

WSR 21-23-030
RULES OF COURT
STATE SUPREME COURT
[November 5, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1391
CRLJ 4, CRLJ 8, CRLJ 13, CRLJ 15,)
CRLJ 17, CRLJ 18, CRLJ 19, CRLJ 20,)
CRLJ 22, CRLJ 24, CRLJ 25, CRLJ 40,)
CRLJ 41, CRLJ 43, CRLJ 44.1, CRLJ)
46, CRLJ 47, CRLJ 49, CRLJ 51, CRLJ)
54, CRLJ 55, CRLJ 56, CRLJ 58, CRLJ)
59, CRLJ 73, AND CRLJ 75)

The Washington State Bar Association Court Rules Committee, having recommended the suggested amendments to CRLJ 4, CRLJ 8, CRLJ 13, CRLJ 15, CRLJ 17, CRLJ 18, CRLJ 19, CRLJ 20, CRLJ 22, CRLJ 24, CRLJ 25, CRLJ 40, CRLJ 41, CRLJ 43, CRLJ 44.1, CRLJ 46, CRLJ 47, CRLJ 49, CRLJ 51, CRLJ 54, CRLJ 55, CRLJ 56, CRLJ 58, CRLJ 59, CRLJ 73, and CRLJ 75, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(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 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of November, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments

CRLJ 4, CRLJ 8, CRLJ 13, CRLJ 15, CRLJ 17, CRLJ 18, CRLJ 19, CRLJ 20, CRLJ 22, CRLJ 24, CRLJ 25, CRLJ 40, CRLJ 41, CRLJ 43, CRLJ 44.1, CRLJ 46, CRLJ 47, CRLJ 49, CRLJ 51, CRLJ 54, CRLJ 55, CRLJ 56, CRLJ 58, CRLJ 59, CRLJ 73, and CRLJ 75

A. Proponent: WSBA Court Rules and Procedures Committee

B. Spokesperson: Isham Reavis, Chair - WSBA Court Rules and Procedures Committee

C. Purpose: The Superior Court Civil Rules were amended a few years ago to make the rules gender neutral. The same was not done for the Civil Rules for Courts of Limited Jurisdiction. The proposed amendments make the rules gender neutral.

D. Hearing: The proponent does not believe that a public hearing is necessary.

E. Expedited Consideration: Expedited consideration is not requested.

SUGGESTED AMENDMENT

CRLJ 4

PROCESS

(a) Summons—Issuance.

(1) The summons must be signed and dated by the plaintiff or ~~his~~ the plaintiff's attorney, and directed to the defendant requiring ~~him~~ the defendant to defend the action and to serve a copy of ~~his~~ the defendant's appearance or defense on the person whose name is signed on the summons, and to file a copy of ~~his~~ the defendant's appearance or defense with the court.

(2) Unless a statute or rule provides for a different time requirement, the summons shall require the defendant to serve and file a copy of ~~his defense~~ the answer within 20 days after the service of summons, exclusive of the day of service. If a statute or rule other than this rule provides for a different time to serve a defense, that time shall be stated in the summons.

(3) A notice of appearance, if made, shall be in writing, shall be signed by the defendant or ~~his~~ the defendant's attorney, and shall be served upon the person whose name is signed on the summons and filed with the court.

(4) No summons is necessary for a counterclaim or cross claim for any person who previously has been made a party. Counterclaims and cross claims against an existing party may be served as provided in rule 5.

(b) Summons.

(1) *Contents.* The summons for personal service shall contain:

(i) the title of the cause, specifying the name of the court in which the action is brought, the name of the county designated by the plaintiff as the place of trial, and the names of the parties to the action, plaintiff and defendant;

(ii) a direction to the defendant summoning ~~him~~ the defendant to serve a copy of ~~his defense~~ the answer within a time stated in the summons and to file with the court a copy of ~~his defense~~ the answer within the time stated in the summons;

(2) *Form.* The summons for personal service in the state shall be substantially in the following form:

(NAME AND LOCATION OF COURT)

_____)
Plaintiff,) No.
SUMMONS (20 days)
v.)
_____)
Defendant.)

TO THE DEFENDANT: A lawsuit has been started against you in the above entitled court by , plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he plaintiff asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

Any response or notice of appearance which you serve on any party to this lawsuit must also be filed by you with the court within 20 days after the service of summons, excluding the day of service.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to rule 4 of the Civil Rules for Courts of Limited Jurisdiction.

(signed)

Print or Type Name

() Plaintiff () Plaintiff's Attorney

P.O. Address

Dated Telephone Number

(c) By Whom Served. Service of summons and complaint may be made by the sheriff or a deputy of the county or district in which the court is located or by any person over the age of 18 years and who is competent to be a witness and is not a party to the action.

(d) Service.

(1) *Of Summons and Complaint.* The summons and complaint shall be served together.

(2) *Personal in State.* Personal service of summons and other process shall be as provided in RCW 4.28.080-.090, 23B.05.040, 23B.15.100, 46.64.040, and 48.05.200 and .210, and other statutes which provide for personal service

(e) Service by Publication and Personal Service Out of the Jurisdiction.

(1) When the defendant cannot be found within the territorial jurisdiction of the court (of which the return of the sheriff of the county in which the action is brought, that the defendant cannot be found in the county, is prima facie evidence), and upon filing of an affidavit of the plaintiff, ~~his~~ the plaintiff's agent, or attorney, with the court stating that ~~he~~ the plaintiff believes that the defendant is not a resident of the county, or cannot be found therein, and that ~~he~~ the plaintiff has deposited a copy of the summons (substantially in the form prescribed in this rule) and complaint in the post office, directed to the defendant at ~~his~~ the defendant's place of residence, unless it is stated in the affidavit that such residence is not known to the affiant, and stating the existence of one of the cases hereinafter specified, the service may be made by publication of the summons by the plaintiff or ~~his~~ the plaintiff's attorney in any of the following cases:

(i) when the defendant is a foreign corporation, and has property within the county;

(ii) when the defendant, being a resident of the county, has departed therefrom with intent to defraud ~~his~~ the defendant's creditors,

or to avoid the service of a notice and complaint, or ~~keep himself~~ the defendant remains concealed therein with like intent;

(iii) when the defendant is not a resident of the county, but has property therein which has been brought under the control of the court by seizure or some equivalent act;

(iv) when the subject of the action is personal property in the county, and the defendant has or claims a lien or interest, actual or contingent, therein, and the relief demanded consists wholly, or partially, in excluding the defendant from any interest or lien therein;

(v) when the action is brought under RCW 4.08.160 and 4.08.170 to determine conflicting claims to personal property in the county.

(2) The publication shall be made in the same manner and in the same form as a summons by publication in superior court (see RCW 4.28.100), with appropriate adjustments for the name and location of the court.

(3) Personal service on the defendant out of the territorial jurisdiction of the court shall be equivalent to service by publication, and the notice to the defendant out of the county shall contain the same as the notice by publication and shall require the defendant to appear at a time and place certain which shall not be less than 30 days from the date of service.

(4) Service made in the modes provided in this section 4(e) shall not alone be taken and held to give the court jurisdiction over the person of the defendant. By such service the court only acquires jurisdiction to give a judgment which is effective as to property or debts attached or garnished in connection with the suit or other property which properly forms the basis of jurisdiction of the court. If the defendant appears in a suit commenced by such service the court shall have jurisdiction over ~~his person~~ the defendant. The defendant may appear specially and solely to challenge jurisdiction over property or debts attached or garnished or other property within the jurisdiction of the court.

(f) Alternative to Service by Publication. In circumstances justifying service by publication, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication, the court may order that service be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the summons and other process to the party to be served at his the party's last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. The summons shall contain the date it was deposited in the mail and shall require the defendant to appear and answer the complaint within 90 days from the date of mailing. Service under this subsection has the same jurisdictional effect as service by publication.

(g) Appearance. A voluntary appearance of a defendant does not preclude his the defendant's right to challenge lack of jurisdiction over his the defendant, insufficiency of process, or insufficiency of service of process pursuant to rule 12(b).

(h) Territorial Limits of Effective Service. All process other than a subpoena may be served anywhere within the territorial limits of the state, and when a statute or these rules so provide beyond the territorial limits of the state. A subpoena may be served within the territorial limits provided in rule 45 and RCW 5.56.010.

(i) Return of Service. Proof of service shall be as follows:

(1) If served by the sheriff or ~~his~~ the sheriff's deputy, the return of the sheriff or ~~his~~ the sheriff's deputy endorsed upon or attached to the summons;

(2) If served by any other person, ~~his~~ the person's affidavit of service endorsed upon or attached to the summons; or

(3) If served by publication, the affidavit of the publisher, foreman, principal clerk, or business manager of the newspaper showing the same, together with a printed copy of the summons as published; or

(4) If served as provided in section (f), the affidavit of the serving party stating that copies of the summons and other process were sent by mail in accordance with the rule and directions by the court, and stating to whom, and when, the envelopes were mailed;

(5) The written acceptance or admission of the defendant, ~~his~~ the defendant's agent or attorney;

(6) In case of personal service out of the state, the affidavit of the person making the service, sworn to before a notary public, with a seal attached, or before a clerk of a court of record;

(7) In case of service otherwise than by publication, the return, acceptance, admission, or affidavit must state the time, place, and manner of service. Failure to make proof of service does not affect the validity of the service.

(j) Amendment of Process. At any time in its discretion and upon such terms as it deems just, the court may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process is issued.

[Amended effective September 1, 1994; September 1, 1996; September 1, 2000.]

Reviser's note: The typographical errors in 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.

CRLJ 8

GENERAL RULES OF PLEADING

(1) **Claims for Relief.** A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross claim, or third party claim shall contain (1) a short and plain statement of the claim showing that the pleader is entitled to relief, and (2) a demand for judgment for the relief to which ~~he deems himself entitled~~ the pleader claims entitlement. Relief in the alternative or of several different types may be demanded.

(2) **Defenses; Form of Denials.** A party shall state in short and plain terms the defenses to each claim asserted and shall admit or deny the averments upon which the adverse party relies. If a party is without knowledge or information sufficient to form a belief as to the truth of an averment, the party shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a pleader intends in good faith to deny only a part or a qualification of an averment, the pleader shall specify so much of it as is true and material and shall deny only the remainder. Unless the pleader intends in good faith to controvert all the averments of the preceding pleading, the pleader may make denials as specific denials of designated averments or paragraphs, or the pleader may generally deny all the averments except such designated averments or paragraphs as the pleader expressly admits; but, when the pleader does so intend

to controvert all its averments, the pleader may do so by general denial subject to the obligations set forth in rule 11.

(3) **Affirmative Defenses.** In pleading to a preceding pleading, a party shall set forth affirmatively accord and satisfaction, arbitration and award, assumption of risk, contributory negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fault of a nonparty, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitation, waiver, and any other matter constituting an avoidance or affirmative defense. When a party has mistakenly designated a defense as a counterclaim or a counterclaim as a defense, the court on terms, if justice so requires, shall treat the pleading as if there had been a proper designation.

(4) **Effect of Failure To Deny.** Averments in a pleading to which responsive pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading. Averments in a pleading to which no responsive pleading is required or permitted shall be taken as denied or avoided.

(5) Pleading To Be Concise and Direct: Consistency.

- Each averment of a pleading shall be simple, concise, and direct. No technical forms of pleadings or motions are required.
- A party may set forth two or more statements of a claim or defense alternately or hypothetically, either in one count or defense or in separate counts or defenses. When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as the party has regardless of consistency and whether based on legal or on equitable grounds or on both. All statements shall be made subject to the obligations set forth in rule 11.

(f) **Construction of Pleadings.** All pleadings shall be so construed as to do substantial justice.

[Adopted effective September 1 1984; Amended effective September 1, 1989; September 1, 1994.]

Reviser's note: The typographical errors in 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.

CRLJ 13

COUNTERCLAIM AND CROSS CLAIM

(6) **Compulsory Counterclaims.** A pleading shall state as a counterclaim any claim which at the time of serving the pleading the pleader has against any opposing party, if it arises out of the transaction or occurrence that is the subject matter of the opposing party's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction. But the pleader need not state the claim if (1) at the time the action was commenced the claim was the subject of another pending action, or (2) the opposing party brought suit upon the claim by attachment or other process by which the court did not acquire jurisdiction to render a personal judgment on that claim, and the pleader is not stating any counterclaim under this rule.

(7) **Permissive Counterclaims.** A pleading may state as a counterclaim any claim against an opposing party not arising out of the

transaction or occurrence that is the subject matter of the opposing party's claim.

(8) **Counterclaim Exceeding Opposing Claim.** A counterclaim may or may not diminish or defeat the recovery sought by the opposing party. It may claim relief exceeding in amount or different in kind from that sought in the pleading of the opposing party.

(9) **Counterclaim Against the State.** These rules shall not be construed to enlarge beyond the limits now fixed by law the right to assert counterclaims, or to claim credits against the State or an officer or agency thereof.

(10) **Counterclaim Maturing or Acquired After Pleading.** A claim which either matured or was acquired by the pleader after serving the pleading may, with the permission of the court, be presented as a counterclaim by supplemental pleading.

(11) **Omitted Counterclaim.** When a pleader fails to set up a counterclaim through oversight, inadvertence, or excusable neglect, or when justice requires, the pleader may by leave of court set up the counterclaim by amendment.

(12) **Cross Claim Against Coparty.** A pleading may state as a cross claim any claim by one party against a coparty arising out of the transaction or occurrence that is the subject matter either of the original action or of a counterclaim therein or relating to any property that is the subject matter of the original action. Such cross claim may include a claim that the party against whom it is asserted is or may be liable to the cross claimant for all or part of a claim asserted in the action against the cross claimant.

(13) **Joinder of Additional Parties.** Persons other than those made parties to the original action may be made parties to a counterclaim or cross claim in accordance with the provisions of rules 19 and 20.

(14) **Separate Trials; Separate Judgment.** If the court orders separate trials as provided in rule 42(b), judgment on a counterclaim or cross claim may be rendered in accordance with the terms of rule 54(b), even if the claims of the opposing party have been dismissed or otherwise disposed of.

(15) **Setoff Against Assignee.** The defendant in a civil action upon a contract express or implied, other than upon a negotiable promissory note or bill of exchange, negotiated in good faith and without notice before due, which has been assigned to the plaintiff, may set off a demand of a like nature existing against the person to whom the defendant was originally liable, or any assignee prior to the plaintiff, of such contract, provided such demand existed at the time of the assignment thereof, and belonging to the defendant in good faith, before notice of such assignment, and was such a demand as might have been set off against such person to whom the defendant was originally liable, or such assignee while the contract belonged to ~~him~~ such person or assignee.

(b) **Setoff Against Beneficiary of Trust Estate.** If the plaintiff be a trustee to any other, or if the action be in a name of a plaintiff which has no real interest in the contract upon which the action is founded, so much a demand existing against those whom the plaintiff represents or for whose benefit the action is brought may be set off as will satisfy the plaintiff's debt, if the same might have been set off in an action brought against those beneficially interested.

(c) **Setoff Must Be Pleaded.** To entitle a defendant to a setoff under this rule, the defendant must set forth the same in the answer.

[Adopted effective September 1, 1984; Amended effective September 1, 1989.]

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

CRLJ 15

AMENDED AND SUPPLEMENTAL PLEADINGS

(a) Amendments. A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise, a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires. If a party moves to amend a pleading, a copy of the proposed amended pleading, denominated "proposed" and unsigned, shall be attached to the motion. If a motion to amend is granted, the moving party shall thereafter file the amended pleading and, pursuant to rule 5, serve a copy thereof on all other parties. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service or notice of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

(b) Amendments to Conform to the Evidence. When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment; but failure so to amend does not affect the result of the trial of these issues. If the evidence is objected to at the trial on the ground that it is not within the issues made by the pleadings, the court may allow the pleadings to be amended and shall do so freely when the presentation of the merits of the action will be subserved thereby and the objecting party fails to satisfy the court that the admission of such evidence would prejudice ~~him~~ that party in maintaining ~~his~~ an action or defense upon the merits. The court may grant a continuance to enable the objecting party to meet such evidence.

(c) Relation Back of Amendments. Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading the amendment relates back to the date of the original pleading. An amendment changing the party against whom a claim is asserted relates back if the foregoing provision is satisfied and, within the period provided by law for commencing the action ~~against him~~ against the original party, the party to be brought in by amendment (1) has received such notice of the institution of the action that ~~he~~ the new party will not be prejudiced in maintaining ~~his~~ a defense on the merits, and (2) knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against ~~him~~ the new party.

(d) Supplemental Pleadings. Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit ~~him~~ the party to serve a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented. Permission may be granted even though

the original pleading is defective in its statement of a claim for relief or defense. If the court deems it advisable that the adverse party plead to the supplemental pleading, it shall so order, specifying the time therefor.

(e) **Interlineations.** No amendments shall be made to any pleading by erasing or adding words to the original on file, without first obtaining leave of the court.

CRLJ 17

PARTIES PLAINTIFF AND DEFENDANT; CAPACITY

(-) **Designation of Parties.** The party commencing the action shall be known as the plaintiff, and the opposite party as the defendant.

(a) **Real Party in Interest.** Every action shall be prosecuted in the name of the real party in interest. An executor, administrator, guardian, bailee, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in ~~his~~ the party's own name without joining ~~with him~~ the party for whose benefit the action is brought. No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest; and such ratification, joinder, or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest.

(b) **Infants or Incompetent Persons.**

(1) When an infant is a party ~~he~~ the infant shall appear by guardian, or if ~~he~~ the infant has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint a guardian ad litem. The guardian shall be appointed:

(i) when the infant is plaintiff, upon the application of the infant, if ~~he~~ the infant be of the age of 14 years, or if under the age, upon the application of a relative or friend of the infant;

(ii) when the infant is defendant, upon the application of the infant, if ~~he~~ the infant be of the age of 14 years, and applies within the time ~~he~~ the infant is to appear; if ~~he~~ the infant be under the age of 14, or neglects to apply, then upon the application of any other party to the action, or of a relative or friend of the infant.

(2) When an insane person is a party to an action ~~he~~ that person shall appear by guardian, or if ~~he~~ that person has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act as guardian ad litem. Said guardian shall be appointed:

(i) when the insane person is plaintiff, upon the application of a relative or friend of the insane person;

(ii) when the insane person is defendant, upon the application of a relative or friend of such insane person, such application shall be made within the time ~~he~~ the defendant is to appear. If no such application be made within the time above limited, application may be made by any party to the action.

CRLJ 18

JOINDER OF CLAIMS AND REMEDIES

(a) **Joinder of Claims.** A party asserting a claim to relief as an original claim, counterclaim, cross claim, or third party claim, may join, either as independent or as alternate claims, as many claims as ~~he~~ the party has against an opposing party.

(b) **Joinder of Remedies.** Whenever a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, the two claims may be joined in a single action; but the court shall grant relief in that action only in accordance with the relative substantive rights of the parties.

CRLJ 19

JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION

(a) **Persons To Be Joined if Feasible.** A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if (1) in ~~his~~ the person's absence complete relief cannot be accorded among those already parties, or (2) ~~he~~ the person claims an interest relating to the subject of the action and is so situated that the disposition of the action in ~~his~~ the person's absence may (i) as a practical matter impair or impede ~~his~~ the person's ability to protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of ~~his~~ the person's claimed interest. If ~~he~~ the person has not been so joined, the court shall order that ~~he~~ the person be made a party. If ~~he~~ the person should join as a plaintiff but refuses to do so, ~~he~~ the person may be made a defendant, or, in a proper case, an involuntary plaintiff. If the joined party objects to venue and ~~his~~ the person's joinder would render the venue of the action improper, ~~he~~ the joined party shall be dismissed from the action.

(b) **Determination by Court Whenever Joinder Not Feasible.** If a person joinable under (1) or (2) of section (a) hereof cannot be made a party, the court shall determine whether in equity and good conscience the action should proceed among the parties before it, or should be dismissed, the absent person being thus regarded as indispensable. The factors to be considered by the court include:

(1) to what extent a judgment rendered in the persons absence might be prejudicial to ~~him~~ the person or those already parties;

(2) the extent to which, by protective provisions in the judgment, by the shaping of relief, or other measures, the prejudice can be lessened or avoided;

(3) whether a judgment rendered in the person's absence will be adequate;

(4) whether the plaintiff will have an adequate remedy if the action is dismissed for nonjoinder.

(c) **Pleading Reasons for Nonjoinder.** A pleading asserting a claim for relief shall state the names, if known to the pleader, of any persons joinable under (1) or (2) of section (a) hereof who are not joined, and the reasons why ~~they~~ those persons are not joined.

(d) **[Reserved.]**

(e) **Husband and Wife Must Join--Exceptions.** RCW 4.08.030 applies to the joinder of spouses.

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

CRLJ 20

PERMISSIVE JOINDER OF PARTIES

(a) **Permissive Joinder.** All persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence or series of transactions or occurrences and if any

question of law or fact common to all of these persons will arise in the action. All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all of them will arise in the action. A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities.

(b) Separate Trials. The court may make such orders as will prevent a party from being embarrassed, delayed, or put to expense by the inclusion of a party against whom ~~he~~ a party asserts no claim and who asserts no claim against ~~him~~ the party, and may order separate trials or make other orders to prevent delay or prejudice.

(c) When Husband and Wife May Join. (Reserved. See RCW 4.08.040.)

(d) Service on Joint Defendants; Procedure After Service. When the action is against two or more defendants and the summons is served on one or more but not on all of them, the plaintiff may proceed as follows:

(1) If the action is against the defendants jointly indebted upon a contract, ~~he~~ the plaintiff may proceed against the defendants served unless the court otherwise directs; and if ~~he~~ the plaintiff recovers judgment it may be entered against all the defendants thus jointly indebted so far only as it may be enforced against the joint property of all and the separate property of the defendants served.

(2) If the action is against defendants severally liable, ~~he~~ the plaintiff may proceed against the defendants served in the same manner as if they were the only defendants.

(3) Though all the defendants may have been served with the summons, judgment may be taken against any of them severally, when the plaintiff would be entitled to judgment against such defendants if the action had been against them alone.

(e) Procedure To Bind Joint Debtor. RCW 4.68 applies to the enforcement of a judgment against a joint debtor.

CRLJ 22

INTERPLEADER

(a) Rule. Persons having claims against the plaintiff may be joined as defendants and required to interplead when their claims are such that the plaintiff is or may be exposed to double or multiple liability. It is not ground for objection to the joinder that the claims of the several claimants or the titles on which their claims depend do not have a common origin or are not identical but are adverse to and independent of one another, or that the plaintiff avers that ~~he~~ the plaintiff is not liable in whole or in part to any or all of the claimants. A defendant exposed to similar liability may obtain such interpleader by way of cross claim or counterclaim. The provisions of this rule supplement and do not in any way limit the joinder of parties permitted under other rules and statutes.

(b) Statutes. The remedy herein provided is in addition to and in no way supersedes or limits the remedy provided by RCW 4.08.150 to 4.08.180, inclusive.

CRLJ 24

INTERVENTION

(a) Intervention of Right. Upon timely application, anyone shall be permitted to intervene in an action:

(1) when a statute confers an unconditional right to intervene;

or

(2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he the applicant is so situated that the disposition of the action may as a practical matter impair or impede ~~his~~ the applicant's ability to protect that interest, unless the applicants interest is adequately represented by existing parties.

(b) Permissive Intervention. Upon timely application, anyone may be permitted to intervene in an action:

(1) when a statute confers a conditional right to intervene; or

(2) when an applicants claim or defense and the main action have a question of law or fact in common. When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a federal or state governmental officer or agency or upon any regulation, order, requirements, or agreement issued or made pursuant to the statute or executive order, the officer or agency upon timely application may be permitted to intervene in the action. In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

(c) Procedure. A person desiring to intervene shall serve a motion to intervene upon all parties as provided in rule 5. The motion shall state the grounds therefor and shall be accompanied by a pleading setting forth the claim or defense for which intervention is sought.

Reviser's note: The typographical errors in 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.

CRLJ 25

SUBSTITUTION OF PARTIES

(a) Death.

(1) *Procedure.* If a party dies and the claim is not thereby extinguished, the court may order substitution of the proper parties. The motion for substitution may be made by the successors or representatives of the deceased party or by any party and, together with the notice of hearing, shall be served on the parties as provided by rule 5 for service of notices, and upon persons not parties in the manner provided by statute or by rule for the service of a summons. If substitution is not made within the time authorized by law, the action may be dismissed as to the deceased party.

(2) *Partial Abatement.* In the event of the death of one or more of the plaintiffs or one or more of the defendants in an action in which the right sought to be enforced survives only to the surviving plaintiffs or only against the surviving defendants, the action does not abate. The death shall be suggested upon the record and the action shall proceed in favor of or against the surviving parties.

(b) Incompetency. If a party becomes incompetent, the court upon motion served as provided in section (a) of this rule may allow the action to be continued by or against ~~his~~ the party's representative.

(c) Transfer of Interest. In case of any transfer of interest, the action may be continued by or against the original party unless the court upon motion directs the person to whom the interest is transferred to be substituted in the action or joined with the origi-

nal party. Service of the motion shall be made as provided in section (a) of this rule.

(d) Public Offices; Death or Separation From Office. [Reserved.]

RULE 40. ASSIGNMENT OF CASES

(a) Notice of Trial--Note of Issue.

(1) *Of Fact.* At any time after the issues of fact are completed in any case by the service of complaint and answer or reply when necessary, as herein provided, either party may cause the issues of fact to be brought on for trial, by serving upon the opposite party a notice of trial at least 3 days before any day provided by rules of court for setting causes for trial, which notice shall give the title of the cause as in the pleadings, and notify the opposite party that the issues in such action will be brought on for trial at the time set by the court; and the party giving such notice of trial shall, at least 5 days before the day of setting such causes for trial, file with the clerk of the court a note of issue containing the title of the action, the names of the attorneys and the date when the last pleading was served; and the clerk shall thereupon enter the cause upon the trial docket according to the date of the issue.

(2) *Of Law.* In case an issue of law raised upon the pleadings is desired to be brought on for argument, either party shall, at least 5 days before the day set apart by the court under its rules for hearing issues of law, serve upon the opposite party a like notice of trial and furnish the clerk of the court with a note of issue as above provided, which note of issue shall specify that the issue to be tried is an issue of law; and the clerk of the court shall thereupon enter such action upon the motion docket of the court.

(3) *Adjournments.* When a cause has once been placed upon either docket of the court, if not tried or argued at the time for which notice was given, it need not be noticed for a subsequent session or day, but shall remain upon the docket from session to session or from law day to law day until final disposition or stricken off by the court.

(4) *Filing Note by Opposite Party.* The party upon whom notice of trial is served may file the note of issue and cause the action to be placed upon the calendar without further notice ~~on his part~~ by the served party.

(5) *Issue May Be Brought to Trial by Either Party.* Either party, after the notice of trial, whether given by ~~himself or the adverse~~ either party, may bring the issue to trial, and in the absence of the adverse party, unless the court for good cause otherwise directs, may proceed with ~~his~~ the case, and take a dismissal of the action, or a verdict or judgment, as the case may require.

(b) **Methods.** Each court of limited jurisdiction may provide by local rule for placing of actions upon the trial calendar (1) without request of the parties or (2) upon request of a party and notice to the other parties or (3) in such other manner as the court deems expedient.

(c) **Preferences.** In setting cases for trial, unless otherwise provided by statute, preference shall be given to criminal over civil cases, and cases where the defendant or a witness is in confinement shall have preference over other cases.

(d) **Trials.** When a cause is set and called for trial, it shall be tried or dismissed, unless good cause is shown for a continuance. The court may in a proper case, and upon terms, reset the same.

(e) **Continuances.** A motion to continue a trial on the ground of the absence of evidence shall only be made upon affidavit showing the materiality of the evidence expected to be obtained, and that due diligence has been used to procure it, and also the name and address of the witness or witnesses. The court may also require the moving party to state upon affidavit the evidence which ~~he~~ that party expects to obtain; and if the adverse party admits that such evidence would be given, and that it be considered as actually given on the trial, or offered and overruled as improper, the trial shall not be continued. The court, upon its allowance of the motion, may impose terms or conditions upon the moving party.

(f) **Change of Judge.** In any case pending in any court of limited jurisdiction, unless otherwise provided by law, the judge thereof shall be deemed disqualified to hear and try the case when ~~he~~ the judge is in anywise interested or prejudiced. The judge, of ~~his~~ the judge's own initiative, may enter an order ~~disqualifying himself of self disqualification;~~. A judge and he shall also self disqualify ~~himself~~ under the provisions of this rule if, before the jury is sworn or the trial is commenced, a party files an affidavit that such party cannot have a fair and impartial trial by reason of the interest or prejudice of the judge or for other ground provided by law. Only one such affidavit shall be filed by the same party in the case and such affidavit shall be made as to only one of the judges of said court.

All right to an affidavit of prejudice will be considered waived where filed more than 10 days after the case is set for trial, unless the affidavit alleges a particular incident, conversation or utterance by the judge, which was not known to the party or ~~his~~ the party's attorney within the 10-day period. In multiple judge courts, or where a pro tempore or visiting judge is designated as the trial judge, the 10-day period shall commence on the date that the defendant or ~~his~~ the defendant's attorney has actual notice of assignment or reassignment to a designated trial judge.

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

RULE 41. DISMISSAL OF ACTIONS

(a) Voluntary Dismissal.

(1) *Mandatory.* Any action shall be dismissed by the court:

(i) By Stipulation. When all parties who have appeared so stipulate in writing; or

(ii) By Plaintiff Before Resting. Upon motion of the plaintiff at any time before plaintiff rests at the conclusion of ~~his~~ plaintiff's opening case.

(2) *Permissive.* After plaintiff rests after ~~his~~ plaintiff's opening case, plaintiff may move for a voluntary dismissal without prejudice upon good cause shown and upon such terms and conditions as the court deems proper.

(3) *Counterclaim.* If a counterclaim has been pleaded by a defendant prior to the service upon ~~him~~ the defendant of plaintiff's motion for dismissal, the action shall not be dismissed against the defendant's objection unless the counterclaim can remain pending for independent adjudication by the court.

(4) *Effect.* Unless otherwise stated in the order of dismissal, the dismissal is without prejudice, except that an order of dismissal operates as an adjudication upon the merits when obtained by a plaintiff who has once dismissed an action based on or including the same claim in any court of the United States or of any state.

(b) **Involuntary Dismissal; Effect.** For failure of the plaintiff to prosecute or to comply with these rules or any order of the court, a defendant may move for dismissal of an action or of any claim against ~~him or her~~ that defendant.

(1) *Want of Prosecution on Motion of Party.* Any civil action shall be dismissed, without prejudice, for want of prosecution whenever the plaintiff, counterclaimant, cross claimant, or third party plaintiff neglects to note the action for trial or hearing within 1 year after any issue of law or fact has been joined, unless the failure to bring the same on for trial or hearing was caused by the party who makes the motion to dismiss. Such motion to dismiss shall come on for hearing only after 10 days' notice to the adverse party. If the case is noted for trial before the hearing on the motion, the action shall not be dismissed.

(2) *Dismissal on Clerk's Motion.*

(i) Notice. In all civil cases in which no action of record has occurred during the previous 12 months, the clerk of the court shall notify the attorneys of record by mail that the court will dismiss the case unless, within 30 days following the mailing of such notice, a party takes action of record or files a status report with the court indicating the reason for inactivity and projecting future activity and a case completion date. If the court does not receive such a status report, it shall, on motion of the clerk, dismiss the case without prejudice and without cost to any party.

(ii) Mailing Notice; Reinstatement. The clerk shall mail notice of impending dismissal not later than 30 days after the case becomes eligible for dismissal because of inactivity. A party who does not receive the clerk's notice shall be entitled to reinstatement of the case, without cost, upon motion brought within a reasonable time after learning of the dismissal.

(iii) Discovery in Process. The filing of a document indicating that discovery is occurring between the parties shall constitute action of record for purposes of this rule.

(iv) Other Grounds for Dismissal and Reinstatement. This rule is not a limitation upon any other power that the court may have to dismiss or reinstate any action upon motion or otherwise.

(3) *Defendant's Motion After Plaintiff Rests.* After the plaintiff, in an action tried by the court without a jury, has completed the presentation of his evidence, the defendant, without waiving his the right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the law the plaintiff has shown no right to relief. The court as trier of the facts may then determine them and render judgment against the plaintiff or may decline to render any judgment until the close of all the evidence. If the court renders judgment on the merits against the plaintiff, the court shall make findings as provided in RALJ 5.2. Unless the court in its order for dismissal otherwise specifies, a dismissal under this subsection and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a party under rule 19, operates as an adjudication upon the merits.

(c) **Dismissal of Counterclaim, Cross Claim, or Third Party Claim.** The provisions of this rule apply to the dismissal of any counterclaim, cross claim, or third party claim. A voluntary dismissal by the claimant alone pursuant to subsection (a)(1) of this rule shall be made before a responsive pleading is served or, if there is none, before the introduction of evidence at the trial or hearing.

(d) **Costs of Previously Dismissed Action.** If a plaintiff who has once dismissed an action in any court commences an action based upon or including the same claim against the same defendant, the court may make such order for the payment of taxable costs of the action previously dismissed as it may deem proper and may stay the proceedings in the action until the plaintiff has complied with the order.

(e) **Notice of Settlements.** If a case is settled after it has been assigned for trial, it shall be the duty of the attorneys or of any party appearing pro se to notify the court promptly of the settlement. If the settlement is made within 5 days before the trial date, the notice shall be made by telephone or in person. All notices of settlement shall be confirmed in writing to the clerk.

CRLJ 43

TAKING OF TESTIMONY

(a) Testimony.

(1) *Generally.* In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise directed by the court or provided by rule or statute.

(2) *Multiple Examinations.* When two or more attorneys are upon the same side trying a case, the attorney conducting the examination of a witness shall continue until the witness is excused from the stand; and all objections and offers of proof made during the examination of such witness shall be made or announced by the attorney who is conducting the examination or cross examination.

(b) and (c) [Reserved. See ER 103 and 611.]

(d) Oaths of Witnesses.

(1) *Administration.* The oaths of all witnesses

(i) shall be administered by the judge;

(ii) shall be administered to each witness individually; and

(iii) the witness shall stand while the oath is administered.

(2) *Applicability.* This rule shall not apply to civil ex parte proceedings, and in such cases the manner of swearing witnesses shall be as each court may prescribe.

(3) *Affirmation in Lieu of Oath.* Whenever under these rules an oath is required to be taken, a solemn affirmation may be accepted in lieu thereof.

(e) Evidence on Motions. When a motion is based on facts not appearing of record the court may hear the matter on affidavits presented by the respective parties, but the court may direct that the matter be heard wholly or partly on oral testimony or depositions.

(f) Adverse Party as Witness.

(1) *Party or Managing Agent as Adverse Witness.* A party, or anyone who at the time of the notice is an officer, director, or other managing agent (herein collectively referred to as "managing agent") of a public or private corporation, partnership or association that is a party to an action or proceeding may be examined at the instance of any adverse party. Attendance of such deponent or witness may be compelled solely by notice (in lieu of a subpoena) given in the manner prescribed in CR 30 (b)(1) to opposing counsel of record. Notices for the attendance of a party or of a managing agent at the trial shall be given not less than 10 days before trial (exclusive of the day of service, Saturdays, Sundays, and court holidays). For good cause shown in the manner prescribed in CR 26(c), the court may make orders for the protection of the party or managing agent to be examined.

(2) *Effect of Discovery, etc.* A party who has served interrogatories to be answered by the adverse party or who has taken the deposi-

tion of an adverse party or of the managing agent of an adverse party shall not be precluded for that reason from examining such adverse party or managing agent at the trial. Matters admitted by an adverse party or managing agent in interrogatory answers, deposition testimony, or trial testimony are not conclusively established and may be rebutted.

(3) *Refusal To Attend and Testify; Penalties.* If a party or a managing agent refuses to attend and testify before the officer designated to take ~~his~~ that person's deposition or at the trial after notice served as prescribed in CR 30 (b)(1), the complaint, answer, or reply of the party may be stricken and judgment taken against the party, and the contumacious party or managing agent may also be proceeded against as in other cases of contempt. This rule shall not be construed:

(i) to compel any person to answer any question where such answer might tend to be incriminating~~ge~~~~him~~;

(ii) to prevent a party from using a subpoena to compel the attendance of any party or managing agent to give testimony by deposition or at the trial; nor

(iii) to limit the applicability of any other sanctions or penalties provided in CR 37 or otherwise for failure to attend and give testimony.

(g) Attorney as Witness. If any attorney offers ~~himself as to be~~ a witness on behalf of ~~his~~ the attorney's client and gives evidence on the merits, ~~he~~ the attorney shall not argue the case to the jury, unless by permission of the court.

(h) Recording as Evidence. Whenever the testimony of a witness at a trial or hearing which was recorded is admissible in evidence at a later trial, it may be proved by the recording thereof duly certified by the person who recorded the testimony.

(i) [Reserved. See ER 804.]

(j) Record in Retrial of Nonjury Cases. In the event a cause has been remanded by the court for a new trial or the taking of further testimony, and such cause shall have been tried without a jury, and the testimony in such cause shall have been taken in full and used as the record upon review, either party upon the retrial of such cause or the taking of further testimony therein shall have the right, provided the court shall so order after an application on 10 days' notice to the opposing party or parties, to submit said record as the testimony in said cause upon its second hearing, to the same effect as if the witnesses called by ~~him~~ either party in the earlier hearing had been called, sworn, and testified in the further hearing; but no party shall be denied the right to submit other or further testimony upon such retrial or further hearing, and the party having the right of cross examination shall have the privilege of subpoenaing any witness whose testimony is contained in such record for further cross examination.

(k) Juror Questions for Witnesses. The court shall permit jurors to submit to the court written questions directed to witnesses. Counsel shall be given an opportunity to object to such questions in a manner that does not inform the jury that an objection was made. The court shall establish procedures for submitting, objecting to, and answering questions from jurors to witnesses. The court may rephrase or reword questions from jurors to witnesses. The court may refuse on its own motion to allow a particular question from a juror to a witness.

[Adopted effective September 1, 1984; Amended effective September 1, 1989; October 1, 2002; September 1, 2006.]

CRLJ 44.1 DETERMINATION OF FOREIGN LAW

(a) Pleading. A party who intends to raise an issue concerning the law of a state, territory, or other jurisdiction of the United States, or a foreign country shall give notice in ~~his~~ the party's pleadings in accordance with rule 9(k).

(b) United States Jurisdictions. The law of a state, territory, or other jurisdiction of the United States shall be determined as provided in RCW 5.24.

(c) Other Jurisdictions. The court, in determining the law of any jurisdiction other than a state, territory, or other jurisdiction of the United States, may consider any relevant written material or other source, including testimony, having due regard for their trustworthiness, whether or not submitted by a party and whether or not admissible under the Rules of Evidence. If the court considers any material or source not received in open court, prior to its determination the court shall:

- (1) Identity in the record such material or source;
- (2) Summarize in the record any unwritten information received;

and

(3) Afford the parties an opportunity to respond thereto. The court's determination shall be treated as a ruling on a question of law.

[Adopted effective September 1, 1984; Amended effective September 1, 1989.]

CRLJ 46

EXCEPTIONS UNNECESSARY

Formal exceptions to rulings or orders of the court are unnecessary; but for all purposes for which an exception has heretofore been necessary it is sufficient that a party, at the time the ruling or order of the court is made or sought, makes known to the court the action which the party ~~he~~ desires the court to take or ~~his~~ the party's objection to the action of the court and the ~~his~~ grounds therefor; and, if a party has no opportunity to object to a ruling or order at the time it is made, the absence of an objection does not thereafter prejudice ~~him~~ the party.

[Adopted effective September 1, 1984; Amended effective September 1, 1989.]

CRLJ 47

JURORS

(a) Examination, Selection, etc. See rule 38.

(b) Care of Jury While Deliberating.

(1) *Generally.* During trial and deliberations the jury may be allowed to separate unless good cause is shown, on the record, for sequestration of the jury.

(2) *Communication Restricted.* Unless the jury is allowed to separate, the jurors shall be kept together under the charge of one or more officers until they agree upon their verdict or are discharged by the court. The officer shall keep the jurors separate from other persons and shall not allow any communication which may affect the case to be made to the jurors, nor shall the officer make any himself such communication, unless by order of the court, except to ask the jurors

if they have agreed upon their verdict. The officer shall not, before the verdict is rendered, communicate to any person the state of the jurors' deliberations or their verdict.

(3) *Motions*. Any motions or proceedings concerning the separation or sequestration of the jury shall be made out of the presence of the jury.

[Adopted effective September 1, 1984; Amended effective September 1, 1989.]

CRLJ 49

TAKING OF TESTIMONY

(-) General Verdict. A general verdict is that by which the jury pronounces generally upon all or any of the issues in favor of either the plaintiff or defendant.

(a) Special Verdict. The court may require a jury to return only a special verdict in the form of a special written finding upon each issue of fact. In that event the court may submit to the jury written questions susceptible of categorical or other brief answer or may submit written forms of the several special findings which might properly be made under the pleadings and evidence; or it may use such other method of submitting the issues and requiring the written findings thereon as it deems most appropriate. The court shall give to the jury such explanation and instruction concerning the matter thus submitted as may be necessary to enable the jury to make its findings upon each issue. If in so doing the court omits any issue of fact raised by the pleadings or by the evidence, each party waives ~~his~~ the rights to a trial by jury of the issue so omitted unless before the jury retires ~~he~~ the party demands its submission to the jury. As to an issue omitted without such demand the court may make a finding; or, if it fails to do so, it shall be deemed to have made a finding in accord with the judgment on the special verdict.

(b) General Verdict Accompanied by Answer to Interrogatories. The court may submit to the jury, together with appropriate forms for a general verdict, written interrogatories upon one or more issues of fact the decision of which is necessary to a verdict. The court shall give such explanation or instruction as may be necessary to enable the jury both to make answers to the interrogatories and to render a general verdict, and the court shall direct the jury both to make written answers and to render a general verdict. When the general verdict and the answers are harmonious, the appropriate judgment upon the verdict and answers shall be entered pursuant to rule 58. When the answers are consistent with each other but one or more is inconsistent with the general verdict, judgment may be entered pursuant to rule 58 in accordance with the answers, notwithstanding the general verdict, or the court may return the jury for further consideration of its answers and verdict or may order a new trial. When the answers are inconsistent with each other and one or more is likewise inconsistent with the general verdict, judgment shall not be entered, but the court shall return the jury for further consideration of its answers and verdict or shall order a new trial.

(c) Discharge of Jury. [Reserved. See RCW 12.12.080 and 12.12.090.]

(d) Court Recess During Deliberation. [Reserved. See RCW 4.44.350.]

(e) Proceedings When Jury Has Agreed. [Reserved. See RCW 4.44.360.]

(f) **Manner of Giving Verdict.** [Reserved. See RCW 4.44.370.]

(g) **Verdict by Five Jurors in Civil Cases.** [Reserved. See RCW 4.44.380.]

(h) **Jury May Be Polled.** [Reserved. See RCW 4.44.390]

(i) **Correction of Informal Verdict.** [Reserved. See RCW 4.44.400.]

(j) **Jury To Assess Amount of Recovery.** [Reserved. See RCW 4.44.450]

(k) **Receiving Verdict and Discharging Jury.** [Reserved. See RCW 12.12.080 and 12.12.090.]

[Adopted effective September 1, 1984; Amended effective September 1, 1989.]

CRLJ 51

INSTRUCTIONS TO JURY AND DELIBERATION

(a) **Proposed.** Unless otherwise requested by the trial judge on timely notice to counsel, proposed instructions shall be submitted when the case is called for trial. Proposed instructions upon questions of law developed by the evidence, which could not reasonably be anticipated, may be submitted at any time before the court has instructed the jury.

(b) **Submission.** Submission of proposed instructions shall be by delivering the original and three or more copies as required by the trial judge, by filing one copy with the clerk, identified as the party's proposed instructions, and by serving one copy upon each opposing counsel.

(c) **Form.** Each proposed instruction shall be typewritten or printed on a separate sheet of letter-size (8-1/2 by 11 inches) paper. Except for one copy of each, the instructions delivered to the trial court shall not be numbered or identified as to the proposing party. One copy delivered to the trial court, and the copy filed with the clerk, and copies served on each opposing counsel shall be numbered and identified as to proposing party, and may contain supporting annotations.

(d) **Published Instructions.**

(1) *Request.* Any instruction appearing in the Washington Pattern Instructions (WPI) may be requested by counsel who must submit the proper number of copies of the requested instruction, identified by number as in section (c) of this rule, in the form ~~he~~ counsel wishes it read to the jury. If the instruction in WPI allows or provides for a choice of wording by the use of brackets or otherwise, the written requested instruction shall use the choice of wording which is being requested.

(2) *Record on Review.* Where the refusal to give a requested instruction is an asserted error on review, a copy of the requested instruction shall be placed in the record on review.

(3) *Local Option.* Any court of limited jurisdiction may adopt a local rule to substitute for subsection (d)(1) and to allow instructions appearing in the Washington Pattern Instructions (WPI) to be requested by reference to the published number. If the instruction in WPI allows or provides for a choice of wording by the use of brackets or otherwise, the local rule must require that the written request which designates the number of the instruction shall also designate the choice of wording which is being requested.

(e) **Disregarding Requests.** The trial court may disregard any proposed instruction not submitted in accordance with this rule.

(f) Objections to Instruction. Before instructing the jury, the court shall supply counsel with copies of its proposed instructions which shall be numbered. Counsel shall then be afforded an opportunity in the absence of the jury to make objections to the giving of any instruction and to the refusal to give a requested instruction. The objector shall state distinctly the matter to which ~~he~~ counsel objects and the grounds ~~of his~~ for the objection, specifying the number, paragraph or particular part of the instruction to be given or refused and to which objection is made.

(g) Instructing the Jury and Argument. After counsel have completed their objections and the court has made any modifications deemed appropriate, the court shall then provide each counsel with a copy of the instructions in their final form. The court shall then read the instructions to the jury. The plaintiff or party having the burden of proof may then address the jury upon the evidence, and the law as contained in the courts instructions; after which the adverse party may address the jury; followed by the rebuttal of the party first addressing the jury.

(h) Deliberation. After argument, the jury shall retire to consider its verdict. In addition to the written instructions given, the jury shall take with it all exhibits received in evidence, except deposition. Copies may be substituted or any parts of public records or private documents as ought not, in the opinion of the court, to be taken from the person having them in possession. Pleadings shall not go to the jury room.

(i) Questions from Jury During Deliberations. The jury shall be instructed that any question it wishes to ask the court about the instructions or evidence should be signed, dated and submitted in writing to the bailiff without any indication of the status of the jury's deliberations. The court shall notify the parties of the contents of the questions and provide them an opportunity to comment upon an appropriate response. Written questions from the jury, the court's response and any objections thereto shall be made a part of the record. The court shall respond to all questions from a deliberating jury in open court or in writing. In its discretion, the court may grant a jury's request to rehear or replay evidence, but should do so in a way that is least likely to be seen as a comment on the evidence, in a way that is not unfairly prejudicial and in a way that minimizes the possibility that jurors will give undue weight to such evidence. Any additional instruction upon any point of law shall be given in writing.

(j) Comments Upon Evidence. Judges shall not instruct with respect to matters of fact, nor comment thereon.

[Adopted effective September 1, 1984; Amended effective October 1, 2002.]

CRLJ 54

JUDGEMENTS; COSTS

(a) Definition; Form. "Judgment" as used in these rules includes a decree and any final order from which an appeal lies. A judgment shall not contain a recital of pleadings or the record of prior proceedings. Judgments may be in writing signed by the court or may be oral confirmed by an entry in the record.

(b) Judgment Upon Multiple Claims or Involving Multiple Parties. When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross claim, or third party claim, or when multiple parties are involved, the court may direct the entry of a fi-

nal judgment as to one or more but fewer than all of the claims or parties only upon an express determination in the judgment that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

(c) Demand for Judgment. A judgment by default shall not be different in kind from or exceed in amount that prayed for in the demand for judgment. Except as to a party against whom a judgment is entered by default, every final judgment shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded such relief in ~~his~~ the party's pleadings.

(d) Costs. Costs shall be fixed and allowed as provided in RCW 12.20.060 or by any other applicable statute.

[Adopted effective September 1, 1984; Amended effective September 1, 1989.]

CRLJ 55

DEFAULT

(a) Entry of Default.

(1) *Motion.* When a party against whom a judgment for affirmative relief is sought has failed to appear, plead, or otherwise defend as provided by these rules and that fact is made to appear by motion and affidavit, a motion for default may be made.

(2) *Pleading After Default.* Any party may respond to any pleading or otherwise defend at any time before a motion for default and supporting affidavit is filed, whether the party previously has appeared or not. If the party has appeared before the motion is filed, ~~he~~ the party may respond to the pleading or otherwise defend at any time before the hearing on the motion. If the party has not appeared before the motion is filed ~~he~~ the party may not respond to the pleading nor otherwise defend without leave of court. Any appearances for any purpose in the action shall be for all purposes under this rule 55.

(3) *Notice.* Any party who has appeared in the action for any purpose, shall be served with a written notice of motion for default and the supporting affidavit at least 5 days before the hearing on the motion. Any party who has not appeared before the motion for default and supporting affidavit are filed is not entitled to a notice of the motion, except as provided in subsection (f)(2)(i).

(4) *Venue.* A motion for default shall include a statement of the basis for venue in the action. A default shall not be entered if it clearly appears to the court from the papers on file that the action was brought in an improper district.

(b) Entry of Default Judgment. As limited in rule 54(c), judgment after default may be entered as follows, if proof of service is on file as required by subsection (b)(4):

(1) *When Amount Certain.* When the claim against a party, whose default has been entered under section (a), is for a sum certain or for a sum which can by computation be made certain, the court upon motion and affidavit of the amount due shall enter judgment for that amount and costs against the party in default, if ~~he~~ the party is not an infant or incompetent person. No judgment by default shall be en-

tered against an infant or incompetent person unless represented by a general guardian or guardian ad litem. Findings of fact and conclusions of law are not necessary under this subsection even though reasonable attorney fees are requested and allowed.

(2) *When Amount Uncertain.* If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearings as are deemed necessary or, when required by statute, shall have such matters resolved by a jury. Findings of fact and conclusions of law are required under this subsection.

(3) *When Service by Publication or Mail.* In an action where the service of the summons was by publication, or by mail under rule 4(d)(4), the plaintiff, upon the expiration of the time for answering, may, upon proof of service, apply for judgment. The court must thereupon require proof of the demand mentioned in the complaint, and must require the plaintiff or his the plaintiff's agent to be examined on oath respecting any payments that have been made to the plaintiff, or to anyone for his the plaintiff's use on account of such demand, and may render judgment for the amount which ~~he~~ the plaintiff is entitled to recover, or for such other relief as ~~he~~ the plaintiff may be entitled to.

(4) *Costs and Proof of Service.* Costs shall not be awarded and default judgment shall not be rendered unless proof of service is on file with the court.

(c) Setting Aside Default.

(1) *Generally.* For good cause shown and upon such terms as the court deems just, the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with rule 60(b).

(2) *When Venue Is Improper.* A default judgment entered in a district of improper venue is valid but will on motion be vacated for irregularity pursuant to rule 60(b)(1). A party who procures the entry of the judgment shall, in the vacation proceedings, be required to pay to the party seeking vacation the costs and reasonable attorney fees incurred by the party in seeking vacation if the party procuring the judgment could have determined the district of proper venue with reasonable diligence. This subsection does not apply if either (i) the parties stipulate in writing to venue after commencement of the action, or (ii) the defendant has appeared, has been given written notice of the motion for an order of default, and does not object to venue before the entry of the default order.

(d) Plaintiffs, Counterclaimants, Cross Claimants. The provisions of this rule apply whether the party entitled to the judgment by default is a plaintiff, a third party plaintiff, or a party who has pleaded a cross claim or counterclaim. In all cases a judgment by default is subject to the limitations of rule 54(c).

(e) Judgement Against State. [Reserved.]

(f) How Made After Elapse of Year.

(1) *Notice.* When more than 1 year has elapsed after service of summons with no appearance being made, the court shall not sign an order of default or enter a judgment until a notice of the time and place of the application for the order or judgment is served on the party in default, not less than 10 days prior to the entry. Proof by affidavit of the service of the notice shall be filed before entry of the judgment.

(2) *Service.* Service of notice of the time and place on the application for the order of default or default judgment shall be made as follows:

(i) by service upon the attorney of record;

(ii) if there is no attorney of record, then by service upon the defendant by certified mail with return receipt of said service to be attached to the affidavit in support of the application; or

(iii) by a personal service upon the defendant in the same manner provided for service of process.

(iv) If service of notice cannot be made under sections (i) and (iii), the notice may be given by publication in a newspaper of general circulation in the county in which the action is pending for one publication, and by mailing a copy to the last known address of each defendant. Both the publication and mailing shall be done 10 days prior to the hearing.

[Adopted effective September 1, 1984; Amended effective September 1, 1989.]

CRLJ 56

SUMMARY JUDGEMENT

(a) For Claimant. A party seeking to recover upon a claim, counterclaim, or cross claim, or to obtain a declaratory judgment may, at any time after the expiration of the period within which the defendant is required to appear, or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in ~~his~~ the party's favor upon all or any part thereof.

(b) For Defending Party. A party against whom a claim, counterclaim, or cross claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in ~~his~~ such party's favor as to all or any part thereof.

(c) Motion and Proceedings. The motion and any supporting affidavits, memoranda of law, or other documentation shall be filed and served not later than 15 days before the hearing. The adverse party may file and serve opposing affidavits, memoranda of law, and other documentation not later than three days before the hearing. The moving party may file and serve any rebuttal documents not later than the day prior to the hearing. Summary judgment motions shall be heard more than 14 days before the date set for trial unless leave of the court is granted to allow otherwise. The judgment sought shall be rendered forthwith if the pleadings, answers to interrogatories, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

(d) Case Not Fully Adjudicated on Motion. If on motion under the rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial contro-

versy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action, the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

(e) Form of Affidavits; Further Testimony; Defense Required. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials ~~of~~ in his a pleading, but his a response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If ~~he~~ the adverse party does not so respond, summary judgment, if appropriate, shall be entered against ~~him~~ the adverse party.

(f) When Affidavits Are Unavailable. Should it appear from the affidavits of a party opposing the motion that ~~he cannot~~, for reasons stated the party cannot, present by affidavit facts essential to justify his the party's opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

(g) Affidavits Made in Bad Faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused ~~him~~ the other party to incur, including reasonable attorney fees, and any offending party or attorney may be adjudged guilty of contempt.

(h) Rulings by Court. In granting or denying the motion for summary judgment, the court shall designate the documents and other evidence considered in its rulings.

[Adopted effective September 1, 1984; Amended effective September 1, 1989.]

RULE 58. ENTRY OF JUDGMENT

Upon the verdict of a jury, the court shall immediately render judgment thereon. If the trial is by the judge, judgment shall be entered immediately after the close of the trial, unless ~~he or she~~ the judge reserves decision, in which event the decision shall be rendered within 45 days.

RULE 59. NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(a) Grounds for New Trial or Reconsideration. On the motion of the party aggrieved, a verdict may be vacated and a new trial granted to all or any of the parties, and on all the issues, or on some of the issues when such issues are clearly and fairly separable and distinct, or any other decision or order may be vacated and reconsideration granted. Such motion may be granted for any one of the following causes materially affecting the substantial rights of such parties:

(1) Irregularity in the proceedings of the court, jury or adverse party, or any order of the court, or abuse of discretion, by which such party was prevented from having a fair trial;

(2) Misconduct of prevailing party or jury; and whenever any one or more of the jurors shall have been induced to assent to any general or special verdict or to a finding on any question or questions submitted to the jury by the court, other and different from ~~his~~ the courts own conclusions, and arrived at by a resort to the determination of chance or lot, such misconduct may be proved by the affidavits of one or more of the jurors;

(3) Accident or surprise which ordinary prudence could not have guarded against;

(4) Newly discovered evidence, material for the party making the application, which ~~he~~ the party could not with reasonable diligence have discovered and produced at the trial;

(5) Damages so excessive or inadequate as unmistakably to indicate that the verdict must have been the result of passion or prejudice;

(6) Error in the assessment of the amount of recovery whether too large or too small, when the action is upon a contract, or for the injury or detention of property;

(7) That there is no evidence or reasonable inference from the evidence to justify the verdict or the decision, or that it is contrary to law;

(8) Error in law occurring at the trial and objected to at the time by the party making the application; or

(9) That substantial justice has been done.

(b) Time for Motion: Contents of Motion. A motion for a new trial or for reconsideration shall be filed not later than 10 days after the entry of the judgment, order, or other decision. The motion shall be noted at the time it is filed, to be heard or otherwise considered within 30 days after entry of the judgment, order, or other decision, unless the court directs otherwise.

A motion for a new trial or for reconsideration shall identify the specific reasons in fact and law as to each ground on which the motion is based.

(c) Time for Serving Affidavits. When a motion for new trial is based on affidavits, they shall be filed with the motion. The opposing party has 10 days after service to file opposing affidavits, but that period may be extended for up to 20 days, either by the court for good cause or by the parties' written stipulation. The court may permit reply affidavits.

(d) On Initiative of Court. Not later than 10 days after entry of judgment, the court on its own initiative may order a hearing on its proposed order for a new trial for any reason for which it might have granted a new trial on motion of a party. After giving the parties notice and an opportunity to be heard, the court may grant a timely motion for a new trial for a reason not stated in the motion. When granting a new trial on its own initiative or for a reason not stated in the motion, the court shall specify the grounds in its order.

(e) Hearing on Motion. When a motion for reconsideration or for a new trial is filed, the judge by whom it is to be heard may on the judge's own motion or on application determine:

(1) *Time of Hearing.* Whether the motion shall be heard before the entry of judgment;

(2) *Consolidation of Hearings.* Whether the motion shall be heard before or at the same time as the presentation of the findings and

conclusions and/or judgment, and the hearing on any other pending motion; and

(3) *Nature of Hearing.* Whether the motion or motions and presentation shall be heard on oral argument or submitted on briefs, and if on briefs, shall fix the time within which the briefs shall be served and filed.

(f) **Statement of Reasons.** In all cases where the trial court grants a motion for a new trial, it shall, in the order granting the motion for a new trial, it shall, in the order granting the motion, state whether the order is based upon the record or upon facts and circumstances outside the record that cannot be made a part thereof. If the order is based upon the record, the court shall give definite reasons of law and facts for its order. If the order is based upon matters outside the record, the court shall state the facts and circumstances upon which it relied.

(g) **Reopening Judgment.** On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law, and direct the entry of a new judgment.

(h) **Motion to Alter or Amend Judgment.** A motion to alter or amend the judgment shall be filed not later than 10 days after entry of the judgment.

(i) **Alternative Motions, etc.** Alternative motions for judgment as a matter of law and for a new trial may be made in accordance with rule 50(c).

(j) **Limit on Motions.** If a motion or reconsideration, or for a new trial, or for judgment as a matter of law, is made and heard before the entry of the judgment, no further motion may be made, without leave of the court first obtained for good cause shown: (1) for a new trial, or (2) pursuant to sections (g), (h), and (i) of this rule.

RULE 73. TRIAL DE NOVO

(a) **Scope of Rule.** This rule applies only to proceedings which are not subject to appellate review under the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The proceedings to which those rules apply are defined by RALJ 1.1.

(b) **Filing Notice of Appeal Service.**

(1) A party appealing a judgment or decision subject to this rule must file in the court of limited jurisdiction a notice of appeal within 30 days after the judgment is rendered or decision made. Filing the notice of appeal is the only jurisdictional requirement for an appeal.

(2) The statutory filing fee for superior court must be paid to the clerk of the limited jurisdiction court at the time the notice of appeal is filed, unless the party is excused from paying a filing fee by statute or by the constitution.

(3) The clerk of the court of limited jurisdiction shall immediately upon filing of a notice of appeal and payment of the filing fee, if required, file a copy of the notice with the superior court.

(4) A party filing a notice of appeal shall also, within the same 30 days, serve a copy of the notice of appeal on all other parties or their lawyers and file an acknowledgment or affidavit of service in the court of limited jurisdiction.

(c) **Bond.** A bond or undertaking shall be executed on the part of the appellant, except when the appellant is a county, city, town or school district, and filed with and approved by the court of limited jurisdiction with one or more sureties, in the sum of \$100, condi-

tioned that the appellant will pay all costs that may be awarded against ~~him~~ appellant on appeal; or if a stay of proceedings in the court of limited jurisdiction be claimed, except by a county, city, town or school district, a bond or undertaking, with two or more personal sureties, or a surety company as surety, to be approved by the court of limited jurisdiction, in a sum equal to twice the amount of the judgment and costs, conditioned that the appellant will pay such judgment, including costs, as may be rendered against ~~him~~ appellant on appeal, be so executed and filed.

(d) Stay of Proceedings. Upon an appeal being taken and a bond filed to stay all proceedings, the court of limited jurisdiction shall allow the same and make an entry of such allowance, and all further proceedings on the judgment in such court shall thereupon be suspended; and if in the meantime execution shall have been issued, such court shall give the appellant a certificate that such appeal has been allowed.

(e)) Release of Property Taken on Execution. On such certificate being presented to the officer holding the execution, ~~he~~ the officer shall forthwith release the property of the judgment debtor that may have been taken on execution.

(f) No Dismissal for Defective Bond. No appeal allowed by a court of limited jurisdiction shall be dismissed on account of any defect in the bond on appeal, if the appellant, before the motion is determined, shall execute and file in the superior court such bond as ~~he~~ the appellant should have executed at the time of taking the appeal, and pay all costs that may have accrued by reason of such defect.

(g) Judgment Against Appellant and Sureties. In all cases of appeal to the superior court, if on the trial anew in such court, the judgment be against the appellant in whole or in part, such judgment shall be rendered against ~~him~~ the appellant and ~~his~~ sureties on the bond on appeal.

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

RULE 75. RECORD ON TRIAL DE NOVO

(a) Scope of Rule. This rule applies only to proceedings which are not subject to appellate review under the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The proceedings to which those rules apply are defined by RALJ 1.1.

(b) Transcript; Procedure in Superior Court; Pleadings in Superior Court. Within 14 days after the notice of appeal has been filed in a civil action or proceeding, including a small claims appeal pursuant to chapter 12.40 RCW, the appellant shall file with the clerk of the superior court a transcript of all entries made in the docket of the court of limited jurisdiction relating to the case, together with all the process and other papers relating to the case filed in the court of limited jurisdiction which shall be made and certified by such court to be correct upon the payment of the fees allowed by law therefor, and upon the filing of such transcript the superior court shall become possessed of the cause, and shall proceed in the same manner, as near as may be, as in actions originally commenced in that court, except as provided in these rules. The issue before the court of limited jurisdiction shall be tried in the superior court without other or new pleadings, unless otherwise directed by the superior court.

(c) Small Claims Appeals; Trial De Novo on the Record. Small claims appeals pursuant to chapter 12.40 RCW shall be tried by the superior court de novo on the record. Within 14 days after the notice of

appeal has been filed in a small claims proceeding, appellant shall make necessary arrangements with the district court to directly transmit a verbatim electronic recording of the trial and any exhibits from the trial to the clerk of the superior court. The electronic recording shall be made and certified by the district court to be correct upon the payment of the fees allowed by law therefor.

(d) **Transcript; Procedure on Failure To Make and Certify; Amendment.** If upon an appeal being taken the court of limited jurisdiction fails, neglects or refuses, upon the tender or payment of the fees allowed by law, to make and certify the transcript, the appellant may make application, supported by affidavit, to the superior court and the court shall issue an order directing the court of limited jurisdiction to make and certify such transcript upon the payment of such fees. Whenever it appears to the satisfaction of the superior court that the return of the court of limited jurisdiction to such order is substantially erroneous or defective it may order the court of limited jurisdiction to amend the same. If the judge of the court of limited jurisdiction fails, neglects or refuses to comply with any order issued under the provisions of this section ~~he~~ the judge may be cited and punished for contempt of court.

OFFICE OF THE CODE REVISER
Quarterly Rule-Making Report
Covering Registers 21-20 through 21-24

Type of Activity	New	Amended	Repealed
AGRICULTURE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	15	10	0
Number of Rules Adopted as Emergency Rules	7	0	0
Number of Rules Proposed for Permanent Adoption	3	29	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
BELLEVUE COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	9	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
BELLINGHAM TECHNICAL COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	3	0
BIG BEND COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
BUILDING CODE COUNCIL			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	7	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CENTRAL WASHINGTON UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	11	14	0
CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	0	0
Number of Rules Adopted as Emergency Rules	5	26	0
Number of Rules Proposed for Permanent Adoption	1	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CLARK COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	32	29	29
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
COLUMBIA BASIN COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	2	0
COMMERCE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	11	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
COUNTY ROAD ADMINISTRATION BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	15	0
Number of Rules Proposed for Permanent Adoption	8	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
EASTERN WASHINGTON UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
ECOLOGY, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	11	6
Number of Rules Proposed for Permanent Adoption	2	18	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	7
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	1	5	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	7	7
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
EDUCATION, STATE BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
EMPLOYMENT SECURITY DEPARTMENT			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	2	2	0
ENGINEERS AND LAND SURVEYORS, BOARD OF REGISTRATION FOR PROFESSIONAL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	13	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
ENTERPRISE SERVICES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
EXECUTIVE ETHICS BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	18	1
Number of Rules Proposed for Permanent Adoption	0	18	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FINANCIAL MANAGEMENT, OFFICE OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	7	33	1
FISH AND WILDLIFE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	26	0
Number of Rules Adopted as Emergency Rules	82	0	59
Number of Rules Proposed for Permanent Adoption	0	12	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
GAMBLING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	24	12	0
Number of Rules Proposed for Permanent Adoption	20	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

GREEN RIVER COLLEGE

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	9	0	4
Number of Rules Proposed for Permanent Adoption	0	0	13
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HEALTH CARE AUTHORITY

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	12	0
Number of Rules Adopted as Emergency Rules	0	5	0
Number of Rules Proposed for Permanent Adoption	0	13	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HEALTH, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	63	3
Number of Rules Adopted as Emergency Rules	13	9	0
Number of Rules Proposed for Permanent Adoption	2	16	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HORSE RACING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	2	0

INSURANCE COMMISSIONER, OFFICE OF THE

Type of Activity	New	Amended	Repealed
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	20	29	0
Number of Rules Proposed for Permanent Adoption	16	14	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	4	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
LABOR AND INDUSTRIES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	25	1
Number of Rules Adopted as Emergency Rules	2	0	0
Number of Rules Proposed for Permanent Adoption	8	15	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
LICENSING, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	3	0
LIQUOR AND CANNABIS BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	5	8	0
MILITARY DEPARTMENT			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
NATURAL RESOURCES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	5	0
PARAEDUCATOR BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
PARKS AND RECREATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	20	5	9

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PILOTAGE COMMISSIONERS, BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
POLLUTION LIABILITY INSURANCE AGENCY			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	14	0
PROFESSIONAL EDUCATOR STANDARDS BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	10	1
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PUBLIC DISCLOSURE COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
PUBLIC INSTRUCTION, SUPERINTENDENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	5	10
Number of Rules Adopted as Emergency Rules	0	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

Type of Activity	New	Amended	Repealed
RETIREMENT SYSTEMS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	0
Number of Rules Proposed for Permanent Adoption	0	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
REVENUE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Proposed for Permanent Adoption	0	17	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
SEATTLE COLLEGES			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	6	13
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
SECRETARY OF STATE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	11	1
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	12	25	0
Number of Rules Adopted as Emergency Rules	22	39	4
Number of Rules Proposed for Permanent Adoption	14	34	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
SPOKANE, COMMUNITY COLLEGES OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
TAX APPEALS, BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	12	45	13
UNIVERSITY OF WASHINGTON			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
WASHINGTON STATE PATROL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
WASHINGTON STATE UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Pilot Rule Making	0	0	0
WESTERN WASHINGTON UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	10	23	0
TOTALS FOR THE QUARTER:			
Number of Permanent Rules Adopted	149	356	78
Number of Rules Adopted as Emergency Rules	142	97	67
Number of Rules Proposed for Permanent Adoption	122	368	32
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	7
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	1	5	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	3	11	7
Number of Sections Adopted on the Agency's own Initiative	1	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**AGENCY PUBLIC RECORDS OFFICER
Designations as of 12/29/2021**

AGENCY	RECORDS OFFICER	PHONE/FAX	ADDRESS
Accountancy, Board of	Charles Sutterlund charless@cpaboard.wa.gov	P-(360)586-0785 F-(360)664-9190	P.O. Box 9131 Olympia, WA 98507
Administrative Hearings, Office of	Tiffany Scoggin publicrecords@oah.wa.gov	P-(360)407-2700 F-(360)664-8721	P.O. Box 42488 Olympia, WA 98504-2488
Agriculture, Department of	Pamela Potwin publicdisclosure@agr.wa.gov	P-(360)902-1935 F-(360)902-2092	P.O. Box 42560 Olympia, WA 98504-2560
Alfalfa Seed Commission	Shane Johnson shanej@agmgt.com	P-(509)585-5460 F-(509)585-2671	100 N Fruitland, Suite B Kennewick, WA 99336
Apple Commission	Robin Mooney robin.mooney@waapple.org	P-(509)663-9600 F-(509)662-5824	2900 Euclid Avenue Wenatchee, WA 98801
Archaeology and Historic Preservation, Department of	Jamie Dudman jamie.dudman@dahp.wa.gov	P-(360)586-3070 F-(360)586-3067	1110 S. Capitol Way, Suite 30 Olympia, WA 98501
Arts Commission	Glenda Carino glenda.carino@arts.wa.gov	P-(360)586-8093 F-(360)586-5351	P.O. Box 42675 Olympia, WA 98504-2675
Asian Pacific American Affairs, Commission on	Michael Itti michael.itti@capaa.wa.gov	P-(360)725-5666	P.O. Box 40925 Olympia, WA 98504
Asparagus Commission	Alan Schreiber aschreib@centurytel.net	P-(509)266-4304 F-(509)266-4317	2621 Ringold Road Eltopia, WA 99330
Attorney General's Office	LaDonna Jensen publicrecords@atg.wa.gov	P-(360)586-2533 F-(360)664-0228	P.O. Box 40100 Olympia, WA 98504-0100
Auditor, Office of State	Mary Leider leiderm@sao.wa.gov	P-(360)902-0379 F-(360)753-0646	P.O. Box 40021 Olympia, WA 98504-0021
Bates Technical College	Holly Woodmansee hwoodmansee@bates.ctc.edu	P-(253)680-7123 F-(253)680-7121	1101 S Yakima Avenue Tacoma, WA 98405
Beef Commission	Patti Brumbach pbrumbach@wabeeff.org	P-(206)444-2902 F-(206)444-2920	4180 Lind Avenue SW Renton, WA 98057
Beer Commission	Eric Radovich eric@washingtonbeer.com	P-(206)795-5072	1501 N 200th Street, Suite 111 Shoreline, WA 98133
Bellevue College	Kathi Hutchins khutchin@bcc.ctc.edu	P-(425)564-2451 F-(425)564-4187	3000 Landerholm Circle S.E. Bellevue, WA 98007-6484
Big Bend Community College	Kimberly Garza king@bigbend.edu	P-(509)793-2010 F-(509)762-6355	7662 Chanute Street NE Moses Lake, WA 98837
Blind, Department of Services for the	Kristina Cox Kristina.cox@dsb.wa.gov	P-(360)725-3836 F-(360)407-3101	P.O. Box 40933 Olympia, WA 98504-0933
Blind, Washington State School for the	Janet Merz janet.merz@wssb.wa.gov	P-(360)696-6321 Ext. 120 F-(360)737-2120	2214 East 13th Street Vancouver, WA 98661
Blueberry Commission	Alan Schreiber aschreib@centurytel.net	P-(509)266-4304 F-(509)266-4317	2621 Ringold Road Eltopia, WA 99330
Building Code Council	Harold Goldes Harold.goldes@des.wa.gov	P-(360)407-8768	1500 Jefferson Street Olympia, WA 98504
Cascadia College	Samantha Brown sbrown@cascadia.edu	P-(425)352-8514 F-(425)352-8225	18345 Campus Way N.E. Bothell, WA 98011
Caseload Forecast Council	Kathleen Turnbow Kathleen.turnbow@cfc.wa.gov	P-(360)902-0089 F-(360)902-0084	P.O. Box 40962 Olympia, WA 98504-0962
Central Washington University	Toni Burvee Toni.Burvee@cwu.edu	P-(509)963-2335 F-(509)963-2336	400 E. University Way Ellensburg, WA 98926-7474
Charter School Commission	Mark Brown PublicRecordsRequest@k12.wa.us	P-(360)725-6372 F-(360)753-4201	600 Washington Street SE Olympia, WA 98504-7200
Childhood Deafness and Hearing Loss, Center for	Judy Smith judy.smith@wsd.wa.gov	P-(360)696-6525 Ext. 0401 F-(360)696-6291	611 Grand Boulevard, S-26 Vancouver, WA 98661
Children, Youth, and Families, Department of	Jody Arndt jody.arndt@dcyf.wa.gov	P-(360)407-5520 F-(360)407-5571	1310 Jefferson Street SE Olympia, WA 98501
Clark College	Carrie Ann Gallagher pr@clark.edu	P-(360)992-2125 F-(360)992-2875	1933 Fort Vancouver Way Vancouver, WA 98663
Clover Park Technical College	Lisa Beach lisa.beach@cptc.edu	P-(253)589-5603 F-(253)589-5784	4500 Steilacoom Boulevard S.W. Lakewood, WA 98499
Code Reviser, Office of the	Kevin Shotwell kevin.shotwell@leg.wa.gov	P-(360)786-6777 F-(360)786-1471	P.O. Box 40551 Olympia, WA 98504-0551
Columbia Basin College	Camilla Glatt cglatt@columbiabasin.edu	P-(509)542-5548 F-(509)544-2029	2600 North 20th Avenue Pasco, WA 99301

AGENCY	RECORDS OFFICER	PHONE/FAX	ADDRESS
Columbia River Gorge Commission	Connie Acker connie.acker@gorgecommission.org	P-(509)493-3323 Ext. 221 F-(509)493-2229	P.O. Box 730 White Salmon, WA 98672
Commerce, Department of	Debra Quinn debra.quinn@commerce.wa.gov	P-(360)725-2706	1011 Plum Street SE Olympia, WA 98504
Community and Technical Colleges, State Board for	Julie Walter jwalter@sbctc.ctc.edu	P-(360)704-4313 F-(360)586-6440	P.O. Box 42495 Olympia, WA 98504-2495
Consolidated Technology Services	Brianna Southworth Brianna.Southworth@watech.wa.gov	P-(360)407-2953 F-(360)407-9177	1500 Jefferson Street SE Olympia, WA 98504-1501
Corrections, Department of	Denise Vaughan dlvaughan@doc1.wa.gov	P-(360)725-8854	P.O. Box 41118 Olympia, WA 98504-1118
County Road Administration Board	Karen Pendleton karen@crab.wa.gov	P-(360)753-5989 F-(360)586-0386	2404 Chandler Court SW, Suite 240 Olympia, WA 98504-0913
Cranberry Commission	Matthew Reichenberger MR5402@msn.com	P-()-	P.O. Box 597 Grayland, WA 98547
Criminal Justice Training Commission	Derek Zable DZable@cjtc.wa.gov	P-(206)835-7350	19010 1st Avenue South Burien, WA 98148
Dairy Products Commission	Celeste Piette publicdisclosure@wadairy.org	P-(425)672-0687 F-(425)672-0674	4201 198th Street SW Lynnwood, WA 98036
Deaf and Hard of Hearing Youth, Center for	Erica Rader Erica.rader@cdhy.wa.gov	P-(360)418-0401 F-(360)696-6291	611 Grand Boulevard Vancouver, WA 98661
Early Learning, Department of	James DeHart james.dehart@del.wa.gov	P-(360)725-4385 F-(360)725-4925	P.O. Box 40970 Olympia, WA 98504-0970
Eastern Washington University	Nina DeCamp prr@ewu.edu	P-(509)359-7496 F-(509)359-2266	211 Tawanka Commons Cheney, WA 99004
Ecology, Department of	Melanee Auldredge recordsofficer@ecy.wa.gov	P-(360)407-6040 F-(360)407-6989	300 Desmond Drive Lacey, WA 98504-7600
Economic Development Finance Authority	Molly Abbey molly.abbey@wshfc.org	P-(206)257-4447 F-(206)587-5113	1000 Second Avenue, Suite 2700 Seattle, WA 98104
Edmonds College	Mushka Rohani records@edcc.edu	P-(425)640-1647 F-(425)640-1359	20000 68th Avenue W Lynnwood, WA 98036
Education Ombuds, Governor's Office of the	Jinju Park jinju.park@gov.wa.gov	P-(866)297-2597 F-(844)866-5196	3518 Fremont Avenue N, #349 Seattle, WA 98103
Education, State Board of	Janet Culik janet.culik@k12.wa.us	P-(360)725-4475 F-(360)586-2357	600 Washington St. SE Olympia, WA 98504
Employment Security Department	Robert Page rpage@esd.wa.gov	P-(360)586-2132 F-(360)586-2133	P.O. Box 9046 Olympia, WA 98507-9046
Engineers and Land Surveyors, Board of Registration for Professional	Shanan Gillespie shanan.gillespie@brpels.wa.gov	P-(360)664-1570	2000 W 4th Avenue Olympia, WA 98502
Enterprise Services, Department of	Harold Goldes publicdisclosure@des.wa.gov	P-(360)407-8768	P.O. Box 42445 Olympia, WA 98504-2445
Environmental and Land Use Hearings Office	Nancy Coverdell Nancy.Coverdell@eluh0.wa.gov	P-(360)664-9171 F-(360)586-2253	1111 Israel Road SW, Suite 301 Tumwater, WA 98501
Equity, Office of	Cindy Varley Cynthia.varley@equity.wa.gov	P-(360)902-3355	P.O. Box 43113 Olympia, WA 98504
Everett Community College	Denise Gregory Wyatt dgregorywyatt@everettcc.edu	P-(425)388-9232 F-(425)388-9228	2000 Tower St. Everett, WA 98201
Evergreen State College, The	Katherine MacKinnon publicrecords@evergreen.edu	P-(360)867-6914 F-(360)867-6577	2700 Evergreen Parkway N.W., L3200 Olympia, WA 98505
Executive Ethics Board	Kate Reynolds kater@atg.wa.gov	P-(360)586-6759 F-(360)586-3955	2425 Bristol Court SW Olympia, WA 98504
Financial Institutions, Department of	Debbie Montgomery Debbie.montgomery@dfi.wa.gov	P-(360)725-7815 F-(360)596-3865	P.O. Box 41200 Olympia, WA 98504-1200
Financial Management, Office of	Nathan Sherrard nathan.sherrard@ofm.wa.gov	P-(360)902-0540 F-(360)664-2832	P.O. Box 43113 Olympia, WA 98504-3113
Fish and Wildlife, Department of	Anne Masias Anne.Masias@dfw.wa.gov	P-(360)902-9855 F-(360)902-2717	600 Capitol Way North Olympia, WA 98501
Forest Practices Board	Patricia Anderson patricia.anderson@dnr.wa.gov	P-(360)902-1413 F-(360)902-1428	P.O. Box 47012 Olympia, WA 98504-7012
Freight Mobility Strategic Investment Board	Gena Saelid saelidg@fmsib.wa.gov	P-(360)586-9695	505 Union Avenue SE Olympia, WA 98504
Fruit Commission	B. J. Thurlby legal@wastatefruit.com	P-(509)453-4837 F-(509)453-4880	105 S 18th St., Suite 205 Yakima, WA 98901
Gambling Commission	Katherine Husted publicdisclosure@wsgc.wa.gov	P-(360)486-3527	P.O. Box 42400 Olympia, WA 98504-2400

AGENCY	RECORDS OFFICER	PHONE/FAX	ADDRESS
Governor, Office of the	Patricia Smith publicdisclosure@gov.wa.gov	P-(360)902-4111 F-(360)753-4110	P.O. Box 40002 Olympia, WA 98504-0002
Grain Commission	Parker Dawson pdawson@wagrains.org	P-(509)456-2481 F-(509)456-2812	2702 W. Sunset Blvd., Suite A Spokane, WA 99224
Green River College	Shirley Bean sbean@greenriver.edu	P-(253)883-9111 F-(253)288-3427	12401 SE 320th Street Auburn, WA 98092
Hardwoods Commission	David Sweitzer whc@wahardwoodcomm.com	P-(360)385-1700 F-(360)835-1910	P.O. Box 1095 Camus, WA 98607
Health Benefit Exchange	Leah Hole-Marshall leah.hole-marshall@wahbexchange.org	P-(360)688-7805 F-(360)688-7332	P.O. Box 657 Olympia, WA 98507
Health Care Authority	Catherine Taliaferro catherine.taliaferro@hca.wa.gov	P-(360)725-1730 F-(360)507-9068	626 8th Avenue SE Olympia, WA 98504-2704
Health Care Facilities Authority	Shannon Govia shannong@whcfa.wa.gov	P-(360)586-0140 F-(360)586-9168	410 11th Avenue SE Olympia, WA 98504
Health, Department of	Phyllis Barney prd@doh.wa.gov	P-(360)236-4220	P.O. Box 47890 Olympia, WA 98504-7890
Higher Education Facilities Authority	Paul Edwards paul.r.edwards@wshfc.org	P-(206)464-7139 F-(206)587-5113	1000 2nd Avenue, Suite 2700 Seattle, WA 98104-1046
Highline Community College	Vice-President for Administration lyok@highline.edu	P-(206)592-3545 F-(206)870-3754	P.O. Box 98000 Des Moines, WA 98198-9800
Hispanic Affairs, Commission on	Lisa van der Lugt lisa.vanderlugt@cha.wa.gov	P-(360)725-5660	210 11th Avenue SW Olympia, WA 98504
Historical Society, Eastern Washington State	John Drexel johnd@northwestmuseum.org	P-(509)363-5305 F-(509)363-5303	2316 West First Avenue Spokane, WA 99204
Historical Society, Washington State	Misty Reese mreese@wshs.wa.gov	P-(253)798-5901 F-(253)272-9518	1911 Pacific Avenue Tacoma, WA 98402
Hop Commission	Ann George ageorge@wahops.org	P-(509)453-4749 F-(509)457-8561	P.O. Box 1207 Moxee, WA 98936
Horse Racing Commission	Douglas Moore doug.moore@whrc.state.wa.us	P-(360)459-6462 F-(360)459-6461	6326 Martin Way, Suite 209 Olympia, WA 98516-5578
Human Rights Commission	Laura Lindstrand Laura.Lindstrand@hum.wa.gov	P-(360)359-4923 F-(360)586-2282	P.O. Box 42490 Olympia, WA 98504-2490
Indeterminate Sentence Review Board	Robin Riley rriley@doc1.wa.gov	P-(360)493-9274 F-(360)493-9287	P.O. Box 40907 Olympia, WA 98504-0907
Industrial Insurance Appeals, Board of	Jasmine McLaughlin jasmine.mclaughlin@biiia.wa.gov	P-(360)753-6823 F-(360)586-5611	P.O. Box 42401 Olympia, WA 98504-2401
Insurance Commissioner, Office of the	Kelly Cairns KellyC@oic.wa.gov	P-(360)725-7003 F-(360)725-2782	P.O. Box 40255 Olympia, WA 98504-0255
Investment Board, State	Alyssa Murphy Alyssa.Murphy@sib.wa.gov	P-(360)956-4742 F-(360)956-4600	P.O. Box 40916 Olympia, WA 98504-0916
Judicial Conduct, Commission on	Tanya Calahan tcalahan@cj.state.wa.us	P-(360)753-4585 F-(360)586-2918	P.O. Box 1817 Olympia, WA 98507
Labor and Industries, Department of	Matt Bell bmat235@lni.wa.gov	P-(360)902-4404 F-(360)902-5529	P.O. Box 44632 Olympia, WA 98504-4632
Lake Washington Institute of Technology	William Thomas bill.thomas@lwtech.edu	P-(425)739-8201	11605 132nd Avenue NE Kirkland, WA 98034-8506
Legislators, House of Representatives PRO for all Representatives	Samina Mays House.PublicRecords@leg.wa.gov	P-(360)786-0926	424 Legislative Building, P.O. Box 40600 Olympia, WA 98504-0600
Legislators, Senate PRO for all Senators	Randi Stratton Randi.Stratton@leg.wa.gov	P-(360)786-7373	401 Legislative Building, P.O. Box 40482 Olympia, WA 98504
Licensing, Department of	Megan Jackson MJackson@dol.wa.gov	P-(360)902-7066 F-(0)-0	8005 River Drive SE Tumwater, WA 98501
Lieutenant Governor, Office of the	Cathleen Bright Cathleen.bright@ltgov.wa.gov	P-(360)786-7700	416 Sid Snyder Ave SW Olympia, WA 98504
Life Sciences Discovery Fund Authority	Brenda Stav brenda@lsdfa.org	P-(206)225-4605	P.O. Box 894 Pullman, WA 99163
Liquor and Cannabis Board	Missy Norton missy.norton@lcb.wa.gov	P-(360)664-1693 F-(360)664-4553	3000 Pacific Avenue SE Olympia, WA 98504
Lottery, Washington State	Kristi Weeks KWeeks@walottery.com	P-(360)810-2881 F-(360)515-0416	814 4th Avenue E Olympia, WA 98506
Lower Columbia College	Nolan Wheeler nwheeler@lowercolumbia.edu	P-(360)442-2201 F-(360)442-2109	P.O. Box 3010 Longview, WA 98632-0310
Military Department	Cynthia Whaley publicrecords@mil.wa.gov	P-(253)512-8110 F-(253)512-8497	Building 1 Camp Murray, WA 98430

AGENCY	RECORDS OFFICER	PHONE/FAX	ADDRESS
Minority and Women's Business Enterprises, Office of	Christine Salvador publicrecords@omwbe.wa.gov	P-(360)664-9755 F-(360)586-7079	1110 Capitol Way S, Suite 150 Olympia, WA 98501
Mint Commission	Shane Johnson shanej@agmgt.com	P-(509)585-5460 F-(509)585-2671	100 N Fruitland, Suite B Kennewick, WA 99336
Natural Resources, Department of	Ann Lowe Ann.Lowe@dnr.wa.gov	P-(360)902-1608 F-(360)902-1789	1111 Washington Street SE Olympia, WA 98504-7014
Oilseeds Commission	Sheri Nolan snolan@agmgt.com	P-(509)585-5460 F-(509)585-2671	100 N Fruitland, Suite B Kennewick, WA 99336
Olympic College	Kim Abel publicrecords@olympic.edu	P-(360)473-2848	1600 Chester Avenue Bremerton, WA 98337-1699
Parks and Recreation Commission	Brian Thrasher Brian.Thrasher@parks.wa.gov	P-(360)902-8514 F-(360)586-6651	P.O. Box 42650 Olympia, WA 98504-2650
Peninsula College	Deborah Frazier deborahf@pcadmin.ctc.edu	P-(360)417-6202 F-(360)417-6218	1502 E. Lauridsen Boulevard Port Angeles, WA 98362
Performance Measurement of Tax Preferences, Citizen Commission for	Marilyn Richter Marilyn.Richter@leg.wa.gov	P-(360)786-5171 F-(360)786-5180	P.O. Box 40910 Olympia, WA 98501-2323
Pesticide Registration, Commission on	Alan Schreiber aschreib@centurytel.net	P-(509)266-4304 F-(509)266-4317	2621 Ringold Road Eltopia, WA 99330
Pierce College	Choi Halladay challaday@pierce.ctc.edu	P-(253)964-6506 F-(253)964-3638	9401 Farwest Drive SW Lakewood, WA 98498
Pilotage Commissioners, Board of	Jolene Hamel HamelJ@wsdot.wa.gov	P-(206)515-3904 F-(206)515-3906	2901 Third Avenue, Suite 500 Seattle, WA 98121
Pollution Liability Insurance Agency	Xyzlinda Marshall xyzlinda.marshall@plia.wa.gov	P-(360)407-0515 F-(360)407-0509	P.O. Box 40930 Olympia, WA 98504-0930
Potato Commission	Brandy Tucker office@potatoes.com	P-(509)765-8845 F-(509)765-4853	108 S. Interlake Road Moses Lake, WA 98837
Public Disclosure Commission	Toni Lince pdc@pdc.wa.gov	P-(360)753-1111 F-(360)753-1112	P.O. Box 40908 Olympia, WA 98504-0908
Public Employment Relations Commission	David Gedrose david.gedrose@perc.wa.gov	P-(360)570-7322 F-(360)570-7334	112 N.E. Henry Street, Suite 300 Olympia, WA 98504-0919
Public Instruction, Superintendent of	Matt Schultz matt.schultz@k12.wa.us	P-(360)764-6025 F-(360)753-4201	P.O. Box 47200 Olympia, WA 98504-7200
Puget Sound Partnership	Jennifer Goodenough Jennifer.goodenough@psp.wa.gov	P-(360)464-1232 F-(253)593-2226	326 East D Street Tacoma, WA 98421-1801
Puget Sound Salmon Commission	Janis Harsila Soundcatch@seanet.com	P-(206)595-8734 F-(206)542-3930	1900 W Nickerson St., #116 Seattle, WA 98119
Pulse Crops Commission	Elizabeth Aune eaune@usapulses.org	P-(208)882-3023	2780 W Pullman Road Moscow, ID 83843
Recreation and Conservation Office	Julia Marshburn PDandR@rcow.wa.gov	P-(360)902-3085 F-(360)902-3026	P.O. Box 40917 Olympia, WA 98504-0917
Renton Technical College	Melinda Merrell mmerrell@rtc.edu	P-(425)235-5846 F-(425)235-7865	3000 NE Fourth Street Renton, WA 98056
Retirement Systems, Department of	Michelle Brown DRS.PDR@drs.wa.gov	P-(360)664-7854 F-(360)753-3166	P.O. Box 48380 Olympia, WA 98504-8380
Revenue, Department of	Theresa Gibbs DORPublicRecords@dor.wa.gov	P-(360)704-5741 F-(360)534-1606	6400 Linderson Way SW Olympia, WA 98504-7456
Salaries for Elected Officials, Washington Citizens' Commission on	Teri Wright Teri.Wright@salaries.wa.gov	P-(360)725-5669 F-(360)586-7544	P.O. Box 43120 Olympia, WA 98504-3120
Seattle Colleges	Richardson Chen precords@seattlecolleges.edu	P-(206)934-4436 F-(206)934-3803	1500 Harvard Avenue Seattle, WA 98122
Secretary of State	Brenda Galarza Brenda.galarza@sos.wa.gov	P-(360)704-5220 F-(360)704-7830	P.O. Box 40224 Olympia, WA 98504-0224
Seed Potato Commission	JoEllen Krieger joellen@waseedpotato.com	P-(360)354-5264 F-(360)354-7619	P.O. Box 286 Lynden, WA 98264
Shoreline Community College	Tricia Lovely publicrecords@shoreline.edu	P-(-) F-(206)546-7857	16101 Greenwood Avenue North Shoreline, WA 98133
Skagit Valley College	Lisa Radeleff lisa.radeleff@skagit.edu	P-(360)416-7995 F-(360)416-7773	2405 E College Way Mount Vernon, WA 98273
Social and Health Services, Department of	Natasha House DSHSPublicDisclosure@dshs.wa.gov	P-(360)902-8484 F-(360)902-7855	P.O. Box 45135 Olympia, WA 98504-5135
South Puget Sound Community College	Samantha Dotson ssoto@spsc.edu	P-(360)596-5361 F-(360)596-5706	2011 Mottman Road S.W. Olympia, WA 98512
Southwest Clean Air Agency	Randy Peltier randy@swcleanair.org	P-(360)574-3058 F-(360)576-0925	11815 N.E. 99th Street, Suite 1294 Vancouver, WA 98682

AGENCY	RECORDS OFFICER	PHONE/FAX	ADDRESS
Spokane Regional Clean Air Agency	Michelle Zernick mzernick@spokanecleanair.org	P-(509)477-4727 Ext. 116 F-(509)477-6828	3104 East Augusta Avenue Spokane, WA 99207
Spokane, Community Colleges of	Kathleen Roberson kathleen.roberson@ccs.spokane.edu	P-(509)434-5275 F-(509)434-5279	P.O. Box 6000 Spokane, WA 99217-6000
Student Achievement Council	Crystal Hall crystalh@wsac.wa.gov	P-(360)753-7852 F-(360)753-7808	917 Lakeridge Way SW Olympia, WA 98504-3430
Tacoma Community College	Wayne Mask wmask@tacomacc.edu	P-(253)566-5051	6501 S. 19th Street Tacoma, WA 98466
Tax Appeals, Board of	Claire Hesselholt Claire.Hesselholt@bta.wa.gov	P-(360)753-5446 F-(360)586-9020	1110 Capitol Way South, Suite 300 Olympia, WA 98504-0915
Tobacco Settlement Authority	Paul Edwards paul.r.edwards@wshfc.org	P-(206)464-7139 F-(206)587-5113	1000 2nd Avenue, Suite 2700 Seattle, WA 98104-1046
Traffic Safety Commission	Geri Nelson gnelson@wtsc.wa.gov	P-(360)725-9898 F-(360)586-6489	P.O. Box 40944 Olympia, WA 98504-0944
Transportation Commission	Ashley Holmberg ashley.holmberg@wsdot.wa.gov	P-(360)705-7320 F-(360)705-6808	P.O. Box 47410 Olympia, WA 98504
Transportation Improvement Board	Kelsey Davis KelseyD@tib.wa.gov	P-(360)586-1146 F-(360)586-1165	P.O. Box 40901 Olympia, WA 98504-0901
Transportation, Department of	Ashley Holmberg ashley.holmberg@wsdot.wa.gov	P-(360)705-7320 F-(360)705-6808	P.O. Box 47410 Olympia, WA 98504
Treasurer, Office of the State	Jennifer Merchant jen.merchant@tre.wa.gov	P-(360)902-8944 F-(360)902-9037	P.O. Box 40202 Olympia, WA 98504-0200
Tree Fruit Research Commission	Kathy Coffey kathy@treefruitresearch.com	P-(509)665-8271 F-(509)663-5827	1719 Springwater Avenue Wenatchee, WA 98801
Turfgrass Seed Commission	Sheri Nolan snolan@agmgt.com	P-(509)585-5460 F-(509)585-2671	100 N Fruitland, Suite B Kennewick, WA 99336
University of Washington	Eliza Saunders pubrec@uw.edu	P-(206)543-9180	4311 11th Avenue NE, Suite 360 Seattle, WA 98105
Utilities and Transportation Commission	Lisa Wyse lisa.wyse@utc.wa.gov	P-(360)664-1259 F-(360)586-1150	1300 S Evergreen Park Dr. SW Olympia, WA 98504
Veterans Affairs, Department of	Heidi Audette heidia@dva.wa.gov	P-(360)725-2154 F-(360)586-4393	P.O. Box 41150 Olympia, WA 98504-1150
Volunteer Firefighters and Reserve Officers, Board for	Hailey Blankenship haileyb@bvff.wa.gov	P-(360)753-7318 F-(360)586-1987	605 11th Avenue SE Olympia, WA 98507
Walla Walla Community College	Sherry Hartford sharon.hartford@wwcc.edu	P-(509)527-4323 F-(509)527-4249	500 Tausick Way Walla Walla, WA 99362-9267
Washington State Patrol	Rhonda Tucker Rhonda.tucker@wsp.wa.gov	P-(360)596-4137	P.O. Box 42631 Olympia, WA 98504-2631
Washington State School Directors' Association	Josh Collette J.Collette@wssda.org	P-(360)252-3012 F-(360)252-3022	221 College Street N.E. Olympia, WA 98516
Washington State University	Victoria Murray victoria.murray@wsu.edu	P-(509)335-7507 F-(509)335-3930	P.O. Box 641045 Pullman, WA 99164-1045
Wenatchee Valley College	Reagan Bellamy rbellamy@wvc.edu	P-(509)682-6445 F-(509)682-6441	1300 Fifth Street Wenatchee, WA 98801
Western Washington University	Dolapo Akinrinade Dolapo.Akinrinade@wwu.edu	P-(360)650-2728 F-(360)650-4228	516 High Street Bellingham, WA 98225-9015
Whatcom Community College	Rafeeka Kloke rkloke@whatcom.ctc.edu	P-(360)383-3330 F-(360)383-3331	237 West Kellogg Road Bellingham, WA 98226
Wine Commission	Jayne Cain jcain@washingtonwine.org	P-(206)326-5760 F-(206)583-0573	1201 Western Ave., Suite 450 Seattle, WA 98101-3402
Women's Commission	Marie Vela Marie.Vela@wswc.wa.gov	P-(360)902-8015 F-(360)902-0662	P.O. Box 43113 Olympia, WA 98504
Workforce Training and Education Coordinating Board	Erica Hansen Erica.Hansen@wtb.wa.gov	P-(360)709-4600 F-(360)586-5862	P.O. Box 43105 Olympia, WA 98504-3105
Yakima Regional Clean Air Agency	Pamela Herman pamela@yrcaa.org	P-(509)834-2050 Ext. 102 F-(506)834-2060	186 Iron Horse Court, Suite 101 Yakima, WA 98901
Yakima Valley Community College	Megan Jensen mjensen@yvcc.edu	P-(509)574-4635 F-(509)574-6860	P.O. Box 22520 Yakima, WA 98908

**AGENCY RULES COORDINATORS
Designations as of 12/29/2021**

AGENCY	RULES COORDINATOR	PHONE/FAX	ADDRESS
Accountancy, Board of	Kirsten Donovan Kirstend@cpaboard.wa.gov	P-(360)664-9191 F-(360)664-9190	P.O. Box 9131 Olympia, WA 98507-9131
Administrative Hearings, Office of	Barb Cleveland barb.cleveland@oah.wa.gov	P-(360)407-2711 F-(360)664-8721	P.O. Box 42488 Olympia, WA 98504-2488
Advanced Tuition Payment, Commission on	Lucas Minor lucasm@wsac.wa.gov	P-(360)753-7628 F-(360)704-6200	P.O. Box 43450 Olympia, WA 98504-3450
African American Affairs, Commission on	Rosalund Jenkins rjenkins@caa.wa.gov	P-(360)725-5663 F-(360)586-9501	P.O. Box 40926 Olympia, WA 98504-0926
Agriculture, Department of	Gloriann Robinson grobins@agr.wa.gov	P-(360)902-1802 F-(360)902-2092	P.O. Box 42560 Olympia, WA 98504-2560
Alfalfa Seed Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Apple Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Archaeology and Historic Preservation, Department of	Lance Wollwage lance.wollwage@dahp.wa.gov	P-(360)586-3536	1110 Capitol Way S, Suite 30 Olympia, WA 98504
Arts Commission	Karen Hanan karen.hanan@arts.wa.gov	P-(360)586-2423 F-(360)586-5351	P.O. Box 42675 Olympia, WA 98504-2675
Asian Pacific American Affairs, Commission on	Michael Itti michael.itti@capaa.wa.gov	P-(360)725-5666	P.O. Box 40925 Olympia, WA 98504-0925
Asparagus Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Attorney General's Office	Elaine Ganga elaine.ganga@atg.wa.gov	P-(360)753-9672 F-(360)664-0228	1125 Washington St. SE Olympia, WA 98504-0100
Auditor, Office of State	Al Rose rosea@sao.wa.gov	P-(360)902-0372	P.O. Box 40021 Olympia, WA 98504-0021
Bates Technical College	Karey Bryson kbryson@batestech.edu	P-(253)680-7100	1101 S Yakima Avenue Tacoma, WA 98405
Beef Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Beer Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Bellevue College	Alicia Keating Polson rules@bellevuecollege.edu	P-(425)564-2302	3000 Landerholm Circle SE Bellevue, WA 98007
Bellingham Technical College	Ronda Laughlin rLaughlin@btc.ctc.edu	P-(360)738-3105 Ext. 334 F-(360)676-2798	3028 Lindbergh Avenue Bellingham, WA 98225-1599
Big Bend Community College	Linda Schoonmaker LindaS@bigbend.edu	P-(509)793-2002 F-(509)762-6329	7662 Chanute Street NE Moses Lake, WA 98837-3293
Blind, Department of Services for the	Kristina Cox Kristina.cox@dsb.wa.gov	P-(360)725-3836 F-(360)407-3101	P.O. Box 40933 Olympia, WA 98504-0933
Blind, Washington State School for the	Scott McCallum scott.mccallum@wssb.wa.gov	P-(360)947-3301 F-(360)737-2120	2214 E 13th Street Vancouver, WA 98661
Blueberry Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Building Code Council	Stoyan Bumbalov Stoyan.bumbalov@des.wa.gov	P-(360)407-9277	1500 Jefferson Street S.E., Olympia, WA 98504-1449
Cascadia College	Lily Allen lallen@cascadia.edu	P-(425)352-8252 F-(425)352-8265	18345 Campus Way NE Bothell, WA 98011
Central Washington University	Kim Dawson dawsonk@cwu.edu	P-(509)963-2159 F-(509)963-3206	400 E University Way Ellensburg, WA 98926
Centralia College	Stephen Ward sward@centralia.edu	P-(360)736-9391 Ext. 233 F-(360)330-7501	600 W Locust Street Centralia, WA 98531-4099
Charter School Commission	Amanda Martinez Amanda.martinez@k12.wa.us	P-(360)725-5511	1068 Washington Street SE Olympia, WA 98504
Childhood Deafness and Hearing Loss, Center for	Richard Hauan rick.hauan@cdhl.wa.gov	P-(360)418-0400 F-(360)696-6291	611 Grand Boulevard Vancouver, WA 98661
Children, Youth, and Families, Department of	Brenda Villarreal brenda.villarreal@dshs.wa.gov	P-(360)902-7956	1115 Washington Street SE Olympia, WA 98504-5715
Clark College	Galina Burley GBurley@clark.edu	P-(360)992-2123 F-(0)-0	1933 Fort Vancouver Way Vancouver, WA 98663

AGENCY	RULES COORDINATOR	PHONE/FAX	ADDRESS
Clover Park Technical College	Lisa Beach lisa.beach@cptc.edu	P-(253)589-5603 F-(253)589-5784	4500 Steilacoom Boulevard SW Lakewood, WA 98499
Code Reviser, Office of the	Jennifer Meas Jennifer.Meas@leg.wa.gov	P-(360)786-6697	P.O. Box 40551 Olympia, WA 98504-0551
Columbia Basin College	Camilla Glatt cglatt@columbiabasin.edu	P-(509)542-5548 Ext. 2202 F-(509)546-0401	2600 N 20th Avenue Pasco, WA 99301
Columbia River Gorge Commission	Connie Acker connie.acker@gorgecommission.org	P-(509)493-3323 Ext. 221 F-(509)439-2229	P.O. Box 730 White Salmon, WA 98672
Commerce and Economic Development	Karen Engle engleka@wsdot.wa.gov	P-(360)704-6362 F-(360)704-6367	P.O. Box 47418 Olympia, WA 98504-7418
Commerce, Department of	Dave Pringle dave.pringle@commerce.wa.gov	P-(360)725-2986 F-(360)586-8440	1011 Plum Street SE Olympia, WA 98504-2525
Community and Technical Colleges, State Board for	Beth Gordon bgordon@sbctc.edu	P-(360)704-4309 F-(360)704-4415	1300 Quince Street SE Olympia, WA 98504-2495
Conservation Commission	Ron Shultz Ron.Shultz@scc.wa.gov	P-(360)407-6200 F-(360)407-6215	P.O. Box 47721 Olympia, WA 98504-7721
Consolidated Technology Services	Derek Puckett derek.puckett@watech.wa.gov	P-(360)407-7989	1500 Jefferson Street SE Olympia, WA 98504-1501
Corrections, Department of	Vadim Chebotar Vadim.Chebotar@doc.wa.gov	P-(253)261-1465	P.O. Box 41114 Olympia, WA 98504-1114
County Road Administration Board	Karen Pendleton karen@crab.wa.gov	P-(360)753-5989 F-(360)586-0386	2404 Chandler Ct SW Olympia, WA 98504
Cranberry Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington St. S.E. Olympia, WA 98504
Criminal Justice Training Commission	Derek Zable dzable@cjtc.state.wa.us	P-(206)835-7356	19010 1st Avenue South Burien, WA 98148
Dairy Products Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	P.O. Box 42560 Olympia, WA 98504-2560
Eastern Washington University	Annika Scharosch ascharosch@ewu.edu	P-(509)359-6724	211 Tawanka Hall Cheney, WA 99004
Ecology, Department of	Katie Wolt katie.wolt@ecy.wa.gov	P-(360)407-6998	P.O. Box 47600 Olympia, WA 98504-7600
Economic Development Finance Authority	Molly Abbey molly.abbey@wshfc.org	P-(206)287-4447 F-(206)587-5113	1000 Second Avenue, # 2700 Seattle, WA 98104
Edmonds College	Mushka Rohani hr@edcc.edu	P-(425)640-1647 F-(425)640-1359	20000 68th Avenue W Lynnwood, WA 98036
Education, State Board of	Jacki Verd jacki.verd@k12.wa.us	P-(360)725-6025	600 Washington Street S.E., P.O. Box 47206 Olympia, WA 98504
Employment Security Department	Joshua Dye rules@esd.wa.gov	P-(360)890-3472 F-(844)652-7096	212 Maple Park Avenue SE Olympia, WA 98501
Energy Facility Site Evaluation Council	Paige Doyle paige.doyle@utc.wa.gov	P-(360)664-1140	P.O. Box 43172 Olympia, WA 98504-3172
Engineers and Land Surveyors, Board of Registration for Professional	Shanan Gillespie shanan.gillespie@brpels.wa.gov	P-(360)664-1570	2000 4th Avenue Olympia, WA 98502
Enterprise Services, Department of	Jack Zeigler jack.zeigler@des.wa.gov	P-(360)407-9209 F-(360)586-5898	1500 Jefferson Olympia, WA 98504-1401
Environmental and Land Use Hearings Office	Nancy Coverdell Nancy.Coverdell@eluh.wa.gov	P-(360)664-9171 F-(360)586-2253	1111 Israel Road SW, Suite 301 Tumwater, WA 98501
Everett Community College	Denise Gregory Wyatt dgregorysyatt@everettcc.edu	P-(425)388-9232 F-(425)388-9228	2000 Tower Street Everett, WA 98201
Evergreen State College, The	Daniel Ralph ralphd@evergreen.edu	P-(360)867-6500 F-(360)867-6577	2700 Evergreen Parkway NW, L3200B Olympia, WA 98505
Executive Ethics Board	Kate Reynolds kater@atg.wa.gov	P-(360)586-6759 F-(360)586-3955	2425 Bristol Court SW Olympia, WA 98504
Financial Institutions, Department of	Susan Putzier sputzier@dfi.wa.gov	P-(360)902-8764 F-(360)586-5068	P.O. Box 41200 Olympia, WA 98504-1200
Financial Management, Office of	Roselyn Marcus roselyn.marcus@ofm.wa.gov	P-(360)902-0434 F-(360)664-2832	P.O. Box 43113 Olympia, WA 98504-3113
Fish and Wildlife, Department of	Annie Szvetcz Annie.szvetcz@dfw.wa.gov	P-(360)480-6536	P.O. Box 43200 Olympia, WA 98504-3200
Forest Practices Board	Patricia Anderson patricia.anderson@dnr.wa.gov	P-(360)902-1413 F-(360)902-1428	P.O. Box 47012 Olympia, WA 98504-7012
Freight Mobility Strategic Investment Board	Gena Saelid saelidg@fmsib.wa.gov	P-(360)586-9695	505 Union Avenue SE Olympia, WA 98504

AGENCY	RULES COORDINATOR	PHONE/FAX	ADDRESS
Fruit Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Gambling Commission	Ashlie Laydon rules.coordinator@wsgc.wa.gov	P-(360)486-3473 F-(360)486-3629	P.O. Box 42400 Olympia, WA 98504-2400
Grain Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Grays Harbor College	Sandy Zelasko szelasko@ghc.edu	P-(360)538-4000 F-(360)538-4299	1620 Edward P Smith Drive Aberdeen, WA 98520-7599
Green River College	George Frasier gfrasier@greenriver.edu	P-(253)288-3338 F-(253)288-3460	12401 SE 320th Street Auburn, WA 98092-3622
Hardwoods Commission	David Sweitzer whc@wahardwoodscomm.com	P-(360)835-1700 F-(360)835-1910	P.O. Box 1095 Camas, WA 98607
Health Care Authority	Wendy Barcus wendy.barcus@hca.wa.gov	P-(360)725-1306 F-(360)586-9727	P.O. Box 42716 Olympia, WA 98504-2716
Health Care Facilities Authority	Donna Murr DonnaM@whcfa.wa.gov	P-(360)753-6185 F-(360)586-9168	410 11th Ave. SE, Suite201 Olympia, WA 98504-0935
Health, Department of	Tami Thompson tami.thompson@doh.wa.gov	P-(360)236-4044 F-(360)586-7424	P.O. Box 47890 Olympia, WA 98504-7890
Highline Community College	Vice-pres., Admin. mpham@highline.edu	P-(206)592-3701 F-(206)870-3754	P.O. Box 98000 Des Moines, WA 98198-9800
Hispanic Affairs, Commission on	Lisa van der Lugt lisa.vanderlugt@cha.wa.gov	P-(360)725-5660	210 11th Avenue Olympia, WA 98504
Historical Society, Eastern Washington State	Betsy Godlewski betsy.godlewski@northwestmuseum.org	P-(509)363-5304 F-(509)363-5303	2316 W First Avenue Spokane, WA 99201
Historical Society, Washington State	Misty Reese mreese@wshs.wa.gov	P-(253)798-5901 F-(253)272-9518	1911 Pacific Avenue Tacoma, WA 98402-3109
Hop Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Horse Racing Commission	Douglas Moore doug.moore@whrc.state.wa.us	P-(360)459-6462 F-(360)459-6461	6326 Martin Way, Suite 209 Olympia, WA 98516-5578
Human Rights Commission	Laura Lindstrand llindstrand@hum.wa.gov	P-(360)359-4923 F-(360)586-2282	P.O. Box 42490 Olympia, WA 98504-2490
Indeterminate Sentence Review Board	Jill Getty jill.getty@doc.wa.gov	P-(360)407-5773 F-(360)493-9287	P.O. Box 40907 Olympia, WA 98504-1114
Industrial Insurance Appeals, Board of	Brian Watkins brian.watkins@biia.wa.gov	P-(360)753-6823 Ext. 1221 F-(360)586-5611	P.O. Box 42401 Olympia, WA 98504-2401
Insurance Commissioner, Office of the	Ariele Page Landstrom Ariele.PageLandstrom@oic.wa.gov	P-(360)725-7056	P.O. Box 40255 Olympia, WA 98504-0255
Investment Board, State	Liz Smith Liz.Smith@sib.wa.gov	P-(360)956-4749 F-(360)956-4775	2100 Evergreen Park Drive SW Olympia, WA 98504-0916
Judicial Conduct, Commission on	Tanya Calahan tcalahan@cj.c.state.wa.us	P-(360)753-4585 F-(360)586-2918	210 11th Avenue SW, Suite 400 Olympia, WA 98507
Labor and Industries, Department of	Tracy West Tracy.West@lni.wa.gov	P-(360)902-6954 F-(360)902-4202	P.O. Box 44001 Olympia, WA 98504-4001
Lake Washington Institute of Technology	President amy.morrison@lwtech.edu	P-(425)739-8200 F-(425)739-8299	11605 132nd Avenue NE Kirkland, WA 98034-8506
Licensing, Department of	Ellis Starrett EStarrett@dol.wa.gov	P-(360)902-3846	1125 Washington Street SE Olympia, WA 98504
Life Sciences Discovery Fund Authority	Alden Jones aldenj2@u.washington.edu	P-(206)221-7919 F-(206)543-3639	Box 356340 Seattle, WA 98195-6340
Liquor and Cannabis Board	Katherine Hoffman katherine.hoffman@lcb.wa.gov	P-(360)664-1622 F-(360)664-9689	1025 Union Avenue SE Olympia, WA 98504
Lottery, Washington State	Kristi Weeks KWeeks@walottery.com	P-(360)810-2881 F-(360)515-0416	814 4th Avenue E Olympia, WA 98506
Lower Columbia College	Bryanna Smith bsmith@lowercolumbia.edu	P-(360)442-2100 F-(360)442-2109	1600 Maple Street Longview, WA 98632
Military Department	Cynthia Whaley Cynthia.whaley@mil.wa.gov	P-(253)512-8110 F-(253)512-8497	Building 1 Camp Murray, WA 98430
Minority and Women's Business Enterprises, Office of	Amal-Noor Joury amalj@omwbe.wa.gov	P-(360)664-9756 F-(360)586-7079	1110 Capitol Way S, Suite 150 Olympia, WA 98501
Mint Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Natural Resources, Department of	Elizabeth O'Neal elizabeth.oneal@dnr.wa.gov	P-(360)902-1739 F-(360)902-1789	P.O. Box 47015 Olympia, WA 98504-7015

AGENCY	RULES COORDINATOR	PHONE/FAX	ADDRESS
Oilseeds Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(960)902-2092	1111 Washington Street SE Olympia, WA 98504
Olympic College	Adam Morris amorris@olympic.edu	P-(360)475-7102 F-(360)475-7302	1600 Chester Avenue Bremerton, WA 98337
Olympic Region Clean Air Agency	Mark Goodin mark@orca.org	P-(360)586-1044 Ext. 108 F-(360)491-6308	2940-B Limited Lane NW Olympia, WA 98502
Paraeducator Board	Jack Busbee Jack.Busbee@k12.wa.us	P-(360)725-6377 F-(360)586-4548	600 Washington Street S.E. Olympia, WA 98504
Parks and Recreation Commission	Valeria Veasley valeria.veasley@parks.wa.gov	P-(360)902-8597 F-(360)664-8112	1111 Israel Road SW Tumwater, WA 98504
Peninsula College	Kelly Griffith kgriffith@pencol.edu	P-(360)417-6201 F-(360)417-6220	1502 E Lauridsen Boulevard Port Angeles, WA 98362
Pesticide Registration, Commission on	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Pierce College	Marie Harris mharris@pierce.ctc.edu	P-(253)864-3104 F-(253)864-3123	1601 39th Avenue SE Puyallup, WA 98374
Pilotage Commissioners, Board of	Jaimie Bever BeverJ@wsdot.wa.gov	P-(206)515-3887 F-(206)515-3906	2901 Third Avenue, Suite 500 Seattle, WA 98121
Pollution Liability Insurance Agency	Phi Ly phi.ly@plia.wa.gov	P-(360)407-0517 F-(360)407-0509	P.O. Box 40930 Olympia, WA 98504-0930
Potato Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Prevention of Child Abuse and Neglect, Council for	Joan Sharp sharpjd@dshs.wa.gov	P-(206)464-5493 F-(206)464-6642	318 First Avenue S, Suite 310 Seattle, WA 98104
Professional Educator Standards Board	Sophia Keskey rulespsb@k12.wa.us	P-(360)890-5814 F-(0)-0	600 Washington Street S.E. Olympia, WA 98504
Prosecuting Attorneys, Association of	Thomas McBride tmcbride@waprosecutors.org	P-(360)753-2175 F-(360)753-3943	P.O. Box 50952 Olympia, WA 98504-0952
Public Disclosure Commission	Sean Flynn pdc@pdc.wa.gov	P-(360)753-1111 F-(360)753-1112	711 Capitol Way S, Room 206 Olympia, WA 98504
Public Employment Relations Commission	Dario de la Rosa dario.delarosa@perc.wa.gov	P-(360)570-7328 F-(360)570-7334	P.O. Box 40919 Olympia, WA 98504-0919
Public Instruction, Superintendent of	Kristin Murphy kristin.murphy@k12.wa.us	P-(360)725-6133 F-(360)753-6712	P.O. Box 47200 Olympia, WA 98504-7200
Public Works Board	Karin Berkholtz karin.berkholtz@commerce.wa.gov	P-(360)688-0313 F-(360)568-8440	1011 Plum Street SE Olympia, WA 98504
Puget Sound Partnership	Stephanie Suter Stephanie.suter@psp.wa.gov	P-(360)791-3154 F-(253)593-2226	326 East D Street Tacoma, WA 98421-1801
Puget Sound Salmon Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Pulse Crops Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Recreation and Conservation Office	Katie Pruitt katie.pruitt@rco.wa.gov	P-(360)725-5452	P.O. Box 40917 Olympia, WA 98504-0917
Red Raspberry Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Renton Technical College	Jacob Jackson jacob.jackson@rtc.edu	P-(425)235-5846	3000 NE 4th St. Renton, WA 98056-4123
Retirement Systems, Department of	Jilene Siegel Rules@drs.wa.gov	P-(360)664-7291 F-(360)753-5397	P.O. Box 48380 Olympia, WA 98504-8380
Revenue, Department of	Atif Aziz AtifA@dor.wa.gov	P-(360)534-1593 F-(360)534-1606	6400 Linderson Way SW Tumwater, WA 98504-7453
Salaries for Elected Officials, Washington Citizens' Commission on	Teri Wright Teri.Wright@salaries.wa.gov	P-(360)725-5669 F-(360)586-7544	P.O. Box 43120 Olympia, WA 98504-3120
Seattle Colleges	Charles Sims wacinput@seattlecolleges.edu	P-(206)934-3873 F-(206)934-3803	1500 Harvard Avenue Seattle, WA 98122
Secretary of State	Randy Bolerjack randy.bolerjack@sos.wa.gov	P-(360)902-4151 F-(360)586-5629	P.O. Box 40220 Olympia, WA 98504-0220
Seed Potato Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Shoreline Community College	Veronica Zura vzura@shoreline.edu	P-(206)546-7858 F-(206)546-5850	16101 Greenwood Avenue N Shoreline, WA 98133
Skagit Valley College	Lisa Radeleff Lisa.Radeleff@skagit.edu	P-(360)416-7995 F-(360)416-7773	2405 E College Way Mt. Vernon, WA 98273

AGENCY	RULES COORDINATOR	PHONE/FAX	ADDRESS
Social and Health Services, Department of	Katherine Iyall Vasquez DSHSRPAURulesCoordinator@dshs.wa.gov	P-(360)664-6097 F-(360)664-6185	P.O. Box 45850 Olympia, WA 98504-5850
South Puget Sound Community College	Diana Toledo dtoledo@spccc.ctc.edu	P-(360)754-7711 Ext. 5202 F-(360)586-3570	2011 Mottman Road SW Olympia, WA 98512
Southwest Clean Air Agency	Paul Mairose paul@swcleanair.org	P-(360)574-3058 Ext. 30 F-(360)576-0925	11815 NE 99th Street, Suite 1294 Vancouver, WA 98682
Spokane Regional Clean Air Agency	Margee Chambers mchambers@spokanecleanair.org	P-(509)477-4727 Ext. 114 F-(509)477-6828	3104 East Augusta Avenue Spokane, WA 99207
Spokane, Community Colleges of	John O'Rourke John.O'Rourke@ccs.spokane.edu	P-(509)434-5185 F-(509)434-5279	P.O. Box 6000 Spokane, WA 99217-6000
Student Achievement Council	Crystal Hall crystalh@wsac.wa.gov	P-(360)753-7852 F-(360)753-7808	P.O. Box 43430 Olympia, WA 98504-3430
Tacoma Community College	Karyssa Mathison kmathison@tacomacc.edu	P-(253)566-5136	6501 S 19th Street Tacoma, WA 98466
Tax Appeals, Board of	Keri Lamb bta@bta.wa.gov	P-(360)753-5446 F-(360)586-9020	P.O. Box 40915 Olympia, WA 98504-0915
Tobacco Settlement Authority	Paul Edwards pedwards@wshfc.org	P-(206)287-4462 F-(206)587-5113	1000 Second Avenue, Suite 2700 Seattle, WA 98104-1046
Traffic Safety Commission	Pam Pannkuk ppannkuk@wtsc.wa.gov	P-(360)725-9884 F-(360)586-6489	P.O. Box 40944 Olympia, WA 98504-0944
Transportation Improvement Board	Kelsey Davis kelsey@tib.wa.gov	P-(360)586-1146 F-(360)586-1165	P.O. Box 40901 Olympia, WA 98504-0901
Transportation, Department of	Danielle Oliver OliverD@wsdot.wa.gov	P-(360)704-6362 F-(360)704-6367	P.O. Box 47418 Olympia, WA 98504-7418
Treasurer, Office of the State	Erhiza Rivera erhiza.rivera@tre.wa.gov	P-(360)902-9011 F-(360)704-5102	P.O. Box 40202 Olympia, WA 98504
Tree Fruit Research Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Turfgrass Seed Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
University of Washington	Barbara Lechtanski rules@uw.edu	P-(206)543-9219	Box 351210 Seattle, WA 98195
Utilities and Transportation Commission	Paige Doyle pdoyle@utc.wa.gov	P-(360)664-1140 F-(360)586-1150	P.O. Box 47250 Olympia, WA 98504-7250
Veterans Affairs, Department of	Heidi Audette heidia@dva.wa.gov	P-(360)725-2154 F-(360)725-2197	P.O. Box 41150 Olympia, WA 98504-1150
Volunteer Firefighters and Reserve Officers, Board for	Hailey Blankenship haileyb@bvff.wa.gov	P-(360)753-7318 F-(360)586-1987	605 11th Avenue SE Olympia, WA 98507
Walla Walla Community College	Doreen Kennedy doreen.kennedy@wwcc.edu	P-(509)527-4274 F-(509)527-4249	500 Tausick Way Walla Walla, WA 99362
Washington State Patrol	Kimberly Mathis Kimberly.Mathis@wsp.wa.gov	P-(360)596-4017 F-(360)596-4015	P.O. Box 42600 Olympia, WA 98504-2600
Washington State School Directors' Association	Kelsey Winters k.winters@wssda.org	P-(360)252-3018 F-(360)252-3022	211 College Street NE Olympia, WA 98516
Washington State University	Deborah Bartlett dbartl@wsu.edu	P-(509)335-2004 F-(509)335-3969	3089 Information Technology Building Pullman, WA 99164-1225
Wenatchee Valley College	Reagan Bellamy rbellamy@wvc.edu	P-(509)682-6445 F-(509)682-6441	1300 Fifth Street Wenatchee, WA 98801
Western Washington University	Jennifer Sloan Jennifer.Sloan@wwu.edu	P-(360)650-3117 F-(360)650-6197	516 High Street, Old Main 331 Bellingham, WA 98225-3117
Whatcom Community College	Barbara Nolze bnolze@whatcom.edu	P-(360)383-3077 F-(360)383-4000	237 W Kellogg Road Bellingham, WA 98226
Wine Commission	Megan Finkenbinder mfinkenbinder@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	1111 Washington Street SE Olympia, WA 98504
Women's Commission	Marie Vela Marie.Vela@wswc.wa.gov	P-(360)902-8015 F-(360)902-0662	P.O. Box 43113 Olympia, WA 98504
Workforce Training and Education Coordinating Board	Erica Hansen Erica.Hansen@wtb.wa.gov	P-(360)709-4600 F-(360)586-5862	P.O. Box 43105 Olympia, WA 98504-3105
Yakima Valley Community College	Megan Jensen mjensen@yvcc.edu	P-(509)574-4635 F-(509)574-4638	P.O. Box 22520 Yakima, WA 98908

**WSR 22-01-001
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF ECOLOGY**

[Filed December 1, 2021, 12:05 p.m.]

Notice of Interpretive and Policy Statements

Under chapter 42.56 RCW, ecology maintains an index that includes interpretive and policy statements issued by the agency. Under RCW 34.05.230, we are filing notice in the Washington State Register about these statements.

To obtain copies of these items, please:

- Copy and paste the web address (URL) from the table below into a web browser to view and download; or
- Submit an email records request to ecology's public records officer at PublicRecordsOfficer@ecy.wa.gov following the instructions on the public records requests web page at <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>.

Updated Statements:

Title of Interpretive/Policy Statement	Web Link (if applicable)
Draft for public comment: Draft Guidance for Evaluating Vapor Intrusion in Washington State: Investigation and Remedial Action	https://apps.ecology.wa.gov/publications/SummaryPages/0909047.html

WSR 22-01-002

HEALTH CARE AUTHORITY

[Filed December 1, 2021, 12:33 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 22-0005 Add Missing Home Health Information.

Effective Date: January 1, 2022.

Description: The health care authority (HCA) intends to submit medicaid SPA 22-0005 to add information regarding home health services that was inadvertently omitted from Attachment 3.1-B section 7 as follows (this duplicates the information in Attachment 3.1-A section 7):

"Services must be ordered by a physician, physician assistant, or advanced registered nurse practitioner as part of a written plan of care."

SPA 22-0005 is a "housekeeping" action that does not change current practice or policy. It is therefore expected to have no effect on annual expenditures/reimbursement[s].

A copy of SPA 22-0005 is available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the SPA or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

CONTACT: Ann Myers, State Plan Coordinator, 626 8th Avenue S.E., Olympia, WA 98501, TTY 711, email ann.myers@hca.wa.gov.

WSR 22-01-003

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed December 1, 2021, 3:06 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: Continuing Education Requirements During the COVID-19 Response. Policy Number: BOM 20-01.4.

Issuing Entity: Board of massage.

Subject Matter: The board of massage has extended the policy addressing the impact COVID-19 response measures are having on licensed massage therapists regarding meeting continuing medical education requirements until June 30, 2022, or until the declared State of Emergency issued under Proclamation 20-05 is rescinded, whichever is later.

Effective Date: January 1, 2022.

Contact Person: Megan Maxey, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, 360-236-4945, Megan.Maxey@doh.wa.gov.

WSR 22-01-004

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed December 1, 2021, 3:28 p.m.]

NOTICE OF ADOPTION

POLICY STATEMENT

Title of Policy Statement: Continuing Medical Education Requirements During the COVID-19 Response. Policy Statement PO 20-51.3.

Issuing Entity: Podiatric medical board.

Subject Matter: Addressing the impact COVID-19 response measures are having on the podiatric physician profession with regard to meeting the continuing medical education requirements. The podiatric medical board is extending the expiration of this policy through June 30, 2022, or until the declared State of Emergency issued under Proclamation 20-05 is rescinded, whichever is later.

Effective Date: October 21, 2021.

Contact Person: Susan Gragg, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, 360-236-4941, podiatric@doh.wa.gov.

WSR 22-01-007
NOTICE OF PUBLIC MEETINGS
FRUIT COMMISSION
[Filed December 2, 2021, 9:19 a.m.]

2022

COMMISSION MEETING SCHEDULE

At their December 1, 2021, meeting, the Washington state fruit commission (WSFC) board of directors approved the following meeting dates and places for the 2022 calendar year:

March 9, 2022	11:00 a.m.	W.L. Hansen Building Yakima, Washington
May 18, 2022	9:00 a.m.	Red Lion Richland, Washington
August 3, 2022	11:00 a.m.	Washington Apple Commission Wenatchee, Washington
December 14, 2022	11:00 a.m.	W.L. Hansen Building Yakima, Washington

Note that times/places are tentative and may be changed to a virtual webinar format as needed, in which case an amendment to this Notice will be filed.

WSFC complies with the Americans with Disabilities Act. These meetings are open to all persons without regard to race, color, national origin, gender, religion, age, or disability. Persons who require alternative means of communication (such as Braille, large print, sign language) or language interpretation or special accommodations should contact WSFC at 509-453-4837 at least four business days before the meeting.

If there are any questions regarding the 2022 meeting schedule, please contact WSFC offices at 509-453-4837.

WSR 22-01-008
NOTICE OF PUBLIC MEETINGS
FORENSIC INVESTIGATIONS COUNCIL
 [Filed December 2, 2021, 9:24 a.m.]

In response to the evolving COVID-19 pandemic, the forensic investigations council anticipates meeting virtually during calendar year 2022 unless and until conditions are deemed sufficiently safe to meet in person, at which time the council may recommence in person meetings at the address identified below. To learn more about virtually accessing forensic investigations council meetings, please contact Ms. Crystal Hice at the Forensic Laboratory Services Bureau either by email at Crystal.Hice@wsp.wa.gov or by phone at 360-596-4120, VoIP 11120.

The following is a list of the meetings currently scheduled for the Washington state forensic investigations council for calendar year 2022:

Date	Time	Location
January 21, 2022	9:00 a.m.	Large Conference Room Seattle Crime Laboratory 2203 Airport Way South Seattle, WA 98134
February 18, 2022	9:00 a.m.	Large Conference Room Seattle Crime Laboratory 2203 Airport Way South Seattle, WA 98134
March 18, 2022	9:00 a.m.	Large Conference Room Seattle Crime Laboratory 2203 Airport Way South Seattle, WA 98134
April 15, 2022	9:00 a.m.	Large Conference Room Seattle Crime Laboratory 2203 Airport Way South Seattle, WA 98134
May 20, 2022	9:00 a.m.	Large Conference Room Seattle Crime Laboratory 2203 Airport Way South Seattle, WA 98134
June 17, 2022	9:00 a.m.	Large Conference Room Seattle Crime Laboratory 2203 Airport Way South Seattle, WA 98134
July 15, 2022	9:00 a.m.	Large Conference Room Seattle Crime Laboratory 2203 Airport Way South Seattle, WA 98134
August 19, 2022	9:00 a.m.	Large Conference Room Seattle Crime Laboratory 2203 Airport Way South Seattle, WA 98134
September 16, 2022	9:00 a.m.	Large Conference Room Seattle Crime Laboratory 2203 Airport Way South Seattle, WA 98134
October 21, 2022	9:00 a.m.	Large Conference Room Seattle Crime Laboratory 2203 Airport Way South Seattle, WA 98134
November 18, 2022	9:00 a.m.	Large Conference Room Seattle Crime Laboratory 2203 Airport Way South Seattle, WA 98134
December 16, 2022	9:00 a.m.	Large Conference Room Seattle Crime Laboratory 2203 Airport Way South Seattle, WA 98134

The forensic investigations council strives to satisfy all requests for persons with disabilities. Requests for accommodations are

welcome and should be made by contacting Ms. Crystal Hice at the Forensic Laboratory Services Bureau either by email at Crystal.Hice@wsp.wa.gov or by phone at 360-596-4120, VoIP 11120.

WSR 22-01-011

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed December 2, 2021, 10:06 a.m.]

Prevailing Rate of Wage Publication - Wage Rate Corrections

Pursuant to RCW 39.12.015, 39.12.020, and WAC 296-127-011, on December 1, 2021, the industrial statistician determined and published on the internet a correction to multiple prevailing wage rates. The corrected rates become effective 30 days from publication on December 31, 2021, and impact multiple counties in Washington state.

For more information on prevailing wage or a copy of the rates, please visit our website at <https://lni.wa.gov/licensing-permits/public-works-projects/prevailing-wage-rates/> or call 360-902-5335.

Tracy West
Rules Coordinator

WSR 22-01-012
NOTICE OF PUBLIC MEETINGS
GRAIN COMMISSION

[Filed December 2, 2021, 10:12 a.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 2022**. All meetings will take place in the commission conference room at 2702 West Sunset Boulevard, Suite A, Spokane, WA, *unless otherwise noted*. The meetings will begin at 10:00 a.m. the first day, and reconvene at 8:00 a.m. the second day, *unless otherwise noted*.

Regular Friday, January 21 8:00 a.m.	Residence Inn 1255 N.E. North Fairway Road Pullman
Regular Wednesday and Thursday March 10 and 11	
Annual Wednesday and Thursday May 18 and 19	
Regular Wednesday and Thursday September 21 and 22	
Regular Tuesday November 29 8:00 a.m.	

We understand that should any changes to this meeting schedule become necessary, we will provide the information at least 20 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 22-01-013
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION
[Filed December 2, 2021, 10:24 a.m.]

The following is a list of the regular meetings currently scheduled for the public disclosure commission (PDC) for the year 2022:

Thursday, January 27
Thursday, February 24
Thursday, March 24
Thursday, April 28
Thursday, May 26
Thursday, June 23
Thursday, July 28
Thursday, August 25
Thursday, September 22
Thursday, October 27
Thursday, December 8
(Nov/Dec mtg)

All regular meetings begin at the time and at the location described in WAC 390-12-010. The meeting location is typically PDC Office, 711 Capitol Way, Room 206, Olympia, WA. More information about PDC meetings is available on the PDC website at www.pdc.wa.gov.

COVID-19 update: PDC meeting[s] will be streamed live at <https://www.youtube.com/user/WASTPDC/live>. Commission members and staff will join meeting remotely.

The commission meeting may be held remotely pursuant to the Governor's Emergency Proclamation 20-28 regarding COVID-19, waiving in-person meeting and access requirements.

WSR 22-01-016
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SERVICES FOR THE BLIND
(Rehabilitation Council)
[Filed December 2, 2021, 12:36 p.m.]

Following is the schedule of regular meetings for the state rehabilitation council for the blind for 2022:

Date	Time	Location
March 11, 2022	9:00 a.m. to 12:00 p.m.	Video conference - details at www.dsb.wa.gov
June 10, 2022	9:00 a.m. to 12:00 p.m.	Video conference - details at dsb.wa.gov
September 9, 2022	9:00 a.m. to 12:00 p.m.	Video conference - details at dsb.wa.gov
December 9, 2022	9:00 a.m. to 12:00 p.m.	Video conference - details at dsb.wa.gov

If you need further information and/or a reasonable accommodation to attend the meeting, contact Yvonne Grimes, P.O. Box 40933, Olympia, WA 98504, 360-725-3834, fax 360-407-0679, yvonne.grimes@dsb.wa.gov, dsb.wa.gov.

**WSR 22-01-021
POLICY STATEMENT
LIQUOR AND CANNABIS
BOARD**

[Filed December 3, 2021, 9:01 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy Statement: Security and Traceability Requirements for Marijuana (Cannabis) Licensees, Policy Statement Number PS21-10.

Issuing Entity: Washington state liquor and cannabis board.

Subject Matter: This policy statement describes marijuana licensee traceability reporting requirement adjustments that support transition from the current leaf data system to the cannabis central reporting system.

Effective Date: December 3, 2021.

Contact Person: Katherine Hoffman, policy and rules manager, 360-664-1622.

WSR 22-01-023

NOTICE OF PUBLIC MEETINGS

OLYMPIC COLLEGE

[Filed December 3, 2021, 9:19 a.m.]

Pursuant to RCW 42.30.075, the regular meeting of the board of trustees of Olympic College, District Three, will be held on the third Tuesday of the month, beginning at 5:30 p.m. in Building 4, Room 129, Olympic College Campus, 1600 Chester Avenue, Bremerton, WA. Meetings will be virtual if unable to be held in-person per the governor's proclamation(s) and/or associated suspension of provisions in the Open Public Meeting[s] Act as related to the COVID-19 pandemic. The board will meet on the following dates for calendar year 2022:

January 18, 2022

February 15, 2022

March 15, 2022

April 19, 2022

Held annually at the OC
Poulsbo Campus
1000 Olympic College
Place N.W.
Poulsbo, WA

May 17, 2022

June 21, 2022

No meeting in July

August 16, 2022

Held annually at the OC
Shelton Campus
937 Alpine Way
Shelton, WA

September 20, 2022

October 18, 2022

November 15, 2022

No meeting in December

In the event it is necessary to change any of these meeting dates, the appropriate notification will be made.

WSR 22-01-026
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Denturists)
 [Filed December 3, 2021, 10:04 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), board of denturists, for the year 2022. The board of denturists meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of denturists reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 14, 2022	12:00 noon	Webinar
March 10, 2022	3:00 p.m.	To be determined
May 13, 2022	To be determined	Leavenworth or webinar
August 18, 2022	To be determined	To be determined
October 28, 2022	To be determined	To be determined

If you need further information, please contact Vicki Brown, Program Manager, Board of Denturists, DOH, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4865, fax 360-236-2901, vicki.brown@doh.wa.gov, www.doh.wa.gov.

Please be advised the board of denturists is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 22-01-027

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Acupuncture and Eastern Medicine Advisory Committee)

[Filed December 3, 2021, 10:04 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), acupuncture and Eastern medicine advisory committee, for the year 2022. The acupuncture and Eastern medicine advisory committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice, please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the acupuncture and Eastern medicine advisory committee reserves the right to change or amend agendas at the meeting.

Date	Time	Location
February 11, 2022	9:00 a.m.	Webinar
June 10, 2022	9:00 a.m.	Webinar
November 4, 2022	10:00 a.m.	Department of Health Creekside Two Center Point Room 307 20425 72nd Avenue South Building 2, Suite 310 Kent

If you need further information, please contact Vicki Brown, Program Manager, Acupuncture and Eastern Medicine Advisory Committee, DOH, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4865, fax 360-236-2901, vicki.brown@doh.wa.gov, www.doh.wa.gov.

Please be advised the acupuncture and Eastern medicine advisory committee is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

**WSR 22-01-028
RULES COORDINATOR
INDETERMINATE SENTENCE
REVIEW BOARD**

[Filed December 3, 2021, 10:34 a.m.]

Pursuant to RCW 34.05.312, beginning on December 1, 2021, the rules coordinator for the indeterminate sentence review board is Jill Getty, Executive Director, P.O. Box 40907, Olympia, WA 98504-1114, 360-407-5773, email jill.getty@doc.wa.gov.

Kecia Rongen
Chair

WSR 22-01-029

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed December 3, 2021, 1:38 p.m.]

Following is the schedule of regular meetings for the department of health, nursing care quality assurance commission (NCQAC) for 2022. This schedule follows the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW). The NCQAC meetings are open to the public. Access for persons with disabilities may be arranged with advance notice. Please contact the staff person below for more information.

Agendas for the meetings listed below are available in advance via GovDelivery and NCQAC website (see below). Every attempt is made to ensure the agenda is up-to-date. However, NCQAC reserves the right to change or amend agendas at the meetings.

NCQAC Business Meeting Date	Locations
January 14, 2022	Virtual
March 11, 2022	Virtual
May 13, 2022	Virtual
July 7-8, 2022	Virtual
September 8-9, 2022	Virtual
November 18, 2022	Virtual

If you need further information, please contact Shad Bell, Assistant Director of Operations, Department of Health, NCQAC, P.O. Box 47864, Olympia, WA 98504-7864, email shad.bell@doh.wa.gov, web: commission meeting schedule: Washington state department of health, Gov-Delivery https://public.govdelivery.com/accounts/WADOH/subscriber/topics?qsp=WADOH_4.

WSR 22-01-030

NOTICE OF PUBLIC MEETINGS

OILSEEDS COMMISSION

[Filed December 3, 2021, 8:21 a.m.]

The Washington oilseeds commission will be holding the following regular meetings in 2022:

Tuesday, March 1	Annual meeting	
Tuesday, April 19	Conference call	9:00 a.m.
Tuesday, July 12	Conference call	9:00 a.m.
Tuesday, November 8	In-person meeting	9:00 a.m.
	Location to be determined	

If you need further information, contact Shane Johnson, 6601 West Deschutes Avenue, Suite C-2, Kennewick, WA 99336, 509-585-5460, shanej@agmgt.com.

WSR 22-01-031
RULES OF COURT
STATE SUPREME COURT
[December 3, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED PETITION AND) NO. 25700-A-1392
ORDER FOR NEW GENERAL RULE)
39—LEGAL FINANCIAL)
OBLIGATIONS)

The Washington State Pattern Forms Committee, having approved the adoption of the suggested petition and order for new General Rule 39—Legal Financial Obligations, and the Court having considered the attached petition and order, and having determined that the petition and order will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the petition and order as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j) (1), the suggested petition and order will be expeditiously published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 3rd day of December, 2021.

Johnson, J.
Madsen, J.
Owens, J.
Stephens, J.
Gonzalez, C.J.
Gordon McCloud, J.
Yu, J.
Montoya-Lewis, J.
Whitener, J.

[NEW]
GR 39
REMISSION OF LEGAL FINANCIAL OBLIGATIONS

(a) Definitions.

(1) Legal financial obligation (LFO), as referenced in this rule, means costs, fines, fees, penalties, assessments, and restitution imposed by a Washington court and does not include the RCW 9.94A.780 clerk's fee for collecting the LFO.

(2) "Indigent" is defined in RCW 10.101.010.

(b) Relief Available. An individual who has been required to pay LFOs may petition the sentencing court for a waiver of interest and remission or reduction of any unpaid portion of the LFOs, except restitution and mandatory LFOs not subject to remission or reduction, and may request any other relief as allowed by law. The petitioner may also request that the LFOs be removed from a collection agency; request additional time to pay the LFOs; and, excluding restitution and mandatory LFOs not subject to remission or reduction, request payment by community service or other forms of community restitution if available in the community.

(c) Indigence or Inability to Pay. A petition shall allege that the petitioner is indigent or lacks the financial ability to pay the LFO. Provided, a petitioner is not required to show indigence or the lack of ability to pay an LFO when making a request to waive interest on a nonrestitution LFO pursuant to RCW 10.82.090.

(d) Mandatory Form and Notice. The petitioner shall complete and file a mandatory pattern form petition, declaration of mailing and proposed order created by the Administrative Office of the Courts

(AOC). The petitioner may attach appropriately redacted financial documents supporting the request. See GR 31(e). The petitioner shall also mail copies of the petition, declaration of mailing and proposed order to the appropriate prosecuting attorney.

(e) **Submission of Petition; Fee.** The court shall accept the petition submitted in person, by mail, or, where authorized by local court rule not inconsistent with GR 30, by electronic filing. All petitions shall be presented to a judicial officer for consideration in a timely manner and there shall be no fee imposed for filing and consideration of a petition.

(f) **Hearings; Notice.** The judicial officer may set the petition for a hearing, or may consider the petition ex parte without a hearing no sooner than three business days from filing of the petition and declaration of mailing or the filing of the declaration of mailing, if filed after the petition. Provided, when the appropriate prosecuting authority files a letter with a presiding judge requesting notice of all petitions filed pursuant to this rule, the court shall set all such petitions for hearing and send the notice of hearing to all parties. In the letter provided to the presiding judge, the prosecuting authority, however, may limit the notice requested to select cases, such as cases where the fine or costs are greater than a specified amount.

(g) **Telephonic Hearing.** Hearings by telephone or video conference improve access to the courts. If a petition is set for hearing, upon request, the court in its discretion may permit a telephone or video conference appearance by the petitioner subject to local court rule and/or local policies.

_____ Court of Washington, County/City of _____	
_____, Plaintiff, vs. _____, Defendant. DOB	No. Petition re: Legal Financial Obligations (PT)
PCN/TCN: SID:	

Petition re: Legal Financial Obligations

Use this form to request that your legal financial obligations (LFOs) be waived, reduced, pulled from collections, converted to community restitution hours, or to modify a payment plan.

The undersigned requests that the sentencing court grant an order that will (check the boxes that apply):

1. Interest (Check all that apply)

LFO Interest. Waive all unpaid interest on my LFOs that are not restitution. (RCW 10.82.090 (2)(a).)

Restitution Interest. I have paid the principal of my restitution in full. All that remains of my restitution obligation is interest. I ask that the court waive or reduce the remaining interest on my restitution as an incentive for me to pay my remaining LFOs. (RCW 10.82.090 (2)(b).)

2. LFOs that are not restitution (Check all that apply)

Remission or Reduction. Waive or reduce all unpaid discretionary LFOs. (RCW 9.94A.6333 (3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5); RCW 46.63.190.)

[] **Additional Time.** Grant me additional time to pay my unpaid LFOs. (RCW 9.94A.6333 (3)(f); RCW 10.01.170(1); RCW 10.01.180(5); RCW 46.63.190.)

[] **Collection.** Remove my unpaid LFOs from collection and waive all collection fees. (RCW 19.16.500 (1)(b); RCW 36.18.190.)

[] **Community Restitution.** Convert any unpaid discretionary LFOs that are not restitution to community restitution/service hours through a community restitution program. (RCW 9.94A.6333 (3)(f); RCW 10.01.160(4) (limited to costs); RCW 10.01.180(5); RCW 46.63.190.)

3. Declaration

I am the defendant in the above action and declare that I have been released from total confinement on this matter: *(Check all that apply)*

[] I have paid my restitution in full.

[] I am indigent because:

[] I am receiving one of the following types of public assistance: temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, Medicaid (for example, Apple Health), or supplemental security income. (RCW 10.101.010 (3)(a); GR 34 (a)(3)(A).) I am receiving the following forms of public assistance:

[] I am involuntarily committed to a public mental health facility. (RCW 10.101.010 (3)(b).)

[] I am receiving an annual income, after taxes, of 125% or less of the current federally established poverty level. (RCW 10.101.010 (3)(c); GR 34 (a)(3)(B).)

[] I am receiving an annual income, after taxes, of more than 125% of the federally established poverty level but I have recurring basic living expenses making me unable to pay the LFOs imposed. (GR 34 (a)(3)(C).) Details:

[] Other compelling circumstances exist that demonstrate my inability to pay fees and/or charges. (GR 34 (a)(3)(D).) Details:

[] I am homeless. (RCW 9.94A.6333 (3)(d); RCW 9.94A.760(11); RCW 10.01.180 (1)(c).)

[] I am not able to complete community restitution hours because:

[] I have not paid my LFOs in a timely manner. However, my late payment(s) or failure to pay was/were not willful because:

[] **OPTIONAL:** I have attached my financial case history report from the court clerk.

I request:

[] the court rule without a hearing.

[] a hearing by [] telephone [] video conference [] in court appearance.

4. I mailed or delivered this Petition, Declaration and proposed Order to the Court on (date) _____ and to the Prosecuting Attorney on (date) _____.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Signature of Defendant

Dated: _____

Print Name

Defendant's Attorney/WSBA No.

Print Name

_____ Court of Washington, County/City of _____

_____,
Plaintiff,
vs.
_____,
Defendant. DOB
PCN/TCN:
SID:

No.
**Order re: Legal Financial
Obligations (ORWILFO)
Clerk Action
Required**

Order re: Legal Financial Obligations

This Court has considered the defendant's Motion for Order Waiving Interest and Granting Remission or Reduction of Legal Financial Obligations (LFOs) pursuant to GR 39, the defendant's declaration, and any testimony, and has reviewed the relevant court records.

The Court finds:

[] The defendant has been released from total confinement in this matter.

[] The defendant has paid restitution in full and reducing interest on restitution would be an incentive for the defendant to pay other LFOs. RCW 10.82.090 (2) (b).

[] The defendant is indigent. RCW 10.101.010(3); RCW 9.94A.6333 (3) (c); RCW 10.01.180(5); GR 34 (a) (3); *State v. Blazina*, 182 Wn.2d 827, 839, 344 P.2d 827 (2015) (instructing courts to look to GR 34 for guidance concerning ability to pay).

[] The defendant is homeless. RCW 9.94A.6333 (3) (d); RCW 9.94A.760(11); RCW 10.01.180 (1) (c).

[] The defendant's failure to timely pay LFOs was not willful. RCW 9.94A.6333 (3)(c); RCW 10.01.180(5).

[] The defendant [] has [] has not requested the opportunity for community restitution.

[] Other: _____

The Court orders:

[] **LFO Interest.** All interest that is not restitution on the defendant's LFOs is waived. RCW 10.82.090 (2)(a).

[] **Restitution Interest Waiver.** Because the defendant has paid restitution in full and reducing interest on restitution would be an incentive for the defendant to pay other LFOs, all restitution interest is waived. RCW 10.82.090 (2)(b).

[] **Restitution Interest Reduction.** Because the defendant has paid restitution in full and reducing interest on restitution would be an incentive for the defendant to pay other LFOs, restitution interest is reduced to _____. RCW 10.82.090 (2)(b).

[] **Remission.** All discretionary LFOs that are not restitution, including all costs or fees attendant to private debt collection efforts, are waived. RCW 9.94A.6333 (3)(f); RCW 10.01.160 (3), (4) (relating to costs); RCW 10.01.180(5); RCW 46.63.190; RCW 36.18.190. The following mandatory LFOs shall remain:

[] **Reduction.** RCW 9.94A.6333 (3)(f); RCW 10.01.180(5). All discretionary LFOs that are not restitution are reduced as follows:

[] **Community Restitution.** All discretionary LFOs that are not restitution are converted to community restitution hours through a community restitution program at the rate of \$_____ per hour for each hour of community restitution. RCW 9.94A.6333 (3)(f); RCW 10.01.180(5); RCW 46.63.190.

[] **Additional Time.** RCW 9.94A.6333 (3)(f); RCW 10.01.180(5); RCW 10.82.090 (2)(b); RCW 10.01.170; RCW 46.63.190. All remaining LFOs may be paid according to the following schedule:

Next payment due date: _____.

Minimum monthly payment: _____.

Payments shall be made to: _____

[] **Collection.** The remaining LFOs are removed from a third-party collection agency and payments shall now be made to the Clerk's Office. RCW 36.18.190.

[] A review hearing is set for (date) _____

[] **Other** _____

Dated: _____

Judge

Presented by:

Signature of Defendant/Attorney WSBA No.

Print Name

WSR 22-01-032
RULES OF COURT
STATE SUPREME COURT
[December 3, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1393
JuCR 7.16—QUASHING AND)
ISSUING WARRANTS)

The Superior Court Judges' Association, having recommended the suggested amendments to JuCR 7.16—Quashing and Issuing Warrants, and the Court having considered the suggested amendments;

Now, therefore, by a majority vote, it is hereby

ORDERED:

That the suggested amendments as proposed are rejected.

DATED at Olympia, Washington this 3rd day of December, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

WSR 22-01-033
RULES OF COURT
STATE SUPREME COURT
[December 3, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO CrR) NO. 25700-A-1394
4.7—DISCOVERY AND CrRLJ 4.7—)
DISCOVERY)

The Washington Association of Criminal Defense Lawyers and Wash-
ington Defender Association, having recommended the suggested amend-
ments to CrR 4.7—Discovery and CrRLJ 4.7—Discovery, and the Court
having considered the suggested amendments;

Now, therefore, by a majority vote, it is hereby

ORDERED:

That the suggested amendments as proposed are rejected.

DATED at Olympia, Washington this 3rd day of December, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

WSR 22-01-038
POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed December 7, 2021, 8:31 a.m.]

Policy Statements

Under RCW 34.05.230, following are statements regarding four amended policies, issued by the department of labor and industries fraud prevention and labor standards division.

If you have any questions or need additional information, please contact Tracy West, rules coordinator, at Tracy.West@Lni.wa.gov, or 360-902-6954.

Title: Administrative Policy ES.A.8.1 - *Overtime.*

Date Issued: December 7, 2021.

Description: The amended policy removes reference to the agricultural overtime exemption from the Minimum Wage Act. The hyperlinks in the policy have also been updated, as well as minor formatting changes for consistency with other policies.

Contact: Ellen Saline, 7273 Linderson Way S.W., Tumwater, WA 98501, Mailstop 4510, 360-902-4475, Ellen.Saline@Lni.wa.gov.

Title: Administrative Policy ES.B.1 - *Paid Sick Leave—Frequently Asked Questions.*

Date Issued: December 7, 2021.

Description: The amended policy removes agricultural employees as an example of employees who are not typically eligible for overtime. The hyperlinks in the policy have also been updated, as well as minor formatting changes for consistency with other policies.

Contact: Ellen Saline, 7273 Linderson Way S.W., Tumwater, WA 98501, Mailstop 4510, 360-902-4475, Ellen.Saline@Lni.wa.gov.

Title: Administrative Policy ES.C.6.2 - *Agricultural Labor Standards—Meal Periods, Rest Periods, and Rates of Pay.*

Date Issued: December 7, 2021.

Description: The amended policy provides guidance on agricultural and dairy employee overtime eligibility. Sections within the policy have also been reordered for flow of information. The hyperlinks in the policy have also been updated, as well as minor formatting changes for consistency with other policies.

Contact: Ellen Saline, 7273 Linderson Way S.W., Tumwater, WA 98501, Mailstop 4510, 360-902-4475, Ellen.Saline@Lni.wa.gov.

Title: Administrative Policy ES.D.2 - *Recordkeeping and Access to Payroll Records (Agricultural Employment).*

Date Issued: December 7, 2021.

Description: The amended policy adds overtime rates as a rate of pay that must be included on itemized pay statements. The hyperlinks in the policy have also been updated, as well as minor formatting changes for consistency with other policies.

Contact: Ellen Saline, 7273 Linderson Way S.W., Tumwater, WA 98501, Mailstop 4510, 360-902-4475, Ellen.Saline@Lni.wa.gov.

Tracy West
Rules Coordinator

WSR 22-01-042
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT

[Filed December 7, 2021, 10:07 a.m.]

Considering the COVID-19 global pandemic, social distancing requirements, and other related restrictions, the commission on judicial conduct (commission) will conduct all of the following 2022 meetings via web conference until further notice. All public meetings start at 1:00 p.m. Members of the public wishing to attend remotely and observe the meeting can obtain instructions by calling 360-753-4585 or visiting the commission's website the day of the meeting at www.cjc.state.wa.us.

Friday, February 4, 2022

Friday, April 22, 2022

Friday, June 24, 2022

Friday, September 9, 2022

Friday, November 18, 2022

WSR 22-01-043

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed December 7, 2021, 12:27 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: EMS Providers and Emergency Administration of Monoclonal Antibodies. Policy Number: EMS 21-01.

Issuing Entity: Washington state department of health, health services quality assurance division, office of community health systems, EMS section.

Subject Matter: Use of advanced emergency medical technicians and paramedics to administer monoclonal antibodies for COVID-19 during a public health emergency.

Effective Date: October 1, 2021.

Contact Person: Catie Holstein, EMS Manager, 360-236-2841, Catie.holstein@doh.wa.gov.

WSR 22-01-044

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed December 7, 2021, 12:35 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: EMS Transport to Appropriate Alternative Medical Facilities. Policy Number: EMS 21-02.

Issuing Entity: Washington state department of health, health services quality assurance division, office of community health systems, EMS section.

Subject Matter: EMS services transport to appropriate alternative medical facilities.

Effective Date: November 1, 2021.

Contact Person: Catie Holstein, EMS Manager, 360-236-2841, Catie.holstein@doh.wa.gov.

WSR 22-01-048

HEALTH CARE AUTHORITY

[Filed December 7, 2021, 4:26 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0038
COVID-Related Small Rural Disproportionate Share Hospital Payments.
Effective Date: March 1, 2020.

Description: The health care authority (HCA) intends to submit medicaid SPA 21-0038 to implement policies and procedures that may be different from the policies and procedures otherwise applied under the medicaid state plan, during the period of the presidential and secretarial emergency declarations related to the COVID-19 outbreak.

This SPA is the preprint developed by the Centers for Medicare and Medicaid Services to waive or modify certain requirements of titles XVIII, XIX, and XXI of the act as a result of the consequences [of the] COVID-19 pandemic, to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the respective programs and to ensure that health care providers that furnish such items and services in good faith but are unable to comply with one or more of such requirements as a result of the COVID-19 pandemic, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse.

SPA 21-0038 will address COVID[-19]-related inpatient and outpatient supplemental payments paid to the small rural disproportionate share hospitals (SRDSH).

Prior to the public health emergency (PHE), the state has not claimed enhanced federal matching funds for these supplemental payments. Therefore, it is necessary to submit this SPA so the state may receive enhanced matching funds. This SPA will not affect the current state share of supplemental payments; the SPA is being submitted to allow the state to claim COVID[-19]-related enhanced federal matching funds.

SPA 21-0038 is expected to increase the SRDSH supplemental payment amounts for inpatient and outpatient services. Effective March 2020, the federal share of the supplemental payment described above increased uniformly by 6.2 percent.

SPA 21-0038 is in the development process; therefore, a copy is not yet available for review. To request a copy when it becomes available or submit comments, you may contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

CONTACT: Mary O'Hare, DSH and NF Program, 626 8th Avenue S.E., Olympia, WA 98501, TTY 711, email mary.ohare@hca.wa.gov.

WSR 22-01-049
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Physical Therapy)
 [Filed December 7, 2021, 10:32 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), board of physical therapy, for the year 2022. The board of physical therapy meetings are open to the public, and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of physical therapy reserves the right to change or amend agendas at the meeting.

Date	Time	Location
February 7, 2022	10:00 a.m.	Webinar/Tumwater
April 4, 2022	10:00 a.m.	Webinar/Kent
June 13, 2022	10:00 a.m.	Spokane
August 1, 2022	10:00 a.m.	Webinar/Tumwater
October 3, 2022	10:00 a.m.	Tumwater
December 12, 2022	10:00 a.m.	Kent

If you need further information, please contact Davis Hylkema, Interim Program Manager, Board of Physical Therapy, DOH, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4633, fax 360-236-2901, davis.hylkema@doh.wa.gov, www.doh.wa.gov.

Please be advised, the board of physical therapy is required to comply with the Public Records Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 22-01-050
NOTICE OF PUBLIC MEETINGS
COLUMBIA RIVER
GORGE COMMISSION

[Filed December 8, 2021, 8:18 a.m.]

Commission Meeting Schedule - 2022

Month	Day	Location
January 11	Tuesday	Via Zoom webinar
February 8	Tuesday	Via Zoom webinar
March 8	Tuesday	Via Zoom webinar
April 12	Tuesday	To be determined
May 10	Tuesday	To be determined
June 14	Tuesday	To be determined
July 12	Tuesday	To be determined
August 9	Tuesday	To be determined
September 13	Tuesday	To be determined
October 11	Tuesday	To be determined
November 8	Tuesday	To be determined
December 13	Tuesday	To be determined

On occasion, the commission cancels a regular meeting or must meet in a different location. Please check prior to each meeting for updates to this calendar.

WSR 22-01-051

NOTICE OF APPEAL

OFFICE OF THE GOVERNOR

[Filed December 8, 2021, 10:35 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 December 6, 2021, the Governor's Office received an appeal from Arthur West, relating to The Evergreen State College who denied Mr. West's petition to amend WAC 174-276-040, (*Designation of public records officer*).

DATE: December 8, 2021

Taylor K. Wonhoff
Deputy General Counsel
to the Governor

**WSR 22-01-053
POLICY STATEMENT
LIQUOR AND CANNABIS
BOARD**

[Filed December 8, 2021, 11:17 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy Statement: Contract Liquor Stores - Policy Statement Number PS-21-08.

Issuing Entity: Washington state liquor and cannabis board (WSLCB).

Subject Matter: This policy statement describes how WSLCB will continue to address contract liquor store relocation.

Effective Date: December 8, 2021.

Contact Person: Katherine Hoffman, policy and rules manager, 360-664-1622.

**WSR 22-01-054
POLICY STATEMENT
LIQUOR AND CANNABIS
BOARD**

[Filed December 8, 2021, 11:20 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy Statement: Relocation of Former State Liquor Stores - Policy Statement Number PS-21-09.

Issuing Entity: Washington state liquor and cannabis board (WSLCB).

Subject Matter: This policy statement describes how WSLCB will continue to evaluate relocation requests for former state liquor store location title owners.

Effective Date: December 8, 2021.

Contact Person: Katherine Hoffman, policy and rules manager, 360-664-1622.

WSR 22-01-058
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
 [Filed December 8, 2021, 11:57 a.m.]

2022 Regulatory Board Meetings

Geologist Licensing Board

Date	Location	Start Time
March 3, 2021	Virtual	9:00 a.m.
June 2, 2021	Virtual	9:00 a.m.
September 2, 2021	Virtual	9:00 a.m.
December 2, 2021	Virtual	9:00 a.m.

Washington State Board for Architects

Date	Location	Start Time
January 20, 2022	Virtual	9:00 a.m.
April 21, 2022	Virtual	9:00 a.m.
July 21, 2022	Virtual	9:00 a.m.
October 28, 2022	Virtual	9:00 a.m.

Board of Licensure for Landscape Architects

Date	Location	Start Time
January 27, 2022	Virtual	10:00 a.m.
April 21, 2022	Virtual	10:00 a.m.
July 21, 2022	Virtual	10:00 a.m.
October 27, 2022	Virtual	10:00 a.m.

Funeral and Cemetery Board

Date	Location	Start Time
February 1, 2022	Virtual	10:00 a.m.
May 3, 2022	Virtual	10:00 a.m.
August 2, 2022	Virtual	10:00 a.m.
November 1, 2022	Virtual	10:00 a.m.

Collection Agency Board

Date	Location	Start Time
April 14, 2022	Virtual	10:00 a.m.
September 15, 2022	Virtual	10:00 a.m.

Cosmology [Cosmetology] Board

Date	Location	Start Time
February 15, 2022	Virtual	10:00 a.m.
June 7, 2022	Virtual	10:00 a.m.
October 18, 2022	Virtual	10:00 a.m.

Real Estate Commission

Date	Location	Start Time
March 17, 2022	Virtual	10:00 a.m.
June 16, 2022	Virtual	10:00 a.m.
September 22, 2022	Virtual	10:00 a.m.
December 15, 2022	Virtual	10:00 a.m.

Home Inspector Board

Date	Location	Start Time
March 10, 2022	Virtual	10:00 a.m.
June 9, 2022	Virtual	10:00 a.m.
September 8, 2022	Virtual	10:00 a.m.
December 8, 2022	Virtual	10:00 a.m.

Appraisers Board

Date	Location	Start Time
February 17, 2022	Virtual	9:00 a.m.
May 19, 2022	Virtual	9:00 a.m.
August 18, 2022	Virtual	9:00 a.m.
November 17, 2022	Virtual	9:00 a.m.

WSR 22-01-059
NOTICE OF PUBLIC MEETINGS
PUGET SOUND
CLEAN AIR AGENCY

[Filed December 8, 2021, 1:19 p.m.]

Following is the agency's list of board of directors meeting dates for the year 2022. All of the meetings are currently expected to be held via Zoom online during the current pandemic, and then eventually at the agency's office at 1904 3rd Avenue, Suite 105, Seattle, WA.

If you have any questions, please call Judith White-Crow at 206-689-4079 or email judithw@pscleanair.gov.

Board of Directors Meeting Dates for 2022

January 27

February 24

March 24

April 28

May 26

June 16

July 28

September 22

October 27

November 17

December 15

WSR 22-01-060

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF ECOLOGY

(Office of Chehalis Basin)

[Filed December 8, 2021, 1:37 p.m.]

PUBLIC NOTICE

Chehalis Basin Board 2022 Meeting Dates

The department of ecology's office of Chehalis Basin has established regular Chehalis Basin board meeting dates for the first three months of 2022. Board meetings will regularly be held in 2022 on the first Thursday of each month.

With current health and safety recognition surrounding the COVID-19 pandemic, the Chehalis Basin board will be holding online board meetings January - March 2022.

Date:

Location (Online):

January 6, 2022

Zoom online meeting

February 3, 2022

[https://www.zoomgov.com/j/](https://www.zoomgov.com/j/1611950990?pwd=dE95Z3E1WVhNczY5SEQ2YVhRdzNWZz09)

March 3, 2022

1611950990?

pwd=dE95Z3E1WVhNczY5SE

Q2YVhRdzNWZz09

Call-in Option 551-285-1373 or

669 254 5252

Meeting ID 161 195 0990

Passcode 952756

To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, call ecology at 360-407-6831 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington relay service at 711. People with speech disability may call TTY at 877-833-6341.

WSR 22-01-063
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Health Care Cost Transparency Board)
 [Filed December 9, 2021, 9:24 a.m.]

Following is the schedule of regular meetings for the Washington state health care authority health care cost transparency board's advisory committee on data issues meetings for 2022:

Date	Time	Location
January 31, 2022	10:00 a.m. - 12:00 a.m. [p.m.]	*Zoom
March 1, 2022	10:00 a.m. - 12:00 a.m. [p.m.]	*Zoom
May 5, 2022	10:00 a.m. - 12:00 a.m. [p.m.]	*Zoom
July 8, 2022	10:00 a.m. - 12:00 a.m. [p.m.]	*Zoom
September 8, 2022	10:00 a.m. - 12:00 a.m. [p.m.]	*Zoom
November 1, 2022	9:00 - 11:00 a.m.	*Zoom

* Dependent on public health emergency.

See the health care authority's health care cost transformation board's advisory committee on data issues web page to learn more about the committee, meeting materials, and Zoom information <https://www.hca.wa.gov/about-hca/advisory-committee-data-issues>.

If you need further information or are a person with a disability and need a special accommodation, please contact Tamarra Henshaw, P.O. Box 45502, Olympia, WA 98504-5502, 360-725-1419, tamarra.henshaw@hca.wa.gov.

WSR 22-01-065
NOTICE OF PUBLIC MEETINGS
BOARD OF TAX APPEALS

[Filed December 9, 2021, 10:27 a.m.]

Following is the schedule of regular meetings for the board of tax appeals for 2022:

Date	Time	Location
January 21, 2022	9:30 a.m.	1110 Capitol Way South Suite 308 Olympia, WA 98504 or Telephonically at 1-253-372-2181 Phone Conference ID 693 090 694#
February 18, 2022	9:30 a.m.	1110 Capitol Way South Suite 308 Olympia, WA 98504 or Telephonically at 1-253-372-2181 Phone Conference ID 693 090 694#
March 18, 2022	9:30 a.m.	1110 Capitol Way South Suite 308 Olympia, WA 98504 or Telephonically at 1-253-372-2181 Phone Conference ID 693 090 694#
April 15, 2022	9:30 a.m.	1110 Capitol Way South Suite 308 Olympia, WA 98504 or Telephonically at 1-253-372-2181 Phone Conference ID 693 090 694#
May 20, 2022	9:30 a.m.	1110 Capitol Way South Suite 308 Olympia, WA 98504 or Telephonically at 1-253-372-2181 Phone Conference ID 693 090 694#
June 17, 2022	9:30 a.m.	1110 Capitol Way South Suite 308 Olympia, WA 98504 or Telephonically at 1-253-372-2181 Phone Conference ID 693 090 694#
July 15, 2022	9:30 a.m.	1110 Capitol Way South Suite 308 Olympia, WA 98504 or Telephonically at 1-253-372-2181 Phone Conference ID 693 090 694#
August 19, 2022	9:30 a.m.	1110 Capitol Way South Suite 308 Olympia, WA 98504 or Telephonically at 1-253-372-2181 Phone Conference ID 693 090 694#

Date	Time	Location
September 16, 2022	9:30 a.m.	1110 Capitol Way South Suite 308 Olympia, WA 98504 or Telephonically at 1-253-372-2181 Phone Conference ID 693 090 694#
October 21, 2022	9:30 a.m.	1110 Capitol Way South Suite 308 Olympia, WA 98504 or Telephonically at 1-253-372-2181 Phone Conference ID 693 090 694#
November 18, 2022	9:30 a.m.	1110 Capitol Way South Suite 308 Olympia, WA 98504 or Telephonically at 1-253-372-2181 Phone Conference ID 693 090 694#
December 16, 2022	9:30 a.m.	1110 Capitol Way South Suite 308 Olympia, WA 98504 or Telephonically at 1-253-372-2181 Phone Conference ID 693 090 694#

If you need further information, contact Keri Lamb, Board of Tax Appeals, P.O. Box 40915, Olympia, WA 98504-0915, 360-753-5446, 360-586-9020, bta@bta.wa.gov, bta.wa.gov.

WSR 22-01-066
NOTICE OF PUBLIC MEETINGS
ECONOMIC DEVELOPMENT
FINANCE AUTHORITY

[Filed December 9, 2021, 11:52 a.m.]

2022 regular meeting dates and locations

January 20	2:00 p.m.	1000 2nd Avenue Suite 2700 Seattle, WA
April 7	2:00 p.m.	1000 2nd Avenue Suite 2700 Seattle, WA
June 9	2:00 p.m.	1000 2nd Avenue Suite 2700 Seattle, WA
September 29	2:00 p.m.	1000 2nd Avenue Suite 2700 Seattle, WA
November 10	2:00 p.m.	1000 2nd Avenue Suite 2700 Seattle, WA
December 7	2:00 p.m.	1000 2nd Avenue Suite 2700 Seattle, WA

Special meetings called as needed.

WSR 22-01-067

NOTICE OF PUBLIC MEETINGS

STATE INVESTMENT BOARD

[Filed December 9, 2021, 2:13 p.m.]

The following is a change to the date of a 2021 regular meeting of the Washington state investment board (WSIB).

Original Date	Time	Location
December 16 and 17, 2021	9:30 a.m.	To be determined
Revised Date	Revised Time	Revised Location
December 16, 2021	9:30 a.m.	Webex
*Public access will be available via teleconference. Details can be found on the WSIB website at www.sib.wa.gov .		

If you need further information contact Stacy Conway by regular mail at WSIB, P.O. Box 40916, Olympia, WA 98504-0916, phone 360-956-4612, email Stacy.Conway@sib.wa.gov, or website www.sib.wa.gov.

WSR 22-01-074

AGENDA

BOARD OF

PILOTAGE COMMISSIONERS

[Filed December 10, 2021, 10:14 a.m.]

Semi Annual Rule-Making Agenda
January through June 2022

Following is the board of pilotage commissioner's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on this agenda. Refer to our website for periodic updates.

Please direct any questions about this agenda to Jaimie Bever, Executive Director/Rules Coordinator, 2901 Third Avenue, Suite 500, Seattle, WA 98121, 206-515-3904, www.pilotage.wa.gov, email BeverJ@wsdot.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102)	Permanent (CR-103P)
363-116-415	Emergency pilotage in the Grays Harbor Pilotage District	June 24, 2019 WSR 19-14-022		
363-116-078	Training program	Intent to File		
363-116-010	Time and place of meeting	Intent to File		

WSR 22-01-077
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES

[Filed December 10, 2021, 10:54 a.m.]

Following is the schedule for the 2022 board of natural resources meetings. If you have any questions, please feel free to call Tami Kellogg at 360-902-2122.

January 4, 2022	
February 1, 2022	
March 1, 2022	
April 5, 2022	
May 3, 2022	
June 7, 2022	
July 5, 2022	
August 16-17, 2022	Possible retreat
September 6, 2022	
October 4, 2022	
November 1, 2022	
December 6, 2022	

WSR 22-01-083

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Applied Behavior Analysis Advisory Committee)

[Filed December 10, 2021, 4:20 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), applied behavior analysis advisory committee for the year 2022. The applied behavior analysis advisory committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person shown below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and DOH website. Every attempt is made to ensure that the agenda is up-to-date. However, the applied behavior analysis advisory committee reserves the right to change or amend agendas at the meeting. Given the uncertainty of holding in-person meetings in 2022, we are assuming that all meetings will be held virtually.

Date	Time	Location
February 4, 2022	10:00 a.m.	Virtual via Microsoft Teams
June 17, 2022	10:00 a.m.	Virtual via Microsoft Teams
October 7, 2022	10:00 a.m.	Virtual via Microsoft Teams

If you need further information, please contact Kendra Pitzler, Program Manager, DOH, Applied Behavior Analysis Advisory Committee, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, email kendra.pitzler@doh.wa.gov, web www.doh.wa.gov.

Please be advised the applied behavior analysis advisory committee is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 22-01-084

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed December 10, 2021, 4:20 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), board of nursing home administrators for the year 2022. The board of nursing home administrators meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person shown below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and DOH website. Every attempt is made to ensure that the agenda is up-to-date. However, the board of nursing home administrators reserves the right to change or amend agendas at the meeting. Given the uncertainty of holding in-person meetings in 2022, we are assuming that all meetings will be held virtually.

Date	Time	Location
January 28, 2022	9:00 a.m.	Virtual via Microsoft Teams
April 29, 2022	9:00 a.m.	Virtual via Microsoft Teams
July 15, 2022	9:00 a.m.	Virtual via Microsoft Teams
November 4, 2022	9:00 a.m.	Virtual via Microsoft Teams

If you need further information, please contact Kendra Pitzler, Program Manager, DOH, Board of Nursing Home Administrators, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, email Kendra.Pitzler@doh.wa.gov, web www.doh.wa.gov.

Please be advised the board of nursing home administrators is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 22-01-085
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Examining Board of Psychology)
[Filed December 10, 2021, 4:21 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), examining board of psychology for the year 2022. The examining board of psychology meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person shown below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and DOH website. Every attempt is made to ensure that the agenda is up-to-date. However, the examining board of psychology reserves the right to change or amend agendas at the meeting. Given the uncertainty of holding in-person meetings in 2022, we are assuming that all meetings will be held virtually.

Date	Time	Location
January 7, 2022	9:00 a.m.	Virtual via Microsoft Teams
March 4, 2022	9:00 a.m.	Virtual via Microsoft Teams
May 6, 2022	9:00 a.m.	Virtual via Microsoft Teams
July 22, 2022	9:00 a.m.	Virtual via Microsoft Teams
September 30, 2022	9:00 a.m.	Virtual via Microsoft Teams
November 18, 2022	12:00 p.m.	Virtual via Microsoft Teams

If you need further information, please contact Stacey Saunders, Program Manager, DOH, Examining Board of Psychology, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2813, fax 360-236-2901, email Stacey.Saunders@doh.wa.gov, web www.doh.wa.gov.

Please be advised the examining board of psychology is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 22-01-086

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Mental Health Counselors, Marriage and Family Therapists, and Social Workers
Advisory Committee)

[Filed December 10, 2021, 4:21 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), mental health counselors, marriage and family therapists, and social workers advisory committee for the year 2022. The mental health counselors, marriage and family therapists, and social workers advisory committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person shown below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and DOH website. Every attempt is made to ensure that the agenda is up-to-date. However, the mental health counselors, marriage and family therapists, and social workers advisory committee reserves the right to change or amend agendas at the meeting. Given the uncertainty of holding in-person meetings in 2022, we are assuming that all meetings will be held virtually.

Date	Time	Location
February 11, 2022*	9:00 a.m.	Virtual via Microsoft Teams
June 10, 2022	9:00 a.m.	Virtual via Microsoft Teams
September 9, 2022*	9:00 a.m.	Virtual via Microsoft Teams
December 9, 2022	9:00 a.m.	Virtual via Microsoft Teams

* Joint meeting with the substance use disorder certification advisory committee.

If you need further information, please contact Brandon Williams, Program Manager, DOH, Mental Health Counselors, Marriage and Family Therapists, and Social Workers Advisory Committee, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4611, fax 360-236-2901, email Brandon.Williams@doh.wa.gov, web www.doh.wa.gov.

Please be advised the mental health counselors, marriage and family therapists, and social workers advisory committee is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 22-01-087

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Sex Offender Treatment Provider Advisory Committee)

[Filed December 10, 2021, 4:21 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), sex offender treatment provider advisory committee for the year 2022. The sex offender treatment provider advisory committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person shown below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and DOH website. Every attempt is made to ensure that the agenda is up-to-date. However, the sex offender treatment provider advisory committee reserves the right to change or amend agendas at the meeting. Given the uncertainty of holding in-person meetings in 2022, we are assuming that all meetings will be held virtually.

Date	Time	Location
January 10, 2022	1:00 p.m.	Virtual via Microsoft Teams
March 11, 2022	1:00 p.m.	Virtual via Microsoft Teams
May 9, 2022	1:00 p.m.	Virtual via Microsoft Teams
September 23, 2022	1:00 p.m.	Virtual via Microsoft Teams
October 24, 2022	1:00 p.m.	Virtual via Microsoft Teams

If you need further information, please contact Brandon Williams, Program Manager, DOH, Sex Offender Treatment Provider Advisory Committee, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4611, fax 360-236-2901, email Brandon.Williams@doh.wa.gov, web www.doh.wa.gov.

Please be advised the sex offender treatment provider advisory committee is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

**WSR 22-01-088
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH**

(Substance Use Disorder Professional Certification Advisory Committee)
[Filed December 10, 2021, 4:21 p.m.]

In accordance with the Open Public Meeting[s] Act (Chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), substance use disorder [professional] certification advisory committee for the year 2022. The substance use disorder certification advisory committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person shown below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and DOH website. Every attempt is made to ensure that the agenda is up-to-date. However, the substance use disorder certification advisory committee reserves the right to change or amend agendas at the meeting. Given the uncertainty of holding in-person meetings in 2022, we are assuming that all meetings will be held virtually.

Date	Time	Location
February 11, 2022*	9:00 a.m.	Virtual via Microsoft Teams
June 3, 2022	9:00 a.m.	Virtual via Microsoft Teams
September 9, 2022*	9:00 a.m.	Virtual via Microsoft Teams
December 2, 2022	9:00 a.m.	Virtual via Microsoft Teams

* Joint meeting with the mental health counselors, marriage & family therapists, and social workers advisory committee.

If you need further information, please contact Ted Dale, Program Manager, DOH, Substance Use Disorder Certification Advisory Committee, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, email Ted.Dale@doh.wa.gov, web www.doh.wa.gov.

Please be advised the substance use disorder certification advisory committee is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 22-01-091

POLICY STATEMENT

DEPARTMENT OF HEALTH

(Examining Board of Psychology)

[Filed December 12, 2021, 4:47 p.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy Statement: Application of Supervised Experience Hours for Applicants of a Psychologist License, Policy Number: EBOP-21-01.

Issuing Entity: Examining board of psychology.

Subject Matter: Clarifying that the examining board of psychology will give credit to applicants for licensure as a psychologist for supervised experience hours that meet all applicable requirements in chapter 246-924 WAC.

Effective Date: January 29, 2021.

Contact Person: Stacey Saunders, program director, stacey.saunders@doh.wa.gov, 360-236-2813.

WSR 22-01-092

POLICY STATEMENT

DEPARTMENT OF HEALTH

(Washington Medical Commission)

[Filed December 12, 2021, 4:54 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: Telemedicine, Policy Number:
POL2021-02

Issuing Entity: Washington medical commission.

Subject Matter: Defining and providing guidance on telemedicine
usage.

Effective Date: November 19, 2021.

Contact Person: Michael Farrell, JD, Policy Development Manager,
16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99203,
509-329-2186, michael.farrell@wmc.wa.gov.

WSR 22-01-093

POLICY STATEMENT

DEPARTMENT OF HEALTH

(Board of Massage)

[Filed December 12, 2021, 5:05 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: Continuing Education Requirements During the COVID-19 Response. Policy Number: BOM20-01.5.

Issuing Entity: Board of massage.

Subject Matter: The board of massage has extended the policy addressing the impact COVID-19 response measures are having on licensed massage therapists regarding meeting continuing medical education requirements until June 30, 2022, or until the declared State of Emergency issued under Proclamation 20-05 is rescinded, whichever is later. This .5 version fixes an incorrect citation on page 2 under number 3.

Effective Date: January 2, 2022.

Contact Person: Megan Maxey, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, 360-236-4945, Megan.Maxey@doh.wa.gov.

WSR 22-01-094

POLICY STATEMENT

DEPARTMENT OF HEALTH

(Washington Medical Commission)

[Filed December 12, 2021, 5:07 p.m.]

Notice of Interpretive or Policy Statement

This memo serves as notice that the Washington medical commission (commission) is rescinding the policy statement for telemedicine, which was filed March 16, 2018, and published in WSR 18-07-069.

The commission is rescinding this policy statement because it is being replaced by a new policy statement POL2021-02.

Individuals requiring information on this policy should contact Michael Farrell, JD, Policy Development Manager for the Washington medical commission at 509-329-2186.

WSR 22-01-097
RULES OF COURT
STATE SUPREME COURT
[December 7, 2021]

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 [22-02](#) issue of the Register.

WSR 22-01-098
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

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 [22-02](#) issue of the Register.

WSR 22-01-099
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1396
JuCR 7.7—STATEMENT OF)
JUVENILE ON PLEA OF GUILTY)

The Washington State Pattern Forms Committee, having recommended the adoption of the suggested amendments to JuCR 7.7—Statement of Juvenile on Plea of Guilty, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are adopted.

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

DATED at Olympia, Washington this 6th day of December, 2021.

Johnson, J.
Madsen, J.
Owens, J.
Stephens, J.
Gonzalez, C.J.
Gordon McCloud, J.
Yu, J.
Montoya-Lewis, J.
Whitener, J.

JuCR 7.7

STATEMENT OF JUVENILE ON PLEA OF GUILTY

A written statement of a juvenile on a plea of guilty should be filed in substantially the following form:

Superior Court of Washington
County of _____
Juvenile Court
STATE OF WASHINGTON,
v.
Respondent
No:
Statement on Plea of Guilty (STJOPG)

- 1. My true name is:
I am also known as:
2. My age is . Date of Birth:
3. I have been informed and fully understand that I have the right to a lawyer, and that if I cannot afford to pay for a lawyer, the judge will provide me with one at no cost. I understand that a lawyer can look at the social and legal files in my case, talk to the police, probation counselor, and prosecuting attorney, tell me about the law, help me understand my rights, and help me at trial.
4. I understand that I am charged with Count 1
the elements of which are

Count 2 _____;

the elements of which are _____
_____.

Count(s) _____ was (were) committed against a family or household member.

Count(s) _____ was (were) committed against an intimate partner.

And I have been given a copy of the charge(s).

5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- a. I have the right to a speedy and public trial in the county where the offense(s) allegedly occurred.
- b. I have the right to remain silent before and during trial, and I need not testify against myself.
- c. I have the right to hear and question witnesses who might testify against me.
- d. I have the right to testify and to have witnesses testify for me. These witnesses may be required to appear at no cost to me.
- e. I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty.
- f. I have the right to appeal a finding of guilt after trial.

6. I have been informed that in order to determine an appropriate sentence regarding the charges to which I plead guilty in this matter, the judge will take into consideration my criminal history, which is as follows:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

7. The Standard Sentencing Range, which was calculated using my criminal history as referenced in Paragraph 6, above, is as follows:

LOCAL SANCTIONS:

COUNT	SUPERVISION	COMMUNITY RESTITUTION	FINE	DETENTION	RESTITUTION
<input type="checkbox"/> 1	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 2	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 3	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	<input type="checkbox"/> As required <input type="checkbox"/> _____

I understand that, if community supervision is imposed, I will be required to comply with various rules, which could include school attendance, curfew, law abiding behavior, associational restrictions, counseling, treatment, urinalysis, and/or other conditions deemed appropriate by the judge. Failure to comply with the conditions of supervision could result in a violation being found and further confinement imposed for the violation up to 30 days.

In addition to these conditions, the court will order me to perform up to seven hours of community restitution per offense involving a victim who suffered bodily injury or death and that is not a most serious offense as defined by RCW 9.94A.030, or a sex offense under

chapter 9.44 RCW. I must perform this community restitution consecutively to any other community restitution imposed for the offense. RCW 7.68.035, .020.

COMMITMENT TO DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES JUVENILE REHABILITATION (DCYFJR):

COUNT	WEEKS AT DCYFJR REHABILITATION FACILITY	RESTITUTION
<input type="checkbox"/> 1	<input type="checkbox"/> 15-36 <input type="checkbox"/> 30-40 <input type="checkbox"/> 52-65 <input type="checkbox"/> 80-100 <input type="checkbox"/> 103-129 <input type="checkbox"/> 180 - Age 21 <input type="checkbox"/> 129 - 260	<input type="checkbox"/> As required <input type="checkbox"/> __
<input type="checkbox"/> 2	<input type="checkbox"/> 15-36 <input type="checkbox"/> 30-40 <input type="checkbox"/> 52-65 <input type="checkbox"/> 80-100 <input type="checkbox"/> 103-129 <input type="checkbox"/> 180 - Age 21 <input type="checkbox"/> 129 - 260	<input type="checkbox"/> As required <input type="checkbox"/> __
<input type="checkbox"/> 3	<input type="checkbox"/> 15-36 <input type="checkbox"/> 30-40 <input type="checkbox"/> 52-65 <input type="checkbox"/> 80-100 <input type="checkbox"/> 103-129 <input type="checkbox"/> 180 - Age 21 <input type="checkbox"/> 129 - 260	<input type="checkbox"/> As required <input type="checkbox"/> __

I understand that, if I am committed to a DCYFJR rehabilitation facility, following my release I may be required to comply with a program of parole for a number of months. I understand that if placed on parole, I will be under the supervision of a parole officer. The conditions of parole will restrict my actions and may require me to participate in activities and programs including, but not limited to, evaluation, treatment, education, employment, community restitution, electronic monitoring, urinalysis, and, if I am adjudicated of certain offenses, a program applicable to juvenile firearm offenders. Failure to comply with the conditions of parole may result in parole revocation and further confinement. If the offense to which I am pleading guilty is a sex offense, failure to comply with the conditions of parole may result in further confinement of up to 24 weeks.

In addition to these conditions, the court will order me to perform up to seven hours of community restitution per offense involving a victim who suffered bodily injury or death and that is not a most serious offense as defined by RCW 9.94A.030, or a sex offense under chapter 9.44 RCW. I must perform this community restitution consecutively to any other community restitution imposed for the offense. RCW 7.68.035, .020.

I understand that if I am pleading guilty to two or more offenses, the disposition terms shall run consecutively (one term after the other) subject to the limitations in RCW 13.40.180.

I understand that if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding.

8. RIGHT TO APPEAL SENTENCE: I understand that the judge must impose a sentence within the standard range, unless the judge finds by clear and convincing evidence that the standard range sentence would amount to a manifest injustice. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

9. MAXIMUM PUNISHMENT: I have been informed, and fully understand, that the maximum punishment I can receive is commitment until I am 21 years old 25 years old, but that I may be incarcerated for no longer than the adult maximum sentence for this offense.

10. COUNTS AS CRIMINAL HISTORY: I understand that my plea of guilty and the judge's acceptance of my plea will become part of my criminal history. I understand that if I am pleading guilty to two or more offenses that arise out of the same course of conduct, only the most serious offense will count as an offense in my criminal history. I understand that my guilty plea will remain part of my criminal history when I am an adult and may affect my ability to remain in the Juvenile Justice System should I re-offend. I understand that the judge will consider my criminal history when sentencing me for any offense that I commit in the future as an adult or juvenile.

11. **GROUNDS FOR DEPORTATION:** If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law may be grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

12. **NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.**

[A] **SUSPENSION/REVOCAION OF DRIVING PRIVILEGE:** I have been informed that the Department of Licensing will be notified and my privilege to drive suspended or revoked:

Over 13 & Alcohol, Drugs, Unlawful Possession of a Firearm (UPFA) <18, or Armed with Firearm (not first offense): (1) If the court finds me guilty of one of the following offenses and I was 13 years or older at the time I committed the offense: alcohol under chapter 66.44 RCW; violation of the Uniform Controlled Substances Act (VUCSA) under chapter 69.50 RCW; legend drug under chapter 69.41 RCW; imitation drugs under chapter 69.52 RCW; UPFA <18 under RCW 9.41.040 (2)(a)(vi); and/or an offense while armed with a firearm under RCW 13.40.196; AND (2) I have a prior offense for the same offense. See RCW 13.40.265.

UPFA or Armed During Offense In Which Vehicle Was Used (with priors):

(1) If the court finds me guilty of one of the following offenses: UPFA 1 or 2 under RCW 9.41.040; and/or an offense while armed with a firearm under RCW 13.40.196 during which the court found a motor vehicle served an integral function during the offense; AND (2) I previously committed one or more of the following offenses: alcohol under chapter 66.44 RCW; VUCSA under chapter 69.50 RCW; legend drug under chapter 69.41 RCW; imitation drugs under chapter 69.52 RCW; UPFA under RCW 9.41.040; and/or an offense while armed with a firearm under RCW 13.40.196. See RCW 9.41.040(5).

Certain Motor Vehicle Offenses: the court finds me guilty of one of the following offenses: DUI; physical control; DWLS 1 & 2; vehicular assault/homicide; hit and run attended; reckless driving; any felony with offense where a vehicle was used in a manner that endangered persons or property ~~commission~~ (except "TMVOOP2" (taking a motor vehicle without owner's permission) where the court finds I was a passenger only in committing the offense); false statements under Title 46 RCW; felony elude; unattended child in running vehicle (second or subsequent conviction); reckless endangerment of road workers; and/or theft of motor vehicle fuel. See RCW 46.20.285, 46.61.5055(9), 46.20.342(2), 46.61.524, 46.52.020(6), 46.61.500(2), 46.61.024(3), 46.61.685(2), 46.61.527(5), 46.61.740(2), and 46.20.270.

[B] **OFFENDER REGISTRATION FOR SEX OFFENSE OR KIDNAPPING OFFENSE:** Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.128, or unlawful transmission of HIV to a child or vulnerable adult under chapter 70.24 RCW, I will be required to register where I reside, study, or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

[C] **DNA TESTING:** Pursuant to RCW 43.43.754, if this crime involves a felony, or an offense which requires sex or kidnapping offender registration, or any of the following offenses: stalking, harassment, communication with a minor for immoral purposes, assault in the fourth degree where domestic violence was pleaded and proved, assault in the fourth degree with sexual motivation, custodial sexual misconduct in the second degree, failure to register as a sex or kidnapping offender, patronizing a prostitute, sexual misconduct with a minor in the second degree, indecent exposure, or violation of a sexual assault

protection order, I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100 DNA fee unless my DNA was previously taken in another case. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense.

[D] \$100 CVC Fee for Most Serious or Sex Offense: I understand that if I am pleading guilty to a most serious offense as defined by RCW 9.94A.030 and/or a sex offense under chapter 9A.44 RCW, I will be required to pay a mandatory Crime Victim's Compensation Fee of \$100. RCW 7.68.035.

[E] SCHOOL NOTIFICATION: I understand that if one or more of the offenses for which I am pleading guilty is a violent offense as defined in RCW 9.94A.030; a sex offense as defined in RCW 9.94A.030; an offense under RCW chapter 9.41 (firearms/weapons); or, unlawful possession or delivery, or both, of a controlled substance in violation of RCW chapter 69.50; then, following my adjudication of guilt the court will provide written notification of the adjudication to any school in which I was enrolled prior to adjudication, or, in which I express an intent to enroll following adjudication, unless: (1) I have already received a high school diploma or its equivalent; or, (2) I am over the age of 18 and my enrollment information cannot be obtained or I assert no intention of enrolling in any educational program.

[F] SCHOOL ATTENDANCE WITH VICTIM PROHIBITED: I understand that if I am pleading guilty to a sex offense, I will not be allowed to attend the school attended by the victim or victim's siblings. RCW 13.40.162.

[G] MANDATORY MINIMUM SENTENCE: The crime of _____ has a mandatory minimum sentence of at least _____ weeks of total confinement. The law does not allow any reduction of this sentence.

[H] RIGHT TO POSSESS FIREARMS: [JUDGE MUST READ THE FOLLOWING TO OFFENDER] I have been informed that if I am pleading guilty to any offense that is classified as: (1) a felony, or (2) any of the following crimes when committed by one family or household member against another or by one intimate partner against another: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence, or (3) harassment committed by one family or household member against another or by one intimate partner against another, committed on or after June 7, 2018; that I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so has been restored by the court in which I am adjudicated or the superior court in Washington State where I live, and by a federal court if required.

[I] FIREARMS POSSESSION OR COMMISSION WHILE ARMED:

[i] Minimum 10 Days for Possession under Age 18: I understand that the offense I am pleading guilty to includes possession of a firearm in violation of RCW 9.41.040 (2) (a) (vi), and pursuant to RCW 13.40.193, the judge will impose a mandatory minimum disposition of 10 days of confinement, which must be served in total confinement, without possibility of release, until a minimum of 10 days has been served.

[ii] Unlawful Possession with Stolen Firearm: I understand that if the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of

theft of a firearm or possession of a stolen firearm, that the sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

[iii] Armed During Commission of Any Offense: I understand that if the offense I am pleading guilty to includes a finding that either I or my accomplice was armed with a firearm during the commission of the offense, that the standard range disposition shall be determined pursuant to RCW 13.40.160, unless the judge finds a manifest injustice, in which case the disposition shall be determined pursuant to RCW 13.40.193(3). Such confinement will run consecutive to any other sentence that may be imposed.

[iv] Armed During Commission of a Felony: I further understand that the offense I am pleading guilty to includes a finding that either myself or my accomplice was armed with a firearm during the commission of a felony (other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, or use of a machine gun in a felony) and, therefore, unless the felony is a "violent offense" as defined in RCW 9.94A.030, committed when I was 16 or 17 years old, the following mandatory periods of total confinement will be added to my sentence: For a class A felony, six (6) months; for a class B felony, four (4) months; and for a class C felony, two (2) months. If the felony is a "violent offense" as defined in RCW 9.94A.030, committed when I was 16 or 17 years old, then a period of 12 months will be added to my sentence. Such confinement will run consecutive to any other sentence that may be imposed.

[v] Armed during Violent Offense at Age 16 or 17 with Gang Involvement: I further understand that the offense I am pleading guilty to includes a finding that

(a) I was 16 or 17 years old during the commission of a robbery in the first degree, drive-by shooting, burglary in the first degree, or any "violent offense" as defined in RCW 9.94A.030, (b) during commission of the offense I was armed with a firearm, and (c) my participation in the offense was related to membership in a criminal street gang or advanced the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang; therefore, a period of 3 months will be added to my sentence. Such confinement will run consecutive to any other sentence that may be imposed.

[vi] Unlawful Possession of a Firearm in the 1st or 2nd degree: I understand that if I am pleading guilty to Unlawful Possession of a Firearm in the 1st or 2nd degree, I must participate in a "qualifying program" unless there is no such program available or the court makes a written finding based on the juvenile court risk assessment that participation in the program would not be appropriate. A qualifying program means an aggression replacement training program, a functional family therapy program, or another cost-beneficial, evidence, or research based approved program applicable to the juvenile firearm offender population.

[J] FELONY FIREARM OFFENDER REGISTRATION: I am subject to court-ordered felony firearm offender registration pursuant to RCW 9.41.330. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.

13. I understand that the prosecuting attorney will make the following recommendation to the judge:

14. I understand that the probation counselor will make the following recommendation to the judge:

15. Although the judge will consider recommendations of the prosecuting attorney and the probation officer, the judge may impose any sentence he or she feels is appropriate, up to the maximum allowed by law.

16. ~~[Statement of Respondent.]~~ The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

~~[] The crime(s) was (were) committed against family or household member(s): _____ (name(s)).~~

~~[] The crime(s) was (were) committed against intimate partner(s): _____ (name(s)).~~

~~[] [No statement made.] Instead of making a statement, I agree that the judge may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea, including a determination of my relationship to each victim as:~~

~~[] family or household member(s): _____ (name(s))~~

~~[] intimate partner(s): _____ (name(s)).~~

16. I plead guilty to count _____ in the _____ Information. I have received a copy of that Information.

17. I make this plea freely and voluntarily. No one has threatened to harm me or anyone else to get me to plead guilty.

18. No one has made any promises to make me plead guilty, except as written in this statement.

19. [Statement of Respondent.] The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

[] The crime(s) was (were) committed against family or household member(s): _____ (name(s)).

[] The crime(s) was (were) committed against intimate partner(s): _____ (name(s)).

[No statement made.] Instead of making a statement, I agree that the judge may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea, including a determination of my relationship to each victim as:

family or household member(s): _____
(name(s)).

intimate partner(s): _____
(name(s)).

20. I have read or someone has read to me everything printed above, and in Attachment "A," if applicable, and I understand it in full. I have been given a copy of this statement. I have no more questions to ask the judge.

Dated: _____

Respondent

I have read and discussed this statement with the respondent and believe that the respondent is competent and fully understands the statement.

Deputy Prosecuting Attorney

WSBA No.

Attorney for Respondent

WSBA No.

Type or Print Name

Type or Print Name

JUDGE'S CERTIFICATE

The foregoing statement was signed by the respondent in open court in the presence of his or her lawyer and the undersigned judge. The respondent asserted that [check appropriate box]:

(a) The respondent had previously read the entire statement above and that the respondent understood it in full;

(b) The respondent's lawyer had previously read to him or her the entire statement above and that the respondent understood it in full; or

(c) An interpreter had previously read to the respondent the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

INTERPRETER'S DECLARATION: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret, in the _____ language, which the respondent understands. I have interpreted this document for the respondent from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

I find the respondent's plea of guilty is knowingly, intelligently, and voluntarily made. Respondent understands the charge and the consequences of the plea. There is a factual basis for the plea. The respondent is guilty as charged.

Dated: _____

Judge/Commissioner

WSR 22-01-100
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO CrR 3.1 AND CrR) NO. 25700-A-1397
7.8)

The Washington State Office of Public Defense, Washington Defender Association, and Washington Association of Criminal Defense Lawyers, having recommended the adoption of the proposed amendments to CrR 3.1 and CrR 7.8, and the Court having considered the proposed amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendments as shown below are adopted.

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

DATED at Olympia, Washington this 6th day of December, 2021.

Table of signatures: Johnson, J.; Madsen, J.; Owens, J.; Stephens, J.; Gonzalez, C.J.; Gordon McCloud, J.; Yu, J.; Montoya-Lewis, J.; Whitener, J.

CrR 3.1

RIGHT TO AND ASSIGNMENT OF LAWYER

(a) Types of Proceedings. The right to a lawyer shall extend to all criminal proceedings for offenses punishable by loss of liberty regardless of their denomination as felonies, misdemeanors, or otherwise.

(b) Stage of Proceedings.

(1) The right to a lawyer shall accrue as soon as feasible after the defendant is taken into custody, appears before a committing magistrate, or is formally charged, whichever occurs earliest.

(2) (A) A lawyer shall be provided at every stage of the proceedings, including sentencing, appeal, and postconviction review. A lawyer initially appointed shall continue to represent the defendant through all stages of the proceedings unless a new appointment is made by the court following withdrawal of the original lawyer pursuant to section (e) because geographical considerations or other factors make it necessary.

(2) (B) A person shall be provided a lawyer where they have demonstrated under CrR 7.8 (c) (2) (i) that they are (i) serving a sentence for a conviction based upon a statute determined to be void, invalid, or unconstitutional by the U.S. Supreme Court, the Washington Supreme Court, or an appellate court where review was either not sought or was denied, or (ii) serving a sentence that was calculated under RCW 9.94A.525 using a prior or current conviction based on such a statute. Where that person is currently serving the underlying sentence in a correctional institution and was determined to be indigent at the time

of sentencing, that person is presumed to remain indigent and has the right to assignment of counsel.

(c) Explaining the Availability of a Lawyer.

(1) When a person is taken into custody that person shall immediately be advised of the right to a lawyer. Such advice shall be made in words easily understood, and it shall be stated expressly that a person who is unable to pay a lawyer is entitled to have one provided without charge.

(2) At the earliest opportunity a person in custody who desires a lawyer shall be provided access to a telephone, the telephone number of the public defender or official responsible for assigning a lawyer, and any other means necessary to place the person in communication with a lawyer.

(d) Assignment of Lawyer.

(1) Unless waived, a lawyer shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the person's family. A lawyer shall not be denied to any person merely because the person's friends or relatives have resources adequate to retain a lawyer or because the person has posted or is capable of posting bond.

(2) The ability to pay part of the cost of a lawyer shall not preclude assignment. The assignment of a lawyer may be conditioned upon part payment pursuant to an established method of collection.

(3) Information given by a person to assist in the determination of whether the person is financially able to obtain a lawyer shall be under oath and shall not be available for use by the prosecution in the pending case in chief.

(4) Before appointing a lawyer for the indigent person, or at the first appearance of the lawyer in the case, the court shall require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court.

(e) Withdrawal of Lawyer. Whenever a criminal cause has been set for trial, no lawyer shall be allowed to withdraw from said cause, except upon written consent of the court, for good and sufficient reason shown.

(f) Services Other Than a Lawyer.

(1) A lawyer for a defendant who is financially unable to obtain investigative, expert or other services necessary to an adequate defense in the case may request them by a motion to the court.

(2) Upon finding the services are necessary and that the defendant is financially unable to obtain them, the court, or a person or agency to which the administration of the program may have been delegated by local court rule, shall authorize the services. The motion shall be made ex parte and, upon a showing of good cause, the moving papers may be ordered sealed by the court and shall remain sealed until further order of the court. The court, in the interest of justice and on a finding that timely procurement of necessary services could not await prior authorization, shall ratify such services after they have been obtained.

(3) Reasonable compensation for the services shall be determined and payment directed to the organization or person who rendered them upon the filing of a claim for compensation supported by affidavit specifying the time expended and the services and expenses incurred on behalf of the defendant, and the compensation received in the same case or for the same services from any other source.

Comment

Supersedes RCW 10.01.110; RCW 10.40.030; RCW 10.46.050.

[Adopted effective July 1, 1973; Amended effective September 1, 1986; September 1, 1995; June 30, 2012; February 1, 2021.]

CrR 7.8**RELIEF FROM JUDGMENT OR ORDER**

(a) Clerical Mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. Such mistakes may be so corrected before review is accepted by an appellate court, and thereafter may be corrected pursuant to RAP 7.2(e).

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc. On motion and upon such terms as are just, the court may relieve a party from a final judgment, order, or proceeding for the following reasons:

(1) Mistakes, inadvertence, surprise, excusable neglect or irregularity in obtaining a judgment or order;

(2) Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under rule 7.5;

(3) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(4) The judgment is void; or

(5) Any other reason justifying relief from the operation of the judgment.

The motion shall be made within a reasonable time and for reasons (1) and (2) not more than 1 year after the judgment, order, or proceeding was entered or taken, and is further subject to RCW 10.73.090, .100, .130, and .140. A motion under section (b) does not affect the finality of the judgment or suspend its operation.

(c) Procedure on Vacation of Judgment.

(1) *Motion.* Application shall be made by motion stating the grounds upon which relief is asked, and supported by affidavits setting forth a concise statement of the facts or errors upon which the motion is based.

(2) *Transfer to Court of Appeals.* The court shall transfer a motion filed by a defendant to the Court of Appeals for consideration as a personal restraint petition unless the court determines that the motion is not barred by RCW 10.73.090 and either (i) the defendant has made a substantial showing that they are entitled to relief or (ii) resolution of the motion will require a factual hearing. A defendant is entitled to relief under subsection (i) where the person (A) is serving a sentence for a conviction under a statute determined to be void, invalid, or unconstitutional by the U.S. Supreme Court, the Washington Supreme Court, or an appellate court where review was either not sought or was denied, or (B) is serving a sentence that was calculated under RCW 9.94A.525 using a prior or current conviction based on such a statute.

(3) *Order to Show Cause.* If the court does not transfer the motion to the Court of Appeals, it shall enter an order fixing a time and place for hearing and directing the adverse party to appear and show cause why the relief asked for should not be granted.

[Adopted effective July 1, 1973; Amended effective September 1, 1986; September 1, 1991; June 24, 2003; September 1, 2007.]

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

WSR 22-01-101
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

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 [22-02](#) issue of the Register.

WSR 22-01-102
RULES OF COURT
STATE SUPREME COURT
[December 13, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1399
CODE FOR JUDICIAL CONDUCT)
CANON 2, RULE 2.2—)
IMPARTIALITY AND FAIRNESS)
AND RULE 2.6—ENSURING THE)
RIGHT TO BE HEARD)

The Superior Court Judges' Association, having recommended the suggested amendments to Code for Judicial Conduct Canon 2, Rule 2.2—Impartiality and Fairness and Rule 2.6—Ensuring the Right to Be Heard, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(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 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments to the
Code of Judicial Conduct Canon 2 Comments, Rules 2.2 and 2.6
Submitted by the Superior Court Judges' Association

A. Name of Proponent: Superior Court Judges' Association

B. Spokesperson: Judge Jennifer Forbes, President-Elect Superior Court Judges' Association

C. Purpose:

The Superior Court Judges' Association (SCJA) proposes amendments to the comments of the Code of Judicial Conduct Canon 2, Rule 2.2 and Rule 2.6, to help judges discern what constitutes "reasonable accommodation" of unrepresented litigants in court. This amendment is needed to ensure that unrepresented litigants are fairly heard and access to justice is available to those without representation.

Unrepresented litigants make up a significant and growing number of participants appearing in Washington courts. This is a national phenomenon. The National Center for State Courts, Civil Justice Re-

port, 2015, shows a decline in defendant/respondent representation in civil litigation in general jurisdiction state courts from 97% in 1992 to 46% in 2015. Increased poverty and relatively few legal resources for those with limited financial means are factors contributing to the increase in unrepresented litigants appearing in court.¹

¹ Cerniglia, Christine, *The Civil Self-Representation Crisis: The Need for More Data and Less Complacency*, Georgetown Journal on Poverty Law and Policy, Vol. XXVII, Spring 2020

This decrease in legal representation contributes to access to justice challenges faced by those with limited financial means. In a legal system that is generally described as adversarial and lawyer-centric, unrepresented litigants are disadvantaged.² A 2015 survey conducted by the Washington State University's Social and Economic Sciences Research Center (WSU-SESRC) found 70% of adults living in households at or below 200% of the federal poverty level reported legal problems for which they received inadequate or no legal help.³ The divide between legal needs and legal assistance fuels the perception of a "justice gap" that disproportionately impacts low-income households, women, seniors, veterans, people with disabilities, and communities of color.⁴

² National Center for State Courts, *The Landscape of Civil Litigation in State Courts*, 2015. The NCSC survey data shows correlation between representation and case dispositions. For example, cases disposed by summary judgment also had the highest attorney representation, likely reflecting unrepresented litigants lack of knowledge about summary judgments.

³ The SESRC findings are described in a report by the Washington Supreme Court's Civil Legal Needs Study Update Committee, October 2015, Link: https://ocla.wa.gov/wpcontent/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf

⁴ American Academy of Arts & Sciences, *Civil Justice for All*, 2020

Judges are challenged when unrepresented litigants appear in court, and must balance their obligation to "*perform all duties of judicial office fairly and impartially*" (CJC 2.2) with the need to ensure that unrepresented litigants are adequately "*heard according to the law*" (CJC 2.6(A)). In recognition of this judicial challenge, in 2007 the American Bar Association added a new comment to the Model Code of Judicial Conduct, Rule 2.2, which provides "*a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.*" The new comment (4) adds, "*It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.*" As of 2018, thirty-four states, including Washington, and the District of Columbia, have added comment 4 or a version of comment 4 to their Code of Judicial Conduct.⁵

⁵ Gray, Cynthia, *Balls, Strikes, and Self-Represented Litigants*, Judicial Ethics and Discipline Blog, Center for Judicial Ethics of the National Center for State Courts, March 19, 2019

Unfortunately, what constitutes "reasonable accommodation" is often difficult for judges to discern. In 2012, in a joint resolution regarding Rule 2.2, the Conference of Chief Justices and the Conference of State Court Administrators (CCJ/COSCA) urged states to "*modify comments to Rule 2.2 to reflect local rules and practices regarding specific actions judges can take to exercise their discretion in cases involving self-represented litigants*", explaining that the resolution affirmed "*the importance of access to justice for all*" and emphasized that "*access to courts extends both to lawyer-represented and self-represented litigants.*"⁶

⁶ Conference of Chief Justices - Conferences of State Court Administrators Resolution in Support of Expanding Rule 2.2 of the ABA Model Code of Judicial Conduct to Reference Cases Involving Self-Representing Litigants, 2012, Link: https://ccj.ncsc.org/_data/assets/pdf_file/0023/23747/07252012-support-expanding-rule-abamodel-code-judicial-conduct-self-representing-litigants.pdf

In 2018 the California Judges' Association, Judicial Ethics Committee, issued a legal opinion further explaining the legal principles behind their examples of reasonable accommodation:

*"Reasonable procedural accommodations for self-represented litigants do not change the facts, the law, or the burden of proof, nor do they ensure a victory for the unrepresented. Such accommodations simply mean that both sides will have a fair opportunity to tell their stories."*⁷

⁷ California Judges Association Advisory Opinion 76, 2018. Link: <https://www.caljudges.org/docs/Ethics%20Opinions/Op%2076%20Final.pdf>

At least nine states and the District of Columbia have followed the CCJ/COSCA resolution and have listed examples of reasonable accommodation in their Code of Judicial Conduct.⁸

⁸ Gray, Cynthia, *Pro Se Litigants in the Code of Judicial Conduct*, 36 No. 3 Judicial Conduct Reporter, Fall 2014

At the 2019 Long Range Planning Meeting, the SCJA identified the need to improve self-represented litigant resources and access to courts as a top priority. In February 2020, SCJA hosted the inaugural meeting of the Unrepresented Litigant Ad-Hoc Workgroup (Workgroup), a multi-disciplinary group of justice system partners⁹ with the goal of improving processes, advancing access to justice, and ensuring that unrepresented litigants are heard fairly in court. The group members reported disparate state-wide practices and widespread uncertainty regarding the reasonable accommodation of unrepresented litigants in court. Recognizing that judges and court staff are critical to addressing the justice gap that face unrepresented litigants, the Workgroup made education one of its top priorities.

⁹ The SCJA Unrepresented Litigant Work Group includes representatives from the following organizations and committees: Office of Civil Legal Aid, Washington State Office of Administrative Hearings, Washington State Supreme Court Minority and Justice Commission, Washington Law Help, Washington Board for Judicial Administration, Northwest Justice Project, Washington State Supreme Court Gender and Justice Commission, District and Municipal Court Judges' Association, Association of Washington Superior Court Administrators, SCJA Ethics Committee, Access to Justice Board, Washington State Law Library, Washington State Supreme Court Pattern Forms Committee, Washington State Association of County Clerks, King County Superior Court Family Law Facilitator Program, Access to Justice Board, Washington State Coalition Against Domestic Violence, and a Limited License Legal Technician (LLLT).

The Workgroup quickly concluded that training initiatives alone, however, will not provide the support needed to ensure the reasonable accommodation of unrepresented litigants. Judicial education is not universally accessed nor always readily available. Training subject matter varies by year and presenter, and may be forgotten by the individual taking the training. After a careful review of the national literature and other states' judicial ethics rules and canons, the Workgroup concluded that additional clarity and support was needed in Washington's judicial canons as to the reasonable accommodation of unrepresented litigants. The Workgroup concurred with the CCJ/COSCA recommendation that expanded comments to the judicial canons, that include "specific actions" of reasonable accommodation, would not only clarify existing canon rules, but provide important ethical guidance, and create a lasting, accessible resource for judges.

The Workgroup drafted comment amendments to Washington's judicial canons from the ABA model code, adding examples of reasonable accommodation as per the CCJ/COSCA recommendation. The suggested comment amendments were circulated for extensive review through the Workgroup membership as well as the following external stakeholder groups: Family Law Executive Committee of the Family Law section of the Washington State Bar Association (FLEC), SCJA Family and Juvenile Law Committee (FJLC), the Access to Justice Rule Committee, Washington Commission on Judicial Conduct, and SCJA Ethics Committee. The suggested comment changes provided to the Supreme Court reflect the direct feedback of these external stakeholders and the support of each of the Workgroup's member organizations and the SCJA Board. Suggested changes were carefully crafted to only impact the comments to Canon 2, Rule 2.2 and

2.6, in the acknowledgement that the judicial canons must uphold strict standards even when incorporating improved practices for the ethical conduct of judges.

In summary, the SCJA concurs with both the ABA model code and the CCJ/COSCA joint resolution that judges need further guidance regarding what constitutes "reasonable accommodation" of unrepresented litigants, and that the Washington Code of Judicial Conduct should be revised accordingly. SCJA's suggested Canon 2 amendments to comments to Rule 2.2 and Rule 2.6 will assist judicial officers discern what accommodative actions are permissible under the Canon, and in so doing help unrepresented litigants to be fairly heard, ensuring access to justice for all people using the Washington courts.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

Code for Judicial Conduct
Canon 2

Rule 2.2 - Impartiality and Fairness. A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

[4] It is not a violation of the Rule for a judge to make reasonable accommodations to ensure pro se litigant the opportunity to have their matters fairly heard. At times, judges have before them unrepresented litigants whose lack of knowledge about the law and about judicial procedures and requirements may inhibit their ability to be heard effectively. A judge's obligation under Rule 2.2 to remain fair and impartial and uphold and apply the law does not preclude the judge from making reasonable accommodations to ensure an unrepresented litigant's right to be heard, so long as those accommodations do not give the unrepresented litigant an unfair advantage. This Rule does not require a judge to make any particular accommodation.

Rule 2.6 - Ensuring the Right to be Heard

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

(B) Consistent with controlling court rules, a judge may encourage parties to a proceeding and their lawyers to settle matters in dispute but should not act in a manner that coerces any party into settlement.

[4] Judges should endeavor to ensure unrepresented litigants have a fair opportunity to participate in proceedings. While not required, judges may find the following nonexhaustive list of steps consistent with these principles, and helpful in facilitating the right of unrepresented litigants to be heard:

1. Identifying and providing resource information to assist unrepresented litigants. Judges should endeavor to identify resources early in the case so as to reduce the potential for delay.

2. Informing litigants with limited-English proficiency of available interpreter services.

3. Providing brief information about the proceeding and evidentiary and foundational requirements.

4. Using available courtroom technology to assist unrepresented individuals to access and understand the proceedings (e.g. remote ap-

pearances, use of video displays to share court rules, statutes, and exhibits).

5. Asking neutral questions to elicit or clarify information.

6. Attempting to make legal concepts understandable by minimizing use of legal jargon.

7. Starting the hearing with a quick summary of the case history and of the issues that will be addressed.

8. Explaining at the beginning of the hearing that you may be asking questions and that this will not indicate any view on your part. It will merely mean that you need to get the information to decide the case

9. Working through issues one by one and move clearly back and forth between the two sides during the exploration of each issue

10. Inviting questions about what has occurred or is to occur.

11. Permitting narrative testimony.

12. Allowing parties to adopt their written statements and pleadings as their sworn testimony. This provision would not limit opportunities for cross examination nor be permitted in a manner that would prejudice the other party in the presentation of his/her/their case.

13. Asking questions to establish the foundation of evidence, when uncertain

14. Clarifying with the parties whether they have presented all of their evidence and explaining that no additional testimony or evidence will be permitted once the evidentiary portion of the case is completed.

15. Prior to announcing the decision of the Court reminding the parties that they have presented all of their evidence and that they will be given an opportunity to ask questions once the Court has issued its ruling and that they should not interrupt the Court.

16. If unable to do what a litigant asks because of neutrality concerns, explaining the reasons in those terms.

17. Announcing the decision, if possible, from the bench, taking the opportunity to encourage the litigants to explain any problems they might have complying.

18. Explaining the decision and considering acknowledging the positions and strengths of both sides.

19. Making sure, by questioning, that the litigants understand the decision and what is expected of them, while making sure that they know you expect compliance with the ultimate decision.

20. Where relevant, informing the litigants of what will be happening next in the case and what is expected of them.

21. Making sure, if practicable, that the decision is given in written or printed form to the litigants.

22. Informing the parties of resources that are available to assist with drafting documents, as well as compliance or enforcement of the order. Examples include but are not limited to courthouse facilitator programs, advocates, lists of treatment providers, and child support enforcement.

23. Thanking the parties for their participation and acknowledging their efforts.

Reviser's note: The typographical errors in 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 22-01-103
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

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 [22-02](#) issue of the Register.

WSR 22-01-104
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO GR) NO. 25700-A-1401
26-MANDATORY CONTINUING)
JUDICIAL EDUCATION)

The Board for Judicial Administration Court Education Committee, having recommended the suggested amendments to GR 26—Mandatory Continuing Judicial Education, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(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 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR COVER SHEET
Suggested Amendments to GR 26

GR 26
MANDATORY CONTINUING JUDICIAL EDUCATION

Submitted by the Board of Judicial Administration's
Court Education Committee

A. Name of Proponent: The Board of Judicial Administration (BJA), Court Education Committee (CEC).

B. Spokespersons:

[] The Honorable Tam Bui, Chair, CEC, Snohomish County District Court, 3000 Rockefeller Ave, MS 508, Everett, WA 98201 (telephone (425) 388-3331)

[] The Honorable Douglas J. Fair, CEC, Snohomish District Court, 20520 68th Ave W, Lynnwood, WA 98036-7406 (telephone (425) 774-8803)

C. Purpose: "The CEC shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of continuing judicial education programs and may choose to award continuing judicial education credits for self-study or teaching." [GR 26(c)] The Board for Judicial Administration's Court Education Committee has con-

tinually reviewed GR 26 and the standards and recommended changes to meet the needs of the judiciary. The proposed change was requested by the Superior Court Judges' Association and their Equality and Fairness Committee, and further reviewed and approved by the CEC and the BJA. The purpose of the change is to increase education on issues of diversity, equity, and inclusion (DEI) throughout the judicial system, and ensure this training by mandating a minimum number of hours in this field.

The changes within GR 26 and the standards require judicial officers receive four and one-half (4.5) credits of education in DEI each reporting period.

Additional language includes limits on carry over DEI credits (1.5), and receiving DEI credits via self-study (2.0), and teaching (2.0) for each reporting period.

Additional administrative changes were made regarding offices and divisions within the Administrative Office of the Courts, gender specific language, and the addition of several national bar associations and organizations to approved judicial education sponsors.

D. Hearing: A public hearing is not requested for this change to the rule or the standards.

E. Expedited Consideration: An expedited process is not requested for these changes.

If you need further information or history on GR 26 and the standards, please contact Mr. Phil Zitzelman at Phil.Zitzelman@courts.wa.gov or (360) 259-6618.

GR 26

MANDATORY CONTINUING JUDICIAL EDUCATION

Preamble. The protection of the rights of free citizens depends upon the existence of an independent and competent judiciary. The challenge of maintaining judicial competence requires ongoing education of judges in the application of legal principles and the art of judging in order to meet the needs of a changing society. This rule establishes the minimum requirements for continuing judicial education of judicial officers.

(a) Minimum Requirement. Each judicial officer shall complete a minimum of 45 credit hours of continuing judicial education approved by the Board for Judicial Administration's Court Education Committee (CEC) every three years, commencing January 1 of the calendar year following the adoption of this rule. If a judicial officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of the excess credit may be carried forward and applied to the judicial officer's education requirement for the following three-year reporting period. At least six credit hours for each three-year reporting period shall be earned by completing programs in judicial ethics approved by the CEC. At least four and one half credit hours for each three-year reporting period shall be earned by completing programs in diversity, equity, and inclusion issues, as approved by the CEC. The fifteen credit hours that may be carried forward may include two credit hours toward the judicial ethics requirement and one and one half credit hours toward the diversity, equity, and inclusion requirement.

(b) Judicial College Attendance.

1) A judicial officer shall attend and complete the Washington Judicial College program within twelve months of the initial appointment or election to the judicial office.

2) A judicial officer who attended the Washington Judicial College during ~~his or her~~ their term of office in a court of limited jurisdiction shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election to the Superior Court. A judicial officer who attended the Washington Judicial College during ~~his or her~~ their term of office in the Superior Court shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election as a judicial officer in a court of limited jurisdiction. A judicial officer who attended the Washington Judicial College during ~~his or her~~ their term of office in a superior court or court of limited jurisdiction and is subsequently appointed or elected to an appellate court position is not required to attend the Washington Judicial College.

3) A judicial officer of a District Court, Municipal Court, Superior Court, or an appellate court, who has been a judicial officer at the time of the adoption of this rule for less than four years but has not attended the Washington Judicial College, shall attend and complete the Washington Judicial College program within twelve months of the adoption of this rule.

(c) Accreditation. The CEC shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of continuing judicial education programs and may choose to award continuing judicial education credits for self-study or teaching. Continuing judicial education credit shall be given for programs the CEC determines enhance the knowledge and skills that are relevant to the judicial office.

(d) Compliance Report. Each judicial officer shall file a report with the Administrative Office of the Courts (AOC) on or before January 31 each year in such form as the Administrative Office of the Courts shall prescribe concerning the judicial officer's progress toward the continuing judicial education requirements of sections (a) and (b) of this rule during the previous calendar year. If a judicial officer does not respond by January 31, their credits will be confirmed by default. Judicial officers who do not have the requisite number of hours at the end of their three-year reporting period will have until March 1 to make up the credits for the previous three-year reporting period. These credits will not count toward their current three-year reporting period. AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of this rule. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet web site, publishing the information as part of any voter's guide produced by or under the direction of the Administrative Office of the Courts, and releasing the information in electronic or printed form to media organizations throughout the Washington State.

(e) Delinquency. Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

(f) Definition. The term "judicial officer" as used in this rule shall not include judges pro tempore but shall otherwise include all full or part time appointed or elected justices, judges, court commissioners, and magistrates.

[Adopted effective July 1, 2002; amended effective November 26, 2002; December 31, 2003; December 31, 2007; January 1, 2013; December 8, 2015.]

WASHINGTON STATE JUDICIAL EDUCATION
MANDATORY CONTINUING JUDICIAL EDUCATION STANDARDS

Section 1: Organization and Administration

1. Supreme Court

The Supreme Court is the rule-making authority for the integrated judicial branch of government in Washington.

2. Board for Judicial Administration (BJA)

The Board for Judicial Administration provides policy review and program leadership for the courts at large, including recommending rules to the Supreme Court that improve the judicial branch of government in our state.

3. Court Education Committee (CEC)

The Court Education Committee is a standing committee of the BJA and assists the Supreme Court and the BJA in developing educational policies and standards for the court system. The CEC provides budget and appropriation support, monitors the quality of educational programs, coordinates in-state and out-of-state educational programs and services, recommends changes in policies and standards, and approves guidelines for accrediting training programs.

4. Mandatory Continuing Judicial Education (MCJE)

The responsibilities of the CEC will be to:

- a) Administer General Rule (GR) 26;
- b) Establish operating procedures consistent with this rule;
- c) Report annually to the Supreme Court and publicly release names of judicial officers who have not complied with the rule.

5. Administrative Office of the Courts (AOC)

a) ~~Administrative Office the Courts.~~ Under the direction of the Supreme Court and CEC, the (AOC) shall develop guidelines for the implementation of the standards, and shall develop, administer, and coordinate judicial education programs throughout the state. The AOC will also track and monitor attendance at continuing judicial education programs accredited by the CEC.

b) ~~Office of Trial Court Services and Judicial Education.~~ The Judicial Education Unit of AOC shall work with the CEC educational committees of the judicial associations and other ad hoc groups to prepare and implement judicial education programs. The ~~unit~~ AOC shall coordinate all CEC judicial education programs, provide staff for the CEC, and evaluate educational programs. Further, the ~~Judicial Education Unit~~ AOC staff shall provide support and assistance to judicial advisory committees in the planning, development, implementation, and evaluation of education programs consistent with established standards and requirements for judicial education.

The AOC shall maintain the official transcript for each judicial officer based on: 1) attendance records at all CEC accredited education programs; 2) the attendance records of accredited sponsors based on their submissions; and 3) the individual education reports. Based on that official record, AOC will report annually to the Supreme Court.

Section 2: General Standards for Continuing Judicial Education

1. Credit for Continuing Judicial Education (CJE)

During ~~his or her~~ their three (3)-year reporting cycle, each judicial officer must complete forty-five (45) hours of CJE credits, six

(6) of which are in the area of judicial ethics, and four and one half (4.5) are in the area of diversity, equity, and inclusion (DEI). This requirement may be met either by attending approved courses or completing other continuing judicial or legal education activity approved for credit by the CEC, as described below.

a) At least thirty (30) hours, of which at least four (4) hours are in the area of judicial ethics, and three (3) hours in the area of DEI, must be completed by attending accredited courses. "Attending" is defined as (1) presenting for, or being present in the audience at, an accredited CJE course when and where the course is being presented; (2) presenting for, or participating through an electronic medium in, an accredited CJE course at the time the course is being presented; or (3) participating through an electronic medium in an accredited CJE course that has been pre-recorded, but for which faculty are available to answer questions while the course is being presented.

b) Up to fifteen (15) hours, of which up to two (2) hours are in the area of judicial ethics and two (2) hours in the area of DEI, may be completed through self-study by listening to, or watching, prerecorded accredited CJE courses. Judicial officers completing credits by self-study must report them to the AOC.

c) Up to fifteen (15) hours, of which up to two (2) hours are in the area of judicial ethics, and two (2) hours in the area of DEI, may be completed through teaching at accredited CJE courses and/or publishing legal writing. A judicial officer may complete up to three (3) hours of teaching credits for each hour of presentation. Credits for published legal writing must be approved by the CEC. Judicial officers completing credits by teaching or writing must report them to the AOC.

d) Up to three hours may be completed by visits to correctional and similar institutions. Judicial officers completing credits by institutional visits must report them to the AOC.

e) Judicial officers may attend a combination of approved local, state, or national programs.

f) A judicial officer may complete credits through other courses that directly aid the judicial officer in performing ~~his or her~~ their specific judicial duties and are approved by the CEC.

2. Carry-Over

If a judicial officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of excess credits may be carried forward and applied to the judicial officer's education requirement for the following three-year reporting period. The 15 credit hours that may be carried forward may include two (2) credit hours toward the ethics requirement and one and one half (1.5) credits of DEI.

3. Judicial College Attendance

Each judicial officer shall attend and complete the Washington Judicial College program within 12 months of initial appointment or election to the judicial office.

4. Credit Calculation

Credit is calculated on the basis of 1 credit for each 60 minutes of actual subject presentation/participation, not including introductions, overviews, closing remarks, presentation during meals, or keynote addresses unless clearly identified in the agenda as a substantive legal presentation.

Section 3: Program Accreditation

1. Washington State Judicial Branch Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

a) Washington State Supreme Court

- b) Administrative Office of the Courts
- c) Judicial education programs of Court Education Committee (CEC)
- d) Court of Appeals (COA)
- e) Superior Court Judges' Association (SCJA)
- f) District and Municipal Court Judges Association (DMCJA)
- g) Washington State Supreme Court Commissions Minority and Justice Commission
- h) Commission on Gender and Justice

2. Other Judicial Education Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) The National Judicial College in Reno, including the University of Nevada Masters and Ph.D. in Judicial Studies and Web-based programs.
- b) American Academy of Judicial Education
- c) New York University's Appellate Judges Seminar
- d) University of Virginia's Master of Laws in the Judicial Process (LLM)
- e) The National Center for State Courts (NCSC) programs such as those sponsored by the American Judges Association, the Institute for Court Management, National Council of Probate Judges, and the National Association of Women Judges
- f) Programs approved for Tuition Assistance by CEC
- g) The Judicial Division of the American Bar Association (ABA)
- h) The Judicial Divisions of all National Bar Associations
- i) National Asian Pacific Bar Association
- j) National Bar Association
- k) Hispanic National Bar Association.
- l) National Conference of Women's Bar Associations
- m) North American South Asian Bar Association
- n) National Lesbian and Gay Lawyer Association
- o) National Association of Women Lawyers
- p) National Native American Bar Association
- q) Tribal Courts in Washington State and nationally

3. Other Continuing Professional Education Programs

To receive credit for attending or serving as faculty at a program sponsored by an organization other than those listed above, a judicial officer may file with the AOC an agenda of the program, which will be submitted to the CEC for possible accreditation. Courses approved by the Washington State Bar Association for continuing legal education credits that deal with substantive legal topics, statutory, constitutional, or procedural issues that come before the judicial officer will usually qualify for CJE.

4. Basis for Accreditation of Courses

Courses will be approved based upon their content. An approved course shall have significant intellectual or practical content relating to the duties of the judicial officer.

Definitions. The course shall constitute an organized program of learning dealing with matters directly relating to the judicial officer's duties, including but not limited to substantive legal topics, statutory, constitutional and procedural issues that come before

a) The judicial officer, judicial ethics or professionalism, anti-bias and diversity training, and substance abuse prevention training.

b) **Factors in Evaluating.** Factors which should be considered in evaluating a course include:

- 1) The topic, depth, and skill level of the material.

2) The level of practical and/or academic experience or expertise of the presenters or faculty.

3) The intended audience.

4) The quality of the written, electronic, or presentation materials, which should be of high quality, readable, carefully prepared and distributed to all attendees at or before the course is presented.

5. Programs That Do Not Qualify

The following activities will not qualify for CJE credit:

a) Continuing Professional Education courses that do **not** relate to substantive legal topics, DEI, or ethics, statutory, constitutional or procedural issues that come before the judicial officer when performing ~~his or her~~ their specific judicial duties.

b) Teaching a legal subject to non-lawyers in an activity or course that would not qualify those attending for CJE/CLE credit.

c) Jury duty.

d) Judging or participating in law school or mock trial competitions.

e) Serving on professional (judicial or legal) committees/associations.

6. Appeals

A judicial officer may appeal the denial of program accreditation by the CEC. The appeal may be in the form of a letter addressed to the Chair of the BJA that outlines the basis for the judicial officer's request. The Chair of the BJA shall notify the judicial officer in writing of its decision to sustain or overrule the decision of the CEC.

Section 4: Responsibilities

1. Sponsors of Accredited Programs

It is the responsibility of the Washington State judicial branch sponsors of a judicial education program to report judicial officer attendance and credits for all approved CJE courses to the AOC.

2. Individuals

a) It is the responsibility of **individual judicial officers** to file a report of their attendance when it is less than the full program provided, for programs sponsored by Washington State Judicial Branch entities.

b) It is the responsibility of the judicial officer to request accreditation for attendance for programs of other judicial educational sponsors (see Section 4.2. list of sponsors).

c) It is the responsibility of the **individual judicial officers** to submit requests for accreditation for other continuing professional education programs, credit for teaching, published judicial legal writing, or selfstudy to the AOC which shall present those to the CEC for review and determination.

3. Deadline

Absent exigent circumstances, sponsors and individual judicial officers must report attendance within 30 days after completion of a CJE activity.

Section 5: Certification

1. Compliance

The AOC will send out a reminder of the end-of-the-year reporting requirement via judicial officers Listservs each year in August. The AOC will provide a progress report to every judicial officer of the programs they have attended during the previous calendar year by January 1. After reviewing that progress report, judicial officers must either:

- a) Confirm it as an accurate record of their progress toward compliance with the rule, or;
- b) Provide additional information on programs attended with accompanying documentation and;
- c) File that report with the AOC on or before January 31 each year. If a judicial officer does not respond by January 31, their credits will be confirmed by default.

AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of GR 26. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet Web site, publishing the information as part of any voter's guide produced by or under the direction of the AOC, and releasing the information in electronic or printed form to media organizations throughout Washington State.

The report will include the names of all judicial officers who fail to obtain the requisite number of education credits during their three-year reporting period, or the requirements of Judicial College attendance.

2. Three-Year Reporting Periods

Three-year reporting periods will be created as follows:

- a) Group 1 are those judicial officers present as of January 1, 2003, and those who begin service every subsequent third year: 2006, 2009, 2012, 2015, 2018, 2021, 2024, 2027, 2030, etc.;
- b) Group 2 are those judicial officers who begin service in 2004, 2007, 2010, 2013, 2016, 2019, 2022, 2025, 2028, 2031, etc.;
- c) Group 3 are those judicial officers who begin service in 2005 and every subsequent third year: 2008, 2011, 2014, 2017, 2020, 2023, 2026, 2029, 2032, etc.

The three-year reporting period for each new judicial officer begins on January 1 nearest their appointment or election.

3. Delinquency

Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

Section 6: Approval

These standards were approved by the Board for Court Education on August 25, 2003, and by Washington Supreme Court in Court Order 786 on December 4, 2003.

Comments or suggestions regarding the application of the standards or revisions of the standards can be sent to the Manager of The Office of Trial Court Services and Judicial Education or the Chair of the CEC.

[Adopted effective July 1, 2002; amended effective November 26, 2002; December 31, 2003; December 31, 2007; January 1, 2013; December 8, 2015.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

WSR 22-01-105
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1402
RAP 9.2—VERBATIM REPORT OF)
PROCEEDINGS)

The Washington Appellate Courts Rules Committee, having recommended the suggested amendments to RAP 9.2—Verbatim Report of Proceedings, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(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 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment
Rules of Appellate Procedure
Rule 9.2 - Verbatim Report of Proceedings

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: RAP 9.2(d) provides that, if a party fails to make arrangements for payment of the costs of the verbatim report of proceedings when the report is ordered, the party may be subject to RAP 18.9 sanctions. As currently worded, the rule does not provide a consequence for failing to pay for the cost of a completed verbatim report of proceedings when that failure causes delay. Some litigants make arrangements to pay for the cost of the verbatim report of proceedings, but, when the report is complete and ready to be filed, the litigant does not pay. A court reporter will not file a completed verbatim report of proceedings without being paid for the work. If the verbatim report of proceedings is not filed due to lack of payment, delay in perfecting the appellate record, briefing, and deciding the merits of the appeal often results.

The proposed amendment to the rule subjects a party who fails to pay for a completed verbatim report of proceedings to RAP 18.9 sanctions when that failure delays the case.

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

RAP 9.2

VERBATIM REPORT OF PROCEEDINGS

(a) Transcription and Statement of Arrangements. If the party seeking review intends to provide a verbatim report of proceedings, the party should arrange for transcription of and payment for an original and one copy of the verbatim report of proceedings within 30 days after the notice of appeal was filed or discretionary review was granted. The party seeking review must file with the appellate court and serve on all parties of record and all named court reporters or authorized transcriptionists a statement that arrangements have been made for the transcription of the report and file proof of service with the appellate court. The statement must be filed within 30 days after the notice of appeal was filed or discretionary review was granted. The party must indicate the date that the report of proceedings was ordered, the financial arrangements which have been made for payment of transcription costs, the name of each court reporter or authorized transcriptionist preparing a verbatim report of proceedings, the hearing dates, and the trial court judge. If the party seeking review does not intend to provide a verbatim report of proceedings, a statement to that effect should be filed in lieu of a statement of arrangements within 30 days after the notice of appeal was filed or discretionary review was granted and served on all parties of record.

(b) Content. A party should arrange for the transcription of all those portions of the verbatim report of proceedings necessary to present the issues raised on review. A verbatim report of proceedings provided at public expense should not include the voir dire examination or opening statements unless appellate counsel has reason to believe those sections are relevant to the appeal or they are requested by the client for preparing a statement of additional grounds. If the party seeking review intends to urge that a verdict or finding of fact is not supported by the evidence, the party should include in the record all evidence relevant to the disputed verdict or finding. If the party seeking review intends to urge that the court erred in giving or failing to give an instruction, the party should include in the record all of the instructions given, the relevant instructions proposed, the party's objections to the instructions given, and the court's ruling on the objections. Unless the parties agree that a cost bill will not be filed under RAP 14.2, the party claiming indigency on appeal should include in the record all portions of the trial court proceedings relating to all trial court decisions on indigency and relating to any trial court decisions on the offender's current or likely future ability to pay discretionary legal financial obligations.

(c) Notice of Partial Report of Proceedings and Issues. If a party seeking review arranges for less than all of the verbatim report of proceedings, the party should include in the statement of arrangements a statement of the issues the party intends to present on review. Any other party who wishes to add to the verbatim report of proceedings should within 10 days after service of the statement of arrangements file and serve on all other parties and the court reporter or authorized transcriptionist a supplemental statement of arrangements which

designates the additional parts of the verbatim report of proceedings and file proof of service with the appellate court. If the party seeking review refuses to provide the additional parts of the verbatim report of proceedings, the party seeking the additional parts may provide them at the party's own expense or apply to the trial court for an order requiring the party seeking review to pay for the additional parts of the verbatim report of proceedings.

(d) Payment of Expenses. If a party either fails to make arrangements for payment of the costs of the verbatim report of proceedings at the time the verbatim report of proceedings is ordered or fails to make payment of completed verbatim report of proceedings and causes case delay, the party may be subject to sanctions as provided in rule 18.9.

(e) Title Page and Table of Contents. The court reporter or other authorized transcriber shall include at the beginning of each volume of the verbatim report of proceedings a title page and a table of contents.

(1) The title page should include the following:

- (A) Case name,
- (B) Trial court and appellate cause numbers,
- (C) Date(s) of hearings,
- (D) Trial court judge(s),
- (E) Names of attorneys at trial,
- (F) Name, business address and telephone number of each court reporter or other authorized transcriber.

(2) The table of contents shall follow the title page and shall indicate, under the headings listed below, the pages where the following appear:

(A) Proceedings. The beginning of each proceeding and the nature of that proceeding;

(B) Testimony. The testimony of each witness, the page where it begins, and the type of examination, i.e., direct, cross, re-direct, re-cross, and the page where the plaintiff rests and the defendant rests;

(C) Exhibits. The admission into evidence of exhibits and depositions;

(D) Argument. The pages where opening statements occur, except as otherwise provided in rule 9.2(b) for verbatim reports of proceedings provided at public expense, and the pages where closing arguments occur;

(E) Instructions. All instructions proposed and given. Any other events should be listed under a suitable heading which would help the reviewing court locate separate parts of the verbatim report of proceedings.

(F) Multiple Days. If a volume includes hearings from more than one day, there shall be a separate table of contents for each day.

(f) Form.

(1) *Generally.* The verbatim report of proceedings shall be on 8 1/2- by 11-inch paper. Margins shall be lined 1 3/8 inches from the left and 5/8 inches from the right side of each page. Indentations from the left lined margin should be: 1 space for "Q" and "A"; 5 spaces for the body of the testimony; 8 spaces for commencement of a paragraph; and 10 spaces for quoted authority. Typing should be double spaced except that comments by the reporter should be single spaced. The page should have 25 lines of type. Type must be pica type or its equivalent with no more than 10 characters an inch.

(A) Witnesses Designated/Examination. Indicate at the top or bottom of each page the name of the witness and whether the examination is on direct, cross, re-direct, re-cross, or rebuttal.

(B) Jury In/Out. Indicate when the jury is present, when the jury leaves, and when the jury returns.

(C) Bench/Side Bar Conferences. Designate whether a bench/side bar conference is on or off the record.

(D) Chamber Conferences. If the conference is recorded, note the presence or absence of persons participating in chamber conferences.

(E) Speaker/Event Identification. Identify speakers and events that occur throughout the proceedings in capital letters centered on the appropriate line. For example: recess/court reconvene; direct examination, cross examination, re-direct examination, re-cross examination, plaintiff rests; defendant's evidence: direct examination, cross examination, re-direct examination, re-cross examination, defense rests; instructions, conference, closing arguments: for plaintiff, for defense, and rebuttal.

(2) *Volume and Pages.*

(A) Pages in each volume of the verbatim report of proceedings shall be numbered consecutively and be arranged in chronologic order by date of hearing(s) requested in the statement of arrangements.

(B) Each volume of the verbatim report of proceedings shall include no more than 250 pages. The page numbers in the first volume should start with page 1 and continue to 250, as needed, regardless of how many hearing dates are included in the volume. In the second volume of the verbatim report of proceedings and subsequent volumes page numbers should start with the next page number in sequence where the previous volume ended. The volumes shall be either bound or fastened securely.

(3) *Copies.* The verbatim report of proceedings should be legible, clean and reproducible.

References

Form 15, Statement of Arrangements; Title 6, Acceptance of Review.

[Adopted effective July 1, 1976; Amended effective July 2, 1976; September 1, 1985; September 1, 1993; December 10, 1993; September 1, 1994; September 1, 1998; December 24, 2002; September 1, 2010; September 1, 2015; September 1, 2017; September 1, 2018.]

WSR 22-01-106
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO RAP) NO. 25700-A-1403
10.4—PREPARATION AND FILING)
OF BRIEF BY PARTY)

The Washington Appellate Courts Rules Committee, having recommended the suggested amendment to RAP 10.4—Preparation and Filing of Brief by Party, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(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 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment

Rules of Appellate Procedure

Rule 10.4 - Preparation and Filing of Brief by Party

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: RAP 10.4 specifies a variety of technical requirements for briefs, including paper size and weight, margins, length, fonts, citation forms, and the like. The rule also specifies how statutes, rules, jury instructions, findings of facts, and the like should be reproduced in a brief. RAP 10.4(f) states how exhibits, clerk's papers, and the report of proceedings should be abbreviated when cited in a brief. The proposed amendment to this subsection would add administrative records (and its recommended abbreviation, "AR") to the specified list of abbreviated references.

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

RAP 10.4

PREPARATION AND FILING OF BRIEF BY PARTY

(a) Typing or Printing Brief. Briefs shall conform to the following requirements:

(1) An original and one legible, clean, and reproducible copy of the brief must be filed with the appellate court. The original brief should be printed or typed in black on 20-pound substance 8-1/2 by 11-inch white paper. Margins should be at least 2 inches on the left side and 1-1/2 inches on the right side and on the top and bottom of each page. The brief shall not contain any tabs, colored sheets of paper, or binding and should not be stapled.

(2) The text of any brief typed or printed must appear double spaced and in print as 12 point or larger type in the following fonts or their equivalent: Times New Roman, Courier, CG Times, Arial, or in typewriter fonts, pica or elite. The same typeface and print size should be standard throughout the brief, except that footnotes may appear in print as 10 point or larger type and be the equivalent of single spaced. Quotations may be the equivalent of single spaced. Except for material in an appendix, the typewritten or printed material in the brief shall not be reduced or condensed by photographic or other means.

(b) Length of Brief. A brief of appellant, petitioner, or respondent should not exceed 50 pages. Appellant's reply brief should not exceed 25 pages. An amicus curiae brief, or answer thereto, should not exceed 20 pages. In a cross-appeal, the brief of appellant, brief of respondent/cross appellant, and reply brief of appellant/cross respondent should not exceed 50 pages and the reply brief of the cross appellant should not exceed 25 pages. For the purpose of determining compliance with this rule appendices, the title sheet, table of contents, and table of authorities are not included. For compelling reasons the court may grant a motion to file an over-length brief.

(c) Text of Statute, Rule, Jury Instruction, or the Like. If a party presents an issue which requires study of a statute, rule, regulation, jury instruction, finding of fact, exhibit, or the like, the party should type the material portions of the text out verbatim or include them by copy in the text or in an appendix to the brief.

(d) Motion in Brief. A party may include in a brief only a motion which, if granted, would preclude hearing the case on the merits. The answer to a motion within a brief may be made within the brief of the answering party in the time allowed for filing the brief.

(e) Reference to Party. References to parties by such designations as "appellant" and "respondent" should be kept to a minimum. It promotes clarity to use the designations used in the lower court, the actual names of the parties, or descriptive terms such as "the employee," "the injured person," and "the taxpayer."

(f) Reference to Record. A reference to the record should designate the page and part of the record. Exhibits should be referred to by number. The clerk's papers should be abbreviated as "CP"; exhibits should be abbreviated as "Ex"; administrative records should be abbreviated as "AR"; and the report of proceedings should be abbreviated as "RP." Suitable abbreviations for other recurrent references may be used.

(g) Citation Format. Citations should conform with the format prescribed by the Reporter of Decisions pursuant to GR 14(d). The format requirements of GR 14 (a)-(b) do not apply to briefs filed in an appellate court.

(h) Unpublished Opinions. [Reserved. See GR 14.1.]

[Adopted effective July 1, 1976; Amended effective July 2, 1976; September 1, 1985; September 1, 1990; September 1, 1993; September 1, 1994; December 30, 1997; September 1, 1998; September 1, 2000; December 24, 2002; September 1, 2003; September 1, 2006; September 1, 2007; September 1, 2010; September 1, 2018.]

WSR 22-01-107
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO RAP) NO. 25700-A-1404
16.9—PERSONAL RESTRAINT)
PETITION—RESPONSE TO)
PETITION)

The Washington Appellate Courts Rules Committee, having recommended the suggested amendment to RAP 16.9—Personal Restraint Petition—Response to Petition, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(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 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment

Rules of Appellate Procedure

Rule 16.9 - Personal Restraint Petition - Response to Petition

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: RAP 16.9 addresses the expectation of a response to a personal restraint petition. The rule currently consists of two subparts. Subpart (a) identifies the required contents of and sets the time limit for filing a response to a personal restraint petition. Subpart (b) is a discretionary mechanism for directing a respondent to admit or deny a specific allegation. The rule does not limit the length of a response. The proposed amendment would add subpart (c), which proposes setting the length of the response by reference to RAP 18.17's length limitation for a personal restraint petition (i.e., 12,000 words (word processing software) or 50 pages (typewriter or handwritten)).

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

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

RAP 16.9

PERSONAL RESTRAINT PETITION—RESPONSE TO PETITION

(a) Generally. The respondent must serve and file any response within 60 days after the court requests that a response be filed, unless the time is extended by the commissioner or clerk for good cause shown. The response must answer the allegations in the petition. The response must state the authority for the restraint of petitioner by respondent and, if the authority is in writing, include a conformed copy of the writing. If an allegation in the petition can be answered by reference to a record of another proceeding, the response should so indicate and include a copy of those parts of the record that are relevant. Respondent should also identify in the response all material disputed questions of fact.

(b) Requirement To Admit or Deny. After the time for filing a response has passed, the appellate court may direct the respondent to admit or deny specific allegations.

(c) Length of Response. The response should comply with the same length limitations for personal restraint petitions in RAP 18.17.

[Adopted effective July 1, 1976; Amended effective September 1, 1998; April 16, 2002; September 1, 2006; September 1, 2014.]

WSR 22-01-108
RULES OF COURT
STATE SUPREME COURT
 [December 6, 2021]

IN THE MATTER OF THE) ORDER
 SUGGESTED AMENDMENT TO RAP) NO. 25700-A-1405
 17.2—WHO DECIDES A MOTION)

The Washington Appellate Courts Rules Committee, having recommended the suggested amendment to RAP 17.2—Who Decides a Motion, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(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 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov.

Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court

Gonzalez, C.J.

 CHIEF JUSTICE

GR 9 COVER SHEET
Suggested Amendment
Rules of Appellate Procedure
Rule 17.2 – Who Decides a Motion

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: RAP 17.2 explains who decides various kinds of motions. RAP 17.2(b) allows the commissioner or clerk to refer a motion to the judges for determination. Some litigants attempt to challenge a commissioner's or clerk's decision to refer a motion to the judges. The proposed amendment clarifies that a referral decision by a commissioner or clerk is not a ruling that is subject to a motion to modify under RAP 17.7(a).

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

RAP 17.2
 WHO DECIDES A MOTION

(a) **Generally.** The judges determine (1) a motion in a brief, (2) a motion to modify a ruling by a commissioner or the clerk, (3) a motion for reconsideration of a decision, (4) a motion to recall the

mandate, except for a motion made to correct an inadvertently issued mandate, and (5) a motion to publish. All other motions may be determined initially by a commissioner or the clerk of the appellate court.

(b) Reference to the Judges. A commissioner or clerk may refer a motion to the judges for determination. If the motion is referred to the judges, the commissioner or clerk will give notice of the reference to all persons entitled to notice of the motion. A decision to refer a motion to the judges is not subject to review by the judges in the form of a motion to modify.

(c) Transfer by Supreme Court to Court of Appeals. A commissioner or clerk of the Supreme Court may transfer a motion for discretionary review of a trial court decision to the Court of Appeals for determination.

[Adopted effective July 1, 1976; Amended effective July 2, 1976; September 1, 1992; September 1, 1998; December 24, 2002.]

WSR 22-01-109
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO RAP) NO. 25700-A-1406
18.9—VIOLATION OF RULES)

The Washington Appellate Courts Rules Committee, having recommended the suggested amendment to RAP 18.9—Violation of Rules, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(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 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov.

Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court

Gonzalez, C.J.

GR 9 COVER SHEET
Suggested Amendment
Rules of Appellate Procedure
Rule 18.9 - Violation of Rules

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: RAP 18.9 sets forth a judicial officer's authority to sanction a party, counsel, court reporter, or transcriptionist for violating the rules of appellate procedure. Authorized sanctions include dismissal and imposition of terms and compensatory damages.

Under the first provision in subdivision (b), the commissioner or clerk may dismiss a case on any of the grounds listed in subdivision (a) of the rule (i.e., using the rules for the purpose of delay, filing a frivolous appeal, failing to comply with the rules). The second provision in subdivision (b) states that the commissioner or clerk will dismiss for failure to timely file a notice of appeal, notice for discretionary review, a motion for discretionary review, or a petition for review. In other situations, the commissioner or clerk has no discretion to dismiss. Clerks often move to dismiss review of a case for abandonment, and commissioners often rule on those motions. The proposed amendment reflects current practice by explicitly authorizing a commissioner or clerk to dismiss a review proceeding for abandonment on its own motion. This proposed amendment mirrors and uses the same

wording as subdivision (c), which allows a party to move to dismiss review of a case "for want of prosecution if the party seeking review has abandoned the review".

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

RAP 18.9

VIOLATION OF RULES

(a) Sanctions. The appellate court on its own initiative or on motion of a party may order a party or counsel, or a court reporter or authorized transcriptionist preparing a verbatim report of proceedings, who uses these rules for the purpose of delay, files a frivolous appeal, or fails to comply with these rules to pay terms or compensatory damages to any other party who has been harmed by the delay or the failure to comply or to pay sanctions to the court. The appellate court may condition a party's right to participate further in the review on compliance with terms of an order or ruling including payment of an award which is ordered paid by the party. If an award is not paid within the time specified by the court, the appellate court will transmit the award to the superior court of the county where the case arose and direct the entry of a judgment in accordance with the award.

(b) Dismissal on Motion of Commissioner or Clerk. The commissioner or clerk, on 10 days' notice to the parties, ~~may~~ (1) may dismiss a review proceeding as provided in section (a), (2) may dismiss a review proceeding for want of prosecution if the party seeking review has abandoned the review, and (23) except as provided in rule 18.8(b), will dismiss a review proceeding for failure to timely file a notice of appeal, a notice for discretionary review, a motion for discretionary review of a decision of the Court of Appeals, or a petition for review. A party may object to the ruling of the commissioner or clerk only as provided in rule 17.7.

(c) Dismissal on Motion of Party. The appellate court will, on motion of a party, dismiss review of a case (1) for want of prosecution if the party seeking review has abandoned the review, or (2) if the application for review is frivolous, moot, or solely for the purpose of delay, or (3) except as provided in rule 18.8(b), for failure to timely file a notice of appeal, a notice of discretionary review, a motion for discretionary review of a decision of the Court of Appeals, or a petition for review.

(d) Objection to Ruling. A counsel upon whom sanctions have been imposed or a party may object to the ruling of a commissioner or the clerk only as provided in rule 17.7.

WSR 22-01-110
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED NEW GENERAL RULE) NO. 25700-A-1407
[42] AND SUGGESTED)
AMENDMENTS TO CrR 3.1, JuCR 9.2,)
AND CrRLJ 3.1)

The Washington State Bar Association, having recommended the suggested new General Rule [42] and suggested amendments to CrR 3.1, JuCR 9.2, and CrRLJ 3.1, and the Court having approved the suggested new General Rule [42] and suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested new General Rule [42] and suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(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 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov.

Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments to

GENERAL RULES; SUPERIOR COURT CRIMINAL RULES; JUVENILE COURT RULES; CRIMINAL RULES FOR COURTS OF LIMITED

JURISDICTION

NEW GR 42, CrR 3.1, JuCR 9.2, CrRLJ 3.1

A. Name of Proponent: Washington State Bar Association

B. Spokespersons:

Brian Tollefson, President, Washington State Bar Association, 1325 Fourth Avenue, Suite 600, Seattle, WA 98101-2539 (telephone 253-389-0071)

Travis Stearns, Chair, Council on Public Defense, Washington State Bar Association, Seattle, WA 98101-2539 (telephone 206-587-2711)

Bonnie Sterken, Equity and Justice Specialist, Washington State Bar Association, 1325 Fourth Avenue, Suite 600, Seattle, WA 98101-2539 (telephone 206-727-8293)

C. Purpose:

The proponent recommends suggested new General Rule (GR) 42¹, which is intended to bring Washington State into alignment with the

ABA Ten Principles of a Public Defense Delivery System (2002) and to ensure the independence of the public defense system from judicial influence and control.

¹ There are currently two new suggested General Rules pending with the Court. If the Court does not adopt those pending proposals, then the new suggested GR would be GR 40 or 41.

Additionally, these amendments include several suggested technical amendments to CrR 3.1, JuCR 9.2, and CrRLJ 3.1 to reflect the Court's adoption of the Standards for Indigent Defense (SID).

D. History

For over a year, the Council on Public Defense's Independence Committee has been charged by the Council on Public Defense with developing a proposal to bring Washington State in line with the first principle of the ABA Ten Principles of a Public Defense Delivery System (2002). The Principles constitute the fundamental criteria necessary to ensure a public defense system provides effective, efficient, high quality, ethical, conflict-free representation. The first principle states that "[t]he public defense function, including the selection, funding, and payment of defense counsel, is independent."

Washington state's system of public defense is primarily county-based, unlike the majority of states. The selection, funding, and quality of public defense attorneys and offices varies by county. The independence of each county's system — including insulation from political influence and judicial involvement — is critical to ensuring those who are constitutionally or statutorily entitled to public defense counsel receive that which they are due.

While drafting the proposal, the Independence Committee worked diligently to gather considerable feedback from public defense directors, members of the judiciary, and practitioners. The proposal before you today for action has gone through multiple revisions in an attempt to be responsive to stakeholder feedback. This feedback included surveys of interested persons and organizations. We received written feedback that we included in our drafting, along with direct contact. We incorporated that feedback into our proposal, to ensure that public defenders maintained their independence while also not ignoring the voice that the judiciary must play in overseeing their courtrooms.

E. Suggested Amendments

The following are summaries and explanations of each suggested amendment:

- NEW GR 42(a) is intended to establish and codify the purpose behind new GR 42, which is to ensure the independence of public defense services from judicial influence and control.
- NEW GR 42(b) establishes where this rule will apply
- NEW GR 42(c) states that judges and judicial staff in superior and limited jurisdiction courts shall not select public defense administrators or the attorneys who provide public defense.
- NEW GR 42(d) defines manages and oversight, including the terms "manage" and "oversee."
- NEW GR 42(e) addresses the assignment of public defense attorneys in individual cases.
- NEW GR 42(f) defines when it is appropriate for judicial officers to intervene in the assignment and substitution of counsel.
- Suggested Amendment to CrR 3.19 d)(4) reflects that superior courts shall ensure that lawyers assigned to indigent defense matters shall be in compliance with the Supreme Court's Standards for Indigent Defense.

- Suggested Amendment to CrRLJ 3.1 (d) (4) reflects that superior courts shall ensure that lawyers assigned to indigent defense matters shall be in compliance with the Supreme Court's Standards for Indigent Defense.
- Suggested Amendment to JuCR 9.2 reflects that superior courts shall ensure that lawyers assigned to indigent defense matters shall be in compliance with the Supreme Court's Standards for Indigent Defense.

F. Hearing:

A hearing is not recommended.

G. Expedited Consideration:

Expedited consideration is not requested.

H. Supporting Material:

- New Suggested General Rule 42: Independence of Public Defense
- Suggested Amendments to CrRLJ 3.1 (d) (4), CrR 3.1 (d) (4), JuCR 9.2 (d)

Redlined Version

Proposed New General Rule 42

Independence of Public Defense Services

(a) **Purpose and policy.** The purpose of this rule is to safeguard the independence of public defense services from judicial influence or control. Consistent with the right to counsel as provided in Article I, Sections 3 and 22 of the Washington State Constitution and Washington statutes, it is the policy of the judiciary to develop rules that further the fair and efficient administration of justice. In promulgating this Rule, the Washington Supreme Court seeks to prevent conflicts of interest that may arise if judges control the selection of public defense administrators or the attorneys who provide public defense services, the management and oversight of public defense services, and the assignment of attorneys in individual cases.

(b) **Scope.** This rule applies to superior courts and courts of limited jurisdiction.

(c) **Selection of the public defense administrator and public defense attorneys.** Judges and judicial staff in superior courts and courts of limited jurisdiction shall not select public defense administrators or the attorneys who provide public defense services.

(d) **Management and oversight of public defense services.**

(1) Judges and judicial staff in superior courts and courts of limited jurisdiction shall neither manage nor oversee public defense services, including public defense contracts and assigned counsel lists. Judges should encourage local governments to have attorneys with public defense experience manage and oversee public defense services.

(2) The terms "manage" and "oversee" include: drafting, awarding, renewing, and terminating public defense contracts; adding attorneys or removing them from assigned counsel lists; developing or issuing case weighting policies; monitoring attorney caseload limits and case-level qualifications; monitoring compliance with contracts, policies, procedures and standards; and recommending compensation.

(e) **Assignment of public defense attorneys in individual cases.**

(1) Consistent with federal and state constitutions, applicable statutes and rules of court, the role of judges and their staff in the assignment of a specific attorney in an individual case is to: a) determine whether a party is eligible for appointment of counsel by mak-

ing a finding of indigency or other finding that a party is entitled to counsel; or b) refer the party for an indigency determination; and c) refer the party to a public defense agency or a public defense administrator to designate a qualified attorney. Alternatively, a public defense administrator may, prior to a court hearing where eligibility is determined, designate a qualified attorney to be appointed if the court finds the party is eligible.

(2) If there is no public defense agency or administrator, a judicial officer should appoint a qualified attorney, on a rotating basis, from an independently established list of assigned counsel or contractors.

(3) If no qualified attorney on the list is available, a judicial officer shall appoint an attorney who meets the qualifications in the Supreme Court Standards for Indigent Defense.

(f) **Necessary services and substitution of counsel.** This rule does not limit a judicial officer's authority to grant a motion for necessary investigative, expert, or other services, or to appoint counsel in individual cases when substitution of counsel is required or requested. Substitution of counsel should be made as provided in (e) above.

(g) **Effective Date of Rule.** This rule will go into effect ___ days after its adoption by the Supreme Court.

Comment

(1) This rule does not alter judges' obligation to ensure that public defense attorneys have certified their compliance with the Supreme Court's Standards for Indigent Defense.

(2) This rule does not preclude judges from communicating information about a public defense attorney's performance to the public defense agency or administrator. Following such communication, judges shall have no role in determining what actions, if any, the public defense agency or administrator takes in response to that communication.

(3) This rule does not preclude judges from providing information on an attorney's performance, in response to requests from public defense agencies or administrators, requests from the Washington State Bar Association, and for example, requests for information made by a judicial candidate evaluation committee.

Reviser's note: The typographical errors in 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.

Proposed Amendments to CrRLJ 3.1 (d) (4)

RIGHT TO AND ASSIGNMENT OF LAWYER

CrRLJ 3.1

(a) - (c) [Unchanged]

(d) Assignment of Lawyer.

(1) - (3) [Unchanged]

(4) Before appointing a lawyer for the indigent person, or at the first appearance of the lawyer in the case, the court shall ~~require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court ensure the lawyer is in compliance with the Certification of Compliance requirement in the Supreme Court's Standards for Indigent Defense.~~

(e) - (f) [Unchanged].

Proposed Amendments to CrR 3.1 (d) (4)

RIGHT TO AND ASSIGNMENT OF LAWYER

CrR 3.1

(a) - (c) [Unchanged]

(d) Assignment of Lawyer.

(1) - (3) [Unchanged]

(4) Before appointing a lawyer for the indigent person, or at the first appearance of the lawyer in the case, the court shall ~~require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court~~ ensure the lawyer is in compliance with the Certification of Compliance requirement in the Supreme Court's Standards for Indigent Defense.

(e) - (f) [Unchanged]

Proposed Amendments to JuCR 9.2**ADDITIONAL RIGHT TO REPRESENTATION BY LAWYER****JuCR 9.2**

(a) - (c) [Unchanged]

(d) Juvenile Offense Proceedings. The court shall provide a lawyer at public expense in a juvenile offense proceeding when required by RCW 13.40.080(10), RCW 13.40.140(2), or rule 6.2.

Before appointing a lawyer for the indigent person, or at the first appearance of the lawyer in the case, the court shall ~~require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court~~ ensure the lawyer is in compliance with the Certification of Compliance requirement in the Supreme Court's Standards for Indigent Defense.

WSR 22-01-111
RULES OF COURT
STATE SUPREME COURT
 [December 6, 2021]

IN THE MATTER OF THE)	ORDER
SUGGESTED AMENDMENT TO)	NO. 25700-A-1408
CrRLJ 4.8—SUBPOENAS)	

The Washington Defender Association, having recommended the suggested amendment to CrRLJ 4.8—Subpoenas, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(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 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov.

Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 Cover Sheet
Suggested Changes to CrRLJ 4.8

(A) Name of Proponent: Washington Defender Association

(B) Spokesperson: Magda Baker, Misdemeanor Resource Attorney, Washington Defender Association; Email: magda@defensenet.org, Phone: (206) 226-9512

(C) Purpose: Both CrRLJ 4.8 and CrR 4.8 both govern the issuance of subpoenas in criminal cases, but their wording and content differs. We suggest this Court make the two rules more similar by replacing the wording of current CrRLJ 4.8 with the wording of CrR 4.8 and then adding two pieces of text that address circumstance in courts of limited jurisdiction.

Many differences between CrR 4.8 and current CrRLJ 4.8 are merely stylistic, but two are substantive. First, the superior court rule includes more specific requirements for the form and service of subpoenas. Second, the superior court rule allows both lawyers and judges to sign subpoenas duces tecum, while the rule for courts of limited jurisdiction allows only judges to sign.

CrR 4.8 gives more specific guidance than current CrRLJ 4.8. Replacing the wording of the current rule for courts of limited jurisdiction with that of the superior court rule would give structure and guidance to judges and litigants. The superior court rule gives direc-

tion in several areas that the rule for courts of limited jurisdiction does not address or mentions more vaguely:

- CrR 4.8 (a) (1) (A) and (b) (1) (A) list information subpoenas must include, while CrRLJ 4.8 does not.
- CrR 4.8 (a) (4) explains when a subpoenaed witness is excused, while CrRLJ 4.8 does not.
- CrR 4.8 (b) (2) requires advanced notice before a party serves a subpoena duces tecum on a defendant or complaining witness, while CrR 4.8 does not.
- CrR 4.8 (b) (4) lists specific circumstances under which a court must quash or modify a subpoena, while CrRLJ 4.8 (b) (2) includes more vague and limited criteria.
- CrR 4.8 (a) (3) and (b) (3) require witnesses to waive personal service before service by mail is complete, while CrRLJ 4.8(c) says service is complete three days after the day a subpoena is mailed.

The second major difference between CrR 4.8 and CrRLJ 4.8 is that the rule for courts of limited jurisdiction requires judges to sign all subpoenas duces tecum, whereas the superior court rule requires judges to sign subpoenas duces tecum only if they are for inspection of premises. Compare current CrRLJ 4.8(b) and CrR 4.8 (b) (2). We are concerned that some defense attorneys in courts of limited jurisdiction are hesitant to use subpoenas duces tecum because the process for getting judicial approval can be cumbersome and could require them to disclose information about their clients' cases. Getting a judicial signature on a subpoena duces tecum can be slow and time consuming. Many courts of limited jurisdiction require counsel to give the court clerk a physical copy of the subpoena, wait days for judicial review and then pick up the signed subpoena in person. Lawyers must also sometimes explain the relevance of the documents they seek, which can require disclosure of their thoughts about a case.

Finally, we propose that this Court include two additions to the wording of CrR 4.8 in CrRLJ 4.8. First, current CrRLJ 4.8(a) requires that judges sign subpoenas for witnesses outside the county or counties not contiguous with it. We suggest including that requirement with an alteration in an amended CrRLJ 4.8. The alteration we propose would let lawyers in courts of limited jurisdiction sign subpoenas for police, Department of Licensing employees and laboratory employees anywhere in the state. Second, CrR 4.8(c) says simply that a court may hold a person who fails to obey a subpoena without adequate excuse in contempt. We ask this Court to include the wording of current CrRLJ 4.8 (e) (2) in an amended CrRLJ 4.8. That wording says that a court may not hold a subpoenaed witness in contempt or issue a material witness warrant unless there is proof the witness personally received a subpoena. These two additions would help guide judges and new lawyers in busy, high volume courts.

(D) Hearing: None recommended.

(E) Expedited Consideration: Expedited consideration is not requested.

Reviser's note: The typographical errors in 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.

[Suggested changes to CrRLJ 4.8]

CrRLJ 4.8 SUBPOENAS

(a) Issuance for Witnesses. The defendant and the prosecuting authority may subpoena witnesses necessary to testify at a scheduled hearing or trial. The subpoena may only be issued by a judge, court commissioner, clerk of the court, or by a party's lawyer. If a party's lawyer issues a subpoena, a copy shall be filed with the court. If the subpoena is for a witness outside the county or counties contiguous with it, the judge must approve the subpoena.

(a) For Attendance of Witnesses at Hearing or Trial. A subpoena commanding a person to attend and give testimony at a hearing or at trial ("a subpoena for testimony") shall be issued as follows:

(1) Form; Issuance.

(A) A subpoena for testimony shall (i) state the title of the action, the case number, the name of the court in which the action is pending, and, if different, the name of the court from which the subpoena is issued; and (ii) command each person to whom it is directed to attend and give testimony at a specified time and place.

(B) (i) The court in which the action is pending or before which attendance is required may issue a subpoena for testimony under the seal of that court, or the clerk may issue the subpoena for testimony in response to a praecipe. (ii) An attorney for a party also may sign and issue a subpoena for testimony unless subsection (iii) of this rule applies. (iii) The judge must approve a subpoena for a witness outside the county or counties contiguous with it unless the witness is an employee of the Washington State Department of Licensing, a Washington police department or sheriff's office, or the Washington State Patrol, including the Washington State Patrol Crime Laboratory Division and the Washington State Patrol Toxicology Laboratory Division.

(C) A command to a person to produce evidence or to permit inspection may be joined with a subpoena for testimony or may be issued separately under section (b) of this rule.

(2) Notice. Notice to each party of the issuance of a subpoena for testimony is not required; provided that, when a subpoena for testimony also commands the person to whom it is directed to produce evidence or to permit inspection of things, the serving party shall give advance notice of such subpoena in the manner described in subsection (b) of this rule.

(3) Service—How Made. A subpoena for testimony may be served by any suitable person over 18 years of age, by giving the witness a copy thereof, or by leaving a copy at the witness's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. When service is made by any person other than an officer authorized to serve process, proof of service shall be made by affidavit or declaration. A subpoena for testimony may also be served by first-class mail, postage prepaid, together with a waiver of personal service and instructions for returning such waiver to the attorney of record of the party to the action in whose behalf the witness is required to appear. Service by mail shall be deemed complete upon the filing of the returned waiver of personal service, signed in affidavit or declaration form.

(4) When Witness Excused. A witness subpoenaed to attend a hearing or trial is excused from further attendance as soon as the witness has given testimony in chief and has been cross-examined thereon, unless a party moves in open court that the witness remain in attendance and the court so orders. Witness fees will not be allowed any witness after the day on which the witness's testimony is given, except when

the witness has in open court been required to remain in further attendance, and when so required the clerk shall note that fact in the minutes.

~~**(b) Subpoena Duces Tecum.**~~

~~(1) Upon application of either party, the court may issue a subpoena duces tecum, commanding the person to whom it is directed to produce books, papers, documents or other objects designated in it. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may, upon their production, permit the books, papers, documents or objects, or portions of them, to be inspected by the parties and their lawyers.~~

~~(2) On motion made promptly the court may quash or modify the subpoena duces tecum if compliance would be illegal, unreasonable or oppressive.~~

(b) For Producing Evidence or Permitting Inspection. A subpoena commanding a person to produce and permit inspection and copying of designated documents, tangible things, or premises in the possession, custody, or control of that person ("a subpoena for production") shall be issued as follows:

(1) Form; Issuance.

(A) A subpoena for production shall (i) state the title of the action, the case number, the name of the court in which the action is pending, and, if different, the name of the court from which the subpoena is issued; (ii) command each person to whom it is directed to produce and permit inspection and copying of documentary evidence, tangible things, or premises in the possession, custody, or control of that person at a specified time and place; and (iii) set forth the text of subsection (b) (4) of this rule.

(B) The court in which the action is pending or before which attendance is required may issue a subpoena for production under the seal of that court or the clerk may issue the subpoena in response to a praecipe. An attorney for a party also may sign and issue a subpoena for production.

(C) A subpoena for production may be joined with a subpoena for testimony, or it may be issued separately, provided that a subpoena to inspect premises may not be combined with other subpoenas issued pursuant to this rule.

(2) Notice. Notice to parties of the issuance of a subpoena for production is not required provided that, whenever a party intends to serve a subpoena for production seeking evidence or inspection of things or premises belonging or pertaining to a defendant who is not the party seeking or issuing the subpoena, then the serving party must give all parties advance notice; and provided that whenever any party intends to serve a subpoena for production seeking evidence or inspection of things belonging or pertaining to an alleged victim or complaining witness, then the serving party shall provide advance notice to all parties and to the alleged victim or complaining witness; and provided that a subpoena for inspection of premises must be signed by the court and only after good cause is shown and advance notice is provided to all parties and the owner or occupier of the premises.

(A) Time and Manner. If advance notice is required under this rule, then no fewer than five days prior to service on the person named in the subpoena for production, notice shall be provided in the manner prescribed by CR 5(b). The parties may agree to shorten the time for advance notice when a subpoena seeks solely evidence or tan-

gible things belonging or pertaining to a defendant. The court may shorten the time for advance notice upon a showing of good cause by a party; provided that, any alleged victim or complaining witness whose evidence, tangible things, or premises are sought shall receive notice and an opportunity to be heard on any motion to shorten time.

(B) Court May Excuse Notice. A court on ex parte motion may excuse compliance with the advance notice requirement upon the serving party's showing of good cause; any such court order, along with a copy of the subpoena for which notice is excused, shall be filed under seal pursuant to GR 15.

(3) Service—How Made. A subpoena for production shall be served in the manner prescribed in CR 5(b); provided that, if the subpoena for production is joined with a subpoena for testimony, then subsection (a) (3) of this rule shall govern service.

(4) Protection of Persons Subject to Subpoena for Production. On timely motion, the court may quash or modify a subpoena for production if it (A) fails to allow reasonable time for compliance; (B) requires disclosure of privileged or other protected matter and no exception or waiver applies; (C) is unreasonable, oppressive, or unduly burdensome; or (D) exceeds the scope of discovery otherwise permitted under the criminal rules. The court may condition denial of a motion to quash or modify upon the advancement by the party on whose behalf the subpoena for production is issued of the reasonable cost of producing the books, papers, documents, tangible things, or premises.

(5) Applicability of Other Notice and Privacy Provisions. The provisions of this rule do not modify or limit privacy protections and notice requirements provided by court rule, statute, regulation, or other applicable law.

~~(c) Service. A subpoena may be directed for service within their jurisdiction to the sheriff of any county or to any peace officer of any municipality in which the witness may be, or it may be served as provided in CRLJ 45(b), or it may be served by first-class mail, postage prepaid, sent to the witness' last known address. Service by mail shall be deemed complete upon the third day following the day upon which the subpoena was placed in the mail.~~

~~(d) Proof of Service.~~

~~(1) When personal service is made by someone other than a sheriff or peace officer, proof shall be by affidavit or by certification under RCW 9A.72.085 or any law amendatory thereof.~~

~~(2) Proof of service by mail may be by affidavit or certification, under RCW 9A.72.085 or any law amendatory thereof, of the person who mailed the papers, or by written acknowledgment of service.~~

~~(e) Sanctions.~~

~~(1) If at any time during the proceedings it is brought to the court's attention that a party's lawyer has abused the power to issue subpoenas, the court may impose upon the lawyer such terms as are just.~~

~~(2) No subpoena shall be the basis for a material witness warrant or a contempt of court citation unless there is proof of personal receipt.~~

(c) Contempt. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. No subpoena shall be the basis for a material witness warrant or a contempt of court citation unless there is proof of personal receipt.

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

Supplemental Information

For the sake of clarity, we set out the wording of CrR 4.8 below and add underlined text where our proposal regarding CrRLJ 4.8 differs from the superior court rule:

(a) For Attendance of Witnesses at Hearing or Trial. A subpoena commanding a person to attend and give testimony at a hearing or at trial ("a subpoena for testimony") shall be issued as follows:

(1) *Form; Issuance.*

(A) A subpoena for testimony shall (i) state the title of the action, the case number, the name of the court in which the action is pending, and, if different, the name of the court from which the subpoena is issued; and (ii) command each person to whom it is directed to attend and give testimony at a specified time and place.

(B) (i) The court in which the action is pending or before which attendance is required may issue a subpoena for testimony under the seal of that court, or the clerk may issue the subpoena for testimony in response to a praecipe. (ii) An attorney for a party also may sign and issue a subpoena for testimony unless subsection (iii) of this rule applies. (iii) The judge must approve a subpoena for a witness outside the county or counties contiguous with it unless the witness is an employee of the Washington State Department of Licensing, a Washington police department or sheriff's office, or the Washington State Patrol, including the Washington State Patrol Crime Laboratory Division and the Washington State Patrol Toxicology Laboratory Division.

(C) A command to a person to produce evidence or to permit inspection may be joined with a subpoena for testimony or may be issued separately under section (b) of this rule.

(2) *Notice.* Notice to each party of the issuance of a subpoena for testimony is not required; provided that, when a subpoena for testimony also commands the person to whom it is directed to produce evidence or to permit inspection of things, the serving party shall give advance notice of such subpoena in the manner described in subsection (b) of this rule.

(3) *Service—How Made.* A subpoena for testimony may be served by any suitable person over 18 years of age, by giving the witness a copy thereof, or by leaving a copy at the witness's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. When service is made by any person other than an officer authorized to serve process, proof of service shall be made by affidavit or declaration. A subpoena for testimony may also be served by first-class mail, postage prepaid, together with a waiver of personal service and instructions for returning such waiver to the attorney of record of the party to the action in whose behalf the witness is required to appear. Service by mail shall be deemed complete upon the filing of the returned waiver of personal service, signed in affidavit or declaration form.

(4) *When Witness Excused.* A witness subpoenaed to attend a hearing or trial is excused from further attendance as soon as the witness has given testimony in chief and has been cross-examined thereon, unless a party moves in open court that the witness remain in attendance and the court so orders, Witness fees will not be allowed any witness after the day on which the witness's testimony is given, except when

the witness has in open court been required to remain in further attendance, and when so required the clerk shall note that fact in the minutes.

(b) For Producing Evidence or Permitting Inspection. A subpoena commanding a person to produce and permit inspection and copying of designated documents, tangible things, or premises in the possession, custody, or control of that person ("a subpoena for production") shall be issued as follows:

(1) *Form; Issuance.*

(A) A subpoena for production shall (i) state the title of the action, the case number, the name of the court in which the action is pending, and, if different, the name of the court from which the subpoena is issued; (ii) command each person to whom it is directed to produce and permit inspection and copying of documentary evidence, tangible things, or premises in the possession, custody, or control of that person at a specified time and place; and (iii) set forth the text of subsection (b)(4) of this rule.

(B) The court in which the action is pending or before which attendance is required may issue a subpoena for production under the seal of that court or the clerk may issue the subpoena in response to a praecipe. An attorney for a party also may sign and issue a subpoena for production.

(C) A subpoena for production may be joined with a subpoena for testimony, or it may be issued separately, provided that a subpoena to inspect premises may not be combined with other subpoenas issued pursuant to this rule.

(2) *Notice.* Notice to parties of the issuance of a subpoena for production is not required provided that, whenever a party intends to serve a subpoena for production seeking evidence or inspection of things or premises belonging or pertaining to a defendant who is not the party seeking or issuing the subpoena, then the serving party must give all parties advance notice; and provided that whenever any party intends to serve a subpoena for production seeking evidence or inspection of things belonging or pertaining to an alleged victim or complaining witness, then the serving party shall provide advance notice to all parties and to the alleged victim or complaining witness; and provided that a subpoena for inspection of premises must be signed by the court and only after good cause is shown and advance notice is provided to all parties and the owner or occupier of the premises.

(A) *Time and Manner.* If advance notice is required under this rule, then no fewer than five days prior to service on the person named in the subpoena for production, notice shall be provided in the manner prescribed by CR 5(b). The parties may agree to shorten the time for advance notice when a subpoena seeks solely evidence or tangible things belonging or pertaining to a defendant. The court may shorten the time for advance notice upon a showing of good cause by a party; provided that, any alleged victim or complaining witness whose evidence, tangible things, or premises are sought shall receive notice and an opportunity to be heard on any motion to shorten time.

(B) *Court May Excuse Notice.* A court on ex parte motion may excuse compliance with the advance notice requirement upon the serving party's showing of good cause; any such court order, along with a copy of the subpoena for which notice is excused, shall be filed under seal pursuant to GR 15.

(3) *Service—How Made.* A subpoena for production shall be served in the manner prescribed in CR 5(b); provided that, if the subpoena

for production is joined with a subpoena for testimony, then subsection (a)(3) of this rule shall govern service.

(4) *Protection of Persons Subject to Subpoena for Production.* On timely motion, the court may quash or modify a subpoena for production if it (A) fails to allow reasonable time for compliance; (B) requires disclosure of privileged or other protected matter and no exception or waiver applies; (C) is unreasonable, oppressive, or unduly burdensome; or (D) exceeds the scope of discovery otherwise permitted under the criminal rules. The court may condition denial of a motion to quash or modify upon the advancement by the party on whose behalf the subpoena for production is issued of the reasonable cost of producing the books, papers, documents, tangible things, or premises.

(5) *Applicability of Other Notice and Privacy Provisions.* The provisions of this rule do not modify or limit privacy protections and notice requirements provided by court rule, statute, regulation, or other applicable law.

(c) Contempt. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. No subpoena shall be the basis for a material witness warrant or a contempt of court citation unless there is proof of personal receipt.

Reviser's note: The typographical errors in 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 22-01-112
RULES OF COURT
STATE SUPREME COURT
 [December 6, 2021]

IN THE MATTER OF THE) ORDER
 SUGGESTED AMENDMENTS TO) NO. 25700-A-1409
 CrRLJ 7.6—PROBATION)

The Washington Defender Association, having recommended the suggested amendments to CrRLJ 7.6—Probation, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(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 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 Cover Sheet

Suggested Changes to CrRLJ 7.6

(A) Name of Proponent: Washington Defender Association

(B) Spokesperson: Magda Baker, Misdemeanor Resource Attorney, Washington Defender Association; Email: magda@defensenet.org; Phone: (206) 226-9512

(C) Purpose: In 2020, there were 54,538 criminal charges that ended in convictions in Washington courts of limited jurisdiction.¹ The sentences of many of those convicted included probation.² Courts of limited jurisdiction have long had great leeway when imposing conditions of probation. See *Spokane v. Farmer*, 5 Wn.App. 25, 29, 486 P.2d 296 (1971) (court could set "such conditions [of probation] as bear a reasonable relation to the defendant's duty to make reparation, or as tend to prevent the future commission of crimes"). Given the number of people on probation, the wide discretion courts have when supervising them and the grave impact of incarceration, CrRLJ 7.6 should provide more guidance about imposing and revoking probation. The Washington Defender Association proposes changes to CrRLJ 7.6 that would protect probationers before and during revocation hearings and a change that would give courts discretion to transfer the jurisdiction of probation under certain circumstances.

¹ Caseloads of the courts of Washington, Courts of limited Jurisdiction, Misdemeanor Activity – 2020 Annual report. <https://www.courts.wa.gov/caseload/?fa=caseload.showReport&level=d&freq=a&tab=Statewide&fileID=cityr>

² See RCW 3.66.068 (allowing district courts to impose up to two or five years of probation depending on the crime); RCW 35.20.255 (allowing municipal courts for cities with a population over four hundred thousand to impose up to two or five years of probation depending on the crime); RCW 3.50.330 (allowing all other municipal courts to impose up to two or five years of probation depending on the crime).

We suggest a change to subsection (b) that would secure the right of probationers to be physically present at probation hearings and also give courts discretion to allow remote appearances and appearances through counsel. Courts often conduct proceedings during which they merely continue cases to gather evidence or wait for the outcome of another case. The proposed change would make clear that courts may excuse probationers from such hearings.

The changes in proposed subsections (d) would allow more probationers to be released from jail before their revocation hearings. Current subsection (b) says courts "may" use the pretrial release factors in CrRLJ 3.2 to release probationers or set bail pending their revocation hearings. That wording allows some courts to hold probationers in jail until their hearings without setting bail. Proposed subsection (d) would *require* courts to consider release and bail, limiting disruption to the lives of many probationers.

Proposed subsection (e) would further limit disruptions to the lives of probationers by requiring courts to hold probation hearings for those in jail on alleged violations within two weeks of their arrests. Courts often revoke small amounts of suspended or deferred time when punishing probation violations, and this proposed change would help ensure that people who cannot post bail do not serve more time in jail than is appropriate for their violations. This proposed amendment would limit RCW 9.95.230,³ which now allows courts to revoke or modify probation "at any time prior to the entry of an order terminating it." See *State v. Alberts*, 51 Wn.App. 450, 754 P.2d 128 (1988) (interpreting RCW 9.95.230 as allowing a court to hold a probation revocation hearing even after the time for probation had expired).

³ RCW 9.95.230 states:

The court shall have authority at any time prior to the entry of an order terminating probation to (1) revoke, modify, or change its order of suspension of imposition or execution of sentence; (2) it may at any time, when the ends of justice will be subserved thereby, and when the reformation of the probationer shall warrant it, terminate the period of probation, and discharge the person so held.

Proposed subsection (f) lists rights of probationers in revocation hearings, including the right to counsel set out in current CrRLJ 7.6(b) and constitutional due process rights. It would not expand existing rights, simply codify them. See *Gagnon v. Scarpelli*, 411 U.S. 778, 93 S.Ct. 1756, 36 L.Ed. 2d 656 (1973); *In re Boone*, 103 Wn.2d 224, 230, 691 P.2d 964 (1984). Noting these rights a court rule would help ensure participants in probation hearings recognize and protect them.

Proposed subsection (b) would allow one court of limited jurisdiction to transfer probation to another court nearer to where a probationer lives, works or attends school if the probationer requests that and both courts agree. People are sometimes arrested for misdemeanors in jurisdictions far from where they live because they are traveling for work, family visits or vacations. Travel back to the jurisdiction of conviction for probation appointments and hearings can be difficult due to work, school and childcare obligations and limited access to transportation.

(D) Hearing: None recommended.

(E) Expedited Consideration: Expedited consideration is not requested.

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

[Suggested changes to CrRLJ 7.6]

CrRLJ 7.6 PROBATION

(a) Probation. After conviction of an offense the defendant may be placed on probation as provided by law.

(b) Jurisdiction. The court may, at its discretion, authorize the probation department of a different court to supervise the defendant if (i) the defendant so requests, (ii) the supervising court approves, and (iii) the supervising court is located in a county where the defendant resides, works or attends school.

(c) Revocation or Modification of Probation. The court shall not revoke or modify probation except (1) after a hearing in which the defendant shall be present and apprised of the grounds on which such action is proposed, or (2) upon stipulation of the parties. The defendant is entitled to be represented by a lawyer and may be released pursuant to rule 3.2 pending such hearing. A lawyer shall be appointed for a defendant financially unable to obtain one. The defendant has the right to be physically present at all hearings. The court has discretion to allow the defendant to appear through counsel or remotely.

(d) Release Pending Probation Hearing. If the defendant has been arrested for an alleged probation violation, the court shall release the defendant or set bail pursuant to rule 3.2 pending a probation hearing.

(e) Timing of Probation Hearing. If a defendant is held in custody on the alleged probation violation, the court must hold a probation hearing in which the defendant has the right to be physically present within two weeks of the defendant's arrest unless the defendant requests a continuance.

(f) Rights of the Defendant Unless Waived. The defendant is entitled to be represented by a lawyer, and a lawyer shall be appointed for a defendant financially unable to obtain one. Before a probation hearing, the court or prosecutor shall apprise the defendant of the nature and evidence of the alleged violation and the names and contact information of witnesses the court or prosecutor intends to call. At the hearing, the defendant shall have the right to present evidence and cross-examine witnesses. The defendant shall have the right to confront adverse witnesses unless the court specifically finds good cause for not allowing confrontation. If the court revokes probation, it must issue a written statement as to the evidence it relied on and the reasons for revocation.

WSR 22-01-113
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

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 [22-02](#) issue of the Register.

WSR 22-01-114
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO GR) NO. 25700-A-1411
11.1—PURPOSE AND SCOPE OF THE)
INTERPRETER COMMISSION)

The Washington State Supreme Court Interpreter Commission, having recommended the suggested amendments to GR 11.1—Purpose and Scope of the Interpreter Commission, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(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 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET
Amended Rule

Washington Supreme Court
General Rule (GR) 11 Court Interpreters
Rule 11.1 Purpose and Scope of Interpreter Commission

(A) Name of Proponent: Washington State Supreme Court Interpreter Commission

(B) Spokespersons: Judge Mafe Rajul, Interpreter Commission Chairperson, Superior Court Judges Association Representative, Interpreter Commission; Judge Matthew Antush, District and Municipal Court Judges Association Representative, Interpreter Commission; Katrin Johnson, Public Member Representative, Interpreter Commission; and Justice G. Helen Whitener, Appellate Court Representative, Interpreter Commission.

(C) Purpose: To expand the membership of the Commission and further the mission and authority of the Interpreter Commission by amending GR 11 (Title of General Rule) and GR 11.1 (Purpose and Scope of the Interpreter Commission) to authorize the Commission to provide our state courts with best practices guidance regarding other forms of language access services, such as translated websites, court forms,

and other communications essential for access to courts, in addition to its current authority to create policies for the Administrative Office of the Courts' (AOC) Court Interpreter Program and provide best practices guidance to trial courts in the use of interpreter services. The suggested rule change(s) achieves the following:

1. It renames GR 11 to reflect that the General Rule 11 addresses language access services provided by the courts, digital or otherwise and authorizes courts to provide vital information necessary to access judicial proceedings and services in languages other than English. General Rule 11 is to be changed to "Interpreting and Language Access" and the wording "Court Interpreters" is removed.

2. It renames the "Supreme Court Interpreter Commission" to become the "Supreme Court Interpreter and Language Access Commission" in GR 11.1 and changes the title of GR 11.1 to become "Purpose and Scope of the Interpreter and Language Access Commission".

3. In addition to its current authority to develop policies for the AOC's Court Interpreter Program, it expands the authority of the Commission to establish and promulgate guidelines for the AOC and courts on text translation and other forms of language access means for persons who are Limited English Proficient (LEP) or who use a signed language.

4. In addition to its current authority over individual interpreter practices and other language access directives required by law, it clarifies that the Issues Committee will also address matters affecting interpreting as a service provided by interpreters and the courts. It also arranges the work of the Issues Committee under one sub-section.

5. It creates a fourth Committee on the Commission to be called "Translation Committee".

6. It expands the membership of the Commission from fifteen (15) members to twenty (20) members.

7. It creates the following five new positions on the Commission: a co-chair, one certified deaf interpreter representative, one deaf community representative, one translator or translation services representative, and one as-yet-to-be identified open position. The Commission requests an open position be granted to the Commission to enable the Commission to designate an additional representative position in order to enhance the subject matter expertise of the Commission in the future should that become necessary and which may be filled at the discretion of the Commission. As a result of the re-configuration, the Commission will have eighteen named positions with eighteen (18) members if the co-chair is from among the membership and nineteen (19) members if the co-chair is not a representative member from among the named representative positions. In the event the co-chair is a representative member, the Commission will have two open positions to establish at its discretion.

(D) Hearing: Recommended. This is a new expansion of the Commission's role and membership composition and clarifying questions and comments are likely to be provided by stakeholders.

(E) Expedited Consideration: Expedited consideration is not requested by the Commission.

Background Information and Supporting Documents

Background Information:

Pursuant to GR 11, the Commission has historically charged with developing policies governing the use of signed language and spoken language interpreters. However, as a result of the public health crisis caused by COVID-19, courts in Washington State have significantly

altered the way in which hearings are conducted as well as the way in which interpreter services and court information are provided. The pivot to remote hearings, coupled with remote interpreter services, both video and telephonic, required a revision to GR 11.3, which was made effective December 29, 2020 and addressed interpreting in court proceedings and services. However, much of the information given to the public by individual courts to access the court's remote hearings through web-based platforms were provided in English, with very few courts making that and other types of vital information (such as court forms and notices) accessible in other languages. The Supreme Court issued the following statement in Section 18 of its *Fourth Revised and Extended Order Regarding Court Operations*, No. 25700-B-646, filed October 13, 2020:

18. Courts must provide clear notice to the public of restricted court hours and operations, as well as information on how individuals seeking emergency relief may access the courts. Courts are encouraged to provide such notice in the most commonly used languages in Washington, and to make every effort to timely provide translation or interpretation into other languages upon request. The Washington State Supreme Court Interpreter Commission may assist courts in this process.

In order for the Commission to assist courts in the process of providing translation into other languages in order to access vital court services and processes, it believes that it should be granted the authority to establish and promulgate best practices and provide the guidance to our local courts and justice partners on text translation practices for individuals who are LEP and to persons who rely on signed languages. In order to fulfill that service promise, it needs to have a credentialed document translator on the Commission and to have a deaf community representative to advise the Commission on how it may assist the courts with addressing the unique language and information access needs of persons who are deaf, hard of hearing, or deaf-blind.

Previously, in the years 2007-2009, the Interpreter Commission was engaged in assisting the AOC's Pattern Forms Committee with translation of selected pattern forms and clarifying its role in the area of translation activities. As a result of its work with the Forms Committee, the Commission spoke as a whole and asserted the position that the Commission needed to be more engaged with assisting the courts in identifying vital documents for translation and assisting with translation services the courts needed by the courts to enable access to vital forms and vital information pursuant to federal Department of Justice policies on language access under Title VI of the Civil Rights Act of 1964. However, in 2009, the AOC sustained a significant budget reduction that eliminated several internal positions that supported the language access aspects of court services. What is demonstrative of these Commission activities is the view that the Commission has had a historical role in identifying best practices and assisting with forms translation priorities and needs in partnership with the AOC and the courts. If granted authority to provide policies and guidance to local courts and the AOC on best translation practices, the Commission will work to create a guidance document similar to the one created for the Courts of the State of Pennsylvania.

As a result of the expansion of the Commission's mission and role to address other forms of language access practices, if so authorized by the Supreme Court, it would be most practical to change the Title of GR 11 from "Court Interpreters" to "Interpreting and Language Access" and to change the title of GR 11.1 to reflect the following Rule

title, "Purpose and Scope of the Interpreter and Language Access Commission.

To support its new role in providing guidance on language access matters in general, the Commission needs to have appropriate stakeholder voices and subject-matter expertise available for its guidance and policy development activities and content. As a result of this need, the Commission recommends expanding the number of enumerated representative positions on the Commission to add a deaf community representative, a certified deaf interpreter (CDI) representative, and a co-chair position, of which may be filled by a new individual member or by a current member so designated by the Supreme Court in accordance with GR 11.1(c). The Commission respectfully requests that the Court authorize those aforementioned positions and enable the Commission the authority to fulfill its mission and vision through the capability to identify other as-needed representatives.

Supporting Documentation:

- Washington State Supreme Court, *Fourth Revised and Extended Order Regarding Court Operations*, No. 25700-B-646, Filed October 13, 2020. <http://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/Extended%20and%20Revised%20Supreme%20Court%20Order%20October%202020.pdf#search=fourth%20revised%20order>
- Commission Meeting Minutes Excerpts Regarding Translation Oversight: Interpreter Commission meeting minutes from: March 9, 2007; September 14, 2007; October 19, 2007; November 30, 2007; March 14, 2008; June 20, 2008; October 3, 2008; February 6, 2009; and April 22, 2011:

Minutes excerpt from March 9, 2007 meeting:

03.09.07 minutes - <https://www.courts.wa.gov/content/publicUpload/Interpreters-Attachment/03.09.07%20IC%20Minutes.pdf>

Development of Forms Committee

The budget request includes monies for forms translation. Merrie Gough, who staffs the Pattern Forms Committee (PFC), can tell us how many forms are currently being translated. It was recommended by the Committee that the Interpreter Commission be the policy-making body regarding forms translation and make decisions regarding which forms to translate. Recommendation: Interpreter Commission partner with the Pattern Forms Committee on the forms translation effort.

There is a need for standards for a uniform format, etc. Leticia stated that the Northwest Justice Project has translated forms. There was agreement on the need for standards that could be used to determine whether to post these or other forms translated by other organizations on AOC's website. Also mentioned was incorporating work that King County has already done in translating forms. Ann can provide national standards for forms translation too.

There is a need for deliberate policy oversight of this effort. The role of the Commission would be to provide such policy oversight, not to manage the actual work of the forms translation. Commissioner Rockwood noted that the strength and advantage of the PFC is the development of standardized statewide forms.

The consensus of the Commission is that they strongly support the PFCs recommendation and to continue to move in this direction. Robert will begin to lay the groundwork for the collaboration with the PFC, including creating a subcommittee of the Interpreter Commission to work with the PFC.

The Commission requested this be put on the agenda for the next meeting, pending the Legislature appropriating funds for this. For the next meeting, Robert will draft a proposal describing the charge, responsibility, and purpose of the subcommittee and proposing possible membership.

Excerpt from September 14, 2007 Meeting Summary:

09.14.07 minutes - <https://www.courts.wa.gov/content/publicUpload/Interpreters-Attachment/09.14.07%20IC%20Minutes.pdf>

INTERPRETER COMMISSION/PATTERN FORMS COMMITTEE

Karina reported that the committee is close to prioritizing the languages for translation. Besides Spanish, Russian and Vietnamese, two more languages still need to be selected. Questions and concerns raised included: What is / will be the protocol for use of translated forms? Do specific steps or procedures need to be identified? How will it be decided which additional languages to select for forms translation? How do we take into account forms that have already been translated (including forms translated by King County)? How much funding should be held back from LAP funds for pattern forms translation?

Excerpt from October 19, 2007 meeting minutes:

10.19.07 minutes - <https://www.courts.wa.gov/content/publicUpload/Interpreters-Attachment/10.19.07%20IC%20Minutes.pdf>

INTERPRETER COMMISSION/PATTERN FORMS COMMITTEE

Karina reported that the pattern form languages that need translation are being identified. Chris noted that there is money set aside from the LAP funding for forms translation, and that he has given the go-ahead for translation of vulnerable adult pattern forms. The list of other forms to be translated has yet to be finalized depending on the cost of translating the vulnerable adult forms.

It was noted that forms translation can be very expensive; in addition, forms change often, and that can also add to the expense. Merrie Gough sends the updated translated forms to judges. A member noted that it is difficult to distribute updated forms to all parties. Whose job is it to make sure forms are updated in the courtrooms? Ron suggested adding a "revised date" on the bottom of each form.

A suggestion was also made to circulate to trial court administrators a list of which forms will be translated into which languages. This may help trial court staff avoid the cost of having local interpreters translate those forms.

November 30, 2007 Meeting minutes excerpt

11.30.07 minutes - <https://www.courts.wa.gov/content/publicUpload/Interpreters-Attachment/11.30.07%20IC%20Minutes.pdf>

Interpreter Commission/Pattern Forms Committee

The joint Interpreter Commission/Pattern Forms Committee has met a couple of times to determine which forms will be translated into which languages using Justice in Jeopardy monies. While the Committee still has to prioritize much of its work, the Commission was advised that the new Vulnerable Adult Forms are currently being translated into Spanish. A more substantial report will be provided at the Commission's January 25, 2008 conference call, including discussion of the protocol for forms and the languages to be translated.

(Not discussed at 1/25/2008 meeting but at the next one, below):

Excerpt from March 14, 2008 Commission meeting minutes: 03.14.08 minutes - <https://www.courts.wa.gov/content/publicUpload/Interpreters-Attachment/03.14.08%20IC%20Minutes.pdf>

Interpreter Commission/Pattern Forms Committee

Leticia provided a handout to the group that included "top priority" forms for translation, protocol for translators, and court forms already translated. After much discussion, members stated that it would be helpful to 1) obtain a list of current statutorily mandated forms, and 2) receive input from the SCJA and DMCJA on what forms need to be translated with AOC efforts/funds after all the mandated forms are translated into several top priority languages for Washington State. The Commission members agreed unanimously and supported AOC in its effort to conduct the final review of King County Superior Court forms (in accord with the translation protocol) and post them on AOC's website immediately after the completion of the final review.

Excerpt from June 20, 2008 Minutes:

06.20.08 minutes - <https://www.courts.wa.gov/content/publicUpload/Interpreters-Attachment/06.20.08%20IC%20Minutes.pdf>

TRANSLATION OF STATE FORMS

Leticia provided a handout outlining the protocol for translators, editors, and reviewers of translated state forms:

- Certification by a national translation organization or academic program; or five years of legal translation work experience.
- Translators must provide five work references and five samples.
- Certification or registration as a court interpreter is preferable but not required.
- The primary translator will use an editor, qualified as a translator, to review the work product for accuracy and completeness.
- One additional reviewer, qualified as a translator, shall review the work product for accuracy and completeness. If an editor is not utilized, then two additional reviewers shall review the document for accuracy and completeness.
- A glossary of terms used must accompany each completed assignment. Translators will be required to use the master glossary that is developed.
- Translators must adhere to the NAJIT's code of ethics (www.najit.org).

These criteria apply equally to translation services contracts resulting from sole source and request for proposal procurement methods.

Steve noted that WITS is currently formulating a list of translators.

King County's forms are still missing the second review in order to put them on AOC's website.

Excerpt from October 3, 2008 Meeting Minutes:

10.03.08 minutes - <https://www.courts.wa.gov/content/publicUpload/Interpreters-Attachment/10.03.08%20IC%20Minutes.pdf>

III. Update on Translation of State Forms

State forms have been translated by the Northwest Justice Project, and the translators, editors, and reviewers met the requirements approved by the Commission. There were changes made to the English versions of those forms in July, and those changes have now been adapted to the translated versions. Those forms are currently posted on the AOC website.

King County Superior Court has translated state forms per the Commission's protocol, but is still in the process of translating/editing/reviewing the edits made to the forms in July. Once completed, they will be posted to the AOC website.

All translated state forms are written in a bilingual format - they include both the original English text, along with the translated text. The forms also instruct the users to complete them in English.

Excerpt from February 6, 2009 Meeting Minutes:

02.06.09 minutes - <https://www.courts.wa.gov/content/publicUpload/Interpreters-Attachment/02.06.09%20IC%20Minutes.pdf>

Update on Translation of State Forms

In 2007 and 2008, an ad hoc committee on forms translation met to discuss several issues regarding translating of state forms. Based on their recommendations the Commission adopted several standards for translations such as the qualifications of translators and editors, the process of editing and reviewing translations, and the selection of languages to translate. The Commission had not previously come to a conclusion to which forms should be translated, because no funding had been available at the time for translation of additional forms. At this time, all forms which are required by statute to be translated, are either translated or in the process of being translated.

There may be \$25,000 available in LAP funding for the translation of additional forms, which must be completed by June 30, 2009. Members discussed options on how to spend the money and agreed that (1) given the tight timeline and the demand for Spanish forms, it makes sense to focus this funding on Spanish translations; (2) the forms identified by the ad hoc committee as priority forms should be translated into Spanish, and (3) the ad hoc committee should reconvene to determine which additional forms should be translated with the funding.

Excerpt from April 20, 2011 Meeting: Interpreter Commission

Translation Standard

04.22.11 minutes - <https://www.courts.wa.gov/content/publicUpload/Interpreters-Attachment/04.20.11%20IC%20Minutes.pdf>

In 2008 the Interpreter Commission established a one-page translation protocol, setting standards for the qualifications of translators, and the general overall process of translating, editing and reviewing. Recently the Consortium for Language Access in the Courts released a comprehensive guide for translation of legal documents. The Commission agreed that this resource should be used to revisit and expand the Washington translation protocol, to promote a uniform standard for translating court documents. It was recommended that an ad hoc committee be formed to work on the project. Katrin will send an email to the full Commission soliciting volunteers for the project.

• The Unified Judicial System of Pennsylvania, *Translation Policy and Procedures Manual*. https://www.ncsc.org/_data/assets/pdf_file/0033/59388/Translation-Manual-Final.pdf

Reviser's note: The typographical errors in 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.

Title of Rule 11

GR 11

Court Interpreters Interpreting and Language Access

The use of qualified interpreters is authorized in judicial proceedings involving hearing impaired or non-English speaking individuals and courts are authorized to provide vital information necessary to access judicial proceedings in languages other than English.

GR 11.1

PURPOSE AND SCOPE OF ~~INTERPRETER COMMISSION~~ INTERPRETER AND LANGUAGE ACCESS
COMMISSION

(a) Purpose and Scope. This rule establishes the Interpreter and Language Access Commission (Commission) and prescribes the conditions of its activities. This rule does not modify or duplicate the statutory process directing the Court Interpreter Program as it is administered by the Administrative Office of the Courts (AOC) (chapter 2.43 RCW). The ~~Interpreter~~ Commission will develop policies for the Interpreter Program and the Program Policy Manual, published on the Washington Court's website at www.courts.wa.gov, which shall constitute the official version of policies governing the Court Interpreter Program. The Commission shall establish and promulgate guidelines on interpreting, translation, and language access matters affecting individuals who are Limited English-proficient or who use a signed language.

(b) Jurisdiction and Powers. Every interpreter serving in a legal proceeding must comply with GR 11.2, the Code of Professional Responsibility for Judiciary Interpreters, and is subject to the rules and regulations specified in the Court Interpreter Disciplinary Policy Manual. The Commission shall establish ~~three~~ four committees to fulfill ongoing functions related to language access issues, discipline, and judicial/court administration education. Each committee shall consist of at least three Commission members and one member shall be identified as the chair.

(1) The Issues Committee is assigned issues, complaints, and/or requests from or about interpreters and interpreting for review and response. If the situation cannot be resolved at the Issues Committee level, the matter will be submitted by written referral to the Disciplinary Committee.

~~(2)~~ The Issues Committee will also address issues, complaints, and/or requests regarding access to interpreter services in the courts and may communicate with individual courts in an effort to assist in complying with language access directives required by law.

~~(3)~~(2) The Disciplinary Committee may sanction any interpreter serving in a legal proceeding for a violation of GR 11.2, the Code of Professional Responsibility for Judiciary Interpreters, and has the authority to decertify or deny credentials to interpreters based on the disciplinary procedures for: (a) violations of continuing education/court hour requirements, (b) failure to comply with Code of Professional Responsibility for Judiciary Interpreters (GR 11.2) or professional standards, or (c) violations of law that may interfere with their duties as an interpreter in a legal proceeding. The Disciplinary Committee will decide on appeal any issues submitted by the Issues Committee.

(3) The Judicial and Court Administration Education Committee shall provide ongoing opportunities for training and resources to judicial officers, court administrators, and court staff related to court interpretation improvement.

~~(5)~~(4) The Translation Committee shall provide guidelines to courts on matters involving written documents of a legal nature or which is related to accessing the court through textual means, whether digital or otherwise.

(c) Establishment. The Supreme Court shall appoint no more than 15 20 members to the ~~Interpreter~~ Commission and shall designate the chair and co-chair of the Commission. The Commission shall include representatives from the following areas of expertise: judicial officers from the appellate and each trial court level (3), spoken language interpreter (2), sign language interpreter (1), certified deaf

interpreter representative (1), court administrator (1), attorney (1), public member (2), representative from ethnic organization (1), an AOC representative (1), deaf community representative (1), translator or translation services representative (1) who shall hold a certified interpreting credential from the AOC and be a practicing professional translator, and other representatives as need. The term for a member of the Commission shall be three years. Members are eligible to serve a subsequent 3-year term. Members shall serve on at least one committee and committees may be supplemented by ad hoc professionals as designated by the chair. Ad hoc members may not serve as the chair of a committee.

(d) Regulations. Policies outlining rules and regulations directing the interpreter program are specified in the Interpreter Program Manual. The Commission, through the Issues Committee and Disciplinary Committee, shall enforce the policies of the interpreter program. Interpreter program policies may be modified at any time by the Commission and AOC.

(e) Existing Law Unchanged. This rule shall not expand, narrow, or otherwise affect existing law, including but not limited to chapter 2.43 RCW.

(f) Meetings. The Commission shall hold meetings as determined necessary by the chair. Meetings of the Commission are open to the public except for executive sessions and disciplinary meetings related to action against an interpreter.

(g) Immunity from Liability. No cause of action against the Commission, its standing members or ad hoc members appointed by the Commission, shall accrue in favor of a court interpreter or any other person arising from any act taken pursuant to this rule, provided that the Commission members or ad hoc members acted in good faith. The burden of proving that the acts were not taken in good faith shall be on the party asserting it.

[Adopted effective September 1, 2005; Amended effective April 26, 2016; December 18, 2018.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 22-01-115
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO GR) NO. 25700-A-1412
11.3—REMOTE INTERPRETATION)

The Washington State Supreme Court Interpreter Commission, having recommended the suggested amendments to GR 11.3—Remote Interpretation, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of 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 February 28, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of December, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET
Amended Rule

Washington Supreme Court
General Rule (GR) 11 Court Interpreters
Rule 11.3 Remote Interpretation

(A) Name of Proponent: Washington State Supreme Court Interpreter Commission

(B) Spokespersons: Judge Mafe Rajul, Chair, Interpreter Commission, Superior Court Judges Representative; Judge Matthew Antush, Interpreter Commission Issues Committee Chairperson, District and Municipal Court Judges Association Representative; Kristi Cruz, Attorney Representative, Interpreter Commission; Donna Walker, ASL Interpreter Representative, Interpreter Commission; Luisa Gracia Camón, Interpreter Representative, Interpreter Commission; and Diana Noman, Interpreter Representative, Interpreter Commission.

Purpose: To make amendments regarding the use of remote interpreting services during court proceedings to provide clarification, including the application of the rule to persons with hearing loss and to court participants. The suggested rule changes achieve the following:

1. It changes the title of the rule to reflect the use of a service, rather than the service itself.

2. It removes the requirement to conduct a preliminary determination for non-evidentiary hearings.

3. It removes the wording "fully and meaningfully participate," because this language is not defined.

4. It clarifies that interpreter services must be provided to all limited English-proficient persons and persons with hearing loss involved in a legal proceeding, which may be litigants, but also parents, witnesses, guardians, observers etc.

5. The requirement to provide documents in advance to interpreters was edited to remove the requirement as it pertains to parties, while leaving in the option to provide time at the hearing for an interpreter to review documents when courts are not able to provide them in advance.

6. It clarifies the section on recordings to remove the first sentence referring to court records as that is stated in a different court Rule. The proposed edits then focus on allowing parties to request a recording of the simultaneous interpretation itself and allows for flexibility as to how a court chooses to create such a recording.

7. It inserts individual Comments to follow each rule, rather than place all the Comments at the end, which makes the intent and purpose of each individual section of the rule more closely paired to the rule language for comprehension and application.

(D) Hearing: Not recommended.

(E) Expedited Consideration: Expedited consideration is requested by the Commission.

Background Information:

Pursuant to rule GR 11.1, the Commission is charged with developing policies governing the use of signed language and spoken language interpreters. In October 2020, the Interpreter Commission submitted requested rule changes to GR 11.3, reflecting the increased use of remote interpretation due, in part, to the coronavirus pandemic. Understanding that there was an immediate need for guidance on the use of remote interpreter services, the rule changes were submitted for expedited consideration. The proposed changes were adopted by the Washington Supreme Court and went into effect on December 29, 2020. Following the adoption of changes to rule GR 11.3, the Commission received feedback from multiple sources, including comments from the District and Municipal Court Judges Association (DMCJA). The proposed changes in this packet reflect the efforts of the Commission to respond to the feedback received and to provide clarification to courts in an effort to improve access to justice.

Previously, in Section (a), the rule did not allow for the use of telephonic interpreter services in evidentiary hearings. In modernizing the rule, Section (a) allows courts to utilize remote interpreter services for evidentiary hearings but requires the court to make a preliminary determination, on the record, of the LEP person or the person with a hearing loss's ability to participate in this manner. The Commission received feedback that this preliminary determination was overly burdensome in non-evidentiary hearings. The proposed rule change modifies the rule to remove this step of the preliminary determination in non-evidentiary hearings

Additionally, the phrase, "to fully and meaningfully participate," was removed since that language is not defined and would be difficult for courts to implement. The comment acts to provide this

context and rationale, without retaining the language in the rule itself.

The rule is being modified throughout to acknowledge that use of the term, "litigant," is too narrow. This change also recognizes that individuals utilizing interpreter services are not limited to this role, but also include witnesses, parents or guardians, and court observers. In most instances, the use of the term, "litigant," was expanded to incorporate this broader view except for the reference to attorney and client communications, when the use of the term litigant is appropriate.

In Section (f), the Commission received feedback that providing documents to interpreters in advance of a hearing is administratively challenging and would require additional staff resources. While the Commission understands this concern, the rule already incorporates an exception allowing courts to provide interpreters with time at the hearing to review documents in instances when providing them in advance is not practical. The Commission does recommend a rule change to remove the requirement that parties provide such documents in advance, given the difficulty in facilitating the transfer of data between parties and interpreters. The Commission is mindful that providing interpreters with relevant documents and information in advance of a hearing, or allowing them time at the hearing to review documents, increases accuracy and efficiency in legal proceedings.

In Section (h), the proposed edit seeks to clarify that the recording is of the simultaneous interpretation, meaning the interpretation that the LEP person or person with hearing loss is receiving. The interpretation into English is already part of the official record. There are situations where it is appropriate for a party to request that a recording be made of the interpretation in the foreign spoken language or in the signed language, for issues of challenge or appeal. Because courts will have different approaches to making such a recording, the language in the section was edited to allow courts the flexibility in how they create such a recording.

In conclusion, the proposed changes will provide clarification and flexibility to Washington courts while ensuring that the use of remote interpretation services is done in a manner that provides meaningful access to LEP persons and persons with hearing loss.

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

GR 11.3

REMOTE INTERPRETATION INTERPRETING

~~(a) Whenever an interpreter is appointed in a legal proceeding, the interpreter shall appear in person unless the Court makes a good cause finding that an in-person interpreter is not practicable, and where it will allow the users to fully and meaningfully participate in the proceedings. The court shall make a preliminary determination on the record, on the basis of testimony of the person utilizing the interpreter services, of such ability to participate and if not, the court must provide alternative access.~~

Interpreters may be appointed to provide interpretation via audio only or audio-visual communication platforms for non-evidentiary proceedings. For evidentiary proceedings, the interpreter shall appear in person unless the Court makes a good cause finding that an in-person interpreter is not practicable. The Court shall make a preliminary determination on the record, on the basis of the testimony of the person

utilizing the interpreter services, of the person's ability to participate via remote interpretation services.

Comment

1. ~~Section (a) is a significant departure from prior court rule which limited the use of telephonic interpreter services to non-evidentiary hearings.~~ While remote interpretation is permissible, in-person interpreting services are the primary and preferred way of providing interpreter services for legal proceedings. Because video remote interpreting provides the participants and litigants and interpreters the ability to see and hear all parties, it is more effective than telephonic interpreter services. Allowing remote interpretation for evidentiary hearings will provide flexibility to courts to create greater accessibility. However, in using this mode of delivering interpreter services, where the interpreter is remotely situated, courts must ensure that the remote interpretation is as effective and meaningful as it would be in-person and that the LEP (Limited English Proficient) litigant person or person with hearing loss is provided full access to the proceedings. Interpreting in courts involves more than the communications that occur during a legal proceeding and courts utilizing remote interpretation should develop measures to address how LEP and persons with hearing loss will have access to communications occurring outside the courtroom where the in-person interpreter would have facilitated this communication. Courts should make a preliminary determination on the record regarding the effectiveness of remote interpretation and the ability of the LEP litigant to meaningfully participate at each occurrence because circumstances may change over time necessitating an ongoing determination that the remote interpretation is effective and enables the parties to meaningfully participate.

Interpreting in courts involves more than the communications that occur during a legal proceeding and courts utilizing remote interpretation should develop measures to address how LEP and persons with hearing loss will have access to communications occurring outside the courtroom where the in-person interpreter would have facilitated this communication. Courts should make a preliminary determination on the record regarding the effectiveness of remote interpretation and the ability of the LEP litigant person utilizing the interpreter service to meaningfully participate at each occurrence, because circumstances may change over time necessitating an ongoing determination that the remote interpretation is effective and enables the parties to meaningfully participate.

(b) Chapters 2.42 and 2.43 RCW and GR 11.2 must be followed regarding the interpreter's qualifications and eCode of pProfessional rResponsibility for jJudiciary iInterpreters.

Comment

Section (b) reinforces the requirement that interpreters appointed to appear remotely must meet the qualification standards established in RCW 2.42 and 2.43 and they must be familiar with and comply with the eCode of pProfessional rResponsibility for jJudiciary iInterpreters. Courts are discouraged from using telephonic interpreter service providers who cannot meet the qualification standards outlined in RCW 2.42 and 2.43.

(c) In all remote interpreting court events, both the litigant LEP individual and the interpreter must have clear audio of all participants throughout the hearing. In video remote court events, the litigant person with hearing loss and the interpreter must also have a clear video image of the all participants throughout the hearing.

Comment

Section (c) discusses the importance of courts using appropriate equipment and technology when providing interpretation services through remote means. Courts should ensure that the technology provides clear audio and video, where applicable, to all participants. Because of the different technology and arrangement within a given court, audio transmissions can be interrupted by background noise or by distance from the sound equipment. This can limit the ability of the interpreter to accurately interpret. Where the litigant LEP person or person with hearing loss is also appearing remotely, as is contemplated in (h), courts should also ensure that the technology allows litigants for full access to all visual and auditory information.

When utilizing remote video interpreting for persons with hearing loss, the following performance standards must be met: real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication; a sharply delineated image that is large enough to display the ~~interpreter and person using sign language's face, arms, hands, and fingers~~ the face, arms, hands, and fingers of both the interpreter and the person using sign language; and clear, audible transmission of voices.

(d) If the telephonic or video technology does not allow simultaneous interpreting, the hearing shall be conducted to allow consecutive interpretation of all statements.

(e) The court must provide a means for confidential attorney-client communications during hearings, and allow for these communications to be interpreted confidentially.

Comment

(f) Section (e) reiterates the importance of the ability of individuals to consult with their attorneys, throughout a legal proceeding. When the interpreter is appearing remotely, courts should develop practices to allow these communications to occur. At times, the court interpreter will interpret communications between an LEP or Deaf litigant and an attorney just before a hearing is starting, during court recesses, and at the conclusion of a hearing. These practices should be supported even when the court is using remote interpreting services. To ensure accuracy of the record, ~~the court and the parties should~~, where practicable, courts should provide relevant case information and documents to the interpreter in advance of the hearing including, but not limited to:

(i) Copies of documents furnished to other participants such as complaints, guilty pleas, briefs, jury instructions, infraction tickets, police reports, etc.

(ii) Names of all participants such as the parties, judge, attorneys, and witnesses.

(iii) If not practicable to provide documents in advance, courts should allow time for the interpreter to review documents or evidence when necessary for accurate interpretation.

(g) Written documents, the content of which would normally be interpreted, must be read aloud by a person other than the interpreter to allow for full interpretation of the material by the interpreter.

(h) Upon the request of a party, the court may make and maintain a ~~an audio~~ recording of the spoken language interpretations or a video recording of the signed language interpretations made during a hearing. Any recordings permitted by this subparagraph shall be made and

maintained in the same manner as other audio or video recordings of court proceedings. ~~This subparagraph shall not apply to court interpretations during jury discussions and deliberations.~~

Comment

Section (h) ~~first recognizes that interpreted testimony is part of the official record. For court interpreting, it is the industry standard to use simultaneous interpreting mode when the LEP or Deaf individual is not an active speaker or signer part.~~ The use of consecutive interpreting mode is the industry standard general practice for witness testimony where the witness is themselves LEP or Deaf., is to utilize the consecutive interpreting mode. This allows for the English interpretation to be on the record. ~~The second portion of t~~This section, also addresses high-stakes situations where, at the request of a party, the court is to make a recording of the interpretation throughout the hearing, aside from privileged communications. If the court is not able to meet this requirement, an in-person hearing is more appropriate to allow recording of both the statements made on the record and the interpretation throughout during the hearing. Recordings shall not be made of interpretations during jury discussions and deliberations off the record.

(i) When using remote interpreter services in combination with remote legal proceedings, courts should ensure the following: the LEP person or person with hearing loss is able to access the necessary technology to join the proceeding remotely; the remote technology allows for confidential attorney-client communications, or the court provides alternative means for these communications; the remote technology allows for simultaneous interpreting, or the court shall conduct the hearing using ~~with~~ consecutive interpretation and take measures to ensure interpretation of all statements; translated instructions on appearing remotely are provided, or alternative access to this information is provided through interpretation services; audio and video feeds are clear; and judges, court staff, attorneys, and interpreters are trained on the use of the remote platform.

Comment

Section (i) contemplates a situation where the legal proceeding is occurring remotely, including the interpretation. In this situation, all or most parties and participants at the hearing are appearing remotely and additional precautions regarding accessibility are warranted. This section highlights some of the additional considerations courts should make when coupling remote interpretation with a remote legal proceeding.

Comments:

~~(1) Section (a) is a significant departure from prior court rule which limited the use of telephonic interpreter services to non-evidentiary hearings. While remote interpretation is permissible, in-person interpreting services are the primary and preferred way of providing interpreter services for legal proceedings. Because video remote interpreting provides the litigants and interpreters the ability to see and hear all parties, it is more effective than telephonic interpreter services. Allowing remote interpretation for evidentiary hearings will provide flexibility to courts to create greater accessibility. However, in using this mode of delivering interpreter services, where the interpreter is remotely situated, courts must ensure that the remote interpretation is as effective and meaningful as it would be in-person and that the LEP litigant is provided full access to the~~

proceedings. Interpreting in courts involves more than the communications that occur during a legal proceeding and courts utilizing remote interpretation should develop measures to address how LEP and persons with hearing loss will have access to communications occurring outside the courtroom where the in-person interpreter would have facilitated this communication. Courts should make a preliminary determination on the record regarding the effectiveness of remote interpretation and the ability of the LEP litigant to meaningfully participate at each occurrence because circumstances may change over time necessitating an ongoing determination that the remote interpretation is effective and enables the parties to meaningfully participate.

Interpreting in courts involves more than the communications that occur during a legal proceeding and courts utilizing remote interpretation should develop measures to address how LEP and persons with hearing loss will have access to communications occurring outside the courtroom where the in-person interpreter would have facilitated this communication.

(2) Section (b) reinforces the requirement that interpreters appointed to appear remotely must meet the qualification standards established in RCW 2.42 and 2.43 and they must be familiar with and comply with the code of professional responsibility for judiciary interpreters. Courts are discouraged from using telephonic interpreter service providers who cannot meet the qualification standards outlined in RCW 2.42 and 2.43.

(3) Section (c) discusses the importance of courts using appropriate equipment and technology when providing interpretation services through remote means. Courts should ensure that the technology provides clear audio and video, where applicable, to all participants. Because of the different technology and arrangement within a given court, audio transmissions can be interrupted by background noise or by distance from the sound equipment. This can limit the ability of the interpreter to accurately interpret. Where the litigant is also appearing remotely, as is contemplated in (h), courts should also ensure that the technology allows litigants full access to all visual and auditory information.

When utilizing remote video interpreting for persons with hearing loss, the following performance standards must be met: real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication; a sharply delineated image that is large enough to display the interpreter and person using sign language's face, arms, hands, and fingers; and clear, audible transmission of voices.

(4) Section (e) reiterates the importance of the ability of individuals to consult with their attorneys, throughout a legal proceeding. When the interpreter is appearing remotely, courts should develop practices to allow these communications to occur. At times, the court interpreter will interpret communications between a litigant and an attorney just before a hearing is starting, during court recesses, and at the conclusion of a hearing. These practices should be supported even when the court is using remote interpreting services.

(5) Section (h) contemplates a situation where the legal proceeding is occurring remotely, including the interpretation. In this situation, all or most parties and participants at the hearing are appearing remotely and additional precautions regarding accessibility are warranted. This section highlights some of the additional consid-

~~erations courts should make when coupling remote interpretation with a remote legal proceeding.~~

Reviser's note: The typographical errors in 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 22-01-116
RULES OF COURT
STATE SUPREME COURT
[December 6, 2021]

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 [22-02](#) issue of the Register.

WSR 22-01-118

NOTICE OF PUBLIC MEETINGS

CRANBERRY COMMISSION

[Filed December 13, 2021, 9:59 a.m.]

2022 MEETING SCHEDULE

The Washington cranberry commission will hold the following meetings in 2022.

February 2, 2022	9:30 - 11:00 a.m.	Benson's Restaurant 504 Pacific Avenue South Long Beach, WA
June 2, 2022	3:00 - 4:00 p.m.	North Willapa Grange 3198 State Route 105 South North Cove (Grayland)

For more information, contact Jack Stein at 360-580-2940 or jk.stein@comcast.net.

WSR 22-01-123
NOTICE OF PUBLIC MEETINGS
STATEWIDE REENTRY COUNCIL
 [Filed December 13, 2021, 10:56 a.m.]

Following is the schedule of regular meetings for the Washington statewide reentry council for 2022:

Date	Time	Location
January 20, 2022	12:30 - 2:30 p.m.	Join Zoom meeting https://wastatecommerce.zoom.us/j/87685160842? Meeting ID: 876 8516 0842 Passcode: 227316 +1 253 215 8782
March 17, 2022	12:30 - 2:30 p.m.	Join Zoom meeting https://wastatecommerce.zoom.us/j/89875040710? Meeting ID: 898 7504 0710 Passcode: 717218 +1 253 215 8782
May 19, 2022	12:30 - 2:30 p.m.	Join Zoom meeting https://wastatecommerce.zoom.us/j/87326013246? Meeting ID: 873 2601 3246 Passcode: 009049 +1 253 215 8782
July 14, 2022	12:30 - 2:30 p.m.	Join Zoom meeting https://wastatecommerce.zoom.us/j/86036946874? Meeting ID: 860 3694 6874 Passcode: 757569 +1 253 215 8782
September 15, 2022	12:30 - 2:30 p.m.	Join Zoom meeting https://wastatecommerce.zoom.us/j/84626366760? Meeting ID: 846 2636 6760 Passcode: 622387 +1 253 215 8782
November 10, 2022	12:30 - 2:30 p.m.	Join Zoom meeting https://wastatecommerce.zoom.us/j/89867418812? Meeting ID: 898 6741 8812 Passcode: 431191 +1 253 215 8782

For further information contact Brittany Lovely, Statewide Reentry Council Coordinator, Washington State Department of Commerce, P.O. Box 42525, Olympia, WA 98504-2525, <http://www.commerce.wa.gov/reentry/>, brittany.lovely@commerce.wa.gov, work cell 360-789-1032.

WSR 22-01-124

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF AGRICULTURE

[Filed December 13, 2021, 11:03 a.m.]

Washington State Fairs Commission
2022 Meeting Schedule

Date	Location
March 2, 2022	Location to be determined Will be in Olympia, Washington
April 22 and 23, 2022	Pierce County Exact location will be determined closer to the date
June 1, 2022	Virtual
August 31, 2022	Virtual
October, 2022	During the Washington fairs association convention

WSR 22-01-128

NOTICE OF PUBLIC MEETINGS
THE EVERGREEN STATE COLLEGE
(Institute for Public Policy)
[Filed December 13, 2021, 12:54 p.m.]

Following is the schedule of regular meetings for the Washington state institute for public policy board of directors for 2022:

Date	Time	Location
June 13, 2022	9:30 a.m. - 12:00 p.m.	Conference Center at SeaTac Airport, Seattle, WA 98158
September 12, 2022	9:30 a.m. - 12:00 p.m.	Conference Center at SeaTac Airport, Seattle, WA 98158
December 12, 2022	9:30 a.m. - 12:00 p.m.	Conference Center at SeaTac Airport, Seattle, WA 98158

If you need further information, contact 110 Fifth Avenue S.E., Olympia, WA 98504, 360-664-9800, institute@wsipp.wa.gov, www.wsipp.wa.gov.

**WSR 22-01-129
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD**

[Filed December 13, 2021, 2:35 p.m.]

MEETING NOTICE: January 26, 2022
County Road Administration Board
2404 Chandler Court S.W.
Suite 280
Olympia, WA 98502
1:00 to 5:00 p.m.

January 27, 2022
County Road Administration Board
2404 Chandler Court S.W.
Suite 280
Olympia, WA 98502
8:30 a.m. to 12:30 p.m.

MEETING NOTICE: January 27, 2022
County Road Administration Board
2404 Chandler Court S.W.
Suite 280
Olympia, WA 98502
Zoom attendance available
1:00 to 5:00 p.m.
Possible executive session

PUBLIC HEARING: January 27, 2022
County Road Administration Board
2404 Chandler Court S.W.
Suite 280
Olympia, WA 98502
2:00 p.m.

MEETING NOTICE: January 28, 2022
County Road Administration Board
2404 Chandler Court S.W.
Suite 280
Olympia, WA 98502
Zoom attendance available
8:30 a.m. to 12:00 p.m.
Possible executive session

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Jason Bergquist at 360-753-5989. Hearing and/or speech impaired persons, call 1-800-833-6384.

For questions, please call 360-753-5989.

WSR 22-01-130
RULES COORDINATOR
SECRETARY OF STATE

[Filed December 13, 2021, 3:17 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the office of the secretary of state is Randy Bolerjack, P.O. Box 40220, Olympia, WA 98504-0220, phone 360-902-4151, fax 360-586-5629, email randy.bolerjack@sos.wa.gov.

Randy Bolerjack
Deputy Secretary of State

WSR 22-01-133
NOTICE OF PUBLIC MEETINGS
YAKIMA REGIONAL
CLEAN AIR AGENCY

[Filed December 14, 2021, 9:00 a.m.]

APPROVED Calendar Year 2022
Board of Directors Meeting Dates

The following are the approved dates for the second Thursdays of every month for the 2022 calendar year:

- January 13, 2022
- February 10, 2022
- March 10, 2022
- April 14, 2022
- May 12, 2022
- June 9, 2022
- July 14, 2022
- August 11, 2022
- September 8, 2022
- October 13, 2022
- November 10, 2022
- December 8, 2022

**WSR 22-01-134
YAKIMA REGIONAL
CLEAN AIR AGENCY**

[Filed December 14, 2021, 9:03 a.m.]

APPROVED Calendar Year 2022 Holiday Schedule

The Yakima Regional Clean Air Agency office will be closed on the following holidays during the calendar year 2022:

New Years' Day	Friday	December 31, 2021 (for January 1, 2022)
Martin Luther King Day	Monday	January 17, 2022
President's Day	Monday	February 21, 2022
Memorial Day	Monday	May 30, 2022
Juneteenth Day	Monday	June 20, 2022
Independence Day	Monday	July 4, 2022
Labor Day	Monday	September 5, 2022
Veteran's Day	Thursday	November 11, 2022
Thanksgiving Holidays	Thursday and Friday	November 24 and 25, 2022
Christmas Day	Friday	December 26, 2021 [2022]

WSR 22-01-135
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY

(Health Care Cost Transparency Board)

[Filed December 14, 2021, 9:59 a.m.]

The following is the schedule of regular meetings for the Washington state health care authority (HCA) health care cost transparency board's advisory committee of health care providers and carriers meetings for 2022:

Date	Time	Location
February 1, 2022	9:00 - 11:00 a.m.	*Zoom
April 6, 2022	2:00 - 4:00 p.m.	*Zoom
June 2, 2022	2:00 - 4:00 p.m.	*Zoom
August 3, 2022	2:00 - 4:00 p.m.	*Zoom
October 5, 2022	2:00 - 4:00 p.m.	*Zoom
December 1, 2022	2:00 - 4:00 p.m.	*Zoom

*Dependent on public health emergency.

See HCA's health care cost transformation board's advisory committee of health care providers and carriers web page to learn more about the committee, meeting materials, and Zoom information <https://www.hca.wa.gov/about-hca/advisory-committee-health-care-providers-and-carriers>.

If you need further information or are a person with a disability and need a special accommodation, please contact Tamarra Henshaw, P.O. Box 45502, Olympia, WA 98504-5502, 360-725-1419, tamarra.henshaw@hca.wa.gov.

WSR 22-01-136
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL

[Filed December 14, 2021, 11:04 a.m.]

Following is the schedule of regular meetings for the Washington state rehabilitation council (WSRC) for 2022. Due to COVID-19, WSRC meeting locations details may change, based on Governor Inslee's, department of health and CDC guidelines. Please refer to our website for up to date information or reach out to us at wsrc@dshs.wa.gov.

Date	Time	Location
February 10, 2022	9 a.m. - 3 p.m.	Online via Zoom - please email wsrc@dshs.wa.gov for meeting details.
February 11, 2022	9 a.m. - 12 p.m.	Online via Zoom - please email wsrc@dshs.wa.gov for meeting details.
May 12, 2022	9 a.m. - 3 p.m.	Kelso/Longview or online - please email wsrc@dshs.wa.gov for meeting details.
May 13, 2022	9 a.m. - 12 p.m.	Kelso/Longview or online - please email wsrc@dshs.wa.gov for meeting details.
August 11, 2022	9 a.m. - 3 p.m.	Moses Lake or online - please email wsrc@dshs.wa.gov for meeting details.
August 12, 2022	9 a.m. - 12 p.m.	Moses Lake or online - please email wsrc@dshs.wa.gov for meeting details.
November 3, 2022	9 a.m. - 3 p.m.	Central Seattle or online - please email wsrc@dshs.wa.gov for meeting details.
November 4, 2022	9 a.m. - 12 p.m.	Central Seattle or online - please email wsrc@dshs.wa.gov for meeting details.

ASL interpreters will be available upon request. For other accommodation requests, please contact the Washington State Rehabilitation Council at 866-252-2939. The state rehabilitation 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. If you need further information, contact the Washington state rehabilitation council at wsrc@dshs.wa.gov or 866-252-2939.

WSR 22-01-138

AGENDA

WESTERN WASHINGTON UNIVERSITY

[Filed December 14, 2021, 3:51 p.m.]

Notice of Semi-Annual Agenda for Rules Under Development

Pursuant to RCW 34.05.314, the following is Western Washington University's semi-annual agenda for WAC rules under development for the term of January 1 through June 30, 2022:

1. Chapter 516-26 WAC, Student records: University review of chapter 516-26 WAC, Student records, with possible amendments, including but not limited to, WAC 516-26-040 Right to copy education records, 516-26-090(2), directory information, and housekeeping changes. Preproposal CR-101 was filed December 12, 2017 (WSR 18-01-044), and CR-102 anticipated to be filed in 2022.

2. WAC 516-52-001 Smoking on campus: Amendments to WAC 516-52-001 Smoking on campus, to comply with a state initiative that prohibits smoking in public places and workplaces and to address electronic cigarettes and other smoking devices. Preproposal CR-101 was filed February 10, 2010 (WSR 10-05-049), and CR-102 anticipated to be filed in 2022.

3. WAC 516-52-010 Control of dogs and other service animals: Amendments to WAC 516-52-010 Control of dogs and other service animals, to address animals and pets on campus, as well as service animals and exceptions. Preproposal CR-101 was filed April 6, 2017 (WSR 17-09-005), and CR-102 anticipated to be filed in 2022.

4. Chapter 516-35 WAC, Use of university property—Freedom of expression and assembly: University review of chapter 516-35 WAC, Use of university property—Freedom of expression and assembly, with possible amendments, including, but not limited to, housekeeping changes, updates in process, use of external space, and clarify language for off-campus users. Preproposal CR-101 was filed November 15, 2021 (WSR 21-23-072), and CR-102 anticipated to be filed in 2022.

5. Chapter 516-36 WAC, Use of university property—Scheduling and general use: University review of chapter 516-36 WAC, Use of university property—Scheduling and general use, with possible amendments, including, but not limited to, housekeeping changes, updates in process, use of external space, and clarify language for off-campus users. Preproposal CR-101 was filed November 15, 2021 (WSR 21-23-072), and CR-102 anticipated to be filed in 2022.

6. WAC 516-24-130 Freedom of expression and prohibited conduct: University review of WAC 516-24-130 Freedom of expression and prohibited conduct, with possible amendments, including, but not limited to, housekeeping changes. Preproposal CR-101 was filed November 15, 2021 (WSR 21-23-072), and CR-102 anticipated to be filed in 2022.

7. WAC 516-52-020 Weapons and armaments prohibited: University review of WAC 516-52-020 Weapons and armaments prohibited, with possible amendments, including, but not limited to, updates to definitions and use of facial coverings. Preproposal CR-101 was filed November 15, 2021 (WSR 21-23-072), and CR-102 anticipated to be filed in 2022.

Additional rule-making activity not on the agenda may occur as conditions warrant. For more information concerning the semi-annual agenda, please contact Jennifer Sloan, Rules Coordinator, Western Washington University, 516 High Street, Bellingham, WA 98225-9015, phone 360-650-3117, email Jennifer.Sloan@wwu.edu.

Jennifer Sloan

WSR 22-01-139

INTERPRETIVE STATEMENT

DEPARTMENT OF REVENUE

[Filed December 15, 2021, 6:09 a.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following property tax advisory (PTA):

PTA 21.1.2021 Levy Certification Requirements

This PTA provides guidance to clarify when and how a county legislative authority, and certain city and town councils and boards or officials of taxing districts that levy taxes directly, must certify levy amounts to the county assessor in accordance with RCW 84.52.070.

A copy of this document is available via the Internet at Rule and Tax Advisory Adoptions and Repeals.

Atif Aziz
Tax Policy Manager
Rules Coordinator

WSR 22-01-142

HEALTH CARE AUTHORITY

[Filed December 15, 2021, 9:28 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 22-0007
1915(i) Behavioral Health Personal Care.

Effective Date: July 1, 2022.

Description: The health care authority (HCA) in conjunction with the aging and long-term supports administration (ALTSA) in the department of social and health services intends to submit medicaid SPA 22-0007 in order to amend Washington's 1915(i) section of the medicaid state plan for home and community-based service benefits regarding behavioral health personal care (BHPC), in compliance with legislative direction. Currently, BHPC services are offered as non-traditional services through the managed care delivery system and are paid with state-only funds. The new BHPC medicaid benefit will be implemented in July of 2022, if approved by the Centers for Medicare and Medicaid Services.

SPA 22-0007 is expected to increase the annual aggregate cost/payment for community behavioral health support services, which includes protective oversight and supervision and direct skill development or restoration. HCA will set rates to be paid for these new services in both the managed care and fee-for-service delivery models. HCA will utilize its established rate setting methodologies. The costs/payments associated with these new services will increase because HCA forecasts an increase in the number of clients eligible for these services; see below:

Fiscal Year	State Costs	Federal Match	Total Cost
2022	\$20,097,792.00	25,579,008.00	45,676,800.00
2023	\$22,509,527.04	28,648,488.96	51,158,016.00

SPA 21-0007 is in the development process; therefore, a copy is not yet available for review. HCA and ALTSA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or to submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Interested parties may submit comments and concerns about the rates or the effects the changes may have on beneficiary access to care or continued service access. Please submit comments and concerns to the person named below by February 11, 2022. Please note that all comments are subject to public review and disclosure, as are the names of those who comment.

Contact Rebecca Carrell, Medicaid Programs Division, 805 Plum Street, Olympia, WA 98501, phone 360-972-0347, TRS 711, email rebecca.carrell@hca.wa.gov, website hca.wa.gov.

WSR 22-01-144
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
ENTERPRISE SERVICES
(Capital Projects Advisory Review Board)
[Filed December 15, 2021, 10:18 a.m.]

Following is the capital projects advisory review board (CPARB) meeting dates, time, and location:

CPARB Dates for 2022

- February 10
- April 14
- May 12
- June 9 - special meeting
- September 8
- October 13
- December 8

Time: 8:00 a.m. - 1:00 p.m. (adjusted as needed).

Location: Via online platforms Zoom or [Microsoft] Teams until in-person meetings resume.

In-Person: (Please check the website to verify.) Presentation Room, 1500 Jefferson Street S.E., Olympia, WA 98501.

Detailed meeting information can be found on the CPARB homepage.

If you have any questions, please contact Talia Baker or Nancy Deakins at CPARB@des.wa.gov.

WSR 22-01-145
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
ENTERPRISE SERVICES
(Project Review Committee)
[Filed December 15, 2021, 10:19 a.m.]

Following is the project review committee (PRC) meeting dates and time:

PRC Dates for 2022

- January 27
- March 24
- May 26
- June 23
- July 28
- September 22
- December 1

Time: 8:00 a.m. - 4:30 p.m. (start and end times are contingent upon number of applications).

Location: Via the Zoom or [Microsoft] Teams platform until in-person meetings resume. Future in-person meeting location is yet to be determined. Detailed meeting information can be found on the PRC home-page.

If you have any questions, please contact Talia Baker or Nancy Deakins at PRC@des.wa.gov.

WSR 22-01-149
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
FISH AND WILDLIFE
 (Fish and Wildlife Commission)
 [Filed December 15, 2021, 11:45 a.m.]

2022 MEETING CALENDAR

At its October 1, 2021, meeting, the fish and wildlife commission selected the following dates and locations for its 2022 calendar:

Date	Meeting Type
January 13-15	Webinar
January 28	Web conference
February 17-19	Webinar
March 17-19	Hybrid/in-person - Richland
April 7-9	Webinar
May 13	Web conference
June 10	Web conference
June 23-25	Hybrid/in-person - Seattle
July 15	Web conference
August 4-6	Hybrid/in-person - Ocean Shores
August 26	Web conference
September 22-24	Hybrid/in-person - Clarkston
October 7	Web conference
October 27-29	Hybrid/in-person - Colville
November 18	Web conference
December 8-10	Webinar

Commission meetings are open to the public. Meeting agendas, minutes, and recordings are available on the commission's website.

Washington Fish and Wildlife Commission, P.O. Box 43200, Olympia, WA 98504-3200, email Commission@dfw.wa.gov, website www.wdfw.wa.gov/commission, phone 360-902-2267, TTY 800-833-6388.

WSR 22-01-152
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
ASIAN PACIFIC AMERICAN AFFAIRS
[Filed December 15, 2021, 1:13 p.m.]

Following is a list of scheduled public board meeting dates and locations:

January 22	10:00 a.m. - 12:00 p.m.	Online
March 19	10:00 a.m. - 2:00 p.m.	Tacoma, Pierce County, Washington Asia[n] Pacific Cultural Center, 4851 South Tacoma Way, Tacoma, WA 98409
June 25	10:00 a.m. - 2:00 p.m.	Whatcom County, Washington (exact location TBD)
September 17	10:00 a.m. - 2:00 p.m.	Wapato, Yakima County, Washington Wapato Filipino Community Hall 211 West 2nd Street Wapato, WA 98951
November 19	10:00 a.m. - 2:00 p.m.	King County, Washington (exact location TBD)

WSR 22-01-154

NOTICE OF PUBLIC MEETINGS

MILITARY DEPARTMENT

[Filed December 15, 2021, 2:27 p.m.]

2022 Emergency Management Council Meetings

Following is the schedule of regular meetings for the Washington state military department emergency management council (EMC) for 2022.

Date	Time	Location
February 3, 2022	9:00 - 11:00 a.m.	Video conference
April 7, 2022	9:00 - 11:00 a.m.	Video conference
June 2, 2022	9:00 - 11:00 a.m.	Video conference
August 4, 2022	9:00 - 11:00 a.m.	Video conference
October 6, 2022	9:00 - 11:00 a.m.	Video conference
December 8, 2022	9:00 - 11:00 a.m.	Video conference

Please refer to the EMC website at <http://mil.wa.gov/emergency-management-division/emergency-management-council>. Calendar information and agendas are posted on this page.

These meetings are subject to change based on operational or other considerations.

If you require further information, please contact Tammy Lee, 253-512-7484 or tammy.lee@mil.wa.gov.

WSR 22-01-157

NOTICE OF PUBLIC MEETINGS
THE EVERGREEN STATE COLLEGE

[Filed December 15, 2021, 4:30 p.m.]

Following is the schedule of regular meetings for The Evergreen State College board of trustees for 2022:

Date	Time	Location
Monday, January 31, 2022	9:00 a.m. - 4:00 p.m.	The Evergreen State College 2700 Evergreen Parkway N.W. Olympia, WA 98505 or virtual per current guidelines
Friday, March 11, 2022	9:00 a.m. - 4:00 p.m.	The Evergreen State College Tacoma Program 1210 6th Avenue Tacoma, WA 98405 or virtual per current guidelines
Friday, May 20, 2022	9:00 a.m. - 4:00 p.m.	The Evergreen State College 2700 Evergreen Parkway N.W. Olympia, WA 98505 or virtual per current guidelines
Thursday, June 9, 2022	9:00 a.m. - 4:00 p.m.	The Evergreen State College 2700 Evergreen Parkway N.W. Olympia, WA 98505 or virtual per current guidelines
Friday, June 10, 2022 (commencement)	1:00 - 4:00 p.m.	The Evergreen State College 2700 Evergreen Parkway N.W. Olympia, WA 98505 Red Square or virtual per current guidelines
Monday, September 12, 2022	9:00 a.m. - 4:00 p.m.	The Evergreen State College 2700 Evergreen Parkway N.W. Olympia, WA 98505 or virtual per current guidelines
Monday and Tuesday, October 24 and 25, 2022 (retreat)	9:00 a.m. - 4:00 p.m.	To be determined or virtual per current guidelines

Updated information on meeting location (including whether it will be virtual or in-person per current state and federal health guidelines) is posted on the college's website <https://www.evergreen.edu/trustees/board-trustees-meeting-schedule>.

If you need further information, contact Susan M. Harris, President's Office, 2700 Evergreen Parkway N.W., Olympia, WA 98505, phone 360-867-5101, fax 360-867-6577, harriss@evergreen.edu, <https://www.evergreen.edu/trustees>.

WSR 22-01-158
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Filed December 16, 2021, 8:21 a.m.]

2022 Winter Quarter Associated Students of Eastern Washington
 University (ASEWU) Council and
 Work Session Meeting Schedule

Approved by the ASEWU Council on October 28, 2021.

Work Sessions <i>Tuesday Afternoons</i> Noon-2:00 p.m. <i>Except when indicated differently, meetings will be held in PUB 319.</i>	ASEWU Council Meetings <i>Thursday Afternoons</i> Noon-1:30 p.m. <i>Except when indicated differently, meetings will be held in PUB 319.</i>
January 11, 2022 https://ewu.zoom.us/j/ 99376925394	January 13, 2022 https://ewu.zoom.us/j/ 94242982680
January 25, 2022 https://ewu.zoom.us/j/ 91228525001	January 27, 2022 https://ewu.zoom.us/j/ 99096140861
February 1, 2022 https://ewu.zoom.us/j/ 97892509869	February 3, 2022 https://ewu.zoom.us/j/ 98027838805
February 15, 2022 https://ewu.zoom.us/j/ 98731880745	February 17, 2022 https://ewu.zoom.us/j/ 91821498492
February 22, 2022 Meeting Location: JFK Event Space https://ewu.zoom.us/j/ 98928003516	February 24, 2022 Meeting Location: JFK Event Space https://ewu.zoom.us/j/ 99933663457
March 8, 2022 https://ewu.zoom.us/j/ 92170767278	March 10, 2022 https://ewu.zoom.us/j/ 94549815698

Work sessions and ASEWU council business meetings are open to the public. The ASEWU council welcomes your presence and input.

WSR 22-01-159

NOTICE OF PUBLIC MEETINGS

TURFGRASS SEED COMMISSION

[Filed December 16, 2021, 10:28 a.m.]

The Washington turfgrass seed commission has revised their 2022 meeting schedule. The commission's 2022 schedule will be as follows:

Annual Meeting	Friday, February 4 10:00 a.m. Best Western Moses Lake
1st Quarter	Thursday, March 3
2nd Quarter	Thursday, June 9
3rd Quarter	Thursday, September 8
4th Quarter	Thursday, December 15

If you need further information, contact Shane Johnson, 6601 West Deschutes Avenue, Suite C-2, Kennewick, WA 99336, 509-585-5460, 509-585-2671, shanej@agmgt.com.

WSR 22-01-160

NOTICE OF PUBLIC MEETINGS

STATE BOARD OF HEALTH

(Governor's Interagency Council on Health Disparities)

[Filed December 16, 2021, 10:48 a.m.]

2022 Council Meeting Schedule

Approved by the Council December 2, 2021

Meeting Date	Location
Wednesday February 16, 2022 (possibly 1/2 day)	To be determined (TBD): Online via Zoom meeting, hyperlink provided on website and agenda. Possibly meet in person depending on updated guidance.
Thursday May 19, 2022	TBD: Online via Zoom meeting, hyperlink provided on website and agenda. Possibly meet in person depending on updated guidance.
Thursday September 15, 2022	TBD: Online via Zoom meeting, hyperlink provided on website and agenda. Possibly meet in person depending on updated guidance.
Thursday December 15, 2022	TBD: Online via Zoom meeting, hyperlink provided on website and agenda. Possibly meet in person depending on updated guidance.

Please see the health disparities council website for the most current information.

WSR 22-01-161

PUBLIC RECORDS OFFICER

BOARD OF TAX APPEALS

[Filed December 16, 2021, 11:34 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the board of tax appeals is Claire Hesselholt, 1110 Capitol Way South, Suite 300, Olympia, WA 98504-0915, phone 360-753-5446, fax 360-586-9020, email Claire.Hesselholt@bta.wa.gov.

Ross S. Petersen
Executive Director

WSR 22-01-162

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed December 16, 2021, 11:54 a.m.]

Prevailing Rate of Wage Publication - Wage Rate Corrections

Pursuant to RCW 39.12.015, 39.12.020, and WAC 296-127-011, on December 14, 2021, the industrial statistician determined and published on the internet a correction to prevailing wage rates for two trades in: truck drivers and truck drivers ready mix. These corrections are limited to the published overtime and holiday rules associated with these two trades.

The corrected rates become effective 30 days from publication on January 13, 2022, and impact multiple counties in Washington state.

For more information on prevailing wage or a copy of the rates, please visit our website at <https://lni.wa.gov/licensing-permits/public-works-projects/prevailing-wage-rates/> or call 360-902-5335.

Tracy West
Rules Coordinator

WSR 22-01-163

NOTICE OF PUBLIC MEETINGS

GREEN RIVER COLLEGE

[Filed December 16, 2021, 12:23 p.m.]

The board of trustees of Green River College District No. 10 has set its regular meeting schedule for calendar year 2022. The board meets on the third Thursday of each month, commencing at 4:30 p.m. in the board room of the Zgolinski Center, Green River College, 12401 S.E. 320th Street, Auburn, WA 98092.

The meeting dates are as follows in the year 2022:

- Thursday, January 20
- Thursday, February 17
- Thursday, March 17
- Thursday, April 21
- Thursday, May 19
- Thursday, June 16
- Thursday, July 21
- Thursday, August 18
- Thursday, September 15
- Thursday, October 20
- Thursday, November 17
- Thursday, December 15

WSR 22-01-164

NOTICE OF PUBLIC MEETINGS

COMMISSION ON PESTICIDE REGISTRATION

[Filed December 16, 2021, 12:24 p.m.]

Washington state commission on pesticide registration commission meeting dates for 2022:

March 16	Snoqualmie Pass, Summit Inn
May 25	Seattle/Puyallup to be determined by cost
September 14	Cashmere
December 14 and 15	Ellensburg

**WSR 22-01-168
NOTICE OF PUBLIC MEETINGS
MILITARY DEPARTMENT**

(Emergency Management Advisory Group)
[Filed December 17, 2021, 8:38 a.m.]

2022 Meeting Schedule

The following is the schedule of regular meetings for the Washington state military department emergency management council's emergency management advisory group for 2022:

Date	Time	Location
February 3, 2022	1:00 - 4:00 p.m.	Microsoft Teams 253-372-2181, 187143412#
April 7, 2022	1:00 - 4:00 p.m.	Microsoft Teams 253-372-2181, 187143412#
June 2, 2022	1:00 - 4:00 p.m.	Microsoft Teams 253-372-2181, 187143412#
August 4, 2022	1:00 - 4:00 p.m.	Microsoft Teams 253-372-2181, 187143412#
October 6, 2022	1:00 - 4:00 p.m.	Microsoft Teams 253-372-2181, 187143412#
November 3, 2022	1:00 - 4:00 p.m.	Microsoft Teams 253-372-2181, 187143412#
December 1, 2022	1:00 - 4:00 p.m.	Microsoft Teams 253-372-2181, 187143412#

Please refer to the <https://mil.wa.gov/emergency-management-advisory-group> website. Calendar information and agendas are posted on this page.

WSR 22-01-171

NOTICE OF PUBLIC MEETINGS

PUGET SOUND PARTNERSHIP

(Puget Sound Partnership Leadership Council)
 (Puget Sound Partnership Ecosystem Coordination Board)
 (Puget Sound Partnership Science Panel)
 (Puget Sound Partnership Salmon Recovery Council)

[Filed December 17, 2021, 12:31 p.m.]

Following is the schedule of regular meetings for the Puget Sound partnership, leadership council for 2022:

Date	Time	Location
March 3	9:00 a.m. - 4:00 p.m.	Virtual Zoom meeting
June 8	9:00 a.m. - 4:00 p.m.	To be determined (TBD)
June 9	9:00 a.m. - 4:00 p.m.	TBD
September 13	9:00 a.m. - 4:00 p.m.	TBD
September 14	9:00 a.m. - 4:00 p.m.	TBD
December 15	9:00 a.m. - 4:00 p.m.	TBD

In addition to the regular meetings scheduled for Puget Sound partnership, leadership council for 2022, we have one special meeting listed below:

Date	Time	Location
January 5	2:00 - 3:00 p.m.	Virtual Zoom meeting

Following is the schedule of regular meetings for the Puget Sound partnership, ecosystem coordination board for 2022:

Date	Time	Location
February 16	9:30 a.m. - 3:00 p.m.	Virtual Zoom meeting
May 12	9:30 a.m. - 3:00 p.m.	TBD
August 10	9:30 a.m. - 3:00 p.m.	TBD
November 3	9:30 a.m. - 3:00 p.m.	TBD

Following is the schedule of regular meetings for the Puget Sound partnership, science panel for 2022:

Date	Time	Location
February 2	9:00 a.m. - 4:00 p.m.	Virtual Zoom meeting
April 21	9:00 a.m. - 4:00 p.m.	TBD
July 13-14	9:00 a.m. - 4:00 p.m.	TBD
October 12-13	9:00 a.m. - 4:00 p.m.	TBD

Date	Time	Location
December 8	9:00 a.m. - 4:00 p.m.	TBD

Following is the schedule of regular meetings for the Puget Sound partnership, salmon recovery council for 2022:

Date	Time	Location
February 16	9:30 a.m. - 3:00 p.m.	Virtual Zoom meeting
May 12	9:30 a.m. - 3:00 p.m.	TBD
August 10	9:30 a.m. - 3:00 p.m.	TBD
November 3	9:30 a.m. - 3:00 p.m.	TBD

If you need further information, contact Anna Petersen, P.O. Box 40900, Olympia, WA 98504, 360-338-2384, anna.petersen@psp.wa.gov, https://www.psp.wa.gov/board_meetings.php.

WSR 22-01-172
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
ENTERPRISE SERVICES

(State Capitol Committee)
[Filed December 17, 2021, 12:43 p.m.]

Following is the state capitol committee (SCC) 2022 meeting dates, times and location(s):

Date	Time	Location
March 17, 2022	10:00 a.m. to 12:00 p.m.	Webinar (Zoom-based) Details will be posted on SSC website
June 16, 2022	10:00 a.m. to 12:00 p.m.	TBD - anticipate webinar Details will be posted on SSC website
October 20, 2022	10:00 a.m. to 12:00 p.m.	TBD - anticipate Webinar Details will be posted on SSC website
December 15, 2022	10:00 a.m. to 12:00 p.m.	TBD - anticipate Webinar Details will be posted on SSC website

If you have any questions, please contact Shari Bartell at 360-407-9248 or Kevin Dragon at 360-407-7956.

WSR 22-01-176
NOTICE OF PUBLIC MEETINGS
ENERGY FACILITY SITE
EVALUATION COUNCIL

[Filed December 17, 2021, 2:34 p.m.]

Council Meeting Dates for January - December 2022

DATE	TIME	DESCRIPTION	LOCATION
January 18, 2022	1:30 p.m.	Monthly council meeting	Virtual meeting - Microsoft Teams
February 15, 2022	1:30 p.m.	Monthly council meeting	Virtual meeting - Microsoft Teams
March 15, 2022	1:30 p.m.	Monthly council meeting	Virtual meeting - Microsoft Teams
April 19, 2022	1:30 p.m.	Monthly council meeting	Virtual meeting - Microsoft Teams
May 17, 2022	1:30 p.m.	Monthly council meeting	Virtual meeting - Microsoft Teams
June 21, 2022	1:30 p.m.	Monthly council meeting	Virtual meeting - Microsoft Teams
July 19, 2022	1:30 p.m.	Monthly council meeting	Virtual meeting - Microsoft Teams
August 16, 2022	1:30 p.m.	Monthly council meeting	Virtual meeting - Microsoft Teams
September 20, 2022	1:30 p.m.	Monthly council meeting	Virtual meeting - Microsoft Teams
October 18, 2022	1:30 p.m.	Monthly council meeting	Virtual meeting - Microsoft Teams
November 15, 2022	1:30 p.m.	Monthly council meeting	Virtual meeting - Microsoft Teams
December 20, 2022	1:30 p.m.	Monthly council meeting	Virtual meeting - Microsoft Teams

Contact person: Joan Owens, joan.owens@utc.wa.gov, 360-664-1920.

WSR 22-01-177
NOTICE OF PUBLIC MEETINGS
OLYMPIC REGION
CLEAN AIR AGENCY

[Filed December 20, 2021, 8:26 a.m.]

Following is the schedule of regular meetings for the Olympic Region Clean Air Agency's regular board meetings for 2022:

Date	Time	Location
January 12, 2022	10:00 a.m.	2940 Limited Lane N.W. Olympia, WA 98502
February 9, 2022	10:00 a.m.	2940 Limited Lane N.W. Olympia, WA 98502
March 9, 2022	10:00 a.m.	2940 Limited Lane N.W. Olympia, WA 98502
April 13, 2022	10:00 a.m.	2940 Limited Lane N.W. Olympia, WA 98502
May 11, 2022	10:00 a.m.	2940 Limited Lane N.W. Olympia, WA 98502
June 8, 2022	10:00 a.m.	2940 Limited Lane N.W. Olympia, WA 98502
July 13, 2022	10:00 a.m.	2940 Limited Lane N.W. Olympia, WA 98502
August 10, 2022	10:00 a.m.	2940 Limited Lane N.W. Olympia, WA 98502
September 14, 2022	10:00 a.m.	2940 Limited Lane N.W. Olympia, WA 98502
October 12, 2022	10:00 a.m.	2940 Limited Lane N.W. Olympia, WA 98502
November 9, 2022	10:00 a.m.	2940 Limited Lane N.W. Olympia, WA 98502
December 14, 2022	10:00 a.m.	2940 Limited Lane N.W. Olympia, WA 98502

If you need further information, contact Debbie Moody, Office Manager, 2940 Limited Lane N.W., Olympia, WA 98502, 360-539-7610, fax 360-491-6308, debbie.moody@orcaa.org, www.orcaa.org.

WSR 22-01-178
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
HISPANIC AFFAIRS

[Filed December 20, 2021, 9:04 a.m.]

2022 Meeting Schedule

EVENT	DATE	LOCATION	TIME
Conference call	Friday January 14	Zoom	10:00 - 11:00 a.m.
Conference call	Friday February 11	Zoom	10:00 - 11:00 a.m.
Commission meeting	Saturday March 5	Spokane	8:30 a.m. - 3:00 p.m.
Conference call	Friday April 8	Zoom	10:00 - 11:00 a.m.
Conference call	Friday July 8	Zoom	10:00 - 11:00 a.m.
Conference call	Friday August 12	Zoom	10:00 - 11:00 a.m.
Commission meeting	Saturday September 10	Sequim	8:30 a.m. - 3:00 p.m.
Commission meeting	Saturday December 3	Olympia	8:30 a.m. - 3:00 p.m.

If you need further information, contact Maria Siguenza, 1110 Capitol Way South, Suite 220, Olympia, WA 98504, 360-725-5660, maria.siguenza@cha.wa.gov, cha.wa.gov.

WSR 22-01-179

NOTICE OF PUBLIC MEETINGS

HUMAN RIGHTS COMMISSION

[Filed December 20, 2021, 9:41 a.m.]

The following times, dates, and locations are for commission meetings for 2022:

Washington State human rights commission, commission meeting on January 27, 2022, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, Conference Line 360-407-4020, Access Code 8074251.

Washington state human rights commission, commission meeting on February 24, 2022, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, Conference Line 360-407-4020, Access Code 8074251.

Washington state human rights commission, commission meeting on March 24, 2022, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, Conference Line 360-407-4020, Access Code: 8074251.

Washington state human rights commission, commission meeting on April 28, 2022, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, Conference Line 360-407-4020, Access Code 8074251.

Washington state human rights commission, commission meeting on May 26, 2022, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, Conference Line 360-407-4020, Access Code 8074251.

Washington state human rights commission, commission meeting on June 23, 2022, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, Conference Line 360-407-4020, Access Code 8074251.

Washington state human rights commission, commission meeting on July 28, 2022, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, Conference Line 360-407-4020, Access Code 8074251.

Washington state human rights commission, commission meeting on August 25, 2022, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, Conference Line 360-407-4020, Access Code 8074251.

Washington state human rights commission, commission meeting on September 22, 2022, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, Conference Line 360-407-4020, Access Code 8074251.

Washington state human rights commission, commission meeting on October 27, 2022, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, Conference Line 360-407-4020, Access Code 8074251.

Washington state human rights commission, commission meeting on November 2022, at 9:30 a.m., conference call - date TBD, 711 South Capitol Way, Suite 402, Olympia, WA 98504.

Washington state human rights commission, commission meeting on December 2022, at 9:30 a.m., conference call - date TBD, 711 South Capitol Way, Suite 402, Olympia, WA 98504.

WSR 22-01-180
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF CORRECTIONS
(Correctional Industries Advisory Board)
[Filed December 20, 2021, 10:01 a.m.]

The following is the correctional industries advisory board meetings for 2022:

March 3, 2022 9-11 a.m.

Microsoft Teams meeting.
Join on your computer or mobile app
Click here to join the meeting [contact agency for link]; or call in (audio only) +1 253-372-2181,,331026920# United States, Tacoma, Phone Conference ID 331 026 920#.

June 2, 2022 9-11 a.m.

Microsoft Teams meeting.
Join on your computer or mobile app
Click here to join the meeting [contact agency for link]; or call in (audio only) +1 253-372-2181,,947898344# United States, Tacoma, Phone Conference ID 947 898 344#.

September 1, 2022 9-11 a.m.

Microsoft Teams meeting.
Join on your computer or mobile app
Click here to join the meeting [contact agency for link]; or call in (audio only) +1 253-372-2181,,98336414# United States, Tacoma, Phone Conference ID 983 364 14#.

December 8, 2022 9-11 a.m.

Microsoft Teams meeting.
Join on your computer or mobile app
Click here to join the meeting [contact agency for link]; or call in (audio only) +1 253-372-2181,,570508115# United States, Tacoma, Phone Conference ID 570 508 115#.

**WSR 22-01-181
NOTICE OF PUBLIC MEETINGS
CENTER FOR DEAF AND
HARD OF HEARING YOUTH**

[Filed December 20, 2021, 10:03 a.m.]

The Washington Center for Deaf and Hard of Hearing Youth board of trustees will be holding the following board meetings for 2022. At this time board meetings will continue to be held virtually and will remain in compliance with the Open Public Meetings Act.

January 28, 2022	10:00 [a.m.] - 12:30 [p.m.]
February 25, 2022	10:00 [a.m.] - 12:30 [p.m.]
April 29, 2022	10:00 [a.m.] - 12:30 [p.m.]
June 8, 2022	10:00 [a.m.] - 12:30 [p.m.]
July 20, 2022	9:00 [a.m.] - 4:00 [p.m.]
July 21, 2022	10:00 [a.m.] - 12:30 [p.m.]
September 30, 2022	10:00 [a.m.] - 12:30 [p.m.]
October 28, 2022	10:00 [a.m.] - 12:30 [p.m.]
December 2, 2022	10:00 [a.m.] - 12:30 [p.m.]

WSR 22-01-184
NOTICE OF PUBLIC MEETINGS
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed December 20, 2021, 11:00 a.m.]

The board of registration for professional engineers and land surveyors will hold their annual board meeting on June 23, 2022, via WebEx. See the board's website <https://brpels.wa.gov/about-us/board-meetings-and-minutes> for meeting information.

Call to order is 8:00 a.m.

WSR 22-01-186

AGENDA

**BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS**

[Filed December 20, 2021, 12:06 p.m.]

Semi-Annual Rules Development Agenda
January to June 2022

WAC chapter or section	Purpose of rule being developed or amended
196-09 Board practices and procedures	Add new section regarding records indexes.
196-12 Registered professional engineers	Amend/remove/clarify language regarding application references, education and work experience records, exam equivalency, and structural experience. Make other housekeeping changes.
196-23 Stamping and seals	Amend language to include "legal descriptions" under the definition of document and amend the language regarding document review.
196-25 Business practices	Make amendments to language that is no longer effective and include language to better define the types of businesses the board licenses.
196-26A Registered professional engineers and land surveyor fees	Removing reference to the director of the department of licensing. Speak to the legal history questions on the initial and renewal applications for professional engineers and land surveyors.
196-30 Fees for on-site wastewater treatment designers and inspectors	Removing reference to the director of the department of licensing. Speak to the legal history questions on the initial and renewal applications for on-site designers and inspectors/certificate of competency holders.
196-32 On-site wastewater treatment system designer licenses/ inspector certificates of competency	Amend/remove/clarify language regarding education and work experience records and make other housekeeping changes. Include language regarding experience for on-site inspector certificate of competency holders.

Additional rule development activity not on the agenda may occur as conditions warrant.

If you have questions about this rule development agenda, please contact Shanan Gillespie, Rules Coordinator, P.O. Box 9025, Olympia, WA 98507-9025, email shanan.gillespie@brpels.wa.gov.

Shanan Gillespie
Rules Coordinator

WSR 22-01-189

OFFICE OF

FINANCIAL MANAGEMENT

(Sentencing Guidelines Commission)

[Filed December 20, 2021, 2:15 p.m.]

MEETING SCHEDULE FOR 2022

In accordance with RCW 42.30.075, Open Public Meetings Act, the following schedule of regular meetings in 2022 for the sentencing guidelines commission is submitted for publication in the Washington State Register.

Date	Time	Location
January 14, 2022	9 a.m.	Online via Zoom
February 11, 2022	9 a.m.	Online via Zoom
March 11, 2022	9 a.m.	Online via Zoom
April 8, 2022	9 a.m.	Online via Zoom
May 13, 2022	9 a.m.	Online via Zoom
June 10, 2022	9 a.m.	Online via Zoom
July 8, 2022	9 a.m.	Online via Zoom
August 12, 2022	9 a.m.	Online via Zoom
September 9, 2022	9 a.m.	Online via Zoom
October 14, 2022	9 a.m.	Online via Zoom
November 18, 2022	9 a.m.	Online via Zoom
December 9, 2022	9 a.m.	Online via Zoom

Meeting times and location[s] are subject to change. Current meeting information can be found on the sentencing guidelines commission website <https://sgc.wa.gov/sentencing-guidelines-commission/meetings>.

If you need further information, contact Keri-Anne Jetzer, P.O. Box 43124, Olympia, WA 98504-3124, phone 360-688-8511, Keri-Anne.Jetzer@ofm.wa.gov, <https://sgc.wa.gov/sentencing-guidelines-commission>.

WSR 22-01-198
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Filed December 21, 2021, 8:55 a.m.]

Following is the schedule of regular meetings for the Eastern Washington University board of trustees for 2022.

Updated information on meeting location (whether it will be virtual or in-person per current state and federal health guidelines) is posted on the university's website <https://www.ewu.edu/about/leadership/bot/meeting-agendas-minutes/>.

Date	Time	Location
February 23, 2022	1:00 - 5:00 p.m.	EWU Tawanka Hall 215 Cheney, Washington or virtual per current guidelines
February 24, 2022	8:00 a.m. - 3:00 p.m.	EWU Tawanka Hall 215 Cheney, Washington or virtual per current guidelines
May 19, 2022	1:00 - 5:00 p.m.	EWU Tawanka Hall 215 Cheney, Washington or virtual per current guidelines
May 20, 2022	8:00 a.m. - 3:00 p.m.	EWU Tawanka Hall 215 Cheney, Washington or virtual per current guidelines
June 23, 2022	1:00 - 5:00 p.m.	Virtual
July 14, 2022	11:00 a.m. - 5:30 p.m.	Board retreat at TBD or virtual per current guidelines
July 15, 2022	8:00 a.m. - 12:00 p.m.	Board retreat at TBD or virtual per current guidelines
October 20, 2022	1:00 - 5:00 p.m.	EWU Tawanka Hall 215 Cheney, Washington or virtual per current guidelines
October 21, 2022	8:00 a.m. - 3:00 p.m.	EWU Tawanka Hall 215 Cheney, Washington or virtual per current guidelines
December 8, 2022	1:00 - 5:00 p.m.	EWU Tawanka Hall 215 Cheney, Washington or virtual per current guidelines
December 9, 2022	8:00 a.m. - 3:00 p.m.	EWU Tawanka Hall 215 Cheney, Washington or virtual per current guidelines

If you need further information contact Chandalin Bennett, 214 Showalter Hall, Cheney, WA 99004, phone 509-359-6362, cmbennett@ewu.edu.

WSR 22-01-199

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Dispensing Optician Examining Committee)

[Filed December 21, 2021, 9:10 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), dispensing optician examining committee for the year 2022. The committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and the DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the committee reserves the right to change or amend agendas at the meeting.

Date	Time	Location
March 16, 2022	9:00 a.m.	Webinar only
June 22, 2022	9:00 a.m.	Webinar only
September 21, 2022	9:00 a.m.	Webinar only
December 14, 2022	9:00 a.m.	Webinar only

If you need further information, please contact Debra Mendoza, Program Manager, DOH, Dispensing Optician Program, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4841, fax 360-236-2901, email debra.mendoza@doh.wa.gov, web www.doh.wa.gov.

Please be advised the dispensing optician examining committee is required to comply with the Public Records Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the committee, including personal information, may ultimately be subject to disclosure as a public record.

WSR 22-01-205

HEALTH CARE AUTHORITY

[Filed December 21, 2021, 11:05 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0009
January 2022 Fee Schedule Updates.

Effective Date: January 1, 2022.

Description: The health care authority (HCA) intends to submit medicaid SPA 22-0009 to update the fee schedule effective dates for several medicaid programs and services. This is a regular, budget neutral update to keep rates and billing codes in alignment with the coding and coverage changes from the Centers for Medicare and Medicaid Services (CMS), the state, and other sources. These changes are routine and do not reflect significant changes to policy or payment. SPA 22-0009 will also add social workers to the home health payment section in accordance with SPA 21-0027, approved on November 17, 2021.

SPA 22-0009 is expected to have no effect on the annual aggregate expenditures/payments for the services listed above. These changes are routine and do not reflect significant changes to policy or payment.

HCA is in the process of developing the SPA. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the SPA when it becomes available or submit comments, you may contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact: Ann Myers, State Plan Coordinator, P.O. Box 42716, Olympia, WA 98504, TRS 711, email ann.myers@hca.wa.gov.

WSR 22-01-209
NOTICE OF PUBLIC MEETINGS
STATE INVESTMENT BOARD
 [Filed December 21, 2021, 3:19 p.m.]

Following is the schedule of regular meetings for the Washington state investment board for 2022.

Date	Time	Location
February 17, 2022	9:30 a.m.	2100 Evergreen Park Drive S.W. Olympia, WA 98502*
April 21, 2022	9:30 a.m.	2100 Evergreen Park Drive S.W. Olympia, WA 98502*
June 16, 2022	9:30 a.m.	2100 Evergreen Park Drive S.W. Olympia, WA 98502*
July 19-21, 2022	TBD	TBD
September 15, 2022	9:30 a.m.	2100 Evergreen Park Drive S.W. Olympia, WA 98502*
November 17, 2022	9:30 a.m.	2100 Evergreen Park Drive S.W. Olympia, WA 98502*
December 15-16, 2022	9:30 a.m.	2100 Evergreen Park Drive S.W. Olympia, WA 98502*

**Meetings may be held virtually. Up-to-date meeting information can be found at www.sib.wa.gov.*

If you need further information contact Stacy Conway, Washington State Investment Board, P.O. Box 40916, Olympia, WA 98504-0916, phone 360-956-4612, email Stacy.Conway@sib.wa.gov, website www.sib.wa.gov.

WSR 22-01-212

NOTICE OF PUBLIC MEETINGS

EXECUTIVE ETHICS BOARD

[Filed December 22, 2021, 6:50 a.m.]

Following is the executive ethics board meeting schedule for the year 2022. The executive ethics board will hold regular monthly meetings on the second Friday of each month or as indicated otherwise. All meetings will begin at 9:00 a.m. and be held at 2425 Bristol Court S.W., 4th Floor Conference Room, Olympia, WA. During the time that the Governor's Emergency Proclamation 20-28 (or a similar proclamation) is in effect, the executive ethics board will be meeting remotely via Zoom.

Meeting dates for 2022 are:

January 14	
February	No meeting
March 11	
April	No meeting
May 13	
June	No meeting
July 8	
August	No meeting
September 9	
October	No meeting
November 18	
December	No meeting

Meeting agendas and other information may be accessed five to seven days prior to the meeting at the following website <http://www.ethics.wa.gov>.

For additional information or reasonable accommodations to attend meetings, please contact board staff at 360-664-0871. Reasonable accommodation requests should be made at least 10 working days prior to the scheduled meeting date.

WSR 22-01-215

HEALTH CARE AUTHORITY

[Filed December 22, 2021, 8:21 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0039.
Effective Date: December 27, 2021.

Description: The health care authority (HCA) intends to submit medicaid SPA 21-0039 in order to update language in Section 3-1 D: Methods of Providing Transportation in response to Centers for Medicare and Medicaid Services notice regarding section 209 of the Consolidated Appropriations Act of 2021. States must attest to assurance of transportation for eligible clients. A summary of operations is being added in Attachment 3.1-D; there is no change to the program or operations.

SPA 21-0039 will have no effect on nonemergency medical transportation operations or payment.

A copy of SPA 21-0039 is available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the SPA or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact: Stephen Riehl, Non-Emergency Medical Transportation, 626 8th Avenue S.E., Olympia, WA 98501, phone 360-725-1441, TTY 711, fax 360-725-1152, email stephen.riehl@hca.wa.gov, website www.hca.wa.gov/billers-providers-partners/programs-and-services/transportation-services-non-emergency.

WSR 22-01-218

**NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY**

[Filed December 22, 2021, 8:56 a.m.]

Western Washington University's board of trustees has approved the following schedule of regular meetings for 2022:

February 10, 11, 2022

April 21, 22, 2022

June 9, 10, 2022

August 18, 19, 2022

October 13, 14, 2022

December 8, 9, 2022

Currently meetings will be virtual meetings, due to campus policy. When campus operations return to in-person, all meetings will be held at Western Washington University, 516 High Street, Board Room - Old Main 340, Bellingham, WA. Meetings will begin at 3 p.m. on Thursday and resume at 8 a.m. on Friday, unless otherwise publicly noted. Public comment periods are scheduled for all Friday meetings. Any questions regarding the meeting schedule or the public comment period may be directed to Rayne Rambo, assistant secretary to the board of trustees, at 360-650-3998.

WSR 22-01-219
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
 (Coastal Marine Advisory Council)
 [Filed December 22, 2021, 8:58 a.m.]

Following is the schedule of regular meetings for the Washington coastal marine advisory council for 2022.

Date	Time	Location*
March 16, 2022	Start time 9:30 a.m.	Virtual
June 15, 2022	Start time 9:30 a.m.	Virtual or Port of Grays Harbor Commission Chambers Room 111 South Wooding Street Aberdeen, WA 98520
September 14, 2022	Start time 9:30 a.m.	Virtual or Port of Grays Harbor Commission Chambers Room 111 South Wooding Street Aberdeen, WA 98520
December 14, 2022	Start time 9:30 a.m.	Virtual or Port of Grays Harbor Commission Chambers Room 111 South Wooding Street Aberdeen, WA 98520

*Meeting locations and duration are not final due to the coronavirus pandemic. The final meeting location, duration, and details on how to attend virtual meetings will be updated on the Washington coastal marine advisory council website (listed below) at least seven days before each meeting.

Information about the Washington coastal marine advisory council can also be found on the website at <https://www.ezview.wa.gov/?alias=1962&pageid=37058>.

If you need further information, contact Bobbak Talebi, P.O. Box 47600, Olympia, WA 98504-6700 [7600], 360-819-3014, bobbak.talebi@ecy.wa.gov.