

WSR 09-04-024

AGENDA

DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH

[Filed January 27, 2009, 3:14 p.m.]

January 2009
Rules Agenda

This report details current and anticipated rule-making activities for the department of health (DOH) and the state board of health (SBOH). If you have any questions regarding this report or department of health rule-making activities, please contact Tami Thompson at (360) 236-4044. If you have any questions regarding state board of health rule-making activities please contact Craig McLaughlin at (360) 236-4106.

This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. Any errors in this agenda do not affect the rules and rule-making notices filed with the office of the code reviser and published in the Washington state register. There may be additional DOH rule-making activities that cannot be forecasted as the department initiates rule making to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the "Key" at the end of the tables for explanations of terms and acronyms.

State Board of Health
Rule Making

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 28A.210.140	State board of health	WAC 246-105-040 Requirements based on national immunization guidelines.	Proposal is exempt RCW 34.05.310(4)	Anticipate filing 5/2009			CFH Jeff Wise (360) 236-3483
RCW 43.20.050	State board of health	WAC 246-100-191 Animals, birds, pets—Measures to prevent human disease and 246-100-201 Birds—Measures to prevent psittacosis.	07-10-117 5/2/2007	Anticipate filing 1/2010			EH Liz Dykstra (360) 236-3223
RCW 43.20.050	State board of health	Chapter 246-366 WAC, Primary and secondary schools.	04-20-050 10/1/2004	08-15-174 7/23/2008 Anticipat filing continuance 3/2009			SBOH Ned Therien (360) 236-4103
RCW 43.20.050	State board of health	Chapter 246-272A WAC, On-site sewage systems. This rule making will explore creation of a process for the approval and state registration of drain field remediation technologies. The state board of health does not currently regulate remediation technologies.	06-12-108 6/7/2006	Rule making on hold until mid 2009			EH Melissa McEachron (360) 236-3265
RCW 43.20.050	State board of health	Chapter 246-272C WAC, a new chapter establishing standards for sewage (septic) tanks. WSR 04-03-010 listed standards for large	06-06-051 2/28/2006	Anticipate filing 5/2009			EH Melissa McEachron (360) 236-3265

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		on-site sewage systems (LOSS) and sewage tanks.					
RCW 43.20.050	State board of health (delegated to department of health)	Chapter 246-290 WAC, Group A public water supplies—Stage 2.	08-17-074 8/19/2008	Anticipate filing 5/2009			EH Michelle Austin (360) 236-3156
RCW 43.20.050	State board of health	Chapter 246-290 WAC, Group A public water supplies—Lead and copper.	Anticipate filing 7/2009				EH Theresa Phillips (360) 236-3147
RCW 43.20.050	State board of health	Chapter 246-291 WAC, Group B public water supplies.	07-14-147 7/5/2007	TBD 2009-11 biennial budget			EH Theresa Phillips (360) 236-3147
RCW 43.20.050	State board of health	Chapter 246-390 WAC, Drinking water laboratory certification.	06-23-077 11/13/2006				EH Theresa Phillips (360) 236-3147
RCW 43.20.050	State board of health	WAC 246-100-011 HIV AIDS partner notification.	08-21-034 10/8/2008	Anticipate filing 5/2009			CFH John Peppert (360) 236-3427
RCW 43.20.050	State board of health	WAC 246-101-XXX Notifiable conditions.	Anticipate filing 4/2009				EHSPHL Pamela Lovinger (360) 236-4225
Chapter 64.44 RCW	State board of health and department of health (joint rules)	Chapter 246-205 WAC, Decontamination of illegal drug manufacturing or storage sites.	07-24-092 12/5/2007	TBD until final 2009-11 biennial budget			EH Gregory McKnight (360) 236-3381
RCW 69.30.030	State board of health	WAC 246-282-006 Vibrio parahaemolyticus control plan.	08-23-015 11/6/08	Anticipate filing 2/2009			EH Maryanne Guichard (360) 236-3391
RCW 69.30.030	State board of health	WAC 246-282-005 Minimum performance standards for shellfish—2007 NSSP MO.	Proposal is exempt RCW 34.05.310(4)	Anticipate filing 2/2009			EH Maryanne Guichard (360) 236-3391
RCW 70.24.130	State board of health	WAC 246-100-202 Special diseases—Sexually transmitted—Duties and authorities.	08-24-036 11/25/2008	Anticipate filing 5/2009			CFH Bat-Sheva Stein (360) 236-3582
RCW 90.46.015	Department of health	Chapter 246-XXX WAC, Graywater.	Anticipate filing 7/2009				EH Maryanne Guichard (360) 236-3391
RCW 70.62.240	State board of health	Chapter 246-360 WAC, Transient accommodations.	07-14-148 7/5/2007				HSQA John Hilger (360) 236-2929
RCW 43.20.050 and 70.119A.080	State board of health (delegated to department of health)	Chapter 246-290 WAC, Group A public water supplies—Groundwater.	07-24-072 12/4/07	Anticipate filing 7/2010			EH Theresa Phillips (360) 236-3147

Department of Health

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RCW 70.98.050 70.98.080	Department of health	Chapters 246-220, 246-221, 246-232, 246-233, 246-235, and 246-240 WAC, Radiation protection.	Proposal is exempt RCW 34.05.310(4)	08-21-099 10/16/2008		Anticipate filing 3/2009	EH Arden Scroggs (360) 236-3221
RCW 18.64.005(7)	Board of pharmacy	WAC 246-865-060 Extended care facility—Pharmaceutical services, allowing pharmacies to register as a controlled substance registrant to receive outdated, discontinued, or unwanted controlled substance prescription from extended care facilities.	04-21-078 10/20/2004				HSQA Lisa Salmi (360) 236-2927
RCW 18.108.025	Board of massage therapy	WAC 246-830-475, updating the continuing education requirements for massage practitioners and adding a new section WAC 246-830-XXX Inactive credential.	08-14-009 6/19/2008	Anticipate filing 2/2009			HSQA Kris Waidely (360) 236-4847
RCW 18.135.030	Department of health	Chapter 246-826 WAC, Health care assistants, administer vaccines.	Proposal is exempt RCW 34.05.310(4)	08-15-086 7/16/2008			HSQA Betty Moe (360) 236-4912
RCW 18.19.050	Department of health	Chapter 246-810 WAC, Counselors, agency affiliated counselor, certified adviser, and certified counselor.	08-14-142 7/1/2008				HSQA Betty Moe (360) 236-4912
RCW 18.225.040	Department of health	Chapter 246-809 WAC, Licensed counselors, independent clinical social worker associate, licensed advanced social worker associate, licensed mental health counselor associate, and licensed marriage and family therapist associate.	08-14-140 7/1/2008				HSQA Betty Moe (360) 236-4912

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RCW 18.205.060	Department of health	Chapter 246-811 WAC, Certified chemical dependency professional; amending chapter 246-811 WAC, to include requirements for CDP trainee.	08-14-139 7/1/2008				HSQA Betty Moe (360) 236-4912
RCW 18.25.0171	Chiropractic quality assurance commission	WAC 246-808-510 Definitions.	05-10-062 5/2/2005				HSQA Betty Moe (360) 236-4912
RCW 18.25.0171	Chiropractic quality assurance commission	WAC 246-808-640 Scope of practice—Revocation or suspension.	08-19-051 9/11/2008				HSQA Leann Yount (360) 236-4856
RCW 18.36A.060	Department of health	WAC 246-836-080 Continuing competency program requirements for naturopathic physicians.	08-17-041 8/14/2008				HSQA Susan Gragg (360) 236-4941
RCW 18.34.120	Department of health	WAC 246-824-075 Continuing education requirements for dispensing opticians.	08-03-064 1/14/2008				HSQA Janette Benham (360) 236-4947
RCW 18.52.071	Board of nursing home administrators	WAC 246-843-010, 246-843-070, 246-843-071, 246-843-073, 246-843-090, 246-843-093, 246-843-095, 246-843-230 and 246-843-231, application for initial license and endorsement.	06-12-109 6/7/2006				HSQA Kendra Pitzler (360) 236-4723
RCW 18.64.005	Board of pharmacy	WAC 246-869-090 Prescription transfers.	Expedited rule making notice filed under RCW 34.05.353.		08-15-087 7/17/2008 Note: This rule will be withdrawn and refiled		HSQA Doreen Beebe (360) 236-4834
RCW 18.64.005	Board of pharmacy	WAC 246-869-180 Physical standards for pharmacies—Adequate equipment.	Expedited rule making notice filed under RCW 34.05.353.		08-19-024 9/8/2008		HSQA Doreen Beebe (360) 236-4834
RCW 18.71.017	Medical quality assurance commission	WAC 246-919-601 Safe and effective analgesia and anesthetic administration in office-based surgical settings. The commission is considering proposed rules for	07-03-178 1/24/2007				HSQA Beverly Thomas (360) 236-4788

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		physicians who perform surgery within their offices.					
Chapter 18.84 RCW	Department of health	Chapter 246-926 WAC, Radiologist assistants an [and] advanced level radiological technologist.	08-17-040 8/14/2008	Anticipate filing 3/2009			HSQA Susan Gragg (360) 236-4941
RCW 18.92.030	Veterinary board of governors	New WAC 246-935-XXX, identification of veterinary technician standard tasks and procedures that must be included in the experience of a person who qualifies to take the veterinary technician examination through a period of practical experience.	07-16-142 8/1/2007				HSQA Judy Haenke (360) 236-4828
RCW 18.92.030	Veterinary board of governors	WAC 246-933-300 Veterinary specialty licensure.	08-03-070 1/14/2008				HSQA Judy Haenke (360) 236-4828
RCW 18.92.030	Veterinary board of governors	WAC 246-935-010 Definitions, 246-935-040 Responsibilities of veterinarians supervising a veterinary technician, and 246-935-050 Animal health care tasks.	08-05-119 2/19/2008				HSQA Judy Haenke (360) 236-4828
RCW 18.25.0171 18.130.050 (1)(12)	Chiropractic quality assurance commission	Chapter 246-808 WAC, chiropractic quality assurance commission (CQAC) is considering amending the documentation of care rule. In addition, CQAC may amend the continuing education rule as well.	07-20-038 9/25/2007				HSQA Leann Yount (360) 236-4856
RCW 34.05.220	Department of health	WAC 246-10-606, 246-11-520 Standard of proof.	Proposal is exempt RCW 34.05.310(4)	08-08-089 4/1/2008			HSQA Margaret Gilbert (360) 236-4913
RCW 34.05.250, chapter 134, Laws of 2008	Department of health	Chapter 246-10 WAC, Administrative procedure adjudicative proceedings.	Proposal is exempt RCW 34.05.310(4)	08-21-043 10/8/2008			HSQA Margaret Gilbert (360) 236-4913

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RCW 18.130.080 18.130.050	Department of health	Chapter 246-16 WAC, Standards of professional conduct, adding a section for mandatory reporting by license holders, corporations, organizations, health care facilities, and state and local governmental agencies that employ licensed health care providers.	08-14-117 6/30/2008				HSQA Margaret Gilbert (360) 236-4913
RCW 18.22.015 18.130.050	Podiatric medical board	New sections to chapter 246-922 WAC. The podiatric medical board is creating rules on the administration of sedation and anesthesia in the offices of podiatric physicians. The rule making may include necessary training and equipment requirements for podiatric physicians to perform office-based surgery.	07-16-139 8/1/2007	Anticipate filing 4/2009			HSQA Erin Obenland (360) 236-4945
RCW 18.22.015 18.130.050	Podiatric medical board	WAC 246-922-010 Definitions; adding new sections to chapter 246-922 WAC, to establish standards for prescribing orthotic devices by podiatric physicians.	07-16-140 8/1/2007	Anticipate filing 4/2009			HSQA Erin Obenland (360) 236-4945
RCW 18.225.040 18.225.090	Department of health	WAC 246-809-130 Supervised postgraduate experience (for licensed marriage and family therapists), 246-809-230 Supervised postgraduate experience (for licensed mental health counselors), and 246-809-321 Education requirements and supervised	06-07-092 3/15/2006				HSQA Betty Moe (360) 236-4912

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		postgraduate experience (for licensed social workers).					
RCW 18.130.050 18.71A.020	Medical quality assurance commission	New sections in chapter 246-918 WAC, Safe and effective analgesia and anesthesia administration in office-based surgery settings as it applies to physician assistants.	07-23-125 11/21/2007				HSQA Beverly Thomas (360) 236-4788
RCW 18.32.0365 18.32.640	Dental quality assurance commission	WAC 246-817-170 Applications—Permits—Renewals for the administration of conscious sedation with multiple oral or parenteral agents or general anesthesia (including deep sedation) and 246-817-175 Conscious sedation with parenteral or multiple oral agents—Education and training requirements—Application.	07-14-144 7/5/2007	08-21-157 10/22/2008		Anticipate filing 2/2009	HSQA Jennifer Santiago (360) 236-4893
RCW 18.32.0365 18.32.640	Dental quality assurance commission	WAC 246-817-180 General anesthesia (including deep sedation)—Education and training requirements.	04-15-151 7/21/2004	08-21-157 10/22/08		Anticipate filing 2/2009	HSQA Jennifer Santiago (360) 236-4893
RCW 18.32.0365 18.32.640	Dental quality assurance commission	WAC 246-817-701 Purpose, 246-817-710 Definitions, 246-817-720 Basic life support, 246-817-730 Local anesthesia, 246-817-740 Nitrous oxide/oxygen sedation, 246-817-750 Conscious sedation with an oral agent, 246-817-760 Conscious sedation with parenteral or multiple oral agents,	05-09-001 4/7/2005	08-21-157 10/22/08		Anticipate filing 2/2009	HSQA Jennifer Santiago (360) 236-4893

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		246-817-770 General anesthesia (including deep sedation), 246-817-780 Mandatory reporting of death or significant complications—Dental.					
RCW 18.64.005 18.64.165	Board of pharmacy	New chapter 246-874 WAC, Pharmaceutical services—Correctional facilities, the board of pharmacy is considering developing rules that will establish minimum enforceable requirements specifically for Washington correctional facilities in safe handling, storage, record keeping and administration of pharmaceuticals.	07-14-145 7/5/2007				HSQA Doreen Beebe (360) 236-4834
RCW 18.79.010 18.79.110	Nursing care quality assurance commission	WAC 246-840-XXX, new rule for the nursing care quality assurance commission mandatory continuing competency for licensed nurses.	08-13-092 6/18/2008				HSQA Terry West (360) 236-4712
RCW 43.70.150	Department of health	Chapter 246-491 WAC, Vital statistics—Certificates.	Anticipate filing 3/2009				EHSPHL Philip Freeman (360) 236-4330
RCW 43.70.340	Department of health	WAC 246-358-990 Temporary worker housing fee, 246-359-990 Temporary worker housing construction standard fees, 246-361-990 Cherry harvest camp fees.	07-17-171 8/22/2007				HSQA Alisa Harris (360) 236-2907
RCW 70.02.010 (15)	Department of health	WAC 246-08-400 sets the maximum amount health care providers may charge for duplicating medical records.	Proposal is exempt RCW 34.05.310(4)	Anticipate filing 5/1/2009			HSQA Sherry Thomas (360) 236-4612

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RCW 18.32.0365 18.260.120 18.260.110	Dental quality assurance commission	WAC 246-817-510, 246-817-501 through 246-817-570, volunteer dental assistant providing assistant services in charitable dental clinic.	08-21-158 10/22/2008	Anticipat filing 3/2009			HSQA Jennifer Santiago (360) 236-4893
RCW 18.130.050 18.57.005 18.57A.020	Board of osteopathic medicine and surgery	Chapter 246-853 WAC, Osteopathic physicians and chapter 246-854 WAC, Osteopathic physician assistants—Sedation and anesthesia.	07-16-141 8/1/2007				HSQA Erin Obenland (360) 236-4945
RCW 18.130.050 18.57.005 18.57A.020	Board of osteopathic medicine and surgery	Chapter 246-853 WAC, Osteopathic physicians, chapter 246-854 WAC, Osteopathic physician assistant, delegation and supervision of nonsurgical cosmetic procedure.	07-16-143 8/1/2007				HSQA Arlene Robertson (360) 236-4945
RCW 18.59.090 18.130.050	Occupational therapy practice board	WAC 246-847-030 Occupational therapists acting in a consulting capacity, 246-847-055 Initial application for individuals who have not practiced within the past four years, WAC 246-847-068 Expired license, 246-847-070 Inactive credential, 246-847-125 Applicants currently licensed in other states or territories, and 246-847-XXX Renewal for those that have not practiced in four years.	08-15-088 7/17/2008	Anticipate filing 6/2009			HSQA Janette Benham (360) 236-4857
RCW 18.130.050 18.71.017 18.71A.020	Medical quality assurance commission	Chapter 246-919 WAC, Physicians and chapter 246-918 WAC, Physician assistants, delegation and supervision of non surgical cosmetic procedures.	07-08-103 4/4/2007				HSQA Beverly Thomas (360) 236-4788

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RCW 18.71.200 18.71.215 chapter 18.73 RCW etc.	RCW 70.54.220	Department of health.	Chapter 246-680 WAC, Cord blood banking—Informing expectant parents.	TBD			CFH Deb Doyle (360) 236-7428
RCW 70.118B.040	Department of health	Chapter 246-272B WAC, Large on-site sewage system (LOSS) regulations.	08-03-065 1/14/2008	Anticipate filing 7/2009			EH Kelly Cooper (360) 236-3012
Chapter 70.185 RCW	Department of health	Chapter 246-562 WAC, J-1 Physician visa waiver regulations.	08-14-077 6/26/2008				HSQA Jennell Prentice (360) 236-2814
Chapter 70.225 RCW	Department of health	Title 246 WAC, adding new chapter for prescription monitoring program (PMP).	08-15-085 7/16/2008	Note: Rule making is suspended at this time.			HSQA Doreen Beebe (360) 236-4834
Chapter 70.230 RCW	Department of health	Chapter 246-XXX WAC, establishes a new WAC chapter for new licensing requirements along with fee schedule for ambulatory surgical facilities.	08-10-090 5/6/2008	Anticipate filing 3/2009			HSQA John Hilger (360) 236-2929
RCW 70.42.090	Department of health	WAC 246-338-022, 246-338-024 and 246-338-990, medical test site fees and dues.	06-08-014 3/23/2006				HSQA Susan Walker (206) 418-5418
Chapter 70.54 RCW	Department of health	Chapter 246-102 WAC, Cancer registry.	Anticipate filing 3/2009				CFH Katie Golub (360) 236-3624
Chapter 70.54 RCW	State board of health	Chapter 246-680 WAC Prenatal tests—Congenital and heritable disorders.	Anticipate filing 4/2009				CFH Deb Doyle (360) 236-6742
Chapter 70.56 RCW	Department of health	Chapter 246-322 WAC Private psychiatric and alcoholism hospitals—Adverse health events and incident reporting system.	08-08-088 4/1/2008	08-14-143 7/1/2008			HSQA Alisa Harris (360) 236-2907
RCW 70.98.050	Department of health	Chapter 246-247 WAC, Radiation protection—Air emission.	05-12-140 6/1/2005				EH John Martell (509) 946-0876
RCW 70.98.050	Department of health	Chapter 246-255A WAC, Dental X-ray.	Anticipate filing 7/2009				EH Mike O'Dlaug (425) 649-1348
RCW 70.98.050	Department of health	Chapter 246-225A WAC, Dental X-ray.	Anticipate filing 7/2009				EH Mike O'Dlaug (425) 649-1348

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RCW 18.79.110 18.79.260 18.88A.210 18.88A.060	Nursing care quality assurance commission	WAC 246-841-405 Nursing assistant delegation, 246-840-910 Purpose, 246-840-920 Definitions, 246-840-930 Criteria for delegation, 246-840-940 Washington state nursing care quality assurance commission community-based and in-home care setting WAC 246-840-950.	08-14-158 7/2/2008	09-01-001 12/3/2008			HSQA Terry West (360) 236-4712
RCW 18.64.005(7) 69.50.201	Board of pharmacy	Chapter 246-887 WAC, Regulations implementing the Uniform Controlled Substances Act. Placement of the substance, carisoprodol, in schedule IV of the Uniform Controlled Substances Act.	03-09-124 4/23/2003				HSQA Lisa Salmi (360) 236-2927
RCW 18.64.005 69.41.075	Board of pharmacy	WAC 246-883-020 Identification of legend drugs.	Expedited rule-making notice filed under RCW 34.05.353.		08-20-127 10/1/2008		HSQA Doreen Beebe (360) 236-4834
RCW 69.50.301 18.64.005	Board of pharmacy	WAC 246-865-869 - 246-865-887 Faxing of schedule II prescription for patients in long-term care facilities.	01-14-090 7/5/2001				HSQA Lisa Salmi (360) 236-2927
RCW 90.46.015	Department of health	Chapter 246-XXX WAC, Graywater.	Anticipate filing 7/2009				EH Maryanne Guichard (360) 236-3391
Chapter 70.41 RCW RCW 43.70.040	Department of health	Chapter 246-320 WAC, revise and update hospital licensing rules (operational standards).	07-17-173 8/22/2007	08-20-139 10/1/2008			HSQA Byron Plan (360) 236-2916
RCW 43.70.150 chapter 70.58 RCW	Department of health	Chapter 246-XXX WAC, Electronic death registration system (EDRS).	07-08-051 3/29/2007				EHSPHL Philip Freeman (360) 236-4330

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RCW 70.168.050 70.168.060	Department of health	WAC 246-976-485 through 246-976-887, EMS and trauma system's trauma service designation rules for adult and pediatric trauma care.	08-18-039 8/28/2008				HSQA Maura Craig (360) 236-4987
RCW 70.168.060 70.168.090	Department of health	Trauma registry standards: WAC 246-976-420 Trauma registry—Department responsibilities, 246-976-430 Trauma registry—Provider responsibilities	06-02-086 1/4/2006	Anticipate filing 4/2009			HSQA Kathy Schmitt (360) 236-2869
RCW 70.98.050 70.98.080	Department of health	Chapters 246-231, 246-233, 246-235, and 246-240 WAC, radiation protection.	Anticipate filing 5/2009				EH Terry Frazee (360) 236-3213
RCW 43.70.120 7 C.F.R. 246	Department of health	WAC 246-790-060 Women, infant, and children's nutrition program authorized foods.	08-16-036 7/29/2008				CFH Janice Boden (360) 236-3610
Chapter 70.245 RCW	Chapter 70.245 RCW	Chapter 246-XXX WAC, Death with Dignity Act.	08-23-089 11/18/2008	09-02-068 1/6/2009		Anticipate filing 3/2009	EHSPHL Carol Wozniak (360) 236-4369
Chapter 70, Laws of 2007	Department of health	New chapter 246-XXX WAC, relating to certification of animal massage practitioners.	07-18-016 8/24/2007				HSQA Judy Haenke (360) 236-4828
Section 12, chapter 134, Laws of 2008	Department of health	Chapter 246-16 WAC, Standards of professional conduct relating to sanctions for unprofessional conduct.	08-14-076 6/26/2008				HSQA Margaret Gilbert (360) 236-4913
Chapter 251, Laws of 2001	Department of health	Chapter 246-809 WAC, define experience requirements for licensed mental health counselors, marriage and family therapists, and social workers.	01-22-068 11/1/2005				HSQA Betty Moe (360) 236-4912

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RCW 43.70.120 chapter 215, Laws of 2008	Department of health	WAC 246-780-001 through 246-780-060, Farmers market nutrition program (FMNP).	08-19-012 9/4/2008				CFH Sandra Cruz (360) 236-3660

KEY

CR means "code reviser" on the notice forms created by the office of the code reviser for use by all state agencies.

CR-101 is a preproposal statement of inquiry filed under RCW 34.05.310.

CR-102 is a proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

Proposal is Exempt under RCW 34.05.310(4) means a rule that does not require the filing of a CR-101 notice under RCW 34.05.310(4).

CR-105 is an expedited rule-making notice filed under RCW 34.05.353. This is an accelerated rule adoption process with no public hearing required.

CR-103 is rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

EMERGENCY rules are temporary rules filed under RCW 34.05.350 and 34.05.380 by using a CR-103 Rule-making order. Emergency rules may be used to meet certain urgent circumstances. These rules are effective for one hundred twenty days after the filing date, and may be extended in certain circumstances.

Dashed cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

Blank cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

TBD - To be determined is when a date is still being discussed.

RCW is the Revised Code of Washington.

WAC is the Washington Administrative Code.

WSR number is the Washington state register official filing reference number given by the office of the code reviser when a notice is filed.

DOH is the department of health.

HSQA is the health systems quality assurance division.

EH is the environmental health division.

EHSPHL is the epidemiology health statistics and public health labs division.

CFH is the community family health division.

SBOH is the state board of health.

WSR 09-05-002

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Filed February 4, 2009, 1:31 p.m.]

**NOTICE OF PUBLIC MEETINGS
FOR 2009**

Following is a schedule of meetings of the Washington state human rights commission for 2009.

With the exception of conference calls, the usual format for the meetings is a public forum on Thursday evenings from 7:00 p.m. to 9:00 p.m. (for meetings that have Thursdays noted) and a regular business meeting beginning at 9:00 a.m. on Friday. All meetings are held in accessible locations. The physical addresses of the meetings will be determined closer to the meeting dates. Please contact Tanya Calahan for the

exact time and address (if not listed) or visit our web site at www.hum.wa.gov under The Commission tab.

Conference calls start at 10 a.m. originating out of Olympia. Individuals can participate in commission meetings held by conference call by coming to the commission's headquarters office at 711 South Capitol Way, Suite 402, Olympia, WA.

If you have questions or need an accommodation because of a disability, please contact Tanya Calahan at (360) 753-4876 or tcalahan@hum.wa.gov.

DATE	LOCATION
Friday, February 27 10 a.m.	Radisson Hotel 18118 International Boulevard Small Salon SeaTac

WSR 09-05-005
RULES COORDINATOR
OFFICE OF STATE AUDITOR

[Filed February 5, 2009, 9:19 a.m.]

Please change the state auditor's agency rules coordinator from Linda Long to Jan Jutte. Jan's contact information is P.O. Box 40021, Olympia, WA 98504-0021, phone (360) 902-0363, fax (360) 753-0646, e-mail juttej@sao.wa.gov.

Ted Rutt
Chief of Staff

WSR 09-05-006
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Filed February 5, 2009, 1:17 p.m.]

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

WSR 09-05-009
NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed February 5, 2009, 1:42 p.m.]

SPECIAL COMMISSION MEETING NOTICE - FEBRUARY 9, 2009

A special commission meeting will be held telephonically on Monday, February 9, 2009, at 3 p.m., to discuss the department of corrections' desire to introduce legislation that would remove them from the authority of the commission.

If you would like to participate and will be calling from outside the agency, please dial 1-877-873-8017 and enter access code 1597961.

If you would like to participate and will be at the agency, a speaker phone will be set up in room E-154.

If you have questions or concerns about the special commission meeting, please call Sonja Hirsch at (206) 835-7372.

WSR 09-05-010
RULES OF COURT
STATE SUPREME COURT

[Filed February 5, 2009, 2:47 p.m.]

Order on Supplemental Administrative Rule
(February 2009)

THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In the Matter of)
)
SUPPLEMENTAL COURT OF) ORDER
APPEALS ADMINISTRATIVE)
RULE (SCAR))
_____)

The Court of Appeals judges, at a regularly scheduled business meeting on January 27, 2009, adopted amendments to the Supplemental Court of Appeals Administrative Rule.

Now, therefore, it is hereby

ORDERED:

That the amendments set forth below are adopted and effective immediately. Copies of this Order, signed by the Presiding Chief Judge of the Court of Appeals, are to be filed in the office of the clerk of the three Divisions of the Court of Appeals.

DATED at Olympia, Washington, this 3rd day of February, 2009.

C.C. Bridgewater, Presiding Chief Judge

AMENDMENTS TO
SUPPLEMENTAL COURT OF APPEALS ADMINISTRATIVE
RULE (SCAR)

PRESIDING CHIEF JUDGE—
EXECUTIVE COMMITTEE

(a) *Executive Committee.* There is hereby created an executive committee of the Court of Appeals. It shall be made up of the Presiding Chief Judge, as chair, and the remaining Chief Judges of the divisions of the court and the Acting Chief Judge of Division One.

(b) *Duties of the Executive Committee.* The executive committee shall be ~~in general charge of~~ responsible for administering the affairs of the Court of Appeals. Decisions on the Court's budget and other important decisions shall be made by the full Court; other decisions affecting the Court as a whole may be made by the executive committee. The full Court may delegate additional authority as appropriate. The committee's ~~its~~ duties shall include the following:

(1) Coordinating the judicial work of the court to the end that its case load can be handled expeditiously;

(2) ~~Administering the budget of the court~~ Making budget recommendations to the full Court, submitting the approved budget to the Legislature, and administering the budget;

(3) Recommending to and implementing policies determined by the Court of Appeals as a whole;

(4) ~~Appointing special committees for the court as necessary;~~

(5) ~~Appointing representatives of the court to serve on judicially related committees or task forces which may require a Court of Appeals representative;~~

(6) ~~Counseling and directing the Presiding Chief Judge on matters of liaison with the organizations set forth below;~~

(7) (4) Such other duties as the Court of Appeals as a whole may from time to time direct;

(8) (5) If the Presiding Chief Judge is not serving as the Chief Judge of a division or the Acting Chief Judge of Division One, the Presiding Chief Judge shall not have a vote on the executive committee.

(c) *Selection of Presiding Chief Judge.* ~~In April of each year~~ Each year, during the appellate judges' spring conference, the Court of Appeals shall select a Presiding Chief

Judge for the Court of Appeals. For any year in which spring conference is not held, the selection shall be conducted by May 1.

(1) Those eligible for the position of Presiding Chief Judge shall be the Chief Judges of each of the divisions of the Court of Appeals ~~and the Acting Chief Judge of Division One~~, and any other judge who has served as a Chief Judge of any Division ~~or as acting Chief Judge of Division One~~.

(2) The position of Presiding Chief Judge shall rotate annually, and be selected from Division I every other year.

(3) The term of the Presiding Chief Judge shall be for 1 year.

(d) *Duties of the Presiding Chief Judge.* The duties of the Presiding Chief Judge shall be those duties delegated by the Court of Appeals as a whole or by the executive committee.

(1) Act as a liaison and representative for the Court of Appeals with all ~~other organizations; other levels of the judicial system, namely, the Supreme Court, the superior courts, the courts of limited jurisdiction, and the federal courts;~~

(2) Act as liaison and representative for the Court of Appeals with the Washington State Bar Association;

(3) Act as liaison and representative for the Court of Appeals with the Washington State Administrator for the Courts;

(4) Act as liaison and representative for the Court of Appeals with the press and the public;

(5) Act as liaison and representative for the Court of Appeals with the legislative branch of government;

(6) Act as liaison and representative for the Court of Appeals with the executive branch of government;

(2) Appoint representatives of the court to serve on judicially related committees or task forces which may require a Court of Appeals representative;

(3) Appoint special committees for the court as necessary;

~~(7)~~ (4) Perform such other duties as the executive committee shall from time to time direct.

(e) *Meetings and Reports.* ~~The Presiding Chief Judge shall call quarterly meetings of the Court of Appeals as a whole. Other meetings shall be~~ Meetings of the Court of Appeals as a whole shall be called as directed by the executive committee. At meetings, the Presiding Chief Judge will:

(1) Preside;

(2) Prepare an agenda and, if possible, forward the proposed agenda to all members of the Court of Appeals in advance of each meeting;

(3) Report to the Court of Appeals with reference to his liaison activities with the organizations set forth above;

(4) Arrange for the meeting place;

(5) Arrange for the recording of minutes;

(6) Arrange for maintenance of ~~Maintain~~ the records of all meetings of the court.

(f) Voting at Meetings of the Court of Appeals as a Whole. Members who attend a meeting, including by telephone or videoconference, may vote in that meeting.

(g) Role of Committees other than the Executive Committee. Committees other than the executive committee report to, and may make recommendations to, the executive committee. Decisions about these recommendations are to be

made by the executive committee or the full Court, unless special authority is delegated to a particular committee for a particular purpose.

(f) (h) *Amendments.* Amendments to this rule must be approved by a majority of the members of the Court of Appeals. An Order adopting the amendments shall be signed by the Presiding Chief Judge. The Order shall be filed in the clerk's office of each Division of the Court of Appeals and a copy provided to the Reporter of Decisions.

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

WSR 09-05-012

NOTICE OF PUBLIC MEETINGS SHORELINE COMMUNITY COLLEGE

[Filed February 6, 2009, 8:59 a.m.]

The Shoreline Community College board of trustees will attend the Shoreline city council's workshop dinner meeting beginning at 6:00 p.m. on Monday, February 9, 2009, for the purpose of discussing budgetary challenges facing the college, the college's strategic plan, the college's long-term vision, status on the college's master planning process and potential support/partnering between Shoreline Community College and the City of Shoreline.

This special meeting will take place in the Highlander Room at the Shoreline Conference Center, 18560 1st Avenue N.E., Shoreline, WA 98155.

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

WSR 09-05-013

NOTICE OF PUBLIC MEETINGS GUARANTEED EDUCATION TUITION PROGRAM

[Filed February 6, 2009, 8:59 a.m.]

In accordance with RCW 28B.95.020 and WAC 14-276-030, the advanced college tuition program, known as guaranteed education tuition program has made a revision to the following committee meeting schedule:

Location change:
Wednesday, April 22, 2009
2:00 p.m. - 4:00 p.m.
Insurance Building
Capitol Campus
Olympia, Washington 98504

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

WSR 09-05-017

NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES

[Filed February 9, 2009, 10:21 a.m.]

Following is a revised schedule for the Seattle Community Colleges, District 6 board of trustees regular meeting schedule for 2009. The only changes to the schedule we sent to you on December 15, 2008, are the meeting locations for the July and September board meetings. The dates and times of all these meetings are the same as submitted to your office on December 15, 2008.

BOARD OF TRUSTEES 2009 MEETING SCHEDULE

Approved by the Board of Trustees November 13, 2008

The board of trustees meetings begin with a study session or reception at **2:00 p.m.** Regular meeting agenda sessions will begin at **3:00 p.m.** Dates and locations of the meetings are noted below. **All meetings are on the second Thursday of the month, except for the month of May.**

DATE	LOCATION	BOARD MATERIALS DEADLINE
January 8	South Seattle Community College (SSCC) 6000 16th Avenue S.W. Seattle, WA 98106	December 12, 2008
February 12	North Seattle Community College (NSCC) 9600 College Way North Seattle, WA 98103	January 23, 2009
March 12	Seattle Central Community College (SCCC) 1701 Broadway Seattle, WA 98122	February 20, 2009
April 9	SCCD (Siegal Center) 1500 Harvard Avenue Seattle, WA 98122	March 20, 2009
May 7	Seattle Vocational Institute (SVI) 2120 South Jackson Street Seattle, WA 98144	April 17, 2009
June 11	North Seattle Community College (NSCC) 9600 College Way North Seattle, WA 98103	May 22, 2009
July 9	Seattle Central Community College (SCCC) 1701 Broadway Seattle, WA 98122	June 19, 2009
August	No meeting	
September 10	South Seattle Community College (SSCC) 6000 16th Avenue S.W. Seattle, WA 98122 [98106]	August 21, 2009
October 8	SCCD (Siegal Center) 1500 Harvard Avenue Seattle, WA 98106 [98122]	September 18, 2009
November 12	Seattle Vocational Institute (SVI) 2120 South Jackson Street Seattle, WA 98144	October 23, 2009

Miscellaneous

BOARD MATERIALS

DATE	LOCATION	DEADLINE
December 10	South Seattle Community College (SSCC) 6000 16th Avenue S.W. Seattle, WA 98106	November 20, 2009

If you have any questions, please contact Carolyn S. Yeager at (206) 587-3850.

WSR 09-05-018

PUBLIC RECORDS OFFICER
OFFICE OF THE
STATE TREASURER

[Filed February 9, 2009, 10:21 a.m.]

Effective immediately, I appoint Chris McGann as the public records officer for the office of the state treasurer. This notification supersedes all previous notices from my office.

Mr. McGann's contact information: Office of the State Treasurer, Chris McGann, P.O. Box 40200, Olympia, WA 98504-0200, phone (360) 902-9033, fax (360) 902-9044, e-mail chris.mcgann@tre.wa.gov.

James L. McIntire
State Treasurer

WSR 09-05-022

DEPARTMENT OF ECOLOGY

[Filed February 9, 2009, 3:26 p.m.]

PUBLIC NOTICE OF DRAFT GENERAL NPDES PERMIT
FOR THE FRESH FRUIT PACKING INDUSTRY

Introduction: In 1994, the Washington state department of ecology (ecology) developed a national pollutant discharge elimination system (NPDES) general permit to regulate the discharge of wastewater from fresh fruit packing facilities. This permit was reissued in 1999 and 2004. A draft general permit and fact sheet are being developed for reissuance in 2009.

This permit was developed to meet the requirements of chapters 90.48, 90.52, and 90.54 RCW as amended, and the Federal Water Pollution Control Act (FWPCA) (Title 33 United States Code, Section 1251 et seq.) as amended. All requirements of 40 Code of Federal Regulations (C.F.R.) 122.41 and 122.42 are incorporated in this general permit by reference.

The fruit packing industry is eligible for coverage under a general permit due to: (1) The similar wastewater characteristics among facilities; (2) the uniform discharge conditions to which all facilities would be subject; and (3) the significant reduction of resources necessary for permit handling. However, individual NPDES/state waste discharge permits will still be applied in those instances where ecology determines the general permit is not appropriate for a facility or an individual facility does not wish to be covered by the general permit.

This general permit establishes treatment/disposal methods, effluent limits, and best management practices for discharges from the fresh fruit packing industry. Compliance with this general permit is anticipated to protect human health and waters of the state.

Types of Facilities or Dischargers and Geographic Area Covered: Every new or existing fresh fruit packing facility within the entire state of Washington which receives, packs, stores, and/or ships either hard or soft fruit is required to apply for coverage under either this general permit or an individual NPDES/state waste discharge permit.

Documents Available for Review: The proposed general permit, fact sheet, economic impact analysis, and other related documents are on file and may be inspected and copied between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday at the following ecology location. Copies of the documents may be sent to interested parties upon request. Contact the following ecology office for further information.

Public Hearings and Workshops: Two public hearings concerning this draft general permit shall be held as follows. Each hearing will be preceded by a one hour workshop to explain changes in the permit and answer questions.

DATE	Thursday, March 12, 2009	Friday, March 13, 2009
WORKSHOP BEGINS	2:00 p.m.	2:00 p.m.
HEARING BEGINS	3:00 p.m.	3:00 p.m.
LOCATION	Washington State Department of Ecology - CRO	Washington Apple Commission Conference Room
ADDRESS	15 West Yakima Avenue Suite 200	2900 Euclid Avenue
CITY	Yakima, WA	Wenatchee, WA
ROOM	Waterfall/Seafoam Conference Room (2nd Floor)	Large Conference Room

When and How to Submit Comments: Comments on the proposed general permit may be given at the public hearings. Interested persons are also invited to submit written comments regarding the proposed general permit. All written comments should be submitted by 5:00 p.m. on Monday, April 13, 2009, to the Washington State Department of Ecology, Central Regional Office, 15 West Yakima Avenue, Suite 200, Yakima, WA 98902, Attention: Cory Hixon, General Permit Manager, (509) 454-7298, chix461@ecy.wa.gov.

This notice will be published in the legal section of the Yakima Herald-Republic and the Wenatchee Daily World on Wednesday, March 4, 2009, and again on Wednesday, March 11, 2009. A mailing containing this notice will be sent to all current permittees and other interested parties on March 3, 2009.

Final Determination: All comments received at the public hearings or at ecology's central regional office by 5:00 p.m. on April 13, 2009, will be considered before final permit terms, limitations, and conditions are established. A responsive summary of comments received during the comment period will be prepared and available for public review. If the final content of the general permit remains substantially unchanged from the draft permit, a copy of the final determi-

nation in the form of a public notice of issuance shall be forwarded to all persons who submitted written comment or gave public testimony regarding the permit. However, if the final determination is substantially changed, another public notice of draft permit shall be published.

Economic Impact Analysis: With the exception of building new evaporative lined lagoons, ecology has determined that the changes made in this permit will not result in a significant change from the previous permit in the economic impact on the industry.

Tentative Determination to Issue: Ecology has tentatively determined to issue a general permit to the fresh fruit packing industry operating in the state of Washington. Proposed issuance date is June 11, 2009.

Further Information: Contact Cory Hixon at the ecology central regional office listed above.

The department of ecology is an equal opportunity agency and does not discriminate on the basis of race, creed, color, disability, age, religion, national origin, sex, marital status, disabled veteran's status, Vietnam Era veteran's status or sexual orientation.

If you have special accommodation needs or require this document in alternative format, please contact Cindy Huwe at (509) 457-7105 (voice) or 800-833-6388 (TDD).

WSR 09-05-023
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
 [Filed February 9, 2009, 3:58 p.m.]

The board of trustees of Bates Technical College has changed the location of its March 31, 2009, regularly scheduled meeting to be held at the Mohler Campus, Studio A, 2320 South 19th Street, Tacoma, WA 98405.

The meeting will begin at 3:00 p.m. as previously reported. If you have any questions, please feel free to contact David Borofsky.

WSR 09-05-024

AGENDA

EMPLOYMENT SECURITY DEPARTMENT

[Filed February 9, 2009, 4:02 p.m.]

Following is the employment security department's 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.

Please call Pamela Ames at (360) 902-9387, or e-mail at pames@esd.wa.gov if you have questions.

**Unemployment Insurance Division
Semi-Annual Rule-Making Agenda
(January 31 - July 31, 2009)**

WAC CHAPTER	SUBJECT	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Title 192 WAC, Benefit rules.	Apprentices.	Juanita Myers (360) 902-9665	CR-101 - 4/08 CR-103 (Emer) - 6/08 CR-102 - 9/08 Hearing - 12/08 CR-103 - 2/09	Implement 2008 legislation establishing good cause for claimants who quit work to enter approved apprenticeship program.
Title 192 WAC, Benefit rules.	General review of UI benefit rules. Although originally included with the apprentice rules, time constraints required that further action be delayed until spring 2009.	Juanita Myers (360) 902-9665	CR-101 - 4/08 CR-102 - TBD CR-103 - TBD	General review and revision of existing UI benefit rules to incorporate case law, changes in policy and procedures, and to reflect longstanding agency practice. Topics include job separations, job search requirements, reporting requirements, training, educational employees, powers of attorney, and definition of terms.
Chapter 192-150 WAC	Voluntarily leaving work.	Juanita Myers (360) 902-9665	CR-101 - 7/08 CR-103 (Emer) - 7/08 CR-102 - 11/08 2nd CR-103 (Emer) - 11/08 Hearing - 4/09 CR-103 - TBD	Implement the Washington supreme court's decision in the case of <i>Spain and Batey V. ESD</i> . The court held that the list of good cause reasons in the voluntary quit statute is not exclusive and that the department may rule that good cause is established in other circumstances. The rule will specify the factors the department will consider in determining whether good cause exists.
New section in Title 192 WAC.	Combined wage claims.	Juanita Myers (360) 902-9665	CR-105 - 2/09 CR-10 [CR-103] - 5/09	The United States Department of Labor has adopted new regulations governing combined wage claims. Model regulations proposed by the department of licensing will be adopted by Washington.

Pamela Ames
Rules Coordinator

WSR 09-05-025

INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed February 10, 2009, 9:51 a.m.]

INTERPRETIVE STATEMENT ISSUED

ETA 3156.2009
Disaster Relief Funds Provided
by FEMA and the Red Cross

This excise tax advisory addresses the Washington retail sales tax treatment of purchases made under financial assistance programs administered by the Federal Emergency Management Administration (FEMA) and the American Red Cross to assist victims of natural disasters.

A copy of this document is available via the internet at <http://dor.wa.gov/content/FindALawOrRule/>.

Alan R. Lynn
 Rules Coordinator

WSR 09-05-026

NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
 [Filed February 10, 2009, 12:47 p.m.]

The board of regents of Washington State University will hold a special meeting on February 12, 2009, beginning at 8:30 a.m. The purpose of the meeting is to consider adoption of a voluntary retirement incentive program for employees in the Washington State University retirement plan. The meeting will be held in French Administration, Room 422, on the WSU Pullman campus. The regents will participate in the meeting via teleconference.

This notice is being sent by the direction of the chair of the board of regents pursuant to the requirements of the Open [Public] Meeting Act of 1971 (chapter 250, Laws of 1971 1st ex. sess.), as amended.

Questions about this special meeting may be directed to Christine R. Hoyt, executive assistant to the board of regents, (509) 335-6615.

WSR 09-05-033

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed February 11, 2009, 8:44 a.m.]

Notice of Interpretive or Policy Statement

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

Economic Services Administration
Division of Child Support

Document Title: Administrative Policy 3.04 Claims Officers Handling Cases in Tribal Court.

Subject: Claims officers handling cases in tribal court.
 Effective Date: February 9, 2009.

Document Description: This was a sunset review of the policy that explains to division of child support claims officers a clear statement regarding the authorization and appearance of claims officers in tribal court.

To receive a copy of the interpretive or policy statements, contact Tracy Severns, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5236, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail tseverns@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs>.

WSR 09-05-036

NOTICE OF PUBLIC MEETINGS
BEER COMMISSION
 [Filed February 11, 2009, 10:09 a.m.]

The Washington beer commission will hold the following meetings:

Date	Time	Meeting Type	Location
March 10, 2009	6:00 p.m.	Regular	Big Al Brewing 9832 14th Avenue S.W. Seattle, WA 98106 (206) 453-4487
May 12, 2009	6:00 p.m.	Regular	Georgetown Brewing Company 5200 Denver Avenue South Seattle, WA 98108 (206) 369-9330
July 14, 2009	6:00 p.m.	Regular	Diamond Knot Brewing 621A Front Street Mukilteo, WA 98275 (425) 355-4488
September 8, 2009	6:00 p.m.	Regular	Schooner Exact Brewing 9320 15th Avenue South Unit CB Seattle, WA 98108
November 10, 2009	6:00 p.m.	Regular	Hale's Ales 4301 Leary Way N.W. Seattle, WA 98107 (206) 706-1544

Commission meetings are open to the public.

WSR 09-05-037
NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION
COMMISSION

[Filed February 11, 2009, 11:44 a.m.]

Revisions to the 2009 Schedule of Regular Meetings

As required by RCW 42.30.075, Open Public Meetings Act, the following schedule is submitted for publishing in the Washington state register.

The regular meeting schedule of the Washington state parks and recreation commission has been changed. The location of the March 5, 2009, meeting of the commission will be moved to Olympia and held at the Washington State Parks and Recreation Commission Headquarters, 1111 Israel Road S.W., Olympia, WA 98504.

The location of the April 23, 2009, meeting of the commission will be moved to Olympia and held at the Washington State Parks and Recreation Commission Headquarters, 1111 Israel Road S.W., Olympia, WA 98504.

The date and city location of the June through December meetings in 2009 are as follows:

June 11	Wenatchee
August 6	Tri Cities
October 1	Spokane
December 3	Centralia

The building or facility locations of the meetings have not yet been determined and will be announced at the close of each regular meeting. The meeting locations may be obtained by writing to the Director, Washington State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-2650, or by calling (360) 902-8505.

Regular meetings run from 9 a.m. to 5 p.m. and include an opportunity for public comment. The commission typically meets in a work session from approximately noon to 4:30 p.m. the day prior to the regular meeting in the same location or at a location near the regular meeting location. Work sessions are educational sessions on park operations and issues that eventually may go before the commission.

The commission may also tour area sites or parks the day following the regular meeting to be determined on a site by site basis and posted on the agency web site <http://www.parks.wa.gov/commtg.asp> at least one week in advance of meetings. No public comment and no formal action are taken at work sessions and tours. The commission chair may call special meetings at any time; all special meetings are announced in advance.

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

Agendas are posted on the agency web site <http://www.parks.wa.gov/commtg.asp> at least one week in advance of meetings, and commission action posted within a week after the meeting.

WSR 09-05-038
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR

[February 9, 2009]

EXECUTIVE ORDER 09-01

**WAIVER OF COLLECTION OF CERTAIN FEES OWED TO THE
DEPARTMENT OF LABOR & INDUSTRIES DURING THE CUR-
RENT STATE OF EMERGENCY**

WHEREAS, RCW 43.06.220(2) specifically authorizes the Governor to issue an Order waiving or suspending the collection of certain fees owed to the Department of Labor & Industries (L&I) in an area described in a current state of emergency proclaimed by the Governor; and

WHEREAS, the waiver or suspension authority discussed above is further specified in RCW 19.28.101(8) and includes waiver of L&I electrical fees that could otherwise be imposed pursuant to RCW 19.28.101(4) and implementing regulations in WAC 296-46B-901(7); and

WHEREAS, the following statewide Governor's state of emergency proclamations issued pursuant to RCW 43.06.010(12) are currently in effect: #08-10 issued December 24, 2008; #08-11 issued January 2, 2009, and amending #08-10; and #09-01 issued January 9, 2009, and amending #08-10; and

WHEREAS, the City of Pacific is within the area described in the above-cited emergency proclamations and suffered extensive and unexpected damage resulting from unprecedented flooding; and

WHEREAS, sixty (60) residences within the City of Pacific have been identified by the Mayor of the City as needing initial L&I electrical wiring and equipment inspections as a result of the flooding, some of which may also need L&I repair and replacement inspections, and all such inspections are immediately necessary to protect the health and safety of the residents; and

WHEREAS, the Mayor of the City of Pacific has requested L&I's assistance in promptly inspecting the electrical wiring and equipment in the residences described above and the waiver of any inspection fees as L&I might otherwise impose; and

WHEREAS, protection of public health, safety, and welfare during a state of emergency is a fundamental purpose of government recognized in the Emergency Management Act (Chapter 38.52 RCW); and

WHEREAS, in order to protect the health, safety and welfare of the residents described above, it is reasonable and appropriate to conclude that L&I should be authorized to provide the requested inspection services without delays attributable to the imposition and collection of inspection fees, that waiver of collection of said fees will promote and secure the safety and protection of the civilian population described above by encouraging appropriate electrical safety inspections, and that L&I minimize applicable regulatory requirements to encourage immediate necessary electrical inspections to flood damaged electrical installations.

NOW THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, do hereby order that L&I is authorized to provide the electrical inspections described herein without collection of fees that could otherwise be imposed pursuant to RCW 19.28.101 and WAC 296-46B-901(7), as necessary for the sixty (60) residences identified by the Mayor of the City of Pacific having electrical installations damaged as the result of winter storms occurring January 6, 2009, through January 16, 2009, effective immediately and until February 28, 2009, or earlier termination of the currently applicable state of emergency.

Signed and sealed with the official seal of the State of Washington on this 9th day of February, 2009, at Olympia, Washington.

By:

Christine O. Gregoire
Governor

BY THE GOVERNOR:

Steve Excell
for Sam Reed
Secretary of State

WSR 09-05-039

**INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE**

[Filed February 11, 2009, 1:38 p.m.]

ISSUANCE OF INTERPRETIVE STATEMENT

Property Tax Advisory 14.2.2009 - Transfer or Removal of Land Owned By a Federally Recognized Indian Tribe Classified Under Chapter 84.33 or 84.34 RCW

The department of revenue has issued Property Tax Advisory (PTA) 14.2.2009 to replace PTA 14.1.2009.

PTA 14.1.2009 explains that neither compensating tax nor additional tax is due when tribally owned land classified under chapter 84.33 RCW (designated forest land) or chapter 84.34 RCW (current use classification) is transferred to the United States to be held in trust for a federally recognized Indian tribe. The department has issued PTA 14.2.2009 to clarify that tribally owned land removed from current use classification or as designated forest land for any reason is not subject to these taxes.

A copy of this document is available via the internet at Laws & Rules (bottom of page), or a request for a copy may be directed to Leslie Mullin, Property Tax Division, P.O. Box 47471, Olympia, WA 98504-7471, phone (360) 570-5865, fax (360) 586-7602.

Alan R. Lynn
Rules Coordinator

WSR 09-05-040

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Filed February 11, 2009, 1:43 p.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for Thursday, March 19, 2009, has been cancelled and rescheduled for **Thursday, March 12, 2009, 9:00 - 11:00 a.m.**, in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 09-05-042

**NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE**

[Filed February 12, 2009, 9:08 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 Thursday, March 12, beginning at 8:00 a.m. in the 5th Floor President's Conference Room, College Service Center, Olympic College Campus, 1530 Ohio Street, Bremerton, WA.

WSR 09-05-043

**NOTICE OF PUBLIC MEETINGS
WINE COMMISSION**

[Filed February 12, 2009, 9:08 a.m.]

After several date revisions, the Washington wine commission board has approved the following schedule for 2009:

COMMISSIONER MEETING SCHEDULE

Thursday and Friday	January 8 and 9	Commission Board Retreat Washington Athletic Club Seattle
Friday	February 13	Richland
Friday	March 13	Richland
Friday	April 3	Seattle
Friday	May 8	Richland
Friday	June 12	Seattle
Friday	July 10	Richland
Friday	August 14	Seattle
Friday	September 11	Richland
	October	no meeting
Friday	November 13	Seattle
Friday	December 11	Seattle

All meetings begin at 10:00 a.m. and end at 1:00 p.m. Unless noted differently above, the locations for the Tri-Cities and Seattle are as follows:

WSU Tri-Cities
 2710 University Drive
 Room CIC 210
 Richland, WA 99354-1671
 Switchboard (509) 372-7000
 Washington State Housing Finance Commission
 1000 Second Avenue
 28th Floor
 Seattle, WA 98104
 Switchboard (206) 464-7139

WSR 09-05-044
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR

[February 9, 2009]

EXECUTIVE ORDER 09-02

**RESCISSION OF EXECUTIVE ORDERS AND
 ELIMINATION OF CERTAIN BOARDS AND COMMISSIONS**

WHEREAS, certain executive orders and boards and commissions have been rendered ineffective due to either the enactment of superseding law, subsequent executive orders, through an internal expiration provision or are no longer needed for the efficient administration of state government; and

WHEREAS, the existence of obsolete executive orders and unneeded boards and commissions can lead to a lack of accountability and create confusion and unnecessary regulatory burden on executive agencies and the public;

WHEREAS, most of the advisory functions of boards and commissions can be performed without the administrative costs of maintaining formal organizations, and executive agencies are being strongly encouraged to enhance public input using modern communication technology, and identify new, less costly, and more effective opportunities to ensure citizen participation and government openness; and

WHEREAS, the Office of the Governor, in consultation with executive branch agencies, has determined that the below-mentioned existing executive orders and boards and commissions are no longer necessary and can be rescinded immediately;

NOW THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington in order to achieve effective and efficient government performance, by virtue of the power vested in me, do hereby order and direct that the following executive orders be rescinded and boards and commissions abolished:

- EO 70-05**, relating to the pesticide review board
- EO 74-15**, relating to the state salmon and steelhead council;
- EO 76-04**, relating to the state energy advisory council;
- EO 80-10**, relating to the hazardous materials committee

- EO 83-14**, relating to the interagency task force on milfoil control
- EO 85-07**, relating to the advisory council on education funding;
- EO 94-02**, relating to the Governor's council on school-to-work transition;
- EO 94-10**, relating to the Governor's telecommunications policy coordination task force;
- EO 95-01**, relating to the Governor's council on substance abuse;
- EO 95-03**, relating to the Governor's school-to-work task force;
- EO 07-05**, relating to the Governor's P-20 Council—Early Learning, K-12 and Higher Education
 Acupuncture Ad Hoc Consultant Group;
 Ahtanum View Community Resource Board;
 Bicycle and Pedestrian Advisory Committee;
 Birth Defects Advisory Committee;
 Children's and Family Services Oversight Regional Committees;
 Cholinesterase Stakeholder Advisory Committee;
 Office of Deaf and Hard of Hearing Advisory Committee;
 Developmental Disabilities Regional Advisory Committees;
 Developmental Disabilities State Advisory Committee;
 Division of Developmental Disabilities State Quality Assurance
 Disability Initiative Advisory Committee
 DSHS State Advisory Committee;
 Economic Services Advisory Committee;
 Education Opportunity Grant Advisory Committee;
 Family Literacy Advisory Committee;
 Family to Family Advisory Group, Region 3;
 Foster Parent Advisory Committee;
 Gay, Lesbian, Bisexual, Transgender Advisory Committee;
 Health Care Assistants Ad Hoc Committee;
 HIV Policy Collaborative;
 Home Care Advisory Committee;
 Land Management Advisory Committee;
 Local Advisory Committee for Snohomish, Skagit and Island County Higher Education;
 Local Agency Guidelines Committee;
 School-based Medicaid Administrative Match Advisory Committee;

Minority Advisory Board;
 Minority Initiative Advisory Committee;
 Need Grant Advisory Committee;
 Pierce County Community Justice Center Oversight Board;
 Reading First Advisory Committee;
 Roads to Community Living Collaborative Team;
 Safe Routes to School Advisory Board;
 Sex Offender Treatment Program Advisory Committee;
 T2 Advisory Committee;
 Think Tank/New Freedom;
 Title I Migrant Education Practitioners Committee;
 Title V Small Business Technical Assistance Compliance Advisory Panel; and
 Water Use Efficiency Subcommittee of the Washington Water Supply Advisory Committee.

(1) All documents and papers, equipment, or other tangible property in the possession of the terminated entity shall be delivered to the custody of the entity assuming the responsibilities of the terminated entity or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the Department of General Administration.

(2) All funds held by, or other moneys due to, the terminated entity shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund; and

(3) All contractual rights and duties of an entity shall be assigned or delegated to the entity assuming the responsibilities of the terminated entity, or if there is none to such entity as the governor shall direct.

This Executive Order shall take effect immediately.

Signed and sealed with the official seal of the state of Washington, on this 9th day of February 2009, at Olympia, Washington.

By:

 Christine O. Gregoire
 Governor

BY THE GOVERNOR:

Steve Excell

 for Sam Reed
 Secretary of State

WSR 09-05-064
OFFICE OF THE GOVERNOR
 [Filed February 13, 2009, 9:11 a.m.]

February 10, 2009

TO: Executive Cabinet Agencies
 Small Agency Cabinet

FROM: Christine O. Gregoire

SUBJECT: SHARED SERVICES DIRECTIVE

On Monday, February 9, I announced our Government Reform Package. One of the key components of this package is movement to a shared services model of delivering many of the "back office" functions that support the work of your various agencies - areas such as information technology, property and building management, motor pool and human resources.

Other states and private sector organizations have achieved significant benefits through the use of shared services - the practice of having a single group provide back-office administrative services or customer-facing activities for multiple agencies or departments. Sharing administrative functions between agencies will allow you to focus on your core missions of providing essential services to Washingtonians. I expect that our new shared services approach and governance structure will capture the benefits of economies of scale in a way that ensures good customer service to the client agencies. The service providers must be accountable for delivering a defined quality of service for a specific cost to the client agencies.

By this directive, I am requesting that each of your agencies provide full assistance and support in the development and implementation of a shared services model for how we operate. I have requested the directors of the following offices and agencies to lead this effort:

- Governor's Executive Policy Office
- Department of Information Services
- Department of Personnel
- Department of General Administration
- Office of Financial Management

Between now and the end of this calendar year, the directors will work in partnership with state agencies to create shared service centers with expertise in the following operational areas. These centers would gradually become responsible for administering the following consolidated lines of business across state government:

Information Technology. The Department of Information Services will focus on using common infrastructure and services - including consolidation of e-mail services and expansion of the statewide data center - to reduce costs and improve information security and the collection of management information across state government.

Fleet Management. The Department of General Administration will assume operational responsibility for smaller motor fleets currently managed by state agencies. Consolidating fleets will eliminate under-used vehicles, improve maintenance, reduce costs to agencies, and result in a "greener" fleet that consumes less fuel and produces fewer emissions.

Property Management. The Department of General Administration will assume operational responsibility for a statewide facilities management system that reflects a comprehensive and integrated way to plan, manage and evaluate real property and asset improvements.

Human Resources. The Department of Personnel will identify the most cost effective way to establish a single point of entry for our citizens to find job opportunities with state government. The Department of Personnel will further explore how the state can better integrate its existing human resource systems and coordinate employee benefits, labor relations training, recruiting and time and attendance.

As we move forward with a shared services model, there will undoubtedly be additional functions identified where the model could produce enhanced customer service and efficiencies. I encourage all of you to be thinking along these lines and offer up your recommendations for a second phase of implementation.

My thanks to each of you for the spirit in which you have embraced our common goal and determination to reform Washington State government to make it more nimble and more relevant to the 21st Century needs of the customers we serve.

WSR 09-05-070

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed February 13, 2009, 3:39 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.

Economic Services Administration Division of Child Support

Document Title: Administrative Policy 5.06 Emergency Referral Cards.

Subject: Emergency referral cards.

Effective Date: February 11, 2009.

Document Description: This was a sunset review of the administrative policy that explains to division of child support staff the control, access, and use of the information that employees place on their emergency referral cards.

To receive a copy of the interpretive or policy statements, contact Tracy Severns, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5236, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail tseverns@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs>.

WSR 09-05-075 EXECUTIVE ORDER OFFICE OF THE GOVERNOR

[February 13, 2009]

EXECUTIVE ORDER 09-03

CAPITAL STIMULUS PROJECT STREAMLINING

WHEREAS, our nation is experiencing the worst economic times since the Great Depression; and

WHEREAS, state government desires to do all it can to help citizens, buyers, renters and employees survive through this difficult economy and to help Washington businesses stay viable; and

WHEREAS, Congress is contemplating an economic stimulus package to include fiscal assistance for transportation and other building projects in our state; and

WHEREAS, the state legislature will be considering a similar package of projects using state capital and transportation funds to create jobs, including green jobs, and address significant and necessary infrastructure needs throughout the state Washington; and

WHEREAS, to stimulate our state's economy as fully as possible, work on these projects must be ready to begin as soon as possible and all necessary permits must be in place; and

WHEREAS, this executive order applies to all cabinet agencies, and all non-cabinet agencies are encouraged to implement the articles listed within;

NOW THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington to ensure that potential state projects qualify for funding and are ready to proceed to construction as part of the economic stimulus proposals from Congress and the Legislature hereby order all cabinet agencies and encourage non-cabinet agencies to:

1. Ensure that all necessary information about what data, studies, and drawings are required to complete permit applications is readily available either online, through in-person conferences, or through the use of telecommunication or internet technologies;
2. Participate in a team led by the Office of Regulatory Assistance made up of representatives from state government and invited representatives of federal, tribal and local governments to help funding agencies ascertain the level of permit readiness for qualifying projects, to advise agencies on how best to educate project proponents about readying their projects for permit and to ensure status of permit reviews.
3. Provide estimated timelines for agency responses to applicant submittals, including any time needed to determine if an application is complete and the expected review time for a complete application;
4. Where necessary and possible without undercutting public safety or environmental safeguards, take all measures necessary, including prioritizing work to complete the projects with existing or cost-reimbursable resources and the adoption of emergency

rules, to expedite application procedures, project decision making and appeals of project-related permit decisions;

- 5. Invite appropriate federal agencies, as well as tribal and local governments, to assist by joining state agencies in streamlining efforts similar to those described in this executive order; and
- 6. Utilize alternative decision making and dispute resolution techniques to resolve regulatory issues without litigation, for example by making use of the Office of Regulatory Assistance as needed to coordinate between local, state, tribal and federal review agencies and making use of mediation services available through the Environmental Hearings Office as a dispute resolution tool.

Signed and sealed with the official seal of the State of Washington on this 13th day of February, 2009, at Olympia, Washington.

By:

Christine O. Gregoire
Governor

BY THE GOVERNOR:
Sam Reed
Secretary of State

WSR 09-05-089

**NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE**

[Filed February 18, 2009, 8:45 a.m.]

To ensure a quorum, the South Puget Sound Community College board of trustees has changed the date of their regular meeting in March. The meeting on Thursday, March 12, 2009, has been changed to Friday, March 13 at 3:00 p.m. in Building 25-Boardroom on the campus of South Puget Sound Community College.

If you have any questions, please contact Diana Toledo at 596-5206.

WSR 09-05-090

**PUBLIC RECORDS OFFICER
OFFICE OF
ADMINISTRATIVE HEARINGS**

[Filed February 18, 2009, 8:46 a.m.]

Following is the contact information for our public records officer and rules coordinator for the office of administrative hearings: Barbara Cleveland, Office of Administrative Hearings, P.O. Box 42488, Olympia, WA 98504-2488,

(360) 586-3169, fax (360) 664-8721, e-mail barb.cleveland@oah.wa.gov.

Selwyn S.C. Walters
Deputy Chief Administrative Law Judge

WSR 09-05-092

**NOTICE OF PUBLIC MEETINGS
SENTENCING GUIDELINES COMMISSION
(Sex Offender Policy Board)
(Benchmarks Committee)
[Filed February 18, 2009, 9:16 a.m.]**

In accordance with RCW 42.30.075, following is a schedule of regular meeting[s] of the Washington state sex offender policy board benchmarks committee for calendar year 2009.

If you have question[s] or need additional information, please contact Andi May at (360) 407-1050 or via e-mail andim@sgc.wa.gov.

See web site for more information, www.sgc.wa.gov.

Date	Location
January 27, 2009	Criminal Justice Training Center 109010 1st Avenue South Burien, WA 98148
February 24, 2009	Criminal Justice Training Center 109010 1st Avenue South Burien, WA 98148
March 24, 2009	Burien area
April 28, 2009	Burien area
May 26, 2009	Burien area
June 23, 2009	Burien area
July 28, 2009	Burien area
August 25, 2009	Burien area
September 22, 2009	Burien area
October 27, 2009	Burien area
November 24, 2009	Burien area
December 22, 2009	Burien area

WSR 09-05-093

**NOTICE OF PUBLIC MEETINGS
SENTENCING GUIDELINES COMMISSION
(Sex Offender Policy Board)
(Sex Offender Registration and Notification Committee)
[Filed February 18, 2009, 9:18 a.m.]**

In accordance with RCW 42.30.075, following is a schedule of regular meeting[s] of the Washington state sex offender policy board registration and notification committee for calendar year 2009.

If you have question[s] or need additional information, please contact Andi May at (360) 407-1050 or via e-mail andim@sgc.wa.gov.

See web site for more information, www.sgc.wa.gov.

Date	Location	Date	Location
January 13, 2009	Washington Association of Sheriffs and Police Chiefs 3060 Willamette Drive N.E. Lacey, WA	October 15, 2009	Seattle area
February 10, 2009	Washington Association of Sheriffs and Police Chiefs 3060 Willamette Drive N.E. Lacey, WA	November 19, 2009	Seattle area
March 10, 2009	Lacey area	December 17, 2009	Seattle area
April 14, 2009	Lacey area		
May 12, 2009	Lacey area		
June 9, 2009	Lacey area		
July 14, 2009	Lacey area		
August 11, 2009	Lacey area		
September 8, 2009	Lacey area		
October 13, 2009	Lacey area		
November 10, 2009	Lacey area		
December 8, 2009	Lacey area		

WSR 09-05-094

NOTICE OF PUBLIC MEETINGS

SENTENCING GUIDELINES COMMISSION

(Sex Offender Policy Board)

[Filed February 18, 2009, 9:19 a.m.]

In accordance with RCW 42.30.075, following is a schedule of regular meeting[s] of the Washington sex offender policy board for calendar year 2009.

If you have question[s] or need additional information, please contact Andi May at (360) 407-1050 or via e-mail andim@sgc.wa.gov.

See web site for more information, www.sgc.wa.gov.

Date	Location
January 15, 2009	Office of the Attorney General 800 5th Avenue 20th Floor Seattle, WA 98104
February 19, 2009	Office of the Attorney General 800 5th Avenue 20th Floor Seattle, WA 98104
March 19, 2009	Seattle area
April 16, 2009	Seattle area
May 21, 2009	Seattle area
June 18, 2009	Seattle area
July 16, 2009	Seattle area
August 20, 2009	Seattle area
September 17, 2009	Seattle area