 173-22, 173-26, and 173-27 AO # 09-02 2/09	SEA	Chapter 173-18 WAC, Shoreline Management Act—Streams and rivers constituting. Chapter 173-20 WAC, Shoreline Management Act—Lakes constituting shorelines of the state. Chapter 173-22 WAC, Adoptions of designations of wetlands associated with shorelines of the state. Chapter 173-26 WAC, State master program approval—Amendment procedures. Chapter 173-27 WAC, Shoreline management permit and enforcement procedures.	4/19/10	August 2010	December 2010	Cedar Bouta/Tom Clingman
173-340 and 173-204 AO # 08-07 4/08	TCP	Model Toxics Control Act (MTCA) cleanup regulation and cleanup portions of the sediment management standards (SMS).	2/1/09	May 2011	October/ November 2011	Martha Hankins
173-360 AO # 08-08 4/08	TCP	Underground storage tank regulations.	7/23/08	December 2010	May 2011	Martha Hankins
173-351 AO # 07-15 7/07	W2R	Criteria for municipal solid waste landfills.	8/21/07	December 2010	May 2011	Kathi Scanlan or Wayne Krafft

WAC Chapter	Program	Chapter Title	CR-101 Filing Date	CR-102 Filing Date	CR-103 Filing Date	Rules Unit's Program Contact
173-? AO # 09-04 3/09	W2R	Children's safe products rule - pilot rule making.	5/20/09	January 2011	July 2011	John Williams
173-350 AO # 10-06 3/10	W2R	Solid waste handling standards.	5/26/10	July 2011	December 2011	Kathi Scanlan
173-98 AO # 10-01 1/10	WQ	Water pollution control revolving fund.	Emergency Rule - Effective 4/19/2010 Expires 8/17/2010			Joseph Coppo
173-219 AO # 06-12 8/06	WQ	Reclaimed water use.	11/7/06	August 2010	December 2010	Kathleen Emmett or Jocelyn Winz
173-539A Emergency AO # 08-11 3/09	WR	Upper Kittitas emergency groundwater rule.	N/A		3/23/10 Expires 7/21/10	Bob Barwin
173-539A Permanent AO # 08-12 6/08	WR	Upper Kittitas groundwater rule (permanent).	7/8/08	Withdrawn 7/7/09 New CR-102 6/22/10	October 2010	Mark Schuppe or Bob Barwin
173-525 AO # 05-03 3/05	WR	Grays Elocho-man instream resources protection and water management program WRIA 25.	3/2/05	4/19/10 Continuance filed 6/16/10	October 2010	Travis Burns
173-526 AO # 05-04 3/05	WR	Cowlitz instream resources protection and water management program WRIA 26.	3/2/05	4/19/10 Continuance filed 6/16/10	October 2010	Travis Burns
173-503A AO # 04-01 2/04	WR	Instream flow rule for the Samish subbasin.	2/15/04	On Hold	On Hold	Ann Wessel
173-518 AO # 07-17 11/07	WR	Focusing on the Dungeness only: Dungeness instream resources protection and watershed management program.	11/7/07	July 2010	Fall 2010	Ann Wessel
173-152 AO # 09-05 4/09	WR	Water rights.	8/5/09	7/7/10	October 2010	Janet Rajala
173-175 AO # 10-09 5/10	WR	Dam safety.	5/24/10	October 2010	February 2011	David Cummings

Jerry Thielen
Rules Coordinator

WSR 10-14-121

AGENDA

EASTERN WASHINGTON UNIVERSITY

[Filed July 7, 2010, 10:13 a.m.]

**Semi-Annual Agenda for Rules Under Development
(Per RCW 34.05.314)
July 2010**

1. Rule making for a revision to chapter 172-09 WAC, Administration of duties and obligations required by Initiative 276—Academic transcripts of Eastern Washington State College students, is anticipated during the second half of 2010.

2. Rule making for a revision to chapter 172-132 WAC, Course materials, is anticipated during the second half of 2010.

3. Rule making concerning a revision to chapter 172-144 WAC, Special charges—Financial responsibility, is anticipated during the second half of 2010.

For more information concerning the above rules under review or development contact Trent Lutey, University Policy Administrator, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, or e-mail tlutey@ewu.edu.

WSR 10-14-124

**DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed July 7, 2010, 10:49 a.m.]

Prevailing Rate of Wage Emergency Corrections

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 and as was published on the internet on February 1, 2010, the industrial statistician has determined the statewide prevailing rates of wage. These prevailing rates of wage are effective for public works projects bid on or after March 3, 2010. On June 10, 2010, the industrial statistician and director of labor and industries made an emergency correction to these rates. The corrected rates became effective the day following publication on June 11, 2010, per WAC 296-127-011.

This wage rate correction affects the trade glaziers in Thurston County.

Every contractor and subcontractor on every public works project must file a statement of intent to pay prevailing wages and an affidavit of wages paid. Both forms must be filed on every project. The filing of the affidavit of wages paid does not set aside the requirement to also file the statement of intent to pay prevailing wages. The department may fine contractors \$500 for failure to file these forms.

For more information on prevailing wage or a copy of the rates please visit our web site at [www.lni.wa.gov/ TradesLicensing/PrevailingWage/](http://www.lni.wa.gov/TradesLicensing/PrevailingWage/) or call (360) 902-5335.

David Soma
Prevailing Wage Manager
Industrial Statistician

**State of Washington
Department of Labor and Industries**

Prevailing Wage Section
Telephone (360) 902-5335
P.O. Box 44540
Olympia, WA 98504-4540

Washington State Prevailing Wage

The PREVAILING WAGES listed here include both the hourly wage rate and the hourly rate of fringe benefits. On public works projects, workers' wage and benefit rates must add to not less than this total. A brief description of overtime calculation requirements are provided on the benefit code key.

PREVAILING WAGE RATE EMERGENCY CORRECTION

GLAZIERS

**WAGE UPDATE PERIOD OF MARCH 3, 2010
CORRECTION PUBLISHED ON JUNE 10, 2010
CORRECTED RATES WILL BE EFFECTIVE ON JUNE 11, 2010**

**List of Corrected Rates Compared to the Incorrect Rate
Previously Published.**

COUNTIES COVERED:

THURSTON

Journey Level Classification	Corrected Rate	Incorrect Rate
Journey Level	\$48.61	\$22.30

Corrected Apprentice Stage of Progression	Corrected Rate
1: 0 - 1000 Hours - 50%	\$27.01
2: 1001 - 2000 Hours - 55%	\$29.17
3: 2001 - 3000 Hours - 60%	\$31.33
4: 3001 - 4000 Hours - 65%	\$33.49
5: 4001 - 5000 Hours - 70%	\$35.65
6: 5001 - 6000 Hours - 75%	\$37.81
7: 6001 - 7000 Hours - 80%	\$39.97
8: 7001 - 8000 Hours - 90%	\$44.29

**WSR 10-14-125
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed July 7, 2010, 10:50 a.m.]

Prevailing Rate of Wage Emergency Corrections

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 and as was published on the internet on February 1, 2010, the industrial statistician has determined the statewide pre-

vailing rates of wage. These prevailing rates of wage are effective for public works projects bid on or after March 3, 2010. On June 11, 2010, the industrial statistician and director of labor and industries made an emergency correction to these rates. The corrected rates became effective immediately upon publication on June 11, 2010, per WAC 296-127-011.

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David Soma
Prevailing Wage Manager
Industrial Statistician

Apprentice Stage of Progression	Corrected Rate	Incorrect Rate
1: 0 - 1000 Hours - 55%	\$21.27	\$12.82
2: 1001 - 2000 Hours - 60%	\$22.74	\$13.98
3: 2001 - 3000 Hours - 65%	\$24.22	\$15.15
4: 3001 - 4000 Hours - 70%	\$25.69	\$16.31
5: 4001 - 5000 Hours - 80%	\$28.64	\$18.64
6: 5001 - 6000 Hours - 90%	\$31.59	\$20.97

State of Washington
Department of Labor and Industries
Prevailing Wage Section
Telephone (360) 902-5335
P.O. Box 44540
Olympia, WA 98504-4540

Washington State Prevailing Wage

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PREVAILING WAGE RATE EMERGENCY CORRECTION

RESIDENTIAL GLAZIERS

WAGE UPDATE PERIOD OF MARCH 3, 2010
CORRECTION PUBLISHED ON JUNE 11, 2010
CORRECTED RATES WILL BE EFFECTIVE ON JUNE 11, 2010

List of Corrected Rates Compared to the Incorrect Rate Previously Published.

COUNTIES COVERED:

THURSTON

Journey Level Classification	Corrected Rate	Incorrect Rate
Journey Level	\$34.54	\$22.30