

WSR 08-22-004

**NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE**

[Filed October 24, 2008, 7:24 a.m.]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regularly scheduled November board meeting on Tuesday, November 4, 2008, at 2:00 p.m. on the campus of Whatcom Community College, Laidlaw Building Boardroom #143, 237 West Kellogg Road, Bellingham, WA 98226. Board of trustees meetings are open to the public.

WSR 08-22-007

**NOTICE OF PUBLIC MEETINGS
CLOVER PARK
TECHNICAL COLLEGE**

[Filed October 24, 2008, 4:01 p.m.]

Clover Park Technical College has a change in our meeting schedule for December 2008.

There will be a regular study session at 3 p.m. in the Boardroom, Building 15, just prior to the regular board of trustees meeting at 4 p.m. This change will be announced in the revised November meeting schedule.

If you need any other information, please contact Cherie Steele at (253) 589-6010.

WSR 08-22-008

**NOTICE OF PUBLIC MEETINGS
BELLEVUE COMMUNITY COLLEGE**

[Filed October 24, 2008, 4:01 p.m.]

The 2008 meetings of the board of trustees of Community College District VIII will be held at 12:30 p.m. in the Board Room (B201), Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA on the following dates:

- Wednesday, January 28
- Wednesday, March 4
- Wednesday, May 20
- Wednesday, June 10
- Wednesday, June 17
(tentative, pending budget process needs)
- Wednesday, September 9
- Wednesday, October 14
- Wednesday, November 11

WSR 08-22-009

**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**

[Filed October 24, 2008, 4:02 p.m.]

The Eastern Washington University board of trustees has approved a date change for the previously scheduled December 2008 board meetings (the date change was adopted at the September 12, 2008, meeting of the board).

The EWU board of trustees will meet on December 2, 2008, rather than the previously publicized December 5, 2008.

- The open board of trustees meeting will take place at 3:00 p.m. in Tawanka 215 B & C on December 2, 2008.
- Executive session will take place at 11:35 a.m. on December 2, 2008, in PUB 267.
- Committee meetings will be held in the morning and early afternoon prior to the open board meeting.

If you have questions concerning this change, please contact Julie Thayer at (509) 359-4648.

WSR 08-22-011

**INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed October 24, 2008, 4:22 p.m.]

In accordance with RCW 34.05.230(12), following are the policy and interpretive statements issued by the department regarding the specialty compliance services division.

If you have any questions or need additional information please call Josh Swanson at (360) 902-6805.

Specialty Compliance Services: Employment Standards

New Policy ES.A.8.3, Process Protocols For Reasonably Equivalent Overtime Compensation Plans For Truck & Bus Drivers

Companies may voluntarily submit to L&I for its review under RCW 49.46.130 (2)(f) and WAC 296-128-011 and 296-128-012 a compensation system for truck and bus drivers subject to the Federal Motor Carrier Act that includes overtime pay for hours over forty per workweek and is reasonably equivalent to traditional overtime. These protocols, which are based on L&I's general historical practices, describe processes for employers' submission and L&I's evaluation of nonhourly compensation systems for truck and bus drivers.

Contact Janis Kerns, Industrial Relations Specialist, P.O. Box 44510, Olympia, WA 98504-4510, phone (360) 902-5552, e-mail kerj235@lni.wa.gov.

Josh Swanson

WSR 08-22-017
NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed October 27, 2008, 8:02 a.m.]

Below are the 2009 meeting dates for the Washington state criminal justice training commission (WSCJTC). All of the meetings will be held at the WSCJTC located at 19010 1st Avenue South, Burien, WA 98148.

Date	Time	Location
Wednesday, March 11, 2009	10:00 a.m.	Room E-154
Wednesday, June 10, 2009	10:00 a.m.	Room E-154
Wednesday, September 9, 2009	10:00 a.m.	Room E-154
Wednesday, December 9, 2009	10:00 a.m.	Room E-154

If you have questions, please call Sonja Hirsch at (206) 835-7372.

WSR 08-22-022
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Filed October 28, 2008, 9:50 a.m.]

The Eastern Washington University board of trustees' meeting schedule for 2009 (adopted at the September 12, 2008, meeting of the board) is as follows:

Friday, February 27	12:30 p.m.	Tawanka 215 B&C
Board Committee of the Whole		
Friday, May 15	12:30 p.m.	Tawanka 215 B&C
Friday, May 15	1:30 p.m.	Tawanka 215 B&C
Board of Trustees Retreat		
June 24 and 25		
Thursday, June 25	3:30 p.m.	Tawanka 215 B&C
Friday, September 11	12:30 p.m.	Tawanka 215 B&C
Friday, December 4	12:30 p.m.	Tawanka 215 B&C

Committee meetings will be held the afternoon prior to and the morning of the board meetings. Committees will not meet in June.

Executive session will be held from approximately 11:30 a.m. - 12:30 p.m. on the day of the board meetings.

If you have questions concerning this schedule, please contact Julie Thayer at (509) 359-4648.

WSR 08-22-030
RULES OF COURT
STATE SUPREME COURT
 [October 28, 2008]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENT TO APR 11.2) NO. 25700-A-903
 (A)(6)-EDUCATION REQUIREMENT-)
 MINIMUM REQUIREMENT AND APR)
 11 REGULATION 102)

The Court previously adopted, with revisions, the Washington State Bar Association's recommended amendments to APR 11.2 (a)(6)-Education Requirement-Minimum Requirement and APR 11 Regulation 102 on June 6, 2008.

The Court was, thereafter, asked to reconsider the revisions to APR 11.2 (a)(6)-Education Requirement-Minimum Requirement and APR 11 Regulation 102 and has reconsidered and determined that APR 11.2 (a)(6)-Education Requirement-Minimum Requirement and APR 11 Regulation 102 as originally submitted by the Washington State Bar Association 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 January 1, 2009.

DATED at Olympia, Washington this 28th day of October, 2008.

Alexander, C. J.

C. Johnson, J.

Owens, J.

Madsen, J.

Fairhurst, J.

Sanders, J.

J.M. Johnson, J.

Chambers, J.

Stephens, J.

RULE 11.2
EDUCATIONAL REQUIREMENT

(a) **Minimum Requirement.** Each active member of the Bar Association, and other lawyers who are required by the APRs to complete continuing legal education credits, must complete a minimum of 45 credit hours of accredited legal education (as provided in APR 11.4) by December 31 of the last year of the lawyer's three-year reporting period as assigned by the Bar Association. Specific requirements are the following, and are described in Appendix APR 11 - Regulations of the Washington State Board of Mandatory Continuing Legal Education

(1) A lawyer may earn all of the required credit hours, and must earn at least half of the required credits, as live credits, as described in Regulation 103(b) of Appendix APR 11.

(2) A lawyer must earn a minimum of six of the required 45 credit hours of accredited legal education in the area of

ethics, as that is defined in Regulation 101(g) of Appendix APR 11.

(3) A lawyer may earn a maximum of one-half of the required credit hours for any reporting period through self-study, as defined in Regulation 103(h) of Appendix APR 11.

(4) A lawyer may earn a maximum of six credit hours annually through pro bono training and service carried out strictly in compliance with Regulation 103(f) of Appendix APR 11.

(5) A lawyer may earn a maximum of six of the required credit hours for any reporting period for participation in law school competitions, moot court, or mock trials programs, as described in Regulation 103(g) of Appendix APR 11.

~~(6) A lawyer may earn a maximum of one-half of the required credit hours for any reporting period through courses sponsored by private law firms, corporate law departments and government agencies.~~

(b) **New Admission.** Newly admitted members must complete 45 continuing legal education credits during the four full calendar years after the member's date of admission. Following the new admission period, the member shall complete 45 credits every three years as required by APR 11.2(a).

(c) **Carryover of excess earned credits.** If a member completes more than the required credits for any one reporting period, up to 15 of the excess credits may be carried forward and applied to that member's education requirement for the next reporting period. Of the 15 credit hours that may be carried forward to the next reporting period, pursuant to sections (a) and (b) of this rule:

(1) A maximum of two credit hours may be applied toward the ethics requirement; and

(2) A maximum of five credit hours may be applied to self-study credits.

~~Regulation 102. Continuing Legal Education Requirement~~

~~(a) As provided for in APR 11.2, each active member shall complete a minimum of 45 credit hours of approved legal education every three years. At least six of the 45 continuing legal education credit hours required during the reporting period shall be devoted exclusively to the areas of legal ethics, professionalism, or professional responsibility. If an active member completes more than 45 credits during a three-year reporting period, 15 of the excess credits may be carried forward and applied to that member's education requirement for the next reporting period. The fifteen credit hours that may be carried forward may include two credit hours toward the legal ethics, professionalism, or professional responsibility requirement.~~

~~(b) **Ethics/Professionalism Requirement.** As provided for in APR 11.2(e)~~

~~(c) All active members shall complete and report a minimum of six credit hours of approved or accredited legal ethics, professionalism, or professional responsibility continuing education for the reporting period terminating on December 31, 1998 and for each reporting period thereafter.~~

[Regulation 102 adopted effective July 26, 1995; amended effective May 2, 2000.]

Regulation 102. Standards for Approval and Accreditation. To be approved for credit, all courses must meet all of the following criteria, except where otherwise stated.

(a) A course must have significant intellectual or practical content relating to the practice of law or legal ethics. In determining whether courses have such content, the following factors should be considered:

(1) The topic, depth, and skill level of the material;

(2) The level of practical or academic experience or expertise of the presenters or faculty;

(3) The intended audience, which may include others besides lawyers;

(4) The written materials, which must be of high quality, in a hardcopy or electronic format, and distributed to all attendees at or before the course is presented. In some unusual cases, written materials may not be necessary, but that is the exception and not the rule; and,

(5) The physical setting, which must be suitable to the educational activity and free from unscheduled interruption.

(b) Any written, electronic, or presentation materials must be available for submission and review upon request by the MCLE Board. However, in the case of government-sponsored, closed seminars, where materials are subject by law to confidentiality rules or regulations, those portions of the materials subject to confidentiality may be redacted from the overall submission, provided that a list of the redacted materials, a general summary of the redacted materials, and the basis for confidentiality, is supplied.

(c) The course must be open to audit by the MCLE Board or its designees at no charge. However, this requirement may be waived in cases of government-sponsored, closed seminars if the reason stated on the Form 1, as required by Reg 104 (a)(3), is approved by the MCLE Board.

(d) The sponsor must keep accurate attendance records and retain them for six years. The sponsor must provide copies to the MCLE Board upon request. In addition, the sponsor must report attendance within 30 days of the end of the program as required by APR 11.6 (a)(1).

(e) The attendees must be provided with a critique form or evaluation sheet to complete. The completed forms, or a compilation of all numerical ratings and comments, must be retained by the sponsor for two years and copies must be provided to the MCLE Board upon request.

(f) There must be no marketing of any law firm or any company that provides goods or services to lawyers or law firms during the presentation of the program in the room where the program is being held.

(g) Aside from indicating that an activity has been accredited for the number and type of credits approved by the MCLE Board, people and organizations must not state or imply that the WSBA or the MCLE Board approves or endorses any person, law firm, or company providing goods or services to lawyers or law firms.

(h) A course must not focus directly on a pending case, action or matter currently being handled by the sponsor if the sponsor is a private law firm, corporate legal department, or a government agency.

(i) If the course is sponsored by a private law firm, no client, former client, or prospective client of the private law firm

may directly or indirectly pay for or underwrite the course, in whole or in part.

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.

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.

WSR 08-22-031
RULES OF COURT
STATE SUPREME COURT
[October 28, 2008]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO RPC 1.5-) NO. 25700-A-904
FEES AND RPC 1.15A-SAFEGUARDING)
PROPERTY)

The Washington State Bar Association having recommended the adoption of the proposed amendments to RPC 1.5-Fees and RPC 1.15A-Safeguarding Property, 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 28th day of October, 2008.

Alexander, C. J.
C. Johnson, J. Owens, J.
Madsen, J.
Sanders, J. J.M. Johnson, J.
Chambers, J. Stephens, J.

SUGGESTED AMENDMENT
RULES OF PROFESSIONAL CONDUCT (RPC)
RULE 1.5 FEES

(a)-(e) [Unchanged.]

(f) Fees and expenses paid in advance of performance of services shall comply with Rule 1.15A, subject to the following exceptions:

(1) A lawyer may charge a retainer, which is a fee that a client pays to a lawyer to be available to the client during a specified period or on a specified matter, in addition to and apart from any compensation for legal services performed. A retainer must be agreed to in a writing signed by the client. Unless otherwise agreed, a retainer is the lawyer's property

on receipt and shall not be placed in the lawyer's trust account.

(2) A lawyer may charge a flat fee for specified legal services, which constitutes complete payment for those services and is paid in whole or in part in advance of the lawyer providing the services. If agreed to in advance in a writing signed by the client, a flat fee is the lawyer's property on receipt, in which case the fee shall not be deposited into a trust account under Rule 1.15A. The written fee agreement shall, in a manner that can easily be understood by the client, include the following: (i) the scope of the services to be provided; (ii) the total amount of the fee and the terms of payment; (iii) that the fee is the lawyer's property immediately on receipt and will not be placed into a trust account; (iv) that the fee agreement does not alter the client's right to terminate the client-lawyer relationship; and (v) that the client may be entitled to a refund of a portion of the fee if the agreed-upon legal services have not been completed. A statement in substantially the following form satisfies this requirement:

[Lawyer/law firm] agrees to provide, for a flat fee of \$_____, the following services:_____
The flat fee shall be paid as follows:_____

Upon [lawyer's/law firm's] receipt of all or any portion of the flat fee, the funds are the property of [lawyer/law firm] and will not be placed in a trust account. The fact that you have paid your fee in advance does not affect your right to terminate the client-lawyer relationship. In the event our relationship is terminated before the agreed-upon legal services have been completed, you may or may not have a right to a refund of a portion of the fee.

(3) In the event of a dispute relating to a fee under paragraph (f)(1) or (f)(2) of this Rule. The lawyer shall take reasonable and prompt action to resolve the dispute.

Comment

[1] - [9] [Unchanged.]

Additional Washington Comments (10-148)

Reasonableness of Fee and Expenses

[10] Every fee agreed to, charged, or collected, including a fee denominated as "nonrefundable" or "earned upon receipt" that is a lawyer's property on receipt under paragraph (f)(1) or (f)(2), is subject to Rule 1.5(a) and may not be unreasonable.

[11] Under paragraph (a)(9), one factor in determining whether a fee is reasonable is whether the fee agreement or confirming writing demonstrates that the client received a reasonable and fair disclosure of material elements of the fee agreement. Lawyers are encouraged to use written fee agreements that fully and fairly disclose all material terms in a manner easily understood by the client.

Payment of Fees in Advance of Services

[12] In the absence of a written agreement between the lawyer and the client to the contrary that complies with paragraph (f)(1) or (f)(2), all advance payments are presumed to be deposits against future services or costs and must, until the fee is earned or the cost incurred, be held in a trust account

pursuant to Rule 1.15A. See Rule 1.15A (c)(2). This fee structure is known as an "advance fee deposit." Such a fee may only be withdrawn when earned. See Rule 1.15A (h)(3). For example, when an advance fee deposit is placed in trust, a lawyer may withdraw amounts based on the actual hours worked. In the case of a flat fee that constitutes an advance fee deposit because it does not meet the requirements of paragraph (f)(2), the lawyer and client may mutually agree, preferably in writing, on a reasonable basis for determining when portions of the fee have been earned, such as specific "milestones" reached during the representation or specified time intervals that reasonably reflect the actual performance of the legal services.

[13] Paragraphs (f)(1) and (f)(2) provide exceptions to the general rule that fees received in advance must be placed in trust. Paragraph (f)(1) describes a fee structure sometimes known as an "availability retainer," "engagement retainer," "true retainer," "general retainer," or "classic retainer." Under these rules, this arrangement is called a "retainer." A retainer secures availability alone, i.e., it presumes that the lawyer is to be additionally compensated for any actual work performed. Therefore, a payment purportedly made to secure a lawyer's availability, but that will be applied to the client's account as the lawyer renders services, is not a retainer under paragraph (f)(1). A written retainer agreement should clearly specify the time period or purpose of the lawyer's availability, that the client will be separately charged for any services provided, and that the lawyer will treat the payment as the lawyer's property immediately on receipt and will not deposit the fee into a trust account.

[14] Paragraph (f)(2) describes a "flat fee," sometimes also known as a "fixed fee." A flat fee constitutes complete payment for specified legal services, and does not vary with the amount of time or effort expended by the lawyer to perform or complete the specified services. If the requirements of paragraph (f)(2) are not met, a flat fee received in advance must be deposited initially in the lawyer's trust account. See Washington Comment [12].

[15] If a lawyer and a client agree to a retainer under paragraph (f)(1) or a flat fee under paragraph (f)(2) and the lawyer complies with the applicable requirements, including obtaining agreement in a writing signed by the client, the fee is considered the lawyer's property on receipt and must not be deposited into a trust account containing client or third-party funds. See Rule 1.15A(c) (lawyer must hold property of clients separate from lawyer's own property). For definitions of the terms "writing" and "signed," see Rule 1.0(n).

[16] In fee arrangements involving more than one type of fee, the requirements of paragraphs (f)(1) and (f)(2) apply only to the parts of the arrangement that are retainers or flat fees. For example, a client might agree to make an advance payment to a lawyer, a portion of which is a flat fee for specified legal services with the remainder to be applied on an hourly basis as services are rendered. The latter portion is an advance fee deposit that must be placed in trust under Rule 1.15A (c)(2). If the requirements of paragraph (f)(2) are met regarding the flat fee portion, those funds are the lawyer's property on receipt and must not be kept in a trust account. If the payment is in one check or negotiable instrument, it must be deposited intact in the trust account, and the flat fee por-

tion belonging to the lawyer must be withdrawn at the earliest reasonable time. See Rule 1.15A (h)(1)(ii) & (h)(4). See also Comment [10] to Rule 1.15A (explaining prohibition on split deposits). Although a signed writing is required under paragraphs (f)(1) and (f)(2) only for the retainer or flat fee portion of the fee (and only if the lawyer and client agree that the fee will be the lawyer's property on receipt), the lawyer should consider putting the entire arrangement in writing to facilitate communication with the client and prevent future misunderstanding. See Washington Comment [11].

**SUGGESTED AMENDMENT
RULES OF PROFESSIONAL CONDUCT (RPC)
RULE 1.15A SAFEGUARDING PROPERTY**

(a) – (b) [Unchanged.]

(c) A lawyer must hold property of clients and third persons separate from the lawyer's own property.

(1) A lawyer must deposit and hold in a trust account funds subject to this Rule pursuant to paragraph (h) of this Rule.

(2) Except as provided in Rule 1.5(f), and subject to the requirements of paragraph (h) of this Rule, a lawyer shall deposit into a trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred.

(3) A lawyer must identify, label and appropriately safeguard any property of clients or third persons other than funds. The lawyer must keep records of such property that identify the property, the client or third person, the date of receipt and the location of safekeeping. The lawyer must preserve the records for seven years after return of the property.

(d) – (j) [Unchanged.]

Washington Comments

[1] [Unchanged.]

[2] Client funds include, but are not limited to, the following: legal fees and costs that have been paid in advance (other than retainers and flat fees complying with the requirements of Rule 1.5(f)), funds received on behalf of a client, funds to be paid by a client to a third party through the lawyer, other funds subject to attorney and other liens, and payments received in excess of amounts billed for fees.

[3] – [7] [Unchanged.]

[8] If a lawyer accepts payment of an advanced fee deposit by credit card, the payment must be deposited directly into the trust account. It cannot be deposited into a general account and then transferred to the trust account. Similarly, credit card payments of earned fees, of retainers meeting the requirements of Rule 1.5 (f)(1), and of flat fees meeting the requirements of Rule 1.5 (f)(2) cannot be deposited into the trust account and then transferred to another account.

[9] – [15] [Unchanged.]

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.

WSR 08-22-032

**NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIREFIGHTERS' PLAN 2 RETIREMENT BOARD**
[Filed October 29, 2008, 1:53 p.m.]

The law enforcement officers' and firefighters' Plan 2 retirement board has cancelled their November 12, 2008, board meeting.

The next regularly scheduled meeting is **Wednesday, December 17** at 9:30 a.m. located in the Washington state investment board room.

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

WSR 08-22-036

OFFICE OF THE GOVERNOR
[Filed October 30, 2008, 11:50 a.m.]

I hereby direct that Washington state and United States flags at all state agency facilities be lowered to half-staff on **Thursday, October 30, 2008**, in memory of U.S. Army Major Robert D. Lindenau of Camano Island who was killed in action on October 20, in Charbagh, Afghanistan.

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

Flags should remain at half-staff until sunset Thursday or first thing Friday morning, October 31.

Other government entities, citizens and businesses are encouraged to join this recognition.

Please call (360) 902-0383 if you have any questions about this flag lowering.

Christine O. Gregoire
Governor

WSR 08-22-037

**NOTICE OF PUBLIC MEETINGS
ALFALFA SEED COMMISSION**
[Filed October 30, 2008, 11:51 a.m.]

The Washington alfalfa seed commission has canceled it[s] December 3, 2008, meeting due to a conflict in schedule with the Northwest Alfalfa Seed Growers Association's annual meeting.

If you have any questions, please do not hesitate to contact Rod Christensen at (509) 585-5460.

WSR 08-22-038

**NOTICE OF PUBLIC MEETINGS
ALFALFA SEED COMMISSION**
[Filed October 30, 2008, 11:51 a.m.]

As required by the Open Public Meetings Act, following is a list of regular meetings of the Washington alfalfa seed commission to be held for the calendar year of 2009:

January 7, 2009 Noon	Commission Meeting	Cousins Restaurant Pasco
March 4, 2009 Noon	Commission Meeting	Cousins Restaurant Pasco
October 21, 2009 Noon	Commission Meeting	Cousins Restaurant Pasco
December 2, 2009 Noon	Commission Meeting	Cousins Restaurant Pasco

If you have any questions, please do not hesitate to contact Rod Christensen at (509) 585-5460.

WSR 08-22-042

**NOTICE OF PUBLIC MEETINGS
PUGET SOUND PARTNERSHIP**
(Puget Sound Partnership Science Panel)
[Filed October 31, 2008, 9:14 a.m.]

**SCIENCE PANEL
CONFERENCE CALL*
Monday, November 3, 2008
2:00 - 4:00 p.m.**

*LOCATION: The meeting will take place via telephone conference call. The public may listen to the discussion in **Olympia**: Large Conference Room, Puget Sound Partnership Office in the General Administration Building, 4th Floor, Suite 401, 210 11th Avenue S.W., or if you would like to listen in but can't make it to the Olympia location, call (360) 725-5444 before noon Monday, November 3, to secure a port for the call and receive the call in information.

No public input will be accepted during the call.

For additional information, contact the partnership office at (360) 725-5463.

WSR 08-22-049

**INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE**
[Filed October 31, 2008, 1:41 p.m.]

INTERPRETIVE STATEMENT ISSUED

**PTA 15.0.2008
Low-Income Housing Valuation**

This property tax advisory (PTA) provides guidance to both assessors and taxpayers in determining the true and fair market value of low-income restricted housing. This PTA, together with the low-income housing valuation guide that accompanies it, incorporates generally accepted appraisal practices with Washington statutory and appellate court case law.

This document explains that appraisal theory and practice and Washington case law have held that the basis for determining the value of real property is all the factors that enter into a sale of property between a knowledgeable willing seller and a knowledgeable willing buyer who are not com-

pelled to sell or buy. It also explains that the restricted rents of property in a low-income housing program, as opposed to the market rents of conventional housing, are to be taken into account by the assessor when valuing the rent-restricted property.

A copy of this document is available via the internet at <http://dor.wa.gov/content/FindALawOrRule/>, 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 08-22-060

**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Filed November 3, 2008, 2:42 p.m.]

NOTICE OF SPECIAL MEETING

**BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4**

Chairperson, Tom Moser, has called a special meeting of the board of trustees for Tuesday, November 4, 2008, 3:30 p.m., Multipurpose Room, 2405 East College Way, Mount Vernon, WA. This meeting is being held as a study session for the board of trustees. Study topic: Update on the construction of the new science and allied health building.

WSR 08-22-061

DEPARTMENT OF LICENSING

[Filed November 3, 2008, 2:56 p.m.]

State seeking comments on proposal to adjust proportion of fuel tax revenue dedicated to recreational boating needs.

OLYMPIA - The state department of licensing (DOL) will hold a public hearing to provide information and receive testimony on a proposal to adjust the amount of fuel tax revenue the state dedicates to funding recreational boating needs in our state.

The hearing is scheduled for 1:30 p.m. on Tuesday, December 9, in Room 413 of the Highways-Licenses Building, 1125 Washington Street S.E., Olympia.

The proposed adjustment of the marine fuel transfer rate, from 0.90% to 1.00%, effective July 1, 2009, is the result of a marine fuel study conducted by DOL every four years to determine how much motor fuel sold each year is used to run recreational boats. State law requires the taxes paid on fuel used in boats and other watercraft to be set aside and used to construct and maintain recreational boating facilities across the state.

The public may offer written comments at the hearing or by sending them to the Washington State Department of Licensing, Attn: Jean Du, Office of Budget and Economic Analysis, P.O. Box 9020, Olympia, WA 98507-9020. Com-

ments submitted by mail must be received by December 4, 2008.

For more information, please contact Jean Du at (360) 902-3641 or jdu@dol.wa.gov.

WSR 08-22-063

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Filed November 3, 2008, 4:04 p.m.]

The board of trustees of Bellingham Technical College will hold a special meeting on Wednesday, November 5, 2008, from 8:30 a.m. to 11:00 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. The special meeting will be conducted in executive session to discuss collective bargaining negotiations (RCW 42.30.140 (4)(b)). Action may be taken as a result of discussions during executive session. Call 752-8334 for information.

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for Thursday, November 20, 2008, has been cancelled and rescheduled for **Wednesday, November 19, 2008, 9:00 - 11:00 a.m.**, in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 08-22-069

**NOTICE OF PUBLIC MEETINGS
MARINE EMPLOYEES' COMMISSION**

[Filed November 4, 2008, 8:54 a.m.]

Notice of 2009 Public Meetings

The following is the 2009 schedule for monthly meetings of the marine employees' commission (MEC) adopted by the MEC at its public meeting on October 31, 2008:

MONTH AND DAY	LOCATION
*January 23	Olympia 711 Capitol Way South Evergreen Plaza Building 2nd Floor Conference Room
February 27	Olympia 711 Capitol Way South Evergreen Plaza Building 2nd Floor Conference Room
March 27	Olympia 711 Capitol Way South Evergreen Plaza Building 2nd Floor Conference Room
*April 24	Olympia 711 Capitol Way South Evergreen Plaza Building 2nd Floor Conference Room

MONTH AND DAY	LOCATION	April 28	Bates Technical College South Campus 2201 South 78th Street Tacoma, WA 98409
May 29	Seattle Rainier Conference Room Washington State Ferries 2901 3rd Avenue	May 26	Bates Technical College 1101 South Yakima Tacoma, WA 98405
June 26	Seattle Rainier Conference Room Washington State Ferries 2901 3rd Avenue	June 30	Bates Technical College 1101 South Yakima Tacoma, WA 98405
*July 31	Seattle Rainier Conference Room Washington State Ferries 2901 3rd Avenue	July 28	Bates Technical College 1101 South Yakima Tacoma, WA 98405
August 28	Seattle Rainier Conference Room Washington State Ferries 2901 3rd Avenue	September 29	Bates Technical College 1101 South Yakima Tacoma, WA 98405
September 25	Seattle Rainier Conference Room Washington State Ferries 2901 3rd Avenue	October 27	Bates Technical College 1101 South Yakima Tacoma, WA 98405
*October 23	Seattle Rainier Conference Room Washington State Ferries 2901 3rd Avenue	November 17	Bates Technical College South Campus 2201 South 78th Street Tacoma, WA 98409
November	<i>NO MEETING</i>	December 15	Bates Technical College 1101 South Yakima Tacoma, WA 98405
December 11	Seattle Rainier Conference Room Washington State Ferries 2901 3rd Avenue		

Please note there will not be a regular meeting in August. Should you have any questions, please contact David Borofsky at (253) 680-7100.

All meetings begin at **10:00 a.m.**

*Quarterly GMAP meetings will be held immediately following the commission meetings.

WSR 08-22-071

**NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE**

[Filed November 4, 2008, 10:03 a.m.]

The board of trustees of Bates Technical College has scheduled its 2009 regular meetings as follows:

January 27	Bates Technical College 1101 South Yakima Tacoma, WA 98405
February 24	Bates Technical College 1101 South Yakima Tacoma, WA 98405
March 31	Bates Technical College 1101 South Yakima Tacoma, WA 98405

WSR 08-22-073

**NOTICE OF PUBLIC MEETINGS
ADVISORY BOARD OF PLUMBERS**

[Filed November 4, 2008, 10:48 a.m.]

In accordance with chapter 42.30 RCW, Open [Public] Meeting[s] Act, the quarterly meetings for the advisory board of plumbers have been scheduled for 2009. The meetings are to begin at 9:30 a.m. on the third Tuesday of January, April, July and October at the Department of Labor and Industries, 12806 Gateway Drive, Tukwila, WA 98168.

The dates are as follows:

- January 20, 2009
- April 21, 2009
- July 21, 2009
- October 20, 2009

WSR 08-22-074
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Factory Assembled Structure Advisory Board)
 [Filed November 4, 2008, 10:48 a.m.]

In accordance with chapter 42.30 RCW, Open [Public] Meeting[s] Act, the time and place of regular meetings for the factory assembled structure advisory board for 2009 have been scheduled.

The meetings are scheduled to begin at 1:00 p.m. at the Labor and Industries Headquarters Building, 7273 Linderson Way S.W., Tumwater, WA 98501.

The dates are as follows:

- February 19, 2009
- May 21, 2009
- August 20, 2009
- November 19, 2009

Please call (360) 902-6411, if you have questions.

WSR 08-22-075
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Elevator Advisory Committee)
 [Filed November 4, 2008, 10:48 a.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the elevator advisory committee meetings for 2009 have been scheduled for:

DATE	TIME	LOCATION
February 17, 2009	9:00 a.m.	Department of Labor and Industries 12806 Gateway Drive Tukwila, WA
May 19, 2009	9:00 a.m.	Department of Labor and Industries 12806 Gateway Drive Tukwila, WA
August 25, 2009	9:00 a.m.	Department of Labor and Industries 12806 Gateway Drive Tukwila, WA
November 17, 2009	9:00 a.m.	Department of Labor and Industries 12806 Gateway Drive Tukwila, WA

Please call (360) 902-6411, if you have questions.

WSR 08-22-076
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Electrical Board)
 [Filed November 4, 2008, 10:48 a.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the electrical board meetings for 2009 have been scheduled for:

DATE	TIME	LOCATION
January 29, 2009	9:00 a.m.	Department of Labor and Industries 7273 Linderson Way S.W. Auditorium Tumwater, WA
April 30, 2009	9:00 a.m.	Comfort Inn and Conference Center 1620 74th Avenue S.W. Tumwater, WA
July 30, 2009	9:00 a.m.	Department of Labor and Industries 7273 Linderson Way S.W. Auditorium Tumwater, WA
October 29, 2009	9:00 a.m.	To be determined.

Please call (360) 902-6411, if you have questions.

WSR 08-22-077
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Board of Boiler Rules)
 [Filed November 4, 2008, 10:48 a.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the board of boiler rules board meetings for 2009 have been scheduled for:

DATE	TIME	LOCATION
January 13-14, 2009	10:00 a.m.	Labor and Industries 950 Broadway Avenue Tacoma, WA
March 24-25, 2009	10:00 a.m.	Labor and Industries 950 Broadway Avenue Tacoma, WA
May 5-6, 2009	10:00 a.m.	Labor and Industries 950 Broadway Avenue Tacoma, WA
September 8-9, 2009	10:00 a.m.	Labor and Industries 950 Broadway Avenue Tacoma, WA
November 17-18, 2009	10:00 a.m.	Labor and Industries 950 Broadway Avenue Tacoma, WA

Please call (360) 902-6411, if you have questions.

WSR 08-22-078

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES**
(Apprenticeship and Training Council)
[Filed November 4, 2008, 10:48 a.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the Washington state apprenticeship and training council meetings for 2009 have been scheduled for:

DATE	LOCATION
January 15-16, 2009	Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA
April 16-17, 2009	Tri-Cities, Washington
July 16-17, 2009	Port Angeles, Washington
October 15-16, 2009	To be determined

Please call (360) 902-6411, if you have questions.

WSR 08-22-087

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
[Filed November 4, 2008, 12:30 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 4.07: Requesting Written Opinions from DCS's Assigned Assistant Attorney General.

Subject: Requesting written opinions from DCS's assigned assistant attorney general.

Effective Date: October 31, 2008.

Document Description: This policy explains to division of child support policy and procedures for use of agency purchase cards.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail JKildahl@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 08-22-094

DEPARTMENT OF ECOLOGY
[Filed November 5, 2008, 9:11 a.m.]

PUBLIC NOTICE

Public Workshop and Hearing to Accept Comments on the Boatyard General Permit Modification

Revising the Boatyard General Permit: The current boatyard NPDES and state waste discharge general permit was issued by the Washington State department of ecology (ecology) on November 2, 2005. The permit was appealed by Northwest Marine Trade Association (NMTA) and the PugetSoundkeeper Alliance (PSA). The permit has been under appeal and settlement discussion since that time. Ecology is now proposing to modify the permit. This is notice of a draft permit modification available for public comment. The draft boatyard general permit modification and fact sheet under review have been approved by NMTA and PSA as a result of the appeal settlement. The review and comment period will run from November 19, 2008, until close of business on December 31, 2008. Ecology will host an informational workshop and a public hearing on the draft modification. Oral comments may be given at the public hearing. Ecology will also accept written comments on the draft permit modification and fact sheet.

Purpose of the Boatyard General Permit: The boatyard general permit provides coverage for industries located in Washington state that discharge stormwater from areas used to renew the bottom paint on boats. Under federal and state water quality law (Federal Clean Water Act and State Water Pollution Control Act), a permit is required for the discharge of wastewater, including stormwater. The proposed general permit addresses these legal requirements and controls the discharge of pollutants to protect surface water and ground water quality in Washington state.

A general permit is similar to an individual wastewater discharge permit except that it covers a group of facilities with similar operations. It implements the Federal Clean Water Act and State Water Pollution Control Act in a single permit. Individual facilities that receive coverage under the general permit are required to comply with the terms and conditions of the permit. Currently, one hundred thirty-two facilities are covered under the boatyard general permit.

Applying for a Boatyard Permit: Facilities covered under the existing boatyard general permit will continue to be covered under the modified permit.

Requesting Copies of the Permit: Beginning November 19, 2008, you can request copies of the draft permit modification and fact sheet or you can download copies from the web site below <http://www.ecy.wa.gov/programs/wq/permits/boatyard/index.html>.

Contact Ecology: Gary Bailey, 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.

Submitting Written and Oral Comments: Ecology will accept written and oral comments on the draft boatyard general permit modification. Written comments must be postmarked no later than midnight, December 31, 2008. Oral comments may be presented by attending and testifying at the public hearing. Comments may be submitted by e-mail if the

commenter includes name, address and telephone number in the comment e-mail. Comments should reference specific text when possible. Comments may address the following:

- Technical issues,
- Accuracy and completeness of information,
- The scope of facilities proposed for coverage,
- Adequacy of environmental protection and permit conditions, or
- Any other concern that would result from issuance of the modified permit.

Submit written comments to Gary Bailey, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, Gbai461@ecy.wa.gov.

Public Workshop/Hearing: The public workshop and hearing on the draft general permit is scheduled to be held in Lacey, Washington on December 22, 2008. The purpose of the workshop is to explain the general permit, explain the changes, and answer questions in order to facilitate meaningful testimony during the hearing. The purpose of the hearing is to provide an opportunity for people to give formal oral testimony and comments on the proposed permit. Written comments will receive the same consideration as oral testimony. The public workshop and hearing will begin at 1:00 p.m. and conclude when public testimony is completed.

The December 22, 2008 (1 p.m.) workshop and hearing will be held at the Lacey Timberland Regional Library, (360) 491-3860, 500 College Street S.E., Lacey, WA.

Issuing the Final Boatyard General Permit Modification: The final modified permit will be issued after ecology receives and considers all public comments. If public comments cause a substantial change in the permit conditions from the original draft permit, another public notice of draft and comment period may ensue.

Ecology expects to issue the modified general permit on or about March 1, 2009, if there is no substantial change to the draft. It will be effective thirty days later on April 1, 2009. When issued, a copy of the notice of issuance and ecology's responses to the comments will be sent to all persons who submitted written comment or gave public testimony. The response to comments will also be posted on ecology's boatyard web site at <http://www.ecy.wa.gov/programs/wq/permits/boatyard/index.html>.