

WSR 11-10-001
NOTICE OF PUBLIC MEETINGS
BOARD OF
PILOTAGE COMMISSIONERS

[Filed April 20, 2011, 1:03 p.m.]

2011 MEETING SCHEDULE
 (Revised on April 7)

The Washington state board of pilotage commissioners meets on the second Thursday of each month unless otherwise rescheduled or canceled. Meetings are held at 9:30 a.m., at 2901 Third Avenue, Seattle, WA. Following is the schedule of 2011 board meetings:

- January 13
- February 10
- March 10
- ~~April 14~~ April 7
- ~~May 12~~ Canceled
- ~~June 10~~ June 9
- July 14
- August 11
- September 8
- October 13
- November 10
- December 8

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

WSR 11-10-003
NOTICE OF PUBLIC MEETINGS
LOTTERY COMMISSION
 [Filed April 21, 2011, 9:08 a.m.]

Meeting Dates and Locations
2011

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

January 27, 2011	Lottery Headquarters Drawing Studio	Olympia, Washington
March 24, 2011	Lottery Headquarters Drawing Studio	Olympia, Washington
May 26, 2011	Lottery Headquarters Drawing Studio	Olympia, Washington
June 7, 2011	Lottery Headquarters Drawing Studio	Olympia, Washington

July 28, 2011	Lottery Headquarters Drawing Studio	Olympia, Washington
September 22, 2011	Lottery Headquarters Drawing Studio	Olympia, Washington
September 29, 2011	Lottery Headquarters Drawing Studio	Olympia, Washington
November 17, 2011	Lottery Headquarters Drawing Studio	Olympia, Washington

WSR 11-10-007
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
 [Filed April 22, 2011, 9:50 a.m.]

The board of trustees of Walla Walla Community College, District No. 20, has changed the time of the following meeting:

- From: May 25, 2011, at 9:30 a.m.
- To: May 25, 2011, at 1:00 p.m.

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 11-10-009
PROCLAMATION
OFFICE OF THE GOVERNOR
 [April 20, 2011]

PROCLAMATION BY THE GOVERNOR
11-05

AMENDING PROCLAMATION 11-03

WHEREAS, on February 14, 2011, I issued Proclamation 11-03, proclaiming a State of Emergency for Chelan, Clallam, Clark, Cowlitz, Grant, Grays Harbor, King, Kittitas, Klickitat, Lewis, Mason, Pacific, Skagit, Skamania, Snohomish, Wahkiakum, and Whatcom Counties as a result of severe winter storms that produced extensive rainfall throughout Washington from January 9 through January 26, 2011; and

As restoration work by the Washington State Department of Transportation continued on US Highway 101 in Mason County, it became evident that the damage caused by the storms also extended into Jefferson County due to soil slippage under the roadbed because of soil saturation from extensive rainfall; and

It is necessary for the Washington State Department of Transportation to use emergency contracting procedures in Jefferson County; and

The estimated cost to repair damage to state and county road systems resulting from the storms is currently over \$1.1 million and growing, requiring the Washington State Department of Transportation and local jurisdictions to continue to assess the damage caused by the storms, and to coordinate resources to repair, remove and replace affected roadways to alleviate the immediate and long term impacts upon the infrastructure and public safety; and

The impact of this incident to the life and health of our citizens, as well as the property and transportation infrastructure of Washington State, is a public disaster that affects life, health, property and public peace; and

The Washington State Military Department activated the state Emergency Operations Center, implemented response procedures, and coordinated resources to support local officials in alleviating the immediate social and economic impacts to people, property, and infrastructure, and is continuing to assess the magnitude of the incident.

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, as a result of the aforementioned situation and under Chapters 38.52 and 43.06 RCW, do hereby proclaim that Proclamation 11-03 remains in effect, and that a State of Emergency also exists in Jefferson County, in addition to the counties identified in Proclamation 11-03. I again direct the plans and procedures in the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the incident.

Signed and sealed with the official seal of the state of Washington this 20th day of April, A.D. Two-thousand and Eleven at Olympia, Washington.

By:
Christine O. Gregoire
Governor

BY THE GOVERNOR:
Steve Excell
[Assistant] Secretary of State

WSR 11-10-010
NOTICE OF PUBLIC MEETINGS
DAIRY PRODUCTS COMMISSION
[Filed April 25, 2011, 11:02 a.m.]

Board Meeting Schedule Revision
2011

The following regular scheduled board meeting on September 21-22 has been changed. The new date is as follows:

DATE	LOCATION	TIME
September 20-21	20 - Qwest Field 21 - WA Dairy Center	TBD 8:30 a.m.

Note: Please confirm meeting times with Celeste Piette at (425) 672-0687 prior to meeting. In addition, some meeting location[s] and times are still to be determined.

WSR 11-10-013
NOTICE OF PUBLIC MEETINGS
GRAIN COMMISSION
[Filed April 25, 2011, 3:15 p.m.]

The Washington grain commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting changes, per the board of directors, for publication in the State Register. The dates [date] change for the May annual meeting is submitted at least twenty days prior to the scheduled meeting dates.

May meeting was previously listed as: Annual, May 18 (10:00 a.m.) and 19 (8:00 a.m.).

PLEASE CHANGE TO READ: Annual, May 25 (10:00 a.m.) and 26 (8:00 a.m.).

WSR 11-10-016
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
[Filed April 26, 2011, 9:03 a.m.]

The public employment relations commission has changed the following regular meeting:

From: June 21, 2011.
To: June 10, 2011.

If you need further information contact Majel Boudia, P.O. Box 40919, Olympia, WA 98501-0919, fax (360) 570-7334, www.perc.wa.gov.

WSR 11-10-017
PROCLAMATION
OFFICE OF THE GOVERNOR
[April 22, 2011]

PROCLAMATION BY THE GOVERNOR
11-06

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2011 regular session on April 22, 2011, the 103rd day of the session; and

WHEREAS, substantial work remains to be done with respect to the 2011-2013 biennial operating budget and bills necessary to implement the budget, including workers' compensation reform and related bills, state government reform, pro-

spective changes to Washington's Guaranteed Education Tuition (GET) Program, and action on the Higher Education Funding Task Force recommendations; and

WHEREAS, substantial work remains to be done with respect to bills important to support the 2011-2013 biennial transportation budget, including transportation fees and the vessel replacement surcharge on ferry fares; and

WHEREAS, substantial work remains to be done with respect to the 2011-2013 biennial capital budget, bills necessary to implement the budget, and a constitutional amendment to reduce the maximum amount of debt the state can incur; and

WHEREAS, the Speaker of the House, House Minority Leader, Senate Majority Leader and Senate Republican Leader working together with the Governor may agree upon additional matters that are necessary for the legislature to address;

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Tuesday, April 26, 2011, at 9 a.m. for the purpose of enacting legislation as described above.

Signed and sealed with the official seal of the state of Washington this 22nd day of April, A.D. Two-thousand and Eleven at Olympia, Washington.

By:
Christine O. Gregoire
Governor

BY THE GOVERNOR:
Sam Reed
Secretary of State

2011 Meetings	Application Deadline	Location
May 18, 2011	Special Meeting - Board Retreat	Rescheduled
May 19, 2011	April 4, 2011	Olympia Department of Commerce
July 20, 2011	Special Meeting - Board Retreat	TBD
July 21, 2011	June 6, 2011	TBD
September 15, 2011	August 1, 2011	Olympia Department of Commerce
November 17, 2011	October 3, 2011	Olympia Department of Commerce

Directions: Washington State Department of Commerce, 1011 Plum Street S.E., Olympia, WA 98504-2525, (360) 725-4000.

FROM SEATTLE: From I-5 Southbound, take Exit 105B toward City Center/Port of Olympia. Turn slightly right onto East Bay Drive. At the second light, turn left onto Union Avenue. Turn right immediately into the first driveway on your right. The department of commerce is on the corner of Union Avenue and Plum Street.

FROM PORTLAND: From I-5 Northbound, take Exit 105 toward the Port of Olympia. Turn slightly right onto 14th Avenue S.E. Turn slightly right onto Henderson Boulevard S.E. Henderson Boulevard becomes East Bay Drive. Turn left at the first light to stay on East Bay Drive, which becomes Plum Street S.E. At the second light, turn left onto Union Avenue. Turn right immediately into the first driveway on your right. The department of commerce is on the corner of Union Avenue and Plum Street.

WSR 11-10-020
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD

[Filed April 26, 2011, 11:44 a.m.]

2011 Meeting Schedule
Meetings usually begin at 9:00 a.m.

2011 Meetings	Application Deadline	Location
January 11, 2011	Special Meeting	Cancelled
January 20, 2011	December 6, 2010	Olympia Department of Commerce
March 17, 2011	January 31, 2011	Olympia Department of Commerce

WSR 11-10-021
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD

[Filed April 26, 2011, 3:19 p.m.]

The public works board has made some changes to the 2011 regular scheduled meetings. Please see below. The changes are in bold.

Please contact the public works board at (360) 725-3151 for any further information.

- May 3 - **Cancelled**
- May 24-25**
- June 7**
- June 8 and 9 - **Cancelled**
- July 12**
- August 2
- August 16 - **Cancelled**
- September 13

October 4
November 1
November 15
December 6

WSR 11-10-022
NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE
[Filed April 27, 2011, 8:41 a.m.]

Pursuant to RCW 42.30.080, Olympic College hereby gives notice of a special meeting of the board of trustees of Olympic College, District Three, to be held June 26 - June 28, 2011, at the Suncadia Lodge in Cle Elum, Washington.

This meeting is a Trustees Association of Community and Technical Colleges conference. No action will be taken.

WSR 11-10-023
NOTICE OF PUBLIC MEETINGS
GRAYS HARBOR COLLEGE
[Filed April 27, 2011, 8:41 a.m.]

There will be a special meeting of the Grays Harbor College board of trustees on May 5, 2011, at 6:30 p.m. The meeting will be held in the library at Simpson Elementary School, 519 West Simpson Street, Montesano, WA 98563.

WSR 11-10-024
NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIREFIGHTERS' PLAN 2 RETIREMENT BOARD
[Filed April 27, 2011, 8:41 a.m.]

The law enforcement officers' and firefighters' plan 2 retirement board cancelled their April 27, 2011, board meeting.

The next regularly scheduled meeting is **Wednesday, May 18**, at 9:30 a.m. located in the Washington state investment board room.

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

WSR 11-10-042
PROCLAMATION
OFFICE OF THE GOVERNOR
[April 22, 2011]

PROCLAMATION BY THE GOVERNOR
11-06

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legisla-

ture adjourned its 2011 regular session on April 22, 2011, the 103rd day of the session; and

WHEREAS, substantial work remains to be done with respect to the 2011-2013 biennial operating budget and bills necessary to implement the budget, including workers' compensation reform and related bills, state government reform, prospective changes to Washington's Guaranteed Education Tuition (GET) Program, and action on the Higher Education Funding Task Force recommendations; and

WHEREAS, substantial work remains to be done with respect to bills important to support the 2011-2013 biennial transportation budget, including transportation fees and the vessel replacement surcharge on ferry fares; and

WHEREAS, substantial work remains to be done with respect to the 2011-2013 biennial capital budget, bills necessary to implement the budget, and a constitutional amendment to reduce the maximum amount of debt the state can incur; and

WHEREAS, the Speaker of the House, House Minority Leader, Senate Majority Leader and Senate Republican Leader working together with the Governor may agree upon additional matters that are necessary for the legislature to address;

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Tuesday, April 26, 2011, at 9 a.m. for the purpose of enacting legislation as described above.

Signed and sealed with the official seal of the state of Washington this 22nd day of April, A.D. Two-thousand and Eleven at Olympia, Washington.

By:
Christine O. Gregoire
Governor

BY THE GOVERNOR:
Sam Reed
Secretary of State

WSR 11-10-043
PROCLAMATION
OFFICE OF THE GOVERNOR
[April 25, 2011]

PROCLAMATION BY THE GOVERNOR
11-07

WHEREAS, a semi truck carrying an over-height load struck the 113th Avenue overpass over I-5 in Thurston County, Washington, on March 22, 2011, causing significant girder damage to the overpass requiring extensive repairs impacting public safety, travel and access; and

The estimated cost to repair the damage is over \$900,000, and the overpass repair project is currently restricting pedestrian

access and limiting vehicle traffic to one lane of alternating traffic on the overpass. Repair operations will interrupt traffic on I-5 and 113th Avenue, and cause delays, disruption and inconvenience affecting public health and safety; and

The Washington State Department of Transportation is coordinating resources to repair the overpass to alleviate the immediate impacts upon the infrastructure and public safety, is continuing to assess the damage caused by this incident, and is working to implement damage repairs; and

The impact of this incident to the life and health of our citizens, as well as the property and transportation infrastructure of Washington State, is a public disaster that affects life, health, property or the public peace.

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, as a result of the above-noted situation and under Chapters 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in Thurston County in the state of Washington, and direct the plans and procedures in the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the incident.

Signed and sealed with the official seal of the state of Washington this 25th day of April, A.D. Two-thousand and Eleven at Olympia, Washington

By:

Christine O. Gregoire
Governor

BY THE GOVERNOR:

Steve Excell
[Assistant] Secretary of State

WSR 11-10-044
PROCLAMATION
OFFICE OF THE GOVERNOR

[April 25, 2011]

PROCLAMATION BY THE GOVERNOR
11-08

WHEREAS, a series of severe spring storms occurred throughout Washington from March 15 through April 10, 2011, impacting public safety, travel and access; and

These storms produced high winds and extreme rainfall resulting in saturated soils, significant flooding, landslides, culvert failures, river bank erosion and extensive damage to the state and county road systems in Chelan, Cowlitz, Ferry, King, Kittitas, Mason and Snohomish Counties; and

The estimated cost to repair the road systems damage is over \$2.7 million, requiring the approval of Washington's Secretary of Transportation to commence work to repair the affected roadways. Emergency conditions have caused and may continue to warrant temporary closure or limited access

to affected roadways and implementation of emergency procurement procedures; and

The Washington State Department of Transportation and local jurisdictions are coordinating resources to repair the roadways and remove debris, continuing to assess the damage caused by these incidents, and working to implement repairs; and

The effect of these storms continues to impact the life and health of our citizens, as well as the property and transportation infrastructure of Washington State, and is a public disaster that affects life, health, property or the public peace.

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, as a result of the above-noted situation and under Chapters 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in Chelan, Cowlitz, Ferry, King, Kittitas, Mason and Snohomish Counties in the state of Washington, and direct the plans and procedures in the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the incident.

Signed and sealed with the official seal of the state of Washington this 25th day of April, A.D. Two-thousand and Eleven at Olympia, Washington

By:

Christine O. Gregoire
Governor

BY THE GOVERNOR:

Steve Excell
[Assistant] Secretary of State

WSR 11-10-050
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
(Health Insurance Partnership Board)

[Filed April 29, 2011, 9:50 a.m.]

The Washington health insurance partnership board will meet on Tuesday, June 14, 2011, at 1:00 p.m. to 4:00 p.m. at the Washington State Health Care Authority, Rainier Conference Room, 1511 3rd Avenue, Suite 201, Seattle, WA 98101.

If you are a person with a disability and need a special accommodation, please contact Kate Trickle, (360) 923-2939, Kate.Trickle@hca.wa.gov.

WSR 11-10-053
NOTICE OF PUBLIC MEETINGS
CLEMENCY AND PARDONS BOARD

[Filed April 29, 2011, 11:53 a.m.]

The Washington state clemency and pardons board hereby gives notice of its quarterly hearing scheduled for

September 9, 2011, at 10:00 a.m., in Senate Hearing Room 3, of the John A. Cherberg Building, Olympia, Washington. The following petitions will be considered by the board¹:

<u>Petitioner:</u>	<u>Relief Requested:</u>
Ethan Darden	Commutation
Andrew Raymond	Commutation
Amy Beckstrom	Pardon
Colby Carr	Pardon
Jeffrey Cowgill	Pardon
Diane Vandenberg-Hansen	Pardon
Joseph King	Pardon
Michael Krone	Pardon
Mark Sawyer	Pardon
Tyrone Sheffey	Pardon
Michael Simmons	Pardon

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

Thursday, May 5, 2011		Location
3:30 p.m.*	Academic and student affairs committee	Compton Union Building Room 204
4:30 p.m.*	Executive session, if needed	Compton Union Building Room 204
6:30 p.m.	Board of regents dinner	

**or upon conclusion of previous session.*

Friday, May 6, 2011		Location
7:30 a.m.	Board of regents breakfast	Compton Union Building Room 208
8:30 a.m.	Board of regents meeting	Compton Union Building Room 204

In addition, on Friday, May 6, and Saturday, May 7, the regents will participate in ceremonies and activities associated with commencement for the Spokane and Pullman campuses.

Questions about the board of regents meeting and schedule may be directed to Christine R. Hoyt, executive assistant to the board of regents, (509) 335-6666.

WSR 11-10-054
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
 [Filed April 29, 2011, 12:03 p.m.]

The Washington State University board of regents will hold its next official meetings on Thursday and Friday, May 5-6, 2011, in Pullman, Washington, pursuant to the schedule below.

All meetings will take place at the Compton Union Building, as outlined in the schedule below, unless noted otherwise.

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

Thursday, May 5, 2011		Location
11:30 a.m.	Board of regents lunch	Compton Union Building Room 208
12:30 p.m.*	Executive committee	Compton Union Building Room 204
1:30 p.m.*	Finance and audit committee	Compton Union Building Room 204
3:00 p.m.*	External affairs committee	Compton Union Building Room 204

WSR 11-10-059
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed April 29, 2011, 2:48 p.m.]

INTERPRETIVE STATEMENT ISSUED

The department issued Excise Tax Advisory (ETA) 3122.2011 *Processing Perishable Meat Products*. This ETA was originally issued as ETA 2035 in March 2007 to explain who is entitled to the preferential business and occupation ("B&O") tax rate based on the Washington state supreme court decision, *Agrilink Foods, Inc. v. Washington State Department of Revenue*, 153 Wn.2d 392 (2005).

The following header has been added to this ETA to explain that it does not apply during the period of June 1, 2010, through December 1, 2010.

This ETA applies to periods prior to June 1, 2010, and after December 1, 2010. For the period of June 1, 2010, through December 1, 2010, 2ESSB 6143, Part V, limited the preferential B&O tax rate for processors of perishable meat to specific activities and products. Refer to 2ESSB 6143, Part V, for additional information about these limitations.

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 11-10-065**NOTICE OF PUBLIC MEETINGS
GUARANTEED EDUCATION
TUITION PROGRAM**

[Filed May 2, 2011, 12:56 p.m.]

In accordance with RCW 28B.95.020, and WAC 14-276-030, the advanced college tuition program, known as the guaranteed education tuition program has made a revision to the committee meeting schedule. Additional meetings have been scheduled on Monday, May 23, 2011, at 3:00 p.m. - 5:00 p.m. and on Wednesday, June 1, 2011, at 2:00 p.m. - 4:00 p.m.; at the Office of Insurance Commissioner, 5000 Capitol Boulevard, Olympia, WA 98501.

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

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

WSR 11-10-081**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 3, 2011, 3:10 p.m.]

Notice of Interpretive or Policy Statement

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

**Medicaid Purchasing Administration
Division of Rates and Finance**

Document Title: Public Notice.

Subject: Title XIX State Plan Amendment 11-20.

Effective Date: June 1, 2011.

Document Description: The department is anticipating changes to the disproportionate share payment methodology to comply with state and federal rules and the state's 2011-2013 budget. Changes will include: Cost calculation methodology; changes to nonrural indigent assistance and small rural indigent assistance DSH programs; elimination of GAU DSH; and other possible revisions.

To receive a copy of the interpretive or policy statements, contact Sandy Stith, Office of Hospital Finance, P.O. Box 45500, Olympia, WA 98504, phone (360) 725-1949, TDD/TTY 1-800-848-5429, fax (360) 753-9152, e-mail sandy.stith@dshs.wa.gov.

WSR 11-10-084**OFFICE OF THE GOVERNOR**

[Filed May 4, 2011, 9:06 a.m.]

Lowering of the Washington State and United States Flags

I hereby direct that Washington State and United States flags at all state agency facilities be lowered to half-staff **Tuesday, May 3, 2011**, in memory of U.S. Marine Corps Lance Corporal Joe Jackson, 22, of White Swan, who died April 24 of injuries sustained in Afghanistan when an improvised explosive device detonated.

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

Flags should remain at half-staff until close of business Tuesday, or first thing Wednesday morning, May 4.

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 11-10-085**OFFICE OF THE GOVERNOR**

[Filed May 4, 2011, 9:06 a.m.]

**NOTICE OF APPEAL
RCW 34.05.330(3)**

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On April 22, 2011, the Governor's Office received an appeal from Mr. David Keller relating to the Board of Pharmacy's Emergency Rule WSR 11-09-44 adding the chemicals known as substituted cathinones to Schedule I. The Governor has no jurisdiction to take action under RCW 34.05.350(3) and RCW 43.17.010 and therefore denied the appeal on April 27, 2011.

DATE: April 28, 2011

Narda Pierce
General Counsel to the Governor

April 27, 2011

David Keller
PO Box 452
Shelton, WA 98584

RE: Petition for Repeal of Emergency Rule WSR 11-09-44

Dear Mr. Keller:

Thank you for your email of April 22, 2011, in which you request the immediate repeal of rule WSR 11-09-44 pertaining to "Bath Salts" that was adopted on an emergency basis by the Washington State Board of Pharmacy.

RCW 34.05.350 (1)(a) allows adoption of an emergency rule when "immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare." RCW 34.05.350(3) provides: "Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any department listed in RCW 43.17.010." The Board of Pharmacy is not a department listed in RCW 43.17.010; therefore, the Governor lacks the jurisdiction to take the direct action requested in your letter.

Notwithstanding this jurisdictional issue, our review indicates the action taken by the Board of Pharmacy meets the requirements for adoption of a rule on an emergency basis. The Board had evidence that the substances are being used as substitute stimulants in place of cocaine and methamphetamine, and that these substances affect behavior, judgment and health and can cause serious harm when used. There have been reports of serious injuries and suicides linked to the use of these substances, and the Washington Poison Center has seen a three-fold increase just this year over the total number of "bath salt" ingestions in 2010. The Board found the scheduling of the substances on an emergency basis was necessary to avoid an imminent hazard to the public safety. The Board had good cause to find that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest

Sincerely,

Narda Pierce
General Counsel