

WSR 10-24-005
NOTICE OF PUBLIC MEETINGS
BEEF COMMISSION
[Filed November 18, 2010, 8:55 a.m.]

2011 Scheduled Meeting Dates

January 20, 2011 (Thursday)	Conference Call	
March 9 - 10, 2011 (Wednesday/ Thursday)	Strategic Planning Meeting	Bellevue
April 14, 2011 (Thursday)	Regular Meeting	Ellensburg
June 2, 2011 (Thursday)	Annual Meeting	Ellensburg
September 8, 2011 (Thursday)	Regular Meeting	Ellensburg
November 10, 2011 (Thursday)	Regular Meeting	TBD

(in conjunction with Washington Cattlemen's Association Convention)

Should you have questions, please contact Daniene Giesen at (206) 444-2902.

WSR 10-24-006
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[November 7, 2010]

EXECUTIVE ORDER 10-06

SUSPENDING NON-CRITICAL RULE DEVELOPMENT AND ADOPTION

WHEREAS, state regulations are essential to protecting the health, safety, welfare and quality of life for the people of the state of Washington; and

WHEREAS, we are called upon in these unprecedented economic times to both conserve resources and continue to meet our responsibilities; and

WHEREAS, the current recession is causing severe economic stress for small businesses and governments; and

WHEREAS, in a time of severe budget constraints, small businesses and governments find it more difficult to monitor and respond to proposed changes in rules and policies; and

WHEREAS, a stable and predictable regulatory and policy environment will conserve resources for small businesses and local governments and promote economic recovery; and

WHEREAS, suspending non-critical rule making will allow agencies to focus staff resources on direct service delivery; and

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, by virtue of the power vested in me by the Constitution and statutes of the state of Washington, do hereby order and direct:

- (1) The suspension of non-critical rule development and adoption from the date of this Executive Order through December 31, 2011.
- (2) The Office of Financial Management to publish guidelines identifying circumstances in which rule making may proceed.

This Order applies to all cabinet agencies and boards, commissions and other agencies that report to the Governor. I invite all other elected officials, institutions of higher education, agencies, boards, commissions and other entities with rule making authority to follow the requirements of this Order.

This Order is not intended to, and does not confer any legal rights and shall not be used as a basis for legal challenges to rules or other actions or to any inaction of the governmental entity subject to it.

This Order shall expire by its own terms on January 1, 2012.

Signed and sealed with the official seal of the state of Washington on this 17th day of November 2010 at Olympia, Washington.

By:

Christine O. Gregoire
Governor

BY THE GOVERNOR:
Steve Excell

[Assistant] Secretary of State

WSR 10-24-007
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
[Filed November 18, 2010, 9:23 a.m.]

To ensure a quorum, the South Puget Sound Community College board of trustees has changed their regular meetings in January, May, and June at their November 10 board meeting. These are the revised meetings to be held in Building 25-Boardroom on the campus of South Puget Sound Community College.

From:	To:
Thursday	Tuesday
January 13, 2011	January 11, 2011
	3:00 p.m.
Thursday	Friday
May 12, 2011	May 6, 2011
	3:00 p.m.
Thursday	Tuesday
June 9, 2011	June 7, 2011
	3:00 p.m.

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

WSR 10-24-010

**NOTICE OF PUBLIC MEETINGS
ARTS COMMISSION**

[Filed November 18, 2010, 12:26 p.m.]

2011 BOARD MEETING SCHEDULE

Please check the arts commission web site at www.arts.wa.gov for any future changes to dates and times listed below.

Tuesday, February 1, 2011

Convenes: 9 a.m.

Adjourns: 4 p.m.

Location: Coach House, 211 21st Avenue S.W., Olympia, WA 98501.

Tuesday, March 8, 2011

Convenes: 9:30 a.m.

Adjourns: 11:30 a.m.

Location: By toll-free Webinar - connection information to be published on arts commission web site in advance of the meeting.

Tuesday, May 10, 2011

Convenes: 9:30 a.m.

Adjourns: 11:30 a.m.

Location: By toll-free Webinar - connection information to be published on arts commission web site in advance of the meeting.

Tuesday, August 2, 2011

Convenes: 9 a.m.

Adjourns: 4 p.m.

Location: To be determined - check arts commission web site.

Thursday, November 3, 2011

Convenes: 9:30 a.m.

Adjourns: 11:30 a.m.

Location: By toll-free Webinar - connection information to be published on arts commission web site in advance of the meeting.

WSR 10-24-011

**PUBLIC RECORDS OFFICER
PIERCE COLLEGE**

[Filed November 18, 2010, 1:58 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the Pierce College District is Joann Wiszmann, 9401 Far-west Drive S.W., Lakewood, WA 98498, phone (253) 964-6506, fax (253) 964-6382, e-mail jwizsmann@pierce.ctc.edu.

Sandra Braedt
Executive Assistant
to the Vice-Presidents
of Human Resources and
Administrative Services

WSR 10-24-017

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Filed November 19, 2010, 11:03 a.m.]

In accordance with RCW 42.30.075, 28B.20.105, 28B.20.130, and WAC 478-04-030, the board of regents of the University of Washington established the following meeting schedule for 2011 at its meeting held November 18, 2010.

Day	Date	Location
Thursday	January 20	UW UW Tower Room T-22
Thursday	February 17	UW Petersen Room Allen Library
Thursday	March 17	UW Bothell
Thursday	April 14*	UW Petersen Room Allen Library
Thursday	May 12	UW Petersen Room Allen Library
Thursday	June 9 at 2 p.m.	UW Petersen Room Allen Library
Thursday	July 21	UW UW Tower Room T-22
Thursday	August 18*	UW Petersen Room Allen Library
Thursday	September 15	UW Petersen Room Allen Library
Thursday	October 20	UW Petersen Room Allen Library
Thursday	November 17	UW Petersen Room Allen Library
Thursday	December 8*	UW Petersen Room Allen Library

The regents will meet for dinner at Hill-Crest, the residence of the university president in Seattle, at 5:30 p.m. on the following dates:

Day	Date
Wednesday	January 19
Wednesday	March 16
Wednesday	April 13*
Wednesday	May 11

Day	Date
Wednesday	June 8
Wednesday	July 20
Wednesday	August 17*
Wednesday	September 14
Wednesday	October 19
Wednesday	November 16

WSR 10-24-020
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed November 19, 2010, 11:48 a.m.]

Prevailing Rate of Wage Correction for Construction Site Surveyors

*The April, August, and December meetings will be canceled, circumstances permitting.

Except as otherwise noted above, the board's meetings begin with a series of regent committee meetings attended by some or all of the members of the board. These will commence at 8:00 a.m., or such later time as may be announced on the board's web page (<http://www.washington.edu/regents/>) and followed by a meeting of the full board at 3 p.m., unless otherwise noted above. Meetings listing the location as "UW" will be held at the University of Washington, Seattle, Washington, as noted above, unless another location is established and public notice given in accordance with chapter 42.30 RCW.

To request disability accommodation, contact the disability services office at (206) 543-6450 (voice), (206) 543-6452 (TTY), (206) 685-7264 (fax), or e-mail at dso@uw.edu. The University of Washington makes every effort to honor disability accommodation requests. Requests can be responded to most effectively if received as far in advance of the event as possible, preferably at least ten days.

Pursuant to RCW 39.12.015, 39.12.020 and WAC 296-127-011 and as was published on the internet on August 2, 2010, the industrial statistician has determined the statewide prevailing rates of wage. These prevailing rates of wage were effective for public works projects bid on or after September 1, 2010. On November 12, 2010, the industrial statistician and director of labor and industries made a correction to these rates. Pursuant [to] WAC 296-127-011, the corrected rates will become effective thirty days from the publication date, on December 12, 2010.

This wage rate correction affects the trades construction site surveyors in Pierce and Thurston counties.

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

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

Following are details to this correction.

David Soma
 Prevailing Wage Manager
 Industrial Statistician

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

Washington State Prevailing Wage

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

Wage Rates for Construction Site Surveyors (See "Surveyors" in the Trade List) have been corrected as the result of a wage-and-hour survey in several counties.

Changes to the journey level wages also impact apprentice wages. Use the apprentice wage rates lookup page.

Publish Date: November 12, 2010.

Effective Date: December 12, 2010.

County	Trade	Corrected Job Classification	Corrected Wage	Incorrect Job Classification	Incorrect Wage
Pierce	Surveyors	All Classifications	\$35.68	All Classifications	\$36.06
Thurston	Surveyors	All Classifications	\$32.43	All Classifications	\$32.56

WSR 10-24-022**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed November 19, 2010, 1:56 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 (DCS)**

Document Title: Policy Clarification Memo 10-013: Private Collection Agencies and Limiting Redirection of Custodial Parent Payments.

Subject: Private collection agencies and limiting redirection of custodial parent payments.

Effective Date: November 9, 2010.

Document Description: This policy clarification memo explains how DCS responds when a custodial parent contracts with a private collection agency.

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

WSR 10-24-023**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed November 19, 2010, 1:57 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 (DCS)**

Document Title: Administrative Policy 3.02: Signature Authorizations.

Subject: Signature authorizations.

Effective Date: November 5, 2010.

Document Description: This administrative policy explains how DCS authorizes disbursements.

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

WSR 10-24-024**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed November 19, 2010, 2:03 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 (DSHS).

**Health and Recovery Services Administration (HRSA)
Division of Legal Services**

Document Title: # Memo 10-70.

Subject: Synagis® (2010 - 2011 respiratory syncytial virus (RSV) season): Administration and Authorization Requirements.

Effective Date: December 1, 2010.

Document Description: Effective for dates of service on and after December 1, 2010, DSHS will require providers to use a ProviderOne – compatible authorization form when submitting a request for Synagis®.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 10-24-025**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed November 19, 2010, 2:04 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 (DSHS).

**Health and Recovery Services Administration (HRSA)
Division of Legal Services**

Document Title: # Memo 09-63 Reissue.

Subject: Managed care enrollment required for disability lifeline clients.

Effective Date: October 19, 2010.

Document Description: Reminder: DSHS reminds providers of the following: General assistance - unemployable (GA-U) is now named disability lifeline (DL); and DL clients in Washington state are enrolled by DSHS in managed care.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 10-24-029

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY**

(Natural Resource Damage Assessment Committee)

[Filed November 19, 2010, 4:26 p.m.]

January - December 2011 Meeting Schedule

The Washington state natural resource damage assessment (NRDA) committee, which is chaired by the department of ecology, includes representatives of the state departments of fish and wildlife, natural resources, health, archaeology and historic preservation, and the parks and recreation commission. The committee makes decisions regarding the most appropriate damage assessment to pursue for oil spills in state waters, and evaluates restoration projects proposed by responsible parties in lieu of monetary claims.

Meetings for January through December 2011 will be held on the second Wednesday of each month. All meetings will be held in Room ROA-09.

Meetings start at 9:00 a.m. at the Department of Ecology, Headquarters Building, 300 Desmond Drive S.E., Lacey, WA.

For more information, contact Dale Davis at (360) 407-6972, dale.davis@ecy.wa.gov.

Dates	Location
September 14-15, 2011	Pacific Luther [Lutheran] University Chris Knutzen Hall 12180 Park Avenue South Tacoma, WA 98447 (253) 531-6900 http://www.plu.edu/
November 9-10, 2011	Educational Service District 112 2500 Northeast 65th Avenue Vancouver, WA 98661 (360) 750-7500 http://esd112.org/

WSR 10-24-032

**NOTICE OF PUBLIC MEETINGS
LAKE WASHINGTON
TECHNICAL COLLEGE**

[Filed November 22, 2010, 9:22 a.m.]

Pursuant to RCW 42.30.075, we are hereby notifying you of the following amended 2010 board meeting date for the lake Washington Technical College board of trustees.

Original Date: December 6, 2010.

New Date: CANCELLED.

Appropriate advertising of this meeting change will take place ten days prior to the meeting.

WSR 10-24-030

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

[Filed November 19, 2010, 4:38 p.m.]

The regular board meetings of the Washington state board of education for 2011 are as follows:

Dates	Location
January 12-13, 2011	New Market Skills Center 7299 New Market Street S.W. Tumwater, WA 98501 (360) 570-4500 http://newmarketskills.com/
March 9-10, 2011	New Market Skills Center 7299 New Market Street S.W. Tumwater, WA 98501 (360) 570-4500 http://newmarketskills.com/
May 11-12, 2011	Columbia Basin Community College HUB Gjerde Center 2600 North 20th Avenue Pasco, WA 99301 (509) 547-0511 http://www.columbiabasin.edu/home/index.asp
July 12-14, 2011	Heritage High School 7204 27th Avenue N.E. Marysville, WA 98271 (360) 653-0690 http://www.msvl.k12.wa.us/district/schools/heritage.htm

WSR 10-24-033

**PROCLAMATION
OFFICE OF THE GOVERNOR**

[November 18, 2010]

PROCLAMATION BY THE GOVERNOR

10-06

WHEREAS, collective bargaining agreements for the current biennium were previously negotiated under Chapter 41.56, Chapter 41.80, and Chapter 74.39A of the Revised Code of Washington; and

WHEREAS, the terms and conditions specified in the collective bargaining agreements remain in effect during the current fiscal period; and

WHEREAS, subsequent to the negotiation of these agreements significant revenue shortfalls have occurred that have resulted in both reduced appropriations and across the board reductions in allotments; and

WHEREAS, the Economic and Revenue Forecast Council today adopted an official General Fund-State forecast with a reduction of \$385 million in revenue forecasted to be collected this biennium, far lower than the previous forecast; and

WHEREAS, even deeper reductions in appropriations for the current fiscal period will be needed in order to avoid deficits; and

WHEREAS, the legislature has enacted statutes providing that when a significant revenue shortfall occurs, resulting in

reduced appropriations after the compensation and fringe benefit provisions of agreements are approved by the legislature, the Governor has the power to issue a proclamation requiring the parties to immediately enter into collective bargaining for mutually agreed upon modifications of the agreements; and

WHEREAS, the state of Washington and the employees and their representatives have endeavored to establish employment relations based on mutual respect, fair treatment, and efficient and cost-effective service delivery to the citizens of the state of Washington;

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, by virtue of the authority vested in me by RCW 41.56.028(10), RCW 41.56.029(8), RCW 41.80.-010(6), and RCW 74.39A.300(7), do hereby call for the parties to existing collective bargaining agreements subject to these provisions to immediately enter into collective bargaining for mutually agreed upon modifications to the agreements to address the changed fiscal circumstances outlined above.

Signed and sealed with the official seal of the state of Washington this 18th day of November, A.D, Two Thousand and Ten at Olympia, Washington.

By:

Christine O. Gregoire
Governor

BY THE GOVERNOR:

Dan Speigle

[Deputy] Secretary of State

WSR 10-24-034

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Filed November 22, 2010, 9:56 a.m.]

Please be advised of the following revision to the 2010 regular meeting schedule of the Edmonds Community College board of trustees.

A special meeting has been scheduled on Tuesday, November 23, 5:00 p.m.

If you have any questions, please feel free to contact Patty Michajla at (425) 640-1516.

WSR 10-24-042

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed November 24, 2010, 8:18 a.m.]

Notice of Interpretive or Policy Statement

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

**Medicaid Purchasing Administration
Division of Healthcare Services**

Document Title: Medicaid State Plan Amendments.

Subject: Optional healthcare services.

Effective Date: January 1, 2011.

Document Description: The department intends to submit amendments to the Title XIX medicaid state plan to eliminate coverage of optional health care services as a consequence of Executive Order 10-04, which Governor Gregoire issued on September 13, 2010. For a full list of services to be cut, please visit the medicaid budget web site at <http://hrs.dshs.wa.gov/News/Budget.htm>. Providers also are encouraged to join a listserv for relevant e-mails at <https://fortress.wa.gov/dshs/hrsalistsrvsignup/>.

To receive a copy of the interpretive or policy statements, contact Jim Stevenson, Communications, P.O. Box 45502, Olympia, WA 98504, phone (360) 725-1915, TDD/TTY 800-848-5429, fax (360) 586-9551, e-mail stevejh2@dshs.wa.gov.

WSR 10-24-043

**NOTICE OF PUBLIC MEETINGS
CLARK COLLEGE**

[Filed November 24, 2010, 8:34 a.m.]

Pursuant to RCW 42.30.075, following is the board of trustees meeting schedule for Clark College for the year of 2011.

The board of trustees of Clark College will hold its general meetings on the fourth Tuesday of the month at 5:00 p.m. except in the months of January, June, July, and December 2011. All meetings are held at Clark College in the Ellis Dunn Community Room GHL 213 in Gaiser Hall.

- January 18
- February 22
- March 22 (tenure vote)
- April 26
- May 24 on July 26
- June 14
- July - No regular meeting is scheduled; a special meeting will be held on July 26
- August 23
- September 27
- October 25
- November 22
- December 13

WSR 10-24-045

**NOTICE OF PUBLIC MEETINGS
ENERGY FACILITY SITE
EVALUATION COUNCIL**

[Filed November 24, 2010, 10:26 a.m.]

**Council Meeting Dates for
January - December 2011**

DATE	TIME	DESCRIPTION	LOCATION
January 18, 2011	1:30 p.m.	Monthly Council Meeting	UTC Room 206
February 15, 2011	1:30 p.m.	Monthly Council Meeting	UTC Room 206
March 15, 2011	1:30 p.m.	Monthly Council Meeting	UTC Room 206
April 19, 2011	1:30 p.m.	Monthly Council Meeting	UTC Room 206
May 17, 2011	1:30 p.m.	Monthly Council Meeting	UTC Room 206
June 21, 2011	1:30 p.m.	Monthly Council Meeting	UTC Room 206
July 19, 2011	1:30 p.m.	Monthly Council Meeting	UTC Room 206
August 16, 2011	1:30 p.m.	Monthly Council Meeting	UTC Room 206
September 20, 2011	1:30 p.m.	Monthly Council Meeting	UTC Room 206
October 18, 2011	1:30 p.m.	Monthly Council Meeting	UTC Room 206
November 15, 2011	1:30 p.m.	Monthly Council Meeting	UTC Room 206
December 20, 2011	1:30 p.m.	Monthly Council Meeting	UTC Room 206

Contact Person: Kayce Michelle, (360) 664-1363.

WSR 10-24-052

**NOTICE OF PUBLIC MEETINGS
GRAIN COMMISSION**

[Filed November 24, 2010, 12:19 p.m.]

The Washington grain commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting information of the board of directors for publication in the state register for the period January through December 2011. All meetings will take place in the commission conference room at 2702 West Sunset Boulevard, Suite A, Spokane, WA. The meetings will begin at 10:00 a.m. on the first day and will reconvene at 8:00 a.m. on the second day, with the exception of November 16 which will begin at 9:00 a.m.

- Regular January 12 and 13
- Regular March 16 and 17
- Annual May 18 and 19
- Regular September 21 and 22
- Regular November 16

We understand that should any changes to this meeting schedule become necessary, we will provide the information at least twenty days prior to the rescheduled meeting date for publication in the state register. If further details are required, please do not hesitate to contact our office.

WSR 10-24-055

OFFICE OF THE GOVERNOR

[Filed November 29, 2010, 10:13 a.m.]

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

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

On November 15, 2010, the Governor's Office received an appeal from Mr. Timothy Parker relating to the Washington Liquor Control Board's Emergency Rule banning the sale of all alcohol energy drinks. The Governor has no jurisdiction to take action under RCW 34.05.350(3) and RCW 43.17.010 and therefore denied the appeal on November 22, 2010.

DATE: November 22, 2010.

Narda Pierce
General Counsel
to the Governor

November 22, 2010

Timothy J. Parker
Carney Badley Spellman
701 Fifth Avenue, Suite 3600
Seattle, WA 98104-7010

RE: Petition for Stay of Emergency Rule

Dear Mr. Parker:

Thank you for your letter of November 15, 2010, in which you "request an immediate stay of the Washington Liquor Control Board's November 10, 2010 Emergency Rule banning the sale of all 'alcohol energy drinks'."

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

Notwithstanding this jurisdictional issue, the Governor supports the action taken by the Washington Liquor Control Board. The Governor shares the concerns of the Liquor Control Board that alcohol energy drinks promote a situation where individuals may become inebriated, but cannot judge their own condition, which poses a serious risk to human health and public safety.

Your letter suggests that the individual states should not take action while the Food and Drug Administration assesses the safety of these products. The Food and Drug Administration issued warning letters on November 17, two days after your letter, indicating the combination of caffeine and alcohol in the drinks creates a public health concern. In any event, states have broad power to regulate the sale of alcoholic beverages under section 2 of the Twenty-first Amendment. Further, you outline concern about financial losses associated with the adoption of the emergency rule. However, companies have long been aware that when they invest in the manufacture of alcoholic beverages, state regulation to protect public health and safety may impact their sales. *See Mugler v. Kansas*, 123 U.S. 623 (1887).

You have asked for the opportunity to explain United Brand's *Joose* products and marketing to the Board. That opportunity is available now. An emergency rule remains in effect for a limited time period of no longer than 120 days after filing. The Liquor Control Board will receive your input on proposed permanent rules that would prohibit the sale, importation, and distribution of alcohol energy drinks in the state of Washington. Further, the Liquor Control Board will hold at least one public hearing before the rules are adopted.

Sincerely,

Narda Pierce
General Counsel

Miscellaneous

WSR 10-24-056

**NOTICE OF PUBLIC MEETINGS
BELLEVUE COLLEGE**

[Filed November 29, 2010, 10:47 a.m.]

The 2011 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 College, 3000 Landerholm Circle S.E., Bellevue, WA, on the following dates:

Friday, January 28
(please note, this meeting will begin at 9:30 a.m.)
Wednesday, March 2
Wednesday, May 25
Wednesday, June 15
Wednesday, June 29
(tentative, pending budget process needs)
Wednesday, September 7
Wednesday, October 12
(tentatively scheduled as an all-day retreat, time and location may vary)
Wednesday, November 16

WSR 10-24-058

**NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE**

[Filed November 29, 2010, 2:01 p.m.]

The board of trustees of Walla Walla Community College, District Number Twenty, has cancelled its December 15, 2010, meeting.

Please direct any questions to Jerri Ramsey at jerri.ramsey@wwcc.edu or by phone (509) 527-4274.

WSR 10-24-063

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Filed November 30, 2010, 8:55 a.m.]

The Bellingham Technical College board of trustees will hold a **special meeting** on Wednesday, December 1, 2010, 1:00 - 3:00 p.m., in the College Services Board Room on the Bellingham Technical College campus. The special meeting will be conducted in executive session to discuss the qualifications of an applicant for public employment and review the performance of a public employee. Action may be taken in open session, if necessary, as a result of discussions (RCW 42.30.110 (1)(g)). Call 752-8334 for information.

The **regularly scheduled** meeting of the board of trustees of Bellingham Technical College will be held on Thursday, December 16, 2010, from 9:00 - 12:00 p.m., in the Col-

lege Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 10-24-072
RULES COORDINATOR
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed November 30, 2010, 10:09 a.m.]

Pursuant to RCW 34.05.312, I am the designated rules coordinator for the department of labor and industries.

My contact information is e-mail Tamara.Jones@LNI.wa.gov, phone (360) 902-6805, fax (360) 902-4202.

Tamara Jones
 Assistant Director for
 Legislative and Government Affairs

WSR 10-24-073
DEPARTMENT OF ECOLOGY
 [Filed November 30, 2010, 10:26 a.m.]

Notice of Opportunity for Public Comment

Washington State Department of Ecology
General Order of Approval for Portable and Stationary
Asphalt Batch Plants

The department of ecology (ecology) issues notices of construction that allows the construction of new sources of air pollution or the modification of existing sources. When several sources are similar, ecology can issue a "general order" for all the sources, rather than a series of individual notices of construction. Individual facilities covered under the general order must comply with the terms and conditions of the order.

Ecology wrote this general order to implement proposed rule language found in Administrative Order 09-01, chapter 173-400 WAC, General regulations for air pollution sources. Ecology will finalize this general order after adopting the changes to chapter 173-400 WAC. You can find more information about this rule making at <http://www.ecy.wa.gov/laws-rules/wac173400/0901.html>.

Which sources does this general order of approval cover? The general order applies to portable and stationary asphalt plants regulated by ecology or located in the following counties:

- Adams
- Asotin
- Chelan
- Columbia
- Douglas
- Ferry
- Franklin
- Garfield
- Grant

- Kittitas
- Klickitat
- Lincoln
- Okanogan
- Pend Oreille
- San Juan
- Stevens
- Walla Walla
- Whitman

Where can I review the general order of approval?

Ecology made the following documents available for review and public comment:

- General order of approval for portable and stationary asphalt batch plants.
- Technical support documents for the above general order.
- State Environmental Policy Act (SEPA) determination.

You can review the documents on-line at http://www.ecy.wa.gov/programs/air/AOP_Permits/Boiler/GeneralOrders.htm or at the following ecology offices: Headquarters, 300 Desmond Drive, Lacey, WA 98503; Central Regional Office, 15 West Yakima Avenue, Yakima, WA 98902; or Eastern Regional Office, North 4601 Monroe Road, Spokane, WA 99205.

How do I comment? The comment period ends on December 23, 2010. You can give us your official comments in the following ways:

1. E-mail comments to richard.hibbard@ecy.wa.gov.
2. Fax comments to (360) 407-7534.
3. Mail comments to the Department of Ecology, Richard Hibbard, P.O. Box 47600, Olympia, WA 98504-7600.

Will ecology hold a public hearing? If ecology receives comments that show a significant public interest in this project, we may schedule a public hearing.

When does the general order become final? Ecology will issue the final order after it considers all public comment.

- If ecology does not receive any comments, the general order becomes final immediately following the close of the public comment period.
- If ecology does receive comments, the general order becomes effective thirty days after final approval.

Ecology will send a response to everyone who commented on the proposed order.

Where can I find more information? On-line http://www.ecy.wa.gov/programs/air/AOP_Permits/Boiler/GeneralOrders.htm.

Contact Richard Hibbard, (360) 407-6896, richard.hibbard@ecy.wa.gov.

WSR 10-24-075

AGENDA

ATTORNEY GENERAL'S OFFICE

[Filed November 30, 2010, 10:47 a.m.]

Semi-Annual Rule-Making Agenda

January 1 through June 30, 2011

This is the office of the attorney general's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

If you have questions about this rule-making agenda, please contact Rebecca Podszus, Rules Coordinator, P.O. Box 40100, Olympia, WA 98504-0100, phone (360) 586-2683, fax (360) 664-0228, e-mail rebeccap3@atg.gov.

		Current Activity		
WAC Citation	Subject Matter	Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
44-06	Amendment to the AGO rules on public records	Filed March 12, 2008 WSR 08-07-032		

Rebecca Podszus
Rules Coordinator

WSR 10-24-082

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Filed November 30, 2010, 11:03 a.m.]

Following is a revision to the 2010 regular meeting schedule of the Edmonds Community College board of trustees.

The special meeting that was scheduled on Tuesday, November 23, was cancelled due to inclement weather and has been rescheduled to Thursday, December 2, at 6:30 p.m.

If you have any questions, please feel free to contact Patty Michajla at (425) 640-1516.

ASL interpreters and real time captioning will be available. For other accommodations request, please contact Barbara Hathaway by video phone (VP) 1-866-890-4539 or e-mail hathab@dshs.wa.gov or Rob Honan, (360) 725-3695 (V) or 800-624-4105 (V) or e-mail honanrw@dshs.wa.gov.

Participants may access the meeting remotely by telephone (voice only): Dial-in number: (877) 216-1555 Pass-code: 815648 OR by CART; please use the following web site to access the CART: <http://www.streamtext.net/text.aspx?event=SILC>.

The state independent living council is appointed by the governor to guide development of and promote access to independent living services for individuals with disabilities statewide. The council works to increase opportunities for self-determination and empowerment of people with disabilities, and to create awareness of people with disabilities as a valuable human resource. We welcome your feedback concerning your experiences and concerns.

WSR 10-24-084

**NOTICE OF PUBLIC MEETINGS
STATE INDEPENDENT
LIVING COUNCIL**

[Filed November 30, 2010, 12:32 p.m.]

Public Announcement

One and all are welcome to attend our SILC council meeting.

Date: Friday, January 14, 2011
Time: 9 a.m. - 3 p.m.
DSHS - Community Service Office (CSO)
6860 Capitol Boulevard
Nisqually Room
Tumwater, WA
(next to Washington State Library)

WSR 10-24-086

**NOTICE OF PUBLIC MEETINGS
WINE COMMISSION**

[Filed November 30, 2010, 12:41 p.m.]

Revision to 2010 Meeting Schedule

Please be advised that Washington state wine commission has changed the start time of the following regular meeting:

From: Friday, December 3, 2010, 9:00 a.m. to 12:00 p.m.

To: Friday, December 3, 2010, 10:00 a.m. to 1:00 p.m.

The meeting location has not changed (Washington State Housing Finance Commission, 1000 Second Avenue, 28th Floor, Seattle, WA 98104).

If you need further information, please contact Jayne Cain, office manager, Washington state wine commission, jcain@washingtonwine.org, (206) 326-5760.

WSR 10-24-090

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY**

[Filed November 30, 2010, 3:05 p.m.]

The board of regents of Washington State University (WSU) will hold a special meeting on Thursday, December 2, beginning at 8:00 a.m. via teleconference. The purpose of the meeting is to endorse the launch of the campaign for WSU, to take actions relating to the transfer of funds for the Ruckelshaus Center, and the acceptance of a gift for the benefit of the School for Global Animal Health and WSU.

The meeting will be held in the large conference room of WSU West, 520 Pike Street, Suite 1101, in Seattle.

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

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

WSR 10-24-091

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY**

[Filed November 30, 2010, 3:06 p.m.]

NOTICE OF SPECIAL MEETING

The board of regents of Washington State University will hold a retreat on Friday, December 3, beginning at 11:00 a.m., in the regents' room of the Lewis Alumni Centre, on the Pullman campus. The purpose of the meeting is to hold planning discussions relating to the branch campuses. The board is also scheduled to meet at 6:00 p.m. for dinner at 755 N.E. Campus Avenue, Pullman.

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

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

WSR 10-24-092

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY**

[Filed November 30, 2010, 3:08 p.m.]

The Washington State University board of regents will hold a meeting with the University of Washington board of regents on Saturday, December 4, 2010, beginning at 11:00 a.m. The meeting will be held in the Compton Union Building, Room 210, on the Pullman campus.

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

Questions about the board of regents meeting and schedule may be directed to Christine R. Hoyt, executive assistant to the board of regents, (509) 335-4200.

WSR 10-24-098

DEPARTMENT OF ECOLOGY

[Filed December 1, 2010, 8:05 a.m.]

Commercial Low-Level Radioactive Waste Site Use Permit Fees

In accordance with chapter 173-326 WAC, Commercial low-level radioactive waste disposal—Site use permits, the department of ecology is providing notice of the site use permit fees for the period of March 1, 2011, through February 29, 2012. The annual base fee, 1x, has been set at \$424. Site use permit fees for each category are as follows:

CATEGORY	FACTOR	FEE
<50 cubic feet	1x	\$424
≥50 < 500 cubic feet	2x	\$848
≥500 < 1,000 cubic feet	5x	\$2,120
≥1,000 < 2,500 cubic feet	10x	\$4,240
≥2,500 cubic feet	35x	\$14,840
Nuclear Utilities	100x	\$42,400

For further information please contact Mike Garner at (360) 407-7102.

WSR 10-24-105

**NOTICE OF PUBLIC MEETINGS
FORENSIC INVESTIGATIONS COUNCIL**

[Filed December 1, 2010, 9:23 a.m.]

Pursuant to RCW 42.30.075, the location for the forensic investigations council meeting scheduled for December 17, 2010, is being changed. The new location for the meeting will be: Large Conference Room, Forensic Laboratory Services Bureau, Washington State Patrol, 2203 Airport Way South, Seattle, WA.

If you have questions or need further information, David McEachron can be reached at (360) 676-6784.

WSR 10-24-106
NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION
COORDINATING BOARD

[Filed December 1, 2010, 9:23 a.m.]

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 2011 at its regular meeting on November 16, 2010. Public notice is given before each meeting, including 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 must be given by phone (360) 753-7800 or by fax (360) 753-7808.

2010 MEETING CALENDAR

Table with 2 columns: DATE and LOCATION. Rows include meetings on January 27, March 31, May 19, June 30, August 25, September 29, and November 17, 2010, with various locations like State Investment Board, Pacific Lutheran University, and UW Bothell.

WSR 10-24-107
OFFICE OF THE GOVERNOR

[Filed December 1, 2010, 9:23 a.m.]

November 29, 2010

The Honorable Brian Sonntag
State Auditor
PO Box 40021
Olympia, WA 98504-0021

Dear Auditor Sonntag:

I am firmly committed to ensuring that Washington citizens receive the best value for their tax dollars. Proper stewardship of funds includes holding not only ourselves accountable, but also those individuals and businesses that we contract with to provide a product or service.

Our state is already seen as a model for our contracting practices. For example, the federal website for performance-

based acquisition refers readers to contract examples and templates on the Washington State Information Services Board website. Even so, I am taking steps to strengthen our practices to make sure we are receiving the best value for our contracting dollars.

I would like your assistance in the following specific areas related to performance contracting:

- 1. Evaluation. Conducting an evaluation of current performance contract practices.
2. Training. Partnering with OFM and GMAP staff to provide training for state agency employees regarding performance contracting, including contract monitoring and management.

Evaluation. Given the capacity of your team, I ask you to consider a management review of current performance contracting practices that complements our current efforts. I am looking specifically to answer the following questions by June 1, 2011:

- Are there provisions in current performance-based contracts that provide incentives for excellent performance and/or consequences for inadequate performance? If not, why not?
How are agencies actively managing their contracts? For example, if a vendor is not performing, what kind of corrective actions are being taken? Are contractors/vendors being held accountable? Given limited resources, what options are available to improve management if needed?
What are the best practices around performance-based contracting? How could we apply these best practices to Washington State?

Training. I appreciated your assistance last year in providing training related to the Recovery Act funds. Audit staff co-taught two classes and the information was very well-received. I am looking for a similar partnership for performance contracts. I am interested in your ideas for how best to reach the widest audience with very limited resources.

Thank you for your consideration of this request, and I look forward to hearing from you.

Sincerely,

Christine O. Gregoire
Governor

WSR 10-24-110
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD

[Filed December 1, 2010, 9:31 a.m.]

2011 Meeting Schedule

The community economic revitalization board (CERB) will be having regularly scheduled meetings on the following dates:

January 11
January 20
March 17
May 18 and 19
July 21
September 15
November 17

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

Please contact the CERB main line at (360) 725-3150 for additional information.

WSR 10-24-111

NOTICE OF PUBLIC MEETINGS

PUBLIC WORKS BOARD

[Filed December 1, 2010, 9:31 a.m.]

Meeting Location Change: The public works board December 7, 2010, meeting will be held at 8:30 a.m. at the Department of Commerce, 1011 Plum Street S.E., Olympia, WA.

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