

WSR 05-21-001
NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD

[Memorandum—October 3, 2005]

NOTICE OF MEETING CANCELLATION

This is to notify all interested persons that the Executive Ethics Board's regular meeting, scheduled for October 14, 2005, has been canceled.

If you have any questions, please contact Executive Ethics Board staff at (360) 664-0871.

WSR 05-21-002
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE
(Salmon Recovery Funding Board)

[Memorandum—October 4, 2005]

The October Salmon Recovery Funding Board meeting, will be one day only, Friday, October 28, beginning at 9:00 a.m. in Room 172 of the Natural Resources Building, 1111 Washington Street S.E., Olympia. As memorandums are finalized, they will be posted on the web site at <http://www.iac.wa.gov/srfb/board/schedules.htm> for your information.

Note: If you need special accommodations to participate in this meeting, please notify us by October 14, 2005, at (360) 902-2636 or TDD (360) 902-1996.

Next Meeting: December 1 and 2, 2005, King Street Station, Seattle.

WSR 05-21-004
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Memorandum—October 6, 2005]

BOARD OF TRUSTEES

October 7, 2005

Open Public Session at 8:30 a.m. (TAW 215)

Executive Session at 11:45 p.m. (PUB 261)

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-6598.

WSR 05-21-005
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON

[Memorandum—October 4, 2005]

Following are three regular meeting schedules for fall quarter for the University of Washington. Please note, all meetings before October 5, 2005, were treated as special meetings.

Below are the meeting schedules for GPSS Senate + Exec and ASUW BOD + Senate.

ASUW Senate
Tuesdays, 5:00 - 7:00
310 HUB

2005

October 4, 11, 18, 25
November 1, 7, 15, 22, 29
December 6, 13

2006

January 3, 10, 17, 24, 31
February 7, 14, 21, 28
March 7, 14, 28
April 4, 11, 18, 25
May 2, 9, 16, 23, 30
June 6

ASUW Board of Directors
Thursdays, 4:00 - 7:00
204M HUB

2005

October 6, 16, 20, 27
November 3, 10, 17, 24
December 1, 8, 15

2006

January 2, 9, 16, 23
February 2, 9, 16, 23
March 2, 9, 16, 30
April 6, 13, 20, 27
May 4, 11, 18, 25
June 1, 8

GPSS Executive
Wednesdays, 4:30 - 6:30
300 HUB

2005

October 5, 19
November 2, 16, 30

2006

January 4, 18
February 1, 15
March 1, 15, 29
April 12
May 3, 17

GPSS Senate
Wednesdays, 4:30 - 6:30
310 HUB

2005

October 12
November 9
December 7

2006

January 11
March 8
April 5
May 10, 31

School of Aquatic and Fishery Sciences
Regularly Scheduled Faculty Meetings

Here is the revised (change of date of the first meeting only) schedule of regularly scheduled faculty meetings for the academic year 2005-2006. All meetings will commence at 11:30 a.m. in Room 203 of the Fishery Sciences Building.

October 11, 2005
October 18, 2005
November 1, 2005
November 15, 2005
December 6, 2005
January 10, 2006
January 24, 2006
February 7, 2006
February 21, 2006
March 7, 2006
April 4, 2006
April 18, 2006
May 2, 2006
May 9, 2006
May 16, 2006
May 23, 2006
May 30, 2006
June 6, 2006

**FACULTY COUNCIL MEETINGS FOR THE
2005-2006, OCTOBER - SEPTEMBER**

Standard meeting day/time: 2nd Friday of the month,
11:00 - 12:30 (1.5 hrs.) Room D452, HSC.

2005

October 11 9:00 - 10:00 a.m. (Tuesday change due to member conflicts)
November 10 Thursday (change due to November 11 holiday)
December 9 Friday

Miscellaneous

2006

January 13 Friday
February 10 Friday
March 3 Friday (change - 1 week early due to AADR convention)
April 14 Friday
May 12 Friday
June 2 Friday (change - 1 week early due to travel)
July 14 Friday
August 11 Friday
September 8 Friday

Meeting Coordinator: Dayle Durbon, (206) 221-7985,
ddurbon@u.washington.edu.

**WSR 05-21-009
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION**

[Memorandum—October 6, 2005]

The Washington State Board of Education will be holding a special conference call meeting on Monday, October 10, 2005, at 2:00 p.m. The purpose of the meeting is the discussion of supplemental budget requests.

State Board of Education Special Meeting
Monday, October 10, 2005
2:00 p.m.

Billings Conference Room
Office of the Superintendent of Public Instruction
Old Capitol Building
600 Washington Street S.E.
Olympia, WA 98504

Topic: A conference call meeting to discuss supplemental operating and capital budget requests.

This meeting is open to the public.

Contact: Larry Davis, Executive Director, (360) 725-6025.

The meeting has been posted on our web site (www.sbe.wa.gov) and send [sent] to media organizations.

**WSR 05-21-011
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—October 7, 2005]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, October 20, 2005, 9:00 - 11:00 a.m., in the college services board room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 05-21-012
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE
 [Memorandum—October 5, 2005]

The board of trustees of Shoreline Community College will hold a special meeting on Thursday, October 13, 2005, beginning at 5:30 p.m. in the central conference room of Building 1000.

In addition, the board will hold its annual retreat on Tuesday, November 8, from 12:30 p.m. to 6:00 p.m. in the large meeting room of the Shoreline Library, 345 N.E. 175th, Shoreline, WA 98155.

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@shoreline.edu if you have further information.

WSR 05-21-013
NOTICE OF PUBLIC MEETINGS
YAKIMA VALLEY
COMMUNITY COLLEGE
 [Memorandum—September 29, 2005]

Notice of Public Meetings
 Yakima Valley Community College
 Board of Trustees

The board of trustees for Yakima Valley Community College holds regular meetings at 4:30 p.m. on the second Thursday of every month in the M. L. King Room of the Hopf Union Building on the Yakima Valley Community College campus. *Exceptions for 2005-06 are noted as indicated in italics below.*

October 13, 2005
 November 10, 2005
 December 8, 2005
January 19, 2006 (Third Thursday)
 February 9, 2006
 March 9, 2006
April 13, 2006 (Grandview Campus)
 May 11, 2006
June 15, 2006 (Third Thursday)
 July 13, 2006
 August 10, 2006
 September 14, 2006
 October 12, 2006
 November 9, 2006
 December 14, 2006

WSR 05-21-014
DEPARTMENT OF AGRICULTURE
 [Filed October 7, 2005, 2:12 p.m.]

PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON

LEGAL NOTICE: The Washington State Department of Agriculture (WSDA) Laboratory Services Division is hereby notifying the affected public that the herbicides glyphosate (Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (Habitat®), surfactants (R-11™, Agri-Dex™, Class Act Next Generation™, Competitor™, Dyne-Amic™, Kinetic™, or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1, 2005, and October 31, 2005. Properly licensed pesticide applicators who have obtained coverage under the WSDA National Pollutant Discharge Elimination System Waste Discharge General Permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater tideflats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of herbicides is one of the options used to control *Spartina*. These infestations may also be treated by mowing, digging, crushing, or covering.

For more information, including locations of possible application sites or information on *Spartina*, contact the WSDA *Spartina* Control Program at (360) 902-1923. Or write: WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. To contact the WSDA NPDES permit coordinator, call Brad White at (360) 902-2071. The Washington State Department of Ecology 24-hour emergency/spill response hotline is (425) 649-7000 (northwest region) or (360) 407-6300 (southwest region).

WSR 05-21-018
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
 (State Capitol Committee)
 [Memorandum—October 6, 2005]

The State Capitol Committee (SCC) meeting scheduled for Thursday, October 13, 2005, is cancelled. The next SCC meeting will be held on December 15th.

If you have any questions, please contact Victoria Brooks at (360) 902-0975.

WSR 05-21-019
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
 [Memorandum—October 4, 2005]

The Washington State University board of regents has canceled the October 14, 2005, board of regents meeting.

WSR 05-21-020
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Fryer Commission)
 [Memorandum—October 6, 2005]

This is to inform you of the cancellation of the October 11, 2005, board meeting of the Washington Fryer Commission. This meeting was scheduled to comply with the state mandated RFQQ (advertising agency review). However, one of the two agencies vying for the position has decided not to participate in the review leaving the remaining agency the only entity applying for the position. No review will be necessary as said agency is the current agency on contract by the Washington Fryer Commission.

The Washington Fryer Commission will have its quarterly board meeting on November 15, 2005, as previously stated in our revised schedule.

WSR 05-21-023
OFFICE OF
INSURANCE COMMISSIONER
 [Filed October 10, 2005, 3:14 p.m.]
 TECHNICAL ASSISTANCE ADVISORY
 T 2005-06

TO: Property and Casualty Insurers Authorized in Washington
 SUBJECT: Obligation to Send Adverse Action Notices Related to Credit History or Insurance Scoring
 DATE: October 10, 2005

This Technical Assistance Advisory applies to insurers ("you") that use credit history or insurance scoring in the underwriting and/or rating of personal lines insurance in Washington. It emphasizes your obligation to send an adverse action notice whenever you take adverse action based on an insurance score, even when that score is based on both credit history and noncredit attributes of the consumer. This Technical Assistance Advisory also discusses difficulties you may have to overcome when a vendor is calculating all or part of the insurance score for you.

RCW 48.18.545 (1)(f) and 48.19.035 (1)(d) define *insurance score* to mean "a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit history." RCW 48.18.545(2) requires you to send a written adverse action notice whenever you take "adverse action against a consumer based in whole or in part on credit history or insurance score." WAC 284-24A-010 and 284-24A-011 describe in greater detail the information you must provide in each adverse action notice.

Some insurers have filed and are using insurance scoring models that are based entirely ("in whole") on credit history. Others have filed and are using insurance scoring models that are based only in part on credit history; these models include other, noncredit consumer attributes.

If you take adverse action based on an insurance score, the law clearly provides that you must send an adverse action notice, even if the credit history component of the insurance score was perfect and the adverse action is really due to non-credit elements of the insurance score. And if your adverse action is based on both credit history and noncredit components of the insurance score, your adverse notice should include both the credit history reasons and the noncredit reasons for your action.

In writing and sending any adverse action notice, it is your responsibility to determine which factors are really significant. If your insurance scoring model includes both credit history and noncredit components, you must have a means of comparing the significance of the various credit history and noncredit factors considered by the insurance scoring model for each consumer. If all or part of the insurance score is being calculated by a vendor, you must ensure that the vendor provides you with sufficient information to enable you to make these comparisons and send an appropriate adverse action notice when a notice is required.

When you send an adverse action notice, it is never acceptable to tell the consumer only that his or her insurance score was less than perfect and not include at least one significant factor that caused the adverse action. Again, if the model is being run by a vendor, you must ensure that the vendor provides you with sufficient information to enable you to send an appropriate adverse action notice.

Finally, please note that this technical assistance advisory explains how Washington statutes apply. It does not attempt to explain the application of federal laws (e.g., FCRA, as updated by FACTA). Nothing in the Washington insurance scoring statutes relieves you of your duty to comply with any requirements imposed by federal law.

If you have questions concerning this technical assistance advisory, you may contact Senior Actuary Lee Barclay at (360) 725-7115 or LeeB@oic.wa.gov.

WSR 05-21-030
RULES OF COURT
STATE SUPREME COURT
 [October 6, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENT TO GR 23) NO. 25700-A-830

The Certified Professional Guardian Board having recommended the adoption of the proposed amendment to GR 23, and the Court having approved the proposed amendment for publication;

Now, therefore, it is hereby
 ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendment as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites expeditiously.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 60 days from the published date of the rule in the Washington Reports. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of October 2005.

For the Court
Gerry L. Alexander

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Rule Change

GR 23 RULE FOR CERTIFYING PROFESSIONAL GUARDIANS

Purpose: The Certified Professional Guardian Board has reviewed the qualifying criteria set out in the current language of GR 23 (d)(iv) and has concluded that there is a need to increase the education and experience requirements of applicants to become certified professional guardian (CPG). The Board has concluded that the complexity of matters concerning the needs of incapacitated persons, for whom certified professional guardians are responsible, requires more educational preparation and pertinent work experience than a person with a high school diploma or GED and five years of work experience possesses.

The current minimum requirement is that applicants have a high school diploma, or GED, and five years pertinent work experience. The Certified Professional Guardian Board proposes that the minimum qualification requirement be changed to require an Associates Degree and four years experience working in a discipline pertinent to providing guardian services.

Additionally, the current rule requires that a candidate hold a "Bachelor of Arts degree." It is the conclusion of the Board that this could exclude many appropriately educated persons who have a Bachelor of Science degree from becoming a CPG. The suggested rule change would require a CPG applicant to have a Baccalaureate degree and two years of pertinent work experience. This proposed change increases the work experience from one year to two years.

RULES OF GENERAL APPLICATION

Suggested Rule Change to GR 23(d)

(d) Certification Requirements: No Change.

(1) No Change:

(i) No Change;

(ii) No Change;

(iii) No Change;

(iv) Possess a ~~high school diploma or equivalency (GED) and five years experience working in a discipline pertinent to the provision of guardianship services, such as legal, financial, social service, or health care; or an Associates of Arts & Degree from an accredited institution and three four~~ years experience working in a discipline pertinent to the provision of guardianship services, such as which will include legal, financial, social service, or health care; or a ~~Bachelor of Arts Baccalaureate & Degree from an accredited institution~~

and ~~one~~ two years of experience working in a discipline pertinent to the provision of guardianship services, ~~such as~~ which will include legal, financial, social service, or health care; and

(v) No Change.

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

WSR 05-21-031
RULES OF COURT
STATE SUPREME COURT

[October 6, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO IRLJ 6.7) NO. 25700-A-831

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendment to IRLJ 6.7, and the Court having approved the proposed amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendment as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites expeditiously.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 60 days from the published date of the rule in the Washington Reports. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of October 2005.

For the Court
Gerry L. Alexander

CHIEF JUSTICE

GR 9 Cover Sheet

Suggested Change

IRLJ 6.7 IDENTITY CHALLENGES AND RELIEF FROM JUDGMENT

Purpose: The purpose of the suggested changes to IRLJ 6.7 is to establish a procedure for holding identity hearings in infraction cases. This rule change would protect the rights of identity fraud victims and support one of the pieces of legislation necessary to implement the electronic filing of citations and notices of infraction in the courts of limited jurisdiction.

During legislative hearings in 2005, some legislators and witnesses expressed concerns that current law does not provide a specific procedure for victims of identity misrepresen-

tation on tickets (when an offender gives another person's name to the citing officer) to request relief from the courts.

Legislators were assured that despite the absence of a specific procedure in the rules, the courts of limited jurisdiction routinely hold identity hearings when the defendant before the court asserts that he or she was not the person actually given the ticket. However, there is still concern that the practice is not universal and that procedures are inconsistent and sometimes not well defined.

In 2006, the Legislature will be asked to again consider legislation that will permit the use of electronic citations and notices of infraction without requiring the signature of the defendant. This change was supported by DMCJA and BJA in 2005, but legislation failed to pass. Some legislators and witnesses expressed concern that the change might increase the incidence of identity misrepresentation while potential victims may not have adequate access to the courts. The suggested changes to IRLJ 6.7 would establish a specific procedure for identity challenges to infractions, which is similar to the procedure used now by the courts when a defendant contends that he or she is not the person responsible for the ticket.

If the changes to IRLJ 6.7 are adopted by the Supreme Court, the revised rule will address the concerns that some legislators and witnesses had about whether defendants were being given an adequate opportunity to challenge identity. Revising the rule will also ensure that the procedure adopted for identity hearings has been drafted by the courts, which are in the best position to draft and implement court procedures.

Section (b)(1) ensures that a defendant will not lose the right to request a hearing to vacate a judgment pursuant to CRLJ 60(b).

Section (b)(2) places the initial burden on the defendant to establish the basis for an identity hearing through the use of an affidavit or certification with facts specific to his or her case.

Section (b)(3) allows the court the discretion to set aside a default based upon a failure to appear. A judge may consider the strength of the facts alleged in the affidavit when deciding whether to set aside the default pending the hearing.

Section (b)(4) follows the requirements for the scheduling of contested hearings found in IRLJ 2.6(a) with the exception of that rule's 14-day period for the court to provide notice of the hearing date, time and place to the defendant after receipt of a hearing request. Since the identity hearing process requires the court to review the defendant's affidavit(s) prior to setting the hearing, section (b)(4) gives the court up to 28 days to provide notice of the hearing date, time and place to the defendant. (A proposed change to IRLJ 2 (b)(a)(2) was published by the Supreme Court for comment on August 2, 2005. The proposed change would extend the time within which the court must provide notice of hearing from 14 days to 21 days.)

Section (b)(5) concerns the procedure at an "identity hearing." Upon the defendant fulfilling the initial burden required by section (b)(2), the citing jurisdiction will have the burden of proving identity. Therefore, the courts are given the option of whether to require the presence of the defendant. In most cases, identity will be established by a citing officer using a copy of the notice of infraction and his or her

memory of the incident. The rule makes the point, however, that the citing jurisdiction need not rely only upon the memory of the citing officer, perhaps months or years later.

**INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION
IRLJ 6.7**

IDENTITY CHALLENGES AND RELIEF FROM JUDGMENT

(a) Relief from Judgment. A motion to waive or suspend a fine, or to convert a penalty to community service, or to vacate a judgment is governed by CRLJ 60(b).

(b) Identity Challenge.

(1) Right Granted. In addition to the rights granted defendants pursuant to rule 6.7(a), a defendant may move to vacate a judgment that was entered after a failure to respond to a notice of infraction on the basis that he or she was mistakenly identified as the person who allegedly committed the infraction.

(2) Identity Affidavit. A defendant moving to vacate a judgment for mistaken identification shall file an affidavit or certification under RCW 9A.72.085 with the court in which the infraction was found committed and with the office of the prosecuting authority assigned to the court stating that he or she could not be the person identified by the citing officer as having committed the infraction, citing a factual basis for the assertion and stating that he or she was not served with the notice of infraction.

(3) Adjudication Pending Hearing. The court may, at its discretion, set aside the default judgment pending the hearing.

(4) Scheduling of Hearings. An identification hearing shall be scheduled for not less than 14 days and not more than 120 days from the date an identity affidavit is filed unless otherwise agreed by the defendant. The court shall send the defendant written notice of the time, place, and date of the hearing within 28 days of the receipt of the request for a hearing.

(5) Hearing Procedure. The court may require the presence of the defendant at the scheduled hearing. At the hearing, identification may be established by methods other than direct identification in court.

(6) Disposition. If the court determines that the named defendant was the person identified by the citing officer as the person who committed the infraction or was served with the notice of infraction, the infraction shall remain committed or be re-adjudicated as committed.

WSR 05-21-032

RULES OF COURT

STATE SUPREME COURT

[October 6, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO APR 1, 2, 3,) NO. 25700-A-832
7, 20, 21, 22, 23, 24 AND 25)

The Washington State Bar Association having recommended the adoption of the proposed amendments to APR 1,

2, 3, 7, 20, 21, 22, 23, 24 and 25, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites in January 2006.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 28, 2006. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of October 2005.

For the Court
 Gerry L. Alexander

 CHIEF JUSTICE

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 05-23 issue of the Register.

WSR 05-21-039

**NOTICE OF PUBLIC MEETINGS
 HIGHER EDUCATION
 COORDINATING BOARD**

[Memorandum—October 10, 2005]

In accordance with RCW 28B.80.420, 42.30.075, and WAC 250-10-070, the Higher Education Coordinating Board approved the following board meeting calendar for 2006 at its regular meeting held on September 22, 2005. Public notice is given before each meeting, including any changes in date, time, and venue.

If anyone wishes to request disability accommodations, notice should be given to the Higher Education Coordinating Board, at least ten days in advance of the meeting in question. Notice may be given by phone at (360) 753-7800 or fax (360) 753-7808.

2006 Board Meeting Calendar

Date	Location
January 26, Thursday	University of Puget Sound Wheelock Student Center Rotunda 1500 North Warner Tacoma
February 23, Thursday	Everett Community College Jackson Center Auditorium 2000 Tower Street Everett

Date	Location
March 30, Thursday	Western Washington University Old Main 340 516 High Street Bellingham
May 25, Thursday	Whitman College Reid Campus Center Ballroom B 345 Boyer Avenue Walla Walla
July 27, Thursday	Grays Harbor Building 200, Room 220 1620 Edward P. Smith Drive Aberdeen
September 28, Thursday	State Investment Board Board Room 2700 Evergreen Parkway N.W. Olympia
October 26, Thursday	Yakima Valley Community College Decio Higher Education Center Parker Room 16th Avenue and Nob Hill Boulevard Yakima 98907
December 14, Thursday	University of Washington Walker Ames Room

WSR 05-21-041

**NOTICE OF PUBLIC MEETINGS
 DEPARTMENT OF AGRICULTURE
 (Beef Commission)**

[Memorandum—October 11, 2005]

The next board meeting of the Washington State Beef Commission is Wednesday, November 1, which was just established this week, and is scheduled to be held in Ellensburg, Washington.

Should you have questions, please contact Rosalee Mohney at (206) 444-2902.

WSR 05-21-042

**POLICY STATEMENT
 MARINE EMPLOYEES' COMMISSION**

[Filed October 13, 2005, 10:18 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Workers Time-Loss Compensation.

Issuing Entity: Marine Employees' Commission.

Description: Policy adopted regarding work related time-loss compensation.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: July 1, 2005.

WSR 05-21-043

POLICY STATEMENT

MARINE EMPLOYEES' COMMISSION

[Filed October 13, 2005, 10:18 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Sharing Leave.

Issuing Entity: Marine Employees' Commission.

Description: In compliance with chapter 357-31 WAC, policy adopted regarding use of the leave sharing program.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: July 1, 2005.

WSR 05-21-046

POLICY STATEMENT

MARINE EMPLOYEES' COMMISSION

[Filed October 13, 2005, 10:19 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Taking Leave Under the Family and Medical Leave Act.

Issuing Entity: Marine Employees' Commission.

Description: Policy adopted regarding unpaid leave, advance notice, job benefits and job protection.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: July 1, 2005.

WSR 05-21-044

POLICY STATEMENT

MARINE EMPLOYEES' COMMISSION

[Filed October 13, 2005, 10:18 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Using Leave Without Pay.

Issuing Entity: Marine Employees' Commission.

Description: In compliance with WAC 357-31-335 - [357-31-]355 and 357-46-055, policy adopted regarding use of unpaid leave.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: July 1, 2005.

WSR 05-21-047

POLICY STATEMENT

MARINE EMPLOYEES' COMMISSION

[Filed October 13, 2005, 10:19 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Suspending Operations.

Issuing Entity: Marine Employees' Commission.

Description: In compliance with WAC 357-31-260 - [357-31-]280, policy and procedures adopted to be followed in an emergency.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: July 1, 2005.

WSR 05-21-045

POLICY STATEMENT

MARINE EMPLOYEES' COMMISSION

[Filed October 13, 2005, 10:19 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Taking Personal Leave.

Issuing Entity: Marine Employees' Commission.

Description: In compliance with chapter 357-31 WAC, policy adopted establishing how leave is accumulated and how to use different types of leave.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: July 1, 2005.

WSR 05-21-048

POLICY STATEMENT

MARINE EMPLOYEES' COMMISSION

[Filed October 13, 2005, 10:20 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Approving and Using Military Leave.

Issuing Entity: Marine Employees' Commission.

Description: In compliance with WAC 357-360-370, policy adopted to describe use and approval of military leave.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: July 1, 2005.

WSR 05-21-049
POLICY STATEMENT
MARINE EMPLOYEES' COMMISSION

[Filed October 13, 2005, 10:20 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Employee Performance Management.
 Issuing Entity: Marine Employees' Commission.
 Description: In compliance with WAC 357-37-015, policy and procedures adopted establishing the roles and responsibilities of the employer and employee.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: July 1, 2005.

WSR 05-21-050
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 13, 2005, 11:42 a.m.]

As per RCW 49.46.020, the Department of Labor and Industries has calculated the adjusted minimum wage rate to be \$7.63, effective January 1, 2006.

Please call (360) 902-5303, if you have questions.

Rich Ervin
 Employment Standards
 Program Manager

WSR 05-21-065
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
FISH AND WILDLIFE

(Fish and Wildlife Commission)

[Memorandum—October 13, 2005]

The Washington Fish and Wildlife Commission has adopted the following 2006 meeting schedule for publication in the Washington State Register:

DATE	FUNCTION	LOCATION
January 6	Conference call	Olympia
January 13-14	Meeting	Olympia
January 20	Conference call	Olympia
February 3	Conference call	Olympia
February 10-11	Meeting	Olympia
February 17	Conference call	Olympia
March 3	Conference call	Olympia
March 10-11	Meeting	Tri-Cities
March 17	Conference call	Olympia
April 7-8	Meeting	Olympia
April 21	Conference call	Olympia

May 5	Conference call	Olympia
May 19	Conference call	Olympia
June 2	Conference call	Olympia
June 9-10	Meeting	Wenatchee
June 16	Conference call	Olympia
July 7	Conference call	Olympia
July 21	Conference call	Olympia
August 4-5	Meeting	Skagit County
August 18	Conference call	Olympia
September 1	Conference call	Olympia
September 15	Conference call	Olympia
October 6-7	Meeting	Olympia
October 20	Conference call	Olympia
November 3-4	Meeting	Vancouver
November 17	Conference call	Olympia
December 1-2	Meeting	Edmonds
December 15	Conference call	Olympia

Additional meetings and conference calls may be scheduled on an as-needed basis. Changes to the schedule and agendas will be posted on the following web page <http://www.wdfw.wa.gov/com/meetings.htm>.

For more information, please contact the commission office at (360) 902-2267 or visit the commission web page at <http://www.wdfw.wa.gov/com/comintro.htm> for further information.

The Washington Fish and Wildlife Commission meetings are open to the public and conducted at barrier free sites. Persons who need special assistance may contact Susan Yeager at the commission office.

WSR 05-21-069
PUBLIC RECORDS OFFICER
CODE REVISER'S OFFICE

[Filed October 14, 2005, 3:12 p.m.]

Pursuant to RCW 42.17.253, the public records officer for the Code Reviser's Office is Debbie Deibert, Pritchard Building, LL6, P.O. Box 40551, Olympia, WA 98504-0551, phone (360) 786-6777, fax (360) 786-1529, e-mail CodeRev.WA@leg.wa.gov.

K. Kyle Thiessen
 Code Reviser

WSR 05-21-070
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE

[Memorandum—October 12, 2005]

The board of trustees of Bates Technical College has rescheduled its regularly scheduled meeting of October 19, 2005, to October 26, 2005, at our South Campus Cafeteria at

Bates Technical College, 2201 South 78th Street, Tacoma, WA 98409. The meeting will begin at 3:00 p.m.

WSR 05-21-071
RULES OF COURT
STATE SUPREME COURT

[October 12, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO ARLJ 12) NO. 25700-A-833

The District and Municipal Judges' Association having recommended the adoption of the proposed amendment to ARLJ 12, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

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

DATED at Olympia, Washington this 12th day of October 2005.

Alexander, C.J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Sanders, J.

Fairhurst, J.

Bridge, J.

J. M. Johnson, J.

ADMINISTRATIVE RULES FOR COURTS OF LIMITED JURISDICTION (ARLJ)

RULE 12. REGISTRATION BY COURTS OF LIMITED JURISDICTION

(1) All courts of limited jurisdiction shall register with the Administrative Office of the Courts. The registration shall include the name of the court, address, telephone number and the names of judicial officers and the court clerk or administrator. The registration shall include the days of the week and the hours the court is open for business to the public. The official registration must be updated annually by each court on or before July 1 and also within 30 days from the date of any changes in the information previously supplied to the Administrative Office of the Courts.

(2) The failure of a court to register as required by this rule shall not affect in any way the power or authority of a court.

WSR 05-21-072
RULES OF COURT
STATE SUPREME COURT

[October 12, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO APR 11) NO. 25700-A-834
REGULATION 104 AND 106)

The Washington State Bar Association having recommended the adoption of the proposed amendments to APR 11 Regulation 104 and 106, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

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

DATED at Olympia, Washington this 12th day of October 2005.

Alexander, C.J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Fairhurst, J.

Bridge, J.

J. M. Johnson, J.

AMENDMENTS

REGULATIONS OF THE WASHINGTON STATE BOARD OF CONTINUING LEGAL EDUCATION

REGULATION 104. STANDARDS FOR APPROVAL

- (a) Basis for Approval of Courses. [No change]
(b) Basis for Approval of Activities. [No change]
(c) Examples of Courses or Activities That May Qualify for Credit.

(1) [No change]

(2) [No change]

(3) [No change]

(4) CLE credit will be given for attending law school courses, including courses offered at the J.D. or advanced education levels based upon the actual hours of attendance. Applicants need not take exams to qualify for credit, but must otherwise comply with the applicable regulations of the law school or university involved. Credit for teaching law school courses by full-time teachers will not qualify for credit. However, for the first preparation leading to the teaching of a specific law school course by an adjunct (not a full-time) professor, credit will be given on the basis of ten hours of preparation credit for each hour of preparation presentation time, and one credit will be given for each hour of class presenta-

tion time to a maximum of 15 credit hours of presentation time each year.

(5) [No change]

(6) [No change]

(d) The Following Activities Will Not Qualify for Credit. [No change]

(e) Private Law Firm, Legal Department, and Government Agency Education.

In addition to compliance with the requirements of Regulation 104(a) and the limitations described below, courses presented by Private Law Firms ("Law Firms"), in-house Legal Departments ("Legal Department"), and federal, state, local, and military agencies and organizations ("Government Agencies") courses may be approved for credit under the provisions of APR 11 on the following bases:

(1) Approval of such courses may be granted only on a case by case basis. Accredited Sponsor status (as set forth in Regulation 106) will not be available for private Law Firm, Legal Department, or Government Agency sponsors (herein collectively "Private Legal Sponsors"). The CLE Board may, however, consider the sponsoring organization's experience in presenting similar programs.

(i) If a Private Legal Sponsor contracts with an outside CLE provider to present a CLE, then the Private Legal Sponsor must register as the sponsor of the CLE program. The outside CLE provider is not the sponsor in this situation.

(ii) Nothing herein, however, shall be construed to prohibit or discourage Private Legal Sponsors from contracting with CLE providers to provide training, nor shall a CLE sponsor lose its accredited status because it provides courses or training to Private Legal Sponsors.

(2) All information called for by Form 1, including a A complete course schedule with time allocations, must be submitted at least thirty (30) days prior to the date scheduled for the class in advance. High quality written materials are required and should be distributed to all attendees at or before the time the course is presented. A critique form or evaluation sheet and an attendance sheet, which attendees will complete, must be submitted to the CLE Board within 30 days after the program.

(3) The course must be attended by five (5) or more lawyers admitted to any Bar Association, excluding the instructors.

(4) Private law firm e Courses sponsored by Private Legal Sponsors may shall be open or closed to non-members of the Private Legal Sponsor law firm provided that notice of such courses shall be published on the WSBA's MCLE web page there is space available.

(5) Marketing of the Private Legal Sponsor law firm in any manner is not permitted including but not limited to the display of brochures, pamphlets, or other Private Legal Sponsor firm advertising. Approval for credit may be denied or withdrawn if the program material is presented in such a way that it is necessary for a particular firm to be retained or associated in order to adequately handle the type of matter being discussed. Persons or organizations may not state or imply that the WSBA or the CLE Board approves or endorses any person or organization.

(6) No course provided by a Private Legal Sponsor shall focus directly or indirectly on to a pending case, action or matter being handled by the Private Legal Sponsor.

(7) Additional regulations pertaining to Law Firms:

(i) No course provided by a Law Firm shall be paid for or in any way underwritten in whole or part, directly or indirectly by a client or prospective or former client of the Law Firm.

(ii) Members shall be entitled to a maximum of fifteen (15) credit hours in any reporting period for courses provided by a Law Firm.

(8) Additional regulation pertaining to Legal Departments — Members shall be entitled to a maximum of fifteen (15) credit hours in any reporting period for courses provided by a Legal Department.

(9) Additional regulation pertaining to Government Agencies — If a course is closed, any written materials need to be made available to any inquirer.

~~(f) Governmental Agencies. — In addition to compliance with the requirements of Regulation 104(a) and the limitations described below, the courses of federal, state, local, and military agencies or organizations may be approved for credit under the provisions of APR 11 on the following bases:~~

~~(1) Approval of such courses may be granted only on a case by case basis. Accredited sponsor status (as set forth in Regulation 106) will not be available for governmental agencies. The Board may, however, consider the sponsoring organization's experience in presenting similar programs.~~

~~(2) A complete course schedule with time allocations must be submitted in advance. High quality written materials are required and should be distributed to all attendees at or before the time the course is presented. A critique form or evaluation sheet and an attendance sheet which attendees will complete must be submitted to the CLE Board within 30 days after the program.~~

~~(3) The course must be attended by five (5) or more lawyers admitted to any Bar Association, excluding the instructors.~~

~~(4) Governmental agency courses may be open or closed to nonmembers of the governmental agency or organization, provided that notice of them will be published on the WSBA web page, and that any written materials are available to any inquirer.~~

AMENDMENTS

REGULATIONS OF THE WASHINGTON STATE BOARD OF CONTINUING LEGAL EDUCATION REGULATION 106. ACCREDITATION OF SPONSORING ORGANIZATIONS

(a) The CLE Board may extend approval to a sponsoring organization for all of the continuing legal education activities sponsored by such organization which conform to Regulation 104. A sponsoring agency to which such general approval has been extended shall be known as an "accredited sponsor".

(b) A sponsoring organization desiring to apply for status as an accredited sponsor shall submit to the CLE Board all information called for in the form required by the Board. Accreditation shall be granted or denied in accordance with the provisions of Regulation 108. A primary consideration in the evaluation of such a request for status as an accredited

sponsor shall be the previous experience of the organization in sponsoring and presenting continuing legal education activities. A reasonable fee may be assessed by the CLE Board, with approval of the Board of Governors, with regard to the application. A private law firm shall not qualify for accredited sponsor status.

(c) Once a sponsoring organization has been granted the status of an accredited sponsor, it is not required to seek approval for individual educational activities sponsored while an accredited sponsor. Accredited sponsors ~~¶~~

(i) ~~s~~ Shall be responsible for calculating the number of credit hours to be awarded.

(i) ~~and~~ Shall be responsible for reporting those determinations to the CLE Board prior to the event in such manner as the CLE Board determines.

(iii) ~~Accredited sponsors~~ Are entitled to include in any materials which promote such activity, language that indicates the activity has been approved for Washington State MCLE credit in the amount of ___ hours (of which ___ hours will apply to ethics credit requirements).

(d) The CLE Board may set fees and fines and penalties for failure to comply with accredited sponsor reporting requirements, including revocation of the accredited sponsor status.

~~(e)~~ A sponsoring organization which has been granted the status of an accredited sponsor shall, except as otherwise provided in this Regulation 106, continue to be subject to and governed by all provisions of APR 11 and these Regulations.

(f e) A sponsoring organization which has been granted the status of accredited sponsor shall provide the CLE Board at least yearly with a list of all its course offerings, identifying the number attorneys and non-attorneys attending each program, and such additional information as the CLE Board may require. The sponsoring organization shall also solicit critiques or evaluations from participants at each program, retain copies, and provide them to the CLE Board upon request. The CLE Board may, upon review of such information, advise the organization that its manner of compliance is improper, and may terminate the organization's status as an accredited sponsor for future offerings.

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

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

**WSR 05-21-073
RULES OF COURT
STATE SUPREME COURT**

[October 12, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO APR 5 AND) NO. 25700-A-835
APR 18)

The Washington State Bar Association having recommended the adoption of the proposed amendments to APR 5 and APR 18, and the Court having considered the amendments and comments submitted thereto, and having deter-

mined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective June 1, 2006.

DATED at Olympia, Washington this 12th day of October 2005.

	<u>Alexander, C.J.</u>
<u>C. Johnson, J.</u>	<u>Chambers, J.</u>
<u>Madsen, J.</u>	<u>Owens, J.</u>
	<u>Fairhurst, J.</u>
<u>Bridge, J.</u>	

APR 5

RECOMMENDATION FOR ADMISSION; ORDER ADMITTING TO PRACTICE; PAYMENT OF MEMBERSHIP FEE; OATH OF ATTORNEY; RESIDENT AGENT

(a) Recommendation for Admission. The Board of Governors shall recommend to the Supreme Court the admission or rejection of each applicant who has passed the bar examination and who has complied with the preadmission education requirement set forth in this rule. A recommendation for admission shall be based upon the Board of Governors determination, after investigation, that the applicant appears to be of good moral character and in all respects qualified to engage in the practice of law. All recommendations of the Board of Governors shall be accompanied by the applicant's application for examination and any other documents deemed pertinent by the Board of Governors or requested by the Supreme Court. The recommendation and all accompanying documents and papers shall be kept by the Clerk of the Supreme Court in a separate file which shall not be a public record.

(b) Preadmission Education Requirement. Before an applicant who has passed the bar examination, or who qualifies for admission without passing the bar examination, may be admitted, the applicant must complete a minimum of 4 hours education in a curriculum and under circumstances approved by the Board of Governors. These courses will be offered at no cost to the applicant.

~~(b)~~ (c) Order Admitting to Practice. After examining the recommendation and accompanying papers transmitted by the Board of Governors, the Supreme Court may enter such order in each case as it deems advisable. For those applicants it deems qualified, the Supreme Court shall enter an order admitting them to the practice of law, conditioned upon such applicants:

(1) Taking and filing with the Clerk of the Supreme Court the Oath of Attorney within 1 year from the date the bar examination results are made public, except for good cause shown; and

(2) Paying to the Bar Association its membership fee for the current year; and

(3) Designating a resident agent if required to do so by section (e).

(e) (d) Oath of Attorney. The Oath of Attorney must be taken before a judge elected or appointed to an elected position, sitting in open court, in the state of Washington. In the event a successful applicant is outside the state of Washington and the Chief Justice is satisfied that it is impossible or impractical for the applicant to take the oath before a judge elected or appointed to an elected position in this state, the Chief Justice may, upon proper application setting forth all the circumstances, designate a person authorized by law to administer oaths, before whom the applicant may appear and take said oath.

(e) (e) Contents of Oath. The oath which all applicants shall take is as follows:

OATH OF ATTORNEY

State of Washington, County of _____ ss.
I, _____, do solemnly declare:

1. I am fully subject to the laws of the State of Washington and the laws of the United States and will abide by the same.

2. I will support the constitution of the State of Washington and the constitution of the United States.

3. I will abide by the Rules of Professional Conduct approved by the Supreme Court of the State of Washington.

4. I will maintain the respect due to the courts of justice and judicial officers.

5. I will not counsel, or maintain any suit, or proceeding, which shall appear to me to be unjust, or any defense except as I believe to be honestly debatable under the law, unless it is in defense of a person charged with a public offense. I will employ for the purpose of maintaining the causes confided to me only those means consistent with truth and honor. I will never seek to mislead the judge or jury by any artifice or false statement.

6. I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with the business of my client unless this compensation is from or with the knowledge and approval of the client or with the approval of the court.

7. I will abstain from all offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged.

8. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.

(signature)

SUBSCRIBED AND SWORN TO before me this ____ day of _____, 1920.

Judge

(e) (f) Nonresident Lawyers; Resident Agent. There shall be no requirement that an applicant or a member of the Bar Association be a resident or a bona fide resident in the state of Washington. Every active member of the Bar Association who does not live or maintain an office in the state of Washington shall file with the Bar Association the name and address of an agent within this state for the purpose of receiving service of process or of any other document required or permitted by statute or court rule to be served or delivered to a resident lawyer. Service or delivery to such agent shall be deemed service upon or delivery to the lawyer.

APR 18

ADMISSION OF LAWYERS LICENSED IN OTHER STATES OR TERRITORIES OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA TO PRACTICE LAW IN WASHINGTON

(a) Purpose. This rule prescribes the procedure, conditions, and limitations for admission of lawyers from other states or territories of the United States or the District of Columbia, except as provided in rule 3. Lawyers from other states or territories or the District of Columbia will be admitted in Washington pursuant to this rule under procedures and conditions that, in the judgment of the Washington State Supreme Court, are substantially similar to the procedures and conditions under which the other licensing state or territory or the District of Columbia allows the admission of licensed Washington lawyers to their states.

(b) Qualifications. Before a lawyer licensed to practice law in another state or territory of the United States or the District of Columbia qualifies for admission to the practice of law in the State of Washington, the lawyer must:

(1) Present satisfactory proof of both admission to the practice of law, together with current good standing, in another state or territory of the United States or the District of Columbia, and active legal experience as a lawyer or counselor at law at the time of the application;

(2) Possess the good moral character and fitness requisite for a member of the Bar of the State of Washington;

(3) Execute under oath and file with the Bar Association two copies of an application in such form as may be required by the Board of Governors; and

(4) File with the application a certificate from the authority in such other state or territory or the District of Columbia having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice, and the date thereof, and as to the good standing of such lawyer or counselor at law or the equivalent; and

(5) Provide with the application such other evidence of the applicant's educational and professional qualifications, good moral character and fitness and compliance with the requirements of this rule as the Board of Governors may require; and

(6) Establish to the satisfaction of the Board of Governors that the state or territory or the District of Columbia that licensed the lawyer applicant allows the admission of licensed Washington lawyers under terms and conditions substantially similar to those set forth in these rules, provided that if the state or territory or the District of Columbia that licensed the lawyer applicant requires Washington lawyers to complete or meet other conditions or requirements, the appli-

cant must meet a substantially similar requirement for admission in Washington; and

(7) Pay upon the filing of the application the fee established for such admission which shall be at least equal to that required pursuant to rule 3(d)(2) to be paid by a lawyer applicant to take the bar examination.

(c) Procedure.

(1) The Board of Governors shall approve or disapprove applications for admission of lawyers admitted to the practice of law in other states or territories of the United States or the District of Columbia. The Board may require additional proof of any facts stated in the application. In the event of the failure or refusal of the applicant to furnish any information or proof, or to answer any inquiry of the Board pertinent to the pending application, the Board may deny the application. Upon approval of the application by the Board of Governors, the Board shall recommend to the Supreme Court the admission of the applicant for the purposes herein stated. The Supreme Court may enter an order admitting to practice those applicants it deems qualified, conditioned upon such applicant:

(i) Completing a minimum of 4 hours approved preadmission education pursuant to rule 5(b); and

(ii) Taking and filing with the Clerk of the Supreme Court the Oath of Attorney pursuant to rule 5; and

(iii) Paying to the Bar Association its membership fee for the current year in the maximum amount required of active members; and

(iv) Filing with the Bar Association in writing his or her address in the State of Washington, together with a statement that the applicant has read the Rules of Professional Conduct and Rules for Enforcement of Lawyer Conduct, is familiar with their contents and agrees to abide by them.

(2) Upon the entry of an order of admission, the filing of the required materials and payment of the membership fee, the applicant shall be admitted to the practice of law in the State of Washington as specified by this rule.

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

WSR 05-21-083
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—October 12, 2005]

The board of directors of the Washington State Convention and Trade Center approved the following meeting date revision at the September 27, 2005, board meeting.

November 15, 2005
January 24, 2006 (revised date, had
been January 17, 2006)
March 21, 2006
May 16, 2006

All dates are on a Tuesday, and the meetings are scheduled to begin at 2:00 p.m. Meeting rooms are not noted

because the location may be changed on short notice, as event needs dictate.

WSR 05-21-084
NOTICE OF PUBLIC MEETINGS
HORSE RACING COMMISSION

[Memorandum—October 14, 2005]

The meeting scheduled for December 8, 2005, at 9:30 a.m. in Auburn, Washington, has been rescheduled. The meeting is to be held the following Wednesday, December 14, 2005, at the Auburn City Council Chambers and will begin at 9:30 a.m.

WSR 05-21-085
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE

(Fryer Commission)

[Memorandum—October 17, 2005]

The meeting date of November 15, 2005, for the quarterly board meeting of the Washington Fryer Commission has been changed to November 8, 2005. The meeting will be held at the Renton Community Center, 1715 Maple Valley Highway, Classroom B, Renton, WA.

Any questions you may have can be addressed to JoAnne Naganawa/WA Fryer Commission at (425) 226-6125 or e-mail joanne@cluckcluck.org.

WSR 05-21-090
NOTICE OF PUBLIC MEETINGS
WASHINGTON SCHOOL
FOR THE DEAF

[Memorandum—October 13, 2005]

The Washington School for the Deaf (WSD) board of trustees' meeting, scheduled for Thursday, October 20, 2005, will begin at 8:00 a.m. rather than 9:00 a.m. for this meeting only.

WSR 05-21-092
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Memorandum—October 17, 2005]

Following is a **revised** 2005 Public Employees Benefits Board (PEBB) meeting.

Please contact Lynn Kennedy at (360) 923-2829, if you have any questions regarding the meeting schedule or need further information.

**2005 PEBB Board Meeting Schedule
Revised Schedule**

TDD (360) 753-9122, fax (360) 586-3274, e-mail jkildahl@dshs.wa.gov.

October 11, 2005

Jeff Kildahl

1.	March 8, 2005 1:30-4:30 p.m. Location: Lacey Community Center 6729 Pacific Avenue S.E. Lacey, WA
2.	April 12, 2005 TELEPHONE 1:30-2:30 p.m. Location: Health Care Authority 676 Woodland Square Loop S.E. Lacey, WA
3.	May 17, 2005 2:00-4:30 p.m. Location: Prime Hotel 18118 International Boulevard SeaTac, WA
4.	August 16, 2005 (via telephone) 1:00-2:00 p.m. Location: Health Care Authority Center Confer- ence Room 676 Woodland Square Loop S.E. Lacey, WA
5.	November 22, 2005 (via telephone) CANCELLED 1:30-4:30 p.m.
6.	November 17, 2005 10:00 a.m.-12:00 p.m. Location: Health Care Authority 676 Woodland Square Loop S.E. Lacey, WA

WSR 05-21-107

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

[Memorandum—October 17, 2005]

State Board of Education Special Meeting

Wednesday, October 19, 2005

10:00 a.m.

State Board of Education Office

Room 253

Old Capitol Building

600 Washington Street S.E.

Olympia, WA 98504

Topic: A conference call meeting to discuss supplemental operating and capital budget requests. This meeting is open to the public.

Contact Larry Davis, Executive Director, (360) 725-6025. The meeting has been posted on our web site www.sbe.wa.gov and send [sent] to media organizations.

WSR 05-21-121

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed October 19, 2005, 8:48 a.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Position Statement on Intravenous Therapy by Licensed Practical Nurses.

Issuing Entity: Nursing Care Quality Assurance Commission.

Subject Matter: Scope of practice as it relates to licensed practical nurses.

Description: This position statement gives guidance for nurses, other healthcare providers, and administrators who interact with licensed practical nurse practice, as it relates to intravenous therapy.

Effective Date: September 22, 2005.

Contact Person: Chuck Cumiskey RN, BSN MBA, Nurse Practice Manager, Health Professions Quality Assurance Section #6, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4725, Chuck.cumiskey@doh.wa.gov.

WSR 05-21-097

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed October 18, 2005, 1:37 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 05-008 Tips and Wage Withholding.

Subject: Tips and wage withholding.

Effective Date: October 3, 2005.

Document Description: This notice explains to Division of Child Support (DCS) staff that DCS will now require employers to include an employee's tips in determining the employee's gross earnings and in the amount the employer should withhold and send to DCS.

To receive a copy of the interpretive or policy statement, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278,

WSR 05-21-122
POLICY STATEMENT
DEPARTMENT OF HEALTH
 [Filed October 19, 2005, 8:50 a.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Guidelines on Retention of Medical Records When Closing a Practice.

Issuing Entity: Medical Quality Assurance Commission.

Description: A physician continues to have an obligation to patients before, during, and after the closing of the physician's practice. A physician may not abandon a patient or abruptly withdraw from the care of a patient, except in cases of death or other incapacity of the physician. A physician should also make reasonable provisions for continued care of patients and maintenance or transfer of their records in the event of the physician's unanticipated death or incapacity.

A physician should give a ninety-day written notice to patients prior to the closing of the physician's practice to allow the patients to secure other care. The transition of care should be done with minimal disruption to the patient's care. When a physician leaves a group or hospital practice, the patients of the physician must be notified. Patient records and x-rays must be retained for five year from the date of a patient's death, ten years from the date of a patient's last visit, prescription refill, telephone contact, test or other patient contact, twenty-one years from the date of a minor patient's birth, or indefinitely if the patient is incompetent, if the physician is aware of any problems with a patient's care, or has any reason to believe the patient may be involved in litigation.

Effective Date: July 8, 2005.

Contact Person: Beverly Thomas, Program Manager, Health Professions Quality Assurance, Department of Health, P.O. Box 47866, Olympia, WA 98504-7866, (360) 236-4788.

WSR 05-21-129
NOTICE OF PUBLIC MEETINGS
RENTON TECHNICAL COLLEGE

[Memorandum—October 17, 2005]

Pursuant to RCW 42.30.075, please be advised that the Renton Technical College board of trustees' regular meetings during 2005 will be held as follows:

The second Tuesday of each month except for the months of July and August. Meetings will be held at 8:00 a.m. in the Board Room, Roberts Campus Center, Room 202, Renton Technical College, 3000 Northeast Fourth Street, Renton, WA 98056-4195.

- January 11, 2005
- February 8, 2005
- March 8, 2005
- April 12, 2005
- May 10, 2005

- June 14, 2005
- July/August - No regular meetings
- September 13, 2005
- October 11, 2005
- November 8, 2005
- ~~December 13, 2005~~ December 6, 2005

If you need further information, please contact Karen DeBruyn at (425) 235-2426.

WSR 05-21-130
PUBLIC RECORDS OFFICER
COMMISSION ON
HISPANIC AFFAIRS

[Filed October 19, 2005, 9:04 a.m.]

Alicia Luna has been designated as the public records officer for the Commission on Hispanic Affairs.

Uriel Iniguez
 Executive Director

WSR 05-21-131
RULES COORDINATOR
COMMISSION ON
HISPANIC AFFAIRS

[Filed October 19, 2005, 9:04 a.m.]

Uriel Iniguez is designated as the rules coordinated for the Commission on Hispanic Affairs.

Please call Uriel Iniguez on (360) 725-5661 or e-mail uiniguez@cha.wa.gov if you have any questions/concerns.

Uriel Iniguez
 Executive Director

WSR 05-21-132
NOTICE OF PUBLIC MEETINGS
HORSE RACING COMMISSION

[Memorandum—October 18, 2005]

Following is the adopted meeting schedule for the Washington Horse Racing Commission for 2006. The commission adopted these dates at their meeting on October 13, 2005.

WASHINGTON HORSE RACING COMMISSION
 2006 MEETING DATES

DATE	TOPIC	LOCATION
Thursday, January 12		9:30 a.m. Auburn City Council Chambers 25 West Main Auburn, WA

DATE	TOPIC	LOCATION
Thursday, March 9		9:30 a.m. Auburn City Council Chambers 25 West Main Auburn, WA
Friday, April 7		Kennewick, Washington
Thursday, May 11	Equine Health Report	Auburn, Washington
Thursday, June 8		Auburn, Washington
Thursday, July 13		Auburn, Washington
Thursday, August 10	Class C Fall Officials	Auburn, Washington
Thursday, September 14		Auburn, Washington
Thursday, October 12	Commission Meeting Dates 2007	Auburn, Washington
Thursday, November 9		Auburn, Washington
Thursday, December 14	Class A Race Dates	Auburn, Washington

campus. The time will be 2:00 p.m., Room A-12, Peninsula College board room.

WSR 05-21-139
DEPARTMENT OF ECOLOGY
[Filed October 19, 2005, 10:42 a.m.]

**Announcement of Issuance of General Permit
for Boatyards**

Introduction: On November 1, 2005, Washington State Department of Ecology (ecology) reissued the boatyard general permit, a national pollutant discharge elimination system (NPDES) and state waste discharge general permit for boatyards in Washington state. This permit will take effect on December 2, 2005. The permit implements the Federal Clean Water Act and State Water Pollution Control Act. The purpose of the permit is to control the discharge of pollutants from boatyards into waters of the state.

Boatyards conducting the following activities are required to obtain coverage under this permit: Pressure washing of boat hulls; bottom and top side painting; engine, prop, shaft, and rudder repair and replacement; hull repair, joinery, bilge cleaning; fuel and lubrication system repair or replacement; welding and grinding on the hull; buffing and waxing; top-side cleaning; MSD (marine sanitation device) repair or replacement, and other activities necessary to maintain a vessel.

Summary of Public Involvement Process: On May 18, 2005, ecology published a public announcement of draft permit in the Washington State Register (WSR 05-10-105), Olympia Olympian, the Aberdeen Daily World, Seattle Daily Journal of Commerce, and the Bellingham Herald. An announcement was also made available on ecology's web site. Public workshops and hearings on the draft permit were held in Olympia on June 21, 2005, and in Everett on June 22, 2005. The public comment period closed June 27, 2005.

Ecology has prepared a *Response to Comments*, which is included in the fact sheet for the boatyard general permit (Appendix G). It includes ecology's response to all the written comments submitted during the public comment period and notes those changes made to the draft permit. It is available from ecology's boatyard web site, <http://www.ecy.wa.gov/programs/wq/permits/boatyard/index.html>, or by request to the addresses listed below.

Summary of Significant Changes to the Draft Permit as a Result of Public Comment:

- Allowance for minor (25%) topside work to be completed at float.
- Compliance schedule for vacuum sanding BMP removed.
- Conditionally approved nonstormwater discharges require monitoring and best management practices.

Permit Coverage: Those facilities that have coverage under the current permit, and have submitted their renewal application for the permit, will continue to have coverage under the revised permit unless otherwise notified by ecology. New or unpermitted facilities seeking permit coverage should request an application for coverage from the ecology

WSR 05-21-135
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
[Memorandum—October 19, 2005]

Pursuant to RCW 42.30.075, following is the 2006 schedule of regular meetings of Western Washington University's board of trustees.

Western Washington University's board of trustees, at their October 7, 2005, board meeting, approved the following schedule of regular meetings for 2006.

February 3, 2006
April 14, 2006
June 9, 2006
August 11, 2006
October 6, 2006
December 8 or 15, 2006

Any questions regarding the meeting schedule can be directed to Suzanne Baker, Assistant Secretary to the Board, at (360) 650-3117.

WSR 05-21-136
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
[Memorandum—October 14, 2005]

Notice of Revision to Peninsula College Board Meetings

The board of trustees of Peninsula College voted to cancel the regular November 8, 2005, board meeting and will reschedule it for December 6, 2005, at the Port Angeles main

regional office serving their site location. Boatyards conducting the activities as described will be approved for coverage under this permit upon application unless reasons are provided to ecology to deny coverage.

Anyone with knowledge of why a specific facility should or should not receive coverage under this general permit may contact the ecology regional office appropriate for the location of the facility.

A list of the boatyards covered under the existing permit is given in the permit fact sheet, Appendix G.

Application Process: Application is by submitting a completed application form to the appropriate Department of Ecology regional office and completing the public notice requirements. The application and public notice process is available at the web site address given above or from the Ecology Regional Office given below.

Appeal Procedures: Pursuant to chapter 43.21B RCW the terms and conditions of the permit may be appealed within thirty days of receipt. An appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. In addition, a copy of this appeal must be served on the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. The procedures and requirements for the appeal process are contained in RCW 43.21B.-310.

The terms and conditions of a general permit, as they apply to an individual discharger, are appealable within thirty days of the effective date of coverage of that discharger, in accordance with chapter 43.21B RCW. This appeal is limited to the general permit's applicability or nonapplicability to a specific discharger.

To Obtain Additional Information: Gary Bailey, Water Quality Program, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6433, fax (360) 407-6426, e-mail gbai461@ecy.wa.gov.

To Apply for Permit Coverage or Obtain Additional Information:

Southwest Regional Office	Northwest Regional Office
Water Quality Program	Water Quality Program
P.O. Box 47775	3190 160th Avenue S.E.
Olympia, WA 98504-7775	Bellevue, WA 98008-5452
phone (360) 407-6280	phone (425) 649-7201
Central Regional Office	Eastern Regional Office
Water Quality Program	Water Quality Program
15 West Yakima Avenue	North 4601 Monroe
Suite 200	Suite 202
Yakima, WA 98902-3401	Spokane, WA 99205-1295
phone (509) 454-7869	phone (509) 456-6310

If you need this information in an alternate format, please contact ecology at (360) 407-6404. If you are a person with a speech or hearing impairment, call 711 or 1-800-833-6388 for TTY.

