

OFFICE OF THE CODE REVISER
Quarterly Rule-Making Report
Covering Registers 23-07 through 23-12

Type of Activity	New	Amended	Repealed
ADMINISTRATIVE HEARINGS, OFFICE OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
AGRICULTURE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	21	5
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	1	27	5
Number of Rules Withdrawn	0	3	0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
BATES TECHNICAL COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
BELLEVUE COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	8	3
Number of Rules Withdrawn	0	4	1
BIG BEND COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	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
BUILDING CODE COUNCIL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	117	441	35
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	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	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

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CENTRALIA COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	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
CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	110	12	5
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	1	10	5
Number of Rules Withdrawn	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	6	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	6	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
CLOVER PARK TECHNICAL COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	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	1	3	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	1	3	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
COMMERCE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	55	2
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

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Pilot Rule Making	0	0	0
COUNTY ROAD ADMINISTRATION BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	3	6	5
CRIMINAL JUSTICE TRAINING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	9	1	0
EASTERN WASHINGTON UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	0
Number of Rules Proposed for Permanent Adoption	0	4	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	33	72	26
Number of Rules Proposed for Permanent Adoption	12	25	27
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 Permanent Rules Adopted	0	4	0
Number of Rules Adopted as Emergency Rules	1	2	0
Number of Rules Proposed for Permanent Adoption	3	9	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
ENTERPRISE SERVICES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	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

Type of Activity	New	Amended	Repealed
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
ENVIRONMENTAL AND LAND USE HEARINGS OFFICE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	42	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
EXECUTIVE ETHICS BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	6	0
FINANCIAL INSTITUTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	0	0
FINANCIAL MANAGEMENT, OFFICE OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Adopted as Emergency Rules	0	3	4
Number of Rules Proposed for Permanent Adoption	0	5	5
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
FISH AND WILDLIFE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	17	0
Number of Rules Adopted as Emergency Rules	56	0	37
Number of Rules Proposed for Permanent Adoption	0	19	0
Number of Rules Withdrawn	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	1	0	2
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
FOREST PRACTICES BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	4	0
GAMBLING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	12	0
Number of Rules Proposed for Permanent Adoption	4	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	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 Permanent Rules Adopted	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
HEALTH CARE AUTHORITY			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	25	0
Number of Rules Adopted as Emergency Rules	2	1	0
Number of Rules Proposed for Permanent Adoption	8	44	0
Number of Rules Withdrawn	7	4	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	4	29	1
Number of Rules Adopted as Emergency Rules	12	15	0
Number of Rules Proposed for Permanent Adoption	30	36	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

Type of Activity	New	Amended	Repealed
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
HIGHLINE COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	1	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
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
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
INSURANCE COMMISSIONER, OFFICE OF THE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	10	0	0
JUDICIAL CONDUCT, COMMISSION ON			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	0	7
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
LABOR AND INDUSTRIES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	32	57	0
Number of Rules Proposed for Permanent Adoption	42	99	37
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

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
LAKE WASHINGTON INSTITUTE OF TECHNOLOGY			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	1	3	1
Number of Rules Proposed for Permanent Adoption	1	3	1
Number of Rules Withdrawn	1	3	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
LICENSING, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	44	4
Number of Rules Proposed for Permanent Adoption	0	14	0
Number of Rules Withdrawn	22	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
LIQUOR AND CANNABIS BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	0	5	0
Number of Rules Withdrawn	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
LOTTERY, WASHINGTON STATE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	0	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

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
MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE 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
NATURAL RESOURCES, 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
PARKS AND RECREATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
PENINSULA COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	2	0
PILOTAGE COMMISSIONERS, BOARD OF			
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
PROFESSIONAL EDUCATOR STANDARDS BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	1	0
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

Type of Activity	New	Amended	Repealed
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 Permanent Rules Adopted	0	19	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
PUBLIC EMPLOYMENT RELATIONS COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Withdrawn	0	1	1
PUBLIC INSTRUCTION, SUPERINTENDENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	5	0
RENTON TECHNICAL COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	3	0
RETIREMENT SYSTEMS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	0	0
Number of Rules Proposed for Permanent Adoption	1	0	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	3	0
Number of Rules Adopted as Emergency Rules	0	3	0
Number of Rules Proposed for Permanent Adoption	0	29	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

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Pilot Rule Making	0	0	0
SEATTLE COLLEGES			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	6	0
Number of Rules Proposed for Permanent Adoption	1	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
SECRETARY OF STATE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	26	5
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	61	10
Number of Rules Adopted as Emergency Rules	25	6	0
Number of Rules Proposed for Permanent Adoption	52	116	6
Number of Sections Adopted at Request of a Nongovernmental Entity	1	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	7	1
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	2	2	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	3	9	1
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
SOUTH PUGET SOUND COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	6	0
Number of Rules Proposed for Permanent Adoption	1	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
TRANSPORTATION IMPROVEMENT BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	35	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

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
TRANSPORTATION, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	4	0
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
UTILITIES AND TRANSPORTATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	4	37	1
WALLA WALLA COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	0	7
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
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	0	1	0
WHATCOM COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	5	0
Number of Rules Proposed for Permanent Adoption	0	5	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
TOTALS FOR THE QUARTER:			
Number of Permanent Rules Adopted	334	992	97
Number of Rules Adopted as Emergency Rules	99	45	42

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	186	608	109
Number of Rules Withdrawn	30	21	3
Number of Sections Adopted at Request of a Nongovernmental Entity	1	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	13	1
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	3	11	0
Number of Sections Adopted on the Agency's own Initiative	1	1	2
Number of Sections Adopted using Negotiated Rule Making	4	12	1
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

WSR 23-13-009
NOTICE OF PUBLIC MEETINGS
GAMBLING COMMISSION
 [Filed June 8, 2023, 2:07 p.m.]

Approved 2023 Commission Meetings Schedule

January 5 and 6 Thursday and Friday	Liquor Cannabis Board 1025 Union Avenue S.E. Olympia, WA (Hybrid)
February 9 and 10 Thursday and Friday	Liquor Cannabis Board 1025 Union Avenue S.E. Olympia, WA (Hybrid)
March 9 and 10 Thursday and Friday	Liquor Cannabis Board 1025 Union Avenue S.E. Olympia, WA (Hybrid)
April 13 and 14 Thursday and Friday	Liquor Cannabis Board 1025 Union Avenue S.E. Olympia, WA (Hybrid)
May 11 and 12 Thursday and Friday	Hampton Inn & Suites 4301 Martin Way East Olympia, WA (Hybrid)
June	NO MEETING
July 20 and 21 Thursday and Friday	Liquor Cannabis Board 1025 Union Avenue S.E. Olympia, WA (Hybrid)
August 10 and 11 Thursday and Friday	Liquor Cannabis Board 1025 Union Avenue S.E. Olympia, WA (Hybrid)
September 14 and 15 Thursday and Friday	Liquor Cannabis Board 1025 Union Avenue S.E. Olympia, WA (Hybrid)
October 19 and 20 Thursday and Friday	Liquor Cannabis Board 1025 Union Avenue S.E. Olympia, WA (Hybrid)
November 16 and 17 Thursday and Friday	Liquor Cannabis Board 1025 Union Avenue S.E. Olympia, WA (Hybrid)
December	NO MEETING

CONTACT: Julie Anderson, 360-486-3453, Julie.anderson@wsgc.wa.gov.

WSR 23-13-012

OFFICE OF

FINANCIAL MANAGEMENT

[Filed June 8, 2023, 2:44 p.m.]

Notice of Substantial Development Dollar Threshold Adjustment

In accordance with RCW 90.58.030 (3) (e) (vii), the office of financial management (OFM) shall adjust the "substantial development" dollar threshold defined in the Shoreline Management Act every five years beginning July 1, 2018. The new dollar threshold shall be transmitted to the office of the code reviser for publication in the Washington State Register at least one month before the new threshold takes effect.

RCW 90.58.030 (3) (e) (vii), defines the construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if, in fresh waters, the fair market value of the dock does not exceed: (I) \$20,000 for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced, and are located in a county, city, or town that has updated its master program consistent with the master program guidelines in chapter 173-26 WAC as adopted in 2003; or (II) \$10,000 for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified in either subsection (3) (e) (vii) (A) or (B), the subsequent construction shall be considered a substantial development for the purpose of this chapter. All dollar thresholds under subsection (3) (e) (vii) (B) must be adjusted for inflation by OFM every five years, beginning July 1, 2018, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States Department of Labor. OFM must calculate the new dollar thresholds, rounded to the nearest hundred dollar, and transmit them to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar thresholds are to take effect.

In accordance with these requirements, OFM submits for publication the new dollar thresholds of \$28,000 for docks defined under RCW 90.58.030 (3) (e) (vii) (I), and \$13,900 for docks defined under RCW 90.58.030 (3) (e) (vii) (II). The new dollar threshold takes effect August 5, 2023.

The new threshold was calculated as follows. Over the five-year period from April 2018 to April 2023, the consumer price index for urban wage earners and clerical workers for the Seattle-Tacoma-Bellevue, Washington, area as reported by the Bureau of Labor Statistics, United States Department of Labor, increased by 24.5 percent. This percentage applied to the prior threshold of \$22,500 results in an updated threshold of \$28,000, and when applied to the prior threshold of \$11,200 results in and [an] updated threshold of \$13,900.

If you have any questions or need further information, contact Robert Baker at 360-764-6555 or email Bob.Baker@ofm.wa.gov.

WSR 23-13-019
NOTICE OF PUBLIC MEETINGS
STATE INDEPENDENT
LIVING COUNCIL

[Filed June 9, 2023, 10:34 a.m.]

The following is the schedule of regular meetings for the Washington state independent living council (SILC) for 2023. Once specific locations have been determined, an updated notice will be sent. A time for public comment will be available. All are welcome to attend.

Date	Time	Location
January 19, 2023	10:00 a.m. - 3:00 p.m.	Zoom https://dshs-telehealth.zoom.us/j/82261571325? pwd=QThvZ0JBZDIFL21aMzJlLy9XcnRPQT09
April 6, 2023	10:00 a.m. - 4:00 p.m.	Hybrid meeting Day one Zoom https://dshs-telehealth.zoom.us/j/87173526942? pwd=TFNrZW8vV3R1dzlaWGV4dTNwYkhndz09 Disability Empowerment Center, 1401 East Jefferson Street STC 506 Seattle, WA 98122
April 7, 2023	9:00 a.m. - 1:00 p.m.	Hybrid meeting Day two Zoom: https://dshs-telehealth.zoom.us/j/83056138408? pwd=NWtxcGRweVJRcnByM3hFMnVDSiVVZz09 Disability Empowerment Center, 1401 East Jefferson Street STC 506 Seattle, WA 98122
July 17, 2023	9:00 a.m. - 4:00 p.m.	[Zoom] https://dshs-telehealth.zoom.us/j/87379345318? pwd=RmRKendvbmdtZUxoOWpDbE5lQkREdz09
October 5, 2023	9:00 a.m. - 4:00 p.m.	Marysville/Lakewood, Washington
October 6, 2023	9:00 a.m. - 1:00 p.m.	Marysville/Lakewood, Washington

For accommodation requests or for further information, please contact SILC at 800-624-4105.

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

WSR 23-13-020
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD

[Filed June 9, 2023, 11:11 a.m.]

MEETING NOTICE: July 27, 2023
Hampton Inn & Suites by Hilton Bremerton
150 Washington Avenue
Bremerton, WA 98337
Zoom attendance available
1:00 to 5:00 p.m.

July 28, 2023
Hampton Inn & Suites by Hilton Bremerton
150 Washington Avenue
Bremerton, WA 98337
Zoom attendance available
8:30 a.m. to 12:30 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodation, 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 23-13-028

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF CORRECTIONS

(Correctional Industries Advisory Committee)

[Filed June 12, 2023, 6:41 a.m.]

Following is the upcoming correctional industries advisory board meetings for 2024:

On March 21, 2024, at 9 - 11 a.m., at Correctional Industries Headquarters, 801 88th Avenue S.E., Tumwater, WA 98501; or Microsoft Teams meeting. Join on your computer, mobile app, or room device [contact agency for link], Meeting ID 225 048 800 148, Passcode Sz53ag.

On June 6, 2024, 9 - 11 a.m., at Correctional Industries Headquarters, 801 88th Avenue S.E., Tumwater, WA 98501; or Microsoft Teams meeting. Join on your computer, mobile app, or room device [contact agency for link], Meeting ID 224 510 172 31, Passcode 4DR5p3.

On September 19, 2024, at 9 - 11 a.m., at Correctional Industries Headquarters, 801 88th Avenue S.E., Tumwater, WA 98501; or Microsoft Teams meeting. Join on your computer, mobile app, or room device [contact agency for link], Meeting ID 240 848 637 26, Passcode 3tkhFS.

On December 12, 2024, 9 - 11 a.m., at Correctional Industries Headquarters, 801 88th Avenue S.E., Tumwater, WA 98501; or Microsoft Teams meeting. Join on your computer, mobile app, or room device [contact agency for link], Meeting ID 213 378 103 762, Passcode PVGtPC.

WSR 23-13-029

AGENDA

BOARD OF

PILOTAGE COMMISSIONERS

[Filed June 12, 2023, 8:46 a.m.]

**Semi Annual Rule-Making Agenda
July through December 2023**

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 and 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)
363-116-076	Examination for pilot applicants	Intent to file	Pending	Pending
363-116-077	Simulator evaluation for pilot applicants	Intent to file	Pending	Pending
363-116-078	Training program	WSR 21-16-088	Pending	Pending
363-116-065	Exempt vessels	Intent to file	Pending	Pending

WSR 23-13-031

HEALTH CARE AUTHORITY

[Filed June 12, 2023, 9:23 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 23-0035 Enhanced Rate for Government-Owned Providers of Mental Health Services.
Effective Date: January 1, 2024.

Description: The health care authority (HCA) intends to submit medicaid SPA 23-0035 in order to provide cost-based reimbursement for evaluation and treatment services provided by government-owned facilities that provide mental health services.

This is a new service. Therefore, SPA 23-0035 is expected to add \$8,792,500 to annual aggregate expenditures/reimbursement/payment for these services.

SPA 23-0035 is in the development process; therefore, a copy is not yet available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available 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: Abigail Cole, Hospital Rates and Finance, P.O. Box 45501, Olympia, WA 98506, phone 360-725-1835, TRS 711, email abby.cole@hca.wa.gov, website www.hca.wa.gov.

WSR 23-13-033

NOTICE OF PUBLIC MEETINGS

SEED POTATO COMMISSION

[Filed June 12, 2023, 10:45 a.m.]

UPDATED MEETING SCHEDULE

The Washington seed potato commission will hold the following meetings in 2023/2024:

September 7, 2023	204 Hawley Street
Ag Central	Lynden, WA
December 7, 2023	204 Hawley Street
Ag Central	Lynden, WA
March 7, 2024	204 Hawley Street
Ag Central	Lynden, WA
June 6, 2024	204 Hawley Street
Ag Central	Lynden, WA

For more information, please contact Henry Bierlink at 360-354-1337 or henry@waseedpotato.com.

WSR 23-13-039

INTERPRETIVE STATEMENT

PUBLIC DISCLOSURE COMMISSION

[Filed June 12, 2023, 3:02 p.m.]

Notice of Interpretive Statement

In compliance with RCW 34.05.230, the public disclosure commission (commission) is filing this notice that PDC Interpretation 23-01 was adopted by the commission on May 25, 2023. The interpretation involves RCW 42.17A.490 and the use of a candidate's surplus contributions for the same person's campaign for a different office.

The interpretation is available on the PDC website at <https://www.pdc.wa.gov/rules-enforcement/guidelines-restrictions/transfer-surplus-contributions-candidates-campaign-different-office>. A copy of PDC Interpretation 23-01 may be requested by contacting 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, WA 98504-0908, 360-753-1111, fax 360-753-1112, toll free 1-877-601-2828, email pdc@pdc.wa.gov, website www.pdc.wa.gov.

WSR 23-13-041
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed June 12, 2023, 6:06 p.m.]

This memo serves as notice that the board of optometry (board) is rescinding policy statement OB 20-01.1 Continuing Education Requirements During the COVID-19 Response. The statement was originally filed on May 20, 2020, as WSR 20-11-068 and amended February 23, 2023, as WSR 23-06-036.

During the declared COVID-19 emergency, the policy statement allowed licensees unrestricted use of remote study or self-directed study methods to accrue up to the required total 50 hours of continuing education every two years. After May 11, 2023, those requirements return to a maximum of 10 hours of remote study and a maximum of 25 hours of self-directed study [of] continuing education may count towards the total 50 hours, as described in WAC 246-851-125 and 246-851-170.

The board officially determined the policy statement be rescinded on May 11, 2023, at its March 10, 2023, business meeting. The policy statement was effective for the duration of the coronavirus disease 2019 (COVID-19) federal declared emergency. The board is rescinding the policy statement because of the end of the federal state of emergency as of May 11, 2023, and a determination that optometrists again have adequate access to acceptable continuing education.

Individuals requiring information on this rule should contact Kristina Bell, program manager, at 360-236-484, kristina.bell@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

WSR 23-13-046

INTERPRETIVE STATEMENT

DEPARTMENT OF REVENUE

[Filed June 13, 2023, 4:19 p.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue (department) has issued the following excise tax advisory (ETA): **ETA 3128.2023 Repair Work on Goods Damaged in Transit - Purchased by the Shipper, the Carrier, or the Owner.**

This ETA explains when retail sales tax applies to charges for the repair of goods damaged while in transit to a Washington customer. This ETA further clarifies the retail sales tax and business and occupation tax consequences in cases where the purchaser of the repair services is the shipper, carrier, or owner of the damaged goods.

The department is updating this ETA to improve readability, to format to current standards, and to provide additional clarification on reporting requirements.

A copy of this document is available via the internet at Excise Tax Advisories [contact agency for link].

Atif Aziz
Tax Policy Manager
Rules Coordinator

WSR 23-13-047

RULES COORDINATOR

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 13, 2023, 4:23 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Employment Security Department is Janette Benham, 212 Maple Park Avenue S.E., Olympia, WA 98501, phone 360-790-6583, fax 844-652-7096, email rules@esd.wa.gov.

Dan Zeitlin, Director
Employment System Policy and Integrity

WSR 23-13-048
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO GR) NO. 25700-A-1505
15—DESTRUCTION, SEALING, AND)
REDACTION OF COURT RECORDS)

The Judicial Information Systems Committee's Data Dissemination Committee, having recommended the adoption of the suggested amendments to GR 15—Destruction, Sealing, and Redaction of Court Records, 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 8th day of June, 2023.

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

GR 15

DESTRUCTION, SEALING, AND REDACTION OF COURT RECORDS

(a) Purpose and Scope of the Rule. This rule sets forth a uniform procedure for the destruction, sealing, and redaction of court records. This rule applies to all court records, regardless of the physical form of the court record, the method of recording the court record, or the method of storage of the court record.

(b) Definitions.

(1) "Court file" means the pleadings, orders, and other papers filed with the clerk of the court under a single or consolidated cause number(s).

(2) "Court record" is defined in GR 31 (c) (4).

(3) Destroy. To destroy means to obliterate a court record or file in such a way as to make it permanently irretrievable. A motion or order to expunge shall be treated as a motion or order to destroy.

(4) Seal. To seal means to protect from examination by the public and unauthorized court personnel. A motion or order to delete, purge, remove, excise, erase, or redact shall be treated as a motion or order to seal.

(5) Redact. To redact means to protect from examination by the public and unauthorized court personnel a portion or portions of a specified court record.

(6) Restricted Personal Identifiers are defined in GR 22 (b) (6).

(7) Strike. A motion or order to strike is not a motion or order to seal or destroy.

(8) *Vacate*. To vacate means to nullify or cancel.

(c) Sealing or Redacting Court Records.

(1) In a civil case, the court or any party may request a hearing to seal or redact the court records. In a criminal case or juvenile proceeding, the court, any party, or any interested person may request a hearing to seal or redact the court records. Reasonable notice of a hearing to seal must be given to all parties in the case. In a criminal case, reasonable notice of a hearing to seal or redact must also be given to the victim, if ascertainable, and the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile. No such notice is required for motions to seal documents entered pursuant to CrR 3.1(f) or CrRLJ 3.1(f).

(2) After the hearing, the court may order the court files and records in the proceeding, or any part thereof, to be sealed or redacted if the court makes and enters written findings that the specific sealing or redaction is justified by identified compelling privacy or safety concerns that outweigh the public interest in access to the court record. Agreement of the parties alone does not constitute a sufficient basis for the sealing or redaction of court records. Sufficient privacy or safety concerns that may be weighed against the public interest include findings that:

(A) The sealing or redaction is permitted by statute; or

(B) The sealing or redaction furthers an order entered under CR 12(f) or a protective order entered under CR 26(c); or

(C) A conviction has been vacated; or

(D) The sealing or redaction furthers an order entered pursuant to RCW 4.24.611; or

(E) The redaction includes only restricted personal identifiers contained in the court record; or

(F) Another identified compelling circumstance exists that requires the sealing or redaction.

(3) A court record shall not be sealed under this section when redaction will adequately resolve the issues before the court pursuant to subsection (2) above.

(4) *Sealing of Entire Court File*. When the clerk receives a court order to seal the entire court file, the clerk shall seal the court file and secure it from public access. All court records filed thereafter shall also be sealed unless otherwise ordered. The existence of a court file sealed in its entirety, unless protected by statute, is available for viewing by the public on court indices. The information on the court indices is limited to the case number, names of the parties, the notation "case sealed," the case type and cause of action in civil cases and the cause of action or charge in criminal cases, except where the conviction in a criminal case has been vacated, section **(d)** shall apply. The order to seal and written findings supporting the order to seal shall also remain accessible to the public, unless protected by statute.

COMMENT: See, e.g. Chapter 13.50 RCW, which requires that sealed juvenile adjudications be "treated as if they never occurred", and no information can be given about the existence or nonexistence of records concerning an individual.

(5) *Sealing of Specified Court Records*. When the clerk receives a court order to seal specified court records the clerk shall:

(A) On the docket, preserve the docket code, document title, document or subdocument number and date of the original court records;

(B) Remove the specified court records, seal them, and return them to the file under seal or store separately. The clerk shall substitute a filler sheet for the removed sealed court record. If the court record ordered sealed exists in a microfilm, microfiche or other storage medium form other than paper, the clerk shall restrict access to the alternate storage medium so as to prevent unauthorized viewing of the sealed court record; and

(C) File the order to seal and the written findings supporting the order to seal. Both shall be accessible to the public.

(D) Before a court file is made available for examination, the clerk shall prevent access to the sealed court records.

(6) *Procedures for Redacted Court Records.* When a court record is redacted pursuant to a court order, the original court record shall be replaced in the public court file by the redacted copy. The redacted copy shall be provided by the moving party. The original unredacted court record shall be sealed following the procedures set forth in (c) (5).

(d) Procedures for Vacated Criminal Convictions. In cases where a criminal conviction has been vacated and an order to seal entered, unless protected by statute, the information in the public court indices shall be limited to the case number, case type with the notification "DV" if the case involved domestic violence, the adult or juvenile's name, and the notation "vacated."

COMMENT: See, e.g. Chapter 13.50 RCW, which requires that sealed juvenile adjudications be "treated as if they never occurred", and no information can be given about the existence or nonexistence of records concerning an individual. Per State v. Garza (2022), a juvenile adjudication is an order and finding within the meaning of Chapter 13.50 RCW and is eligible for vacation.

(e) Grounds and Procedure for Requesting the Unsealing of Sealed Records.

(1) Sealed court records may be examined by the public only after the court records have been ordered unsealed pursuant to this section or after entry of a court order allowing access to a sealed court record.

(2) *Criminal Cases.* A sealed court record in a criminal case shall be ordered unsealed only upon proof of compelling circumstances, unless otherwise provided by statute, and only upon motion and written notice to the persons entitled to notice under subsection (c) (1) of this rule except:

(A) If a new criminal charge is filed and the existence of the conviction contained in a sealed record is an element of the new offense, or would constitute a statutory sentencing enhancement, or provide the basis for an exceptional sentence, upon application of the prosecuting attorney the court shall nullify the sealing order in the prior sealed case(s).

(B) If a petition is filed alleging that a person is a sexually violent predator, upon application of the prosecuting attorney the court shall nullify the sealing order as to all prior criminal records of that individual.

(3) *Civil Cases.* A sealed court record in a civil case shall be ordered unsealed only upon stipulation of all parties or upon motion and written notice to all parties and proof that identified compelling circumstances for continued sealing no longer exist, or pursuant to RCW 4.24 or CR 26(j). If the person seeking access cannot locate a party to provide the notice required by this rule, after making a good faith reasonable effort to provide such notice as required by the Su-

perior Court Rules, an affidavit may be filed with the court setting forth the efforts to locate the party and requesting waiver of the notice provision of this rule. The court may waive the notice requirement of this rule if the court finds that further good faith efforts to locate the party are not likely to be successful.

(4) *Juvenile Proceedings*. Inspection of a sealed juvenile court record is permitted only by order of the court upon motion made by the person who is the subject of the record, except as otherwise provided in RCW 13.50.010(8) and 13.50.050(23). Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order, pursuant to RCW 13.50.050(16).

(f) Maintenance of Sealed Court Records. Sealed court records are subject to the provisions of RCW 36.23.065 and can be maintained in mediums other than paper.

(g) Use of Sealed Records on Appeal. A court record or any portion of it, sealed in the trial court shall be made available to the appellate court in the event of an appeal. Court records sealed in the trial court shall be sealed from public access in the appellate court subject to further order of the appellate court.

(h) Destruction of Court Records.

(1) The court shall not order the destruction of any court record unless expressly permitted by statute. The court shall enter written findings that cite the statutory authority for the destruction of the court record.

(2) In a civil case, the court or any party may request a hearing to destroy court records only if there is express statutory authority permitting the destruction of the court records. In a criminal case or juvenile proceeding, the court, any party, or any interested person may request a hearing to destroy the court records only if there is express statutory authority permitting the destruction of the court records. Reasonable notice of the hearing to destroy must be given to all parties in the case. In a criminal case, reasonable notice of the hearing must also be given to the victim, if ascertainable, and the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile.

(3) When the clerk receives a court order to destroy the entire court file the clerk shall:

(A) Remove all references to the court records from any applicable information systems maintained for or by the clerk except for accounting records, the order to destroy, and the written findings. The order to destroy and the supporting written findings shall be filed and available for viewing by the public.

(B) The accounting records shall be sealed.

(1) When the clerk receives a court order to destroy specified court records the clerk shall;

(A) On the automated docket, destroy any docket code information except any document or sub-document number previously assigned to the court record destroyed, and enter "Order Destroyed" for the docket entry;

(B) Destroy the appropriate court records, substituting, when applicable, a printed or other reference to the order to destroy, including the date, location, and document number of the order to destroy; and

(C) File the order to destroy and the written findings supporting the order to destroy. Both the order and the findings shall be publicly accessible.

(5) This subsection shall not prevent the routine destruction of court records pursuant to applicable preservation and retention schedules.

(i) Trial Exhibits. Notwithstanding any other provision of this rule, trial exhibits may be destroyed or returned to the parties if all parties so stipulate in writing and the court so orders.

(j) Effect on Other Statutes. Nothing in this rule is intended to restrict or to expand the authority of clerks under existing statutes, nor is anything in this rule intended to restrict or expand the authority of any public auditor, or the Commission on Judicial Conduct, in the exercise of duties conferred by statute.

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 23-13-049
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
NEW GENERAL RULE) NO. 25700-A-1506

A Consortium (Beverly K. Tsau; Erin L. Lennon, Supreme Court Clerk; J. Denise Diskin, Executive Director, QLaw Foundation; Dana Savage, President Elect, QLaw Association of Washington; Ada Danelo, Vice President, QLaw Association of Washington, Adirne Leavitt; Danny Waxwing), having recommended the adoption of the proposed new General Rule, and the Court having considered the proposed general rule, and having determined that the proposed general rule will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed general rule as shown below is adopted.

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

DATED at Olympia, Washington this 8th day of June, 2023.

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

GR 43
PERSONAL PRONOUNS
[NEW]

(a) Policy and Purpose. The purpose of this rule is to promote inclusive practices in courtrooms and court filing procedures.

(b) Scope. This rule applies to all courts of the State of Washington.

(c) Option to Indicate Personal Pronouns on Court Filings. Any person's personal pronouns may be indicated in the text of filed documents. A signing attorney or party may indicate their personal pronouns in the signature block and on the title page of filed documents.

WSR 23-13-050
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO CRLJ 55—) NO. 25700-A-1507
DEFAULT)

The District and Municipal Court Judges' Association, having recommended the adoption of the proposed amendment to CRLJ 55—Default, and the Court having considered the proposed amendment, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendment as shown below is adopted.

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

DATED at Olympia, Washington this 8th day of June, 2023.

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

CRLJ 55
DEFAULT

(a) - (e) [Unchanged.]

(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 hearing on 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) [Unchanged.]

WSR 23-13-051
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO RAP 18.7—) NO. 25700-A-1508
SIGNING AND DATING PAPERS,)
AND RAP FORMS 1, 2, 3, 4, 5, 6, 9, 10,)
11, 13, 16, 17, 18, 19, 20, AND 21)

A Consortium (Beverly K. Tsai; Erin L. Lennon, Supreme Court Clerk; Justice Raquel Montoya-Lewis, Supreme Court Justice; Danny Waxwing; Dana Savage, President Elect, QLaw Association of Washington; Ada Danelo, Vice President, QLaw Association of Washington; J. Denise Diskin, Executive Director, QLaw Foundation; Riley Hewko, Esq.; Adrien Leavitt), having recommended the adoption of the proposed amendments to RAP 18.7—Signing and Dating Papers, and RAP Forms 1, 2, 3, 4, 5, 6, 9, 10, 11, 13, 16, 17, 18, 19, 20, and 21, 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 8th day of June, 2023.

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

RAP RULE 18.7 SIGNING AND DATING PAPERS

Each paper filed pursuant to these rules should be dated and signed by an attorney (with the attorney's Washington State Bar Association membership number in the signature block) or party, except papers prepared by a judge, commissioner or clerk of court, bonds, papers comprising a record on review, papers that are verified on oath or by certificate, and exhibits. The signing attorney or party may also indicate their personal pronouns in the signature block.

RAP FORM 1. Notice of Appeal (Trial Court Decision)
[Rule 5.3(a)]

SUPERIOR COURT OF WASHINGTON
FOR [] COUNTY

[Name of plaintiff],
Plaintiff, No. [trial court]

v.

	Notice of Appeal to
[Name of defendant],	[Court of Appeals or
Defendant.	Supreme Court]

[Name of party seeking review], [plaintiff or defendant], seeks review by the designated appellate court of the [Describe the decision or part of decision which the party wants reviewed: for example, "Judgment", "Paragraph 4 of the Marriage Dissolution Decree".] entered on [date of entry.]

A copy of the decision is attached to this notice.

[Date]

Signature
Attorney for [Plaintiff or Defendant]

[Name, personal pronouns (optional), address, telephone number, and Washington State Bar Association membership number of attorney for appellant and the name and address of counsel for each other party should be listed here. In a criminal case, the name and address of the defendant should also be listed here. See rule 5.3(c).]

RAP FORM 2. Notice for Discretionary Review
[Rule 5.3(b)]

SUPERIOR COURT OF WASHINGTON
FOR [] COUNTY

[Name of Plaintiff],	
Plaintiff,	No. [trial court]

v.

	Notice of Appeal to
[Name of defendant],	Court of Appeals or Supreme
Defendant.	Court]

[Name of party seeking review], [plaintiff or defendant], seeks review by the designated appellate court of the [Describe the decision or part of decision which the party wants reviewed: for example, "Order Denying Discovery", "Paragraph 4 of the Restraining Order".] entered on [date of entry].

A copy of the decision is attached to this notice.

[Date]

Signature
Attorney for [Plaintiff or Defendant]

[Name, personal pronouns (optional), address, telephone number, and Washington State Bar Association membership number of attorney for appellant and the name and address of counsel for each other party should be listed here. In a criminal case, the name and address of the defendant should also be listed here. See rule 5.3(c).]

RAP FORM 3. Motion for Discretionary Review

[Rule 6.2 (review of trial court decision); Rule 13.5 (review of Court of Appeals interlocutory decision); Rule 17.3(b) (content of motion)]

No. [appellate court]
(SUPREME COURT OR COURT OF APPEALS, DIVISION _____)
OF THE STATE OF WASHINGTON

[Title of trial court proceeding with parties designated as
in rule 3.4, for example:
JOHN DOE, Respondent,
v.
MARY DOE, Petitioner,
and
HENRY JONES, Defendant.]

MOTION FOR DISCRETIONARY REVIEW

[Name of petitioner's attorney] [personal pronouns (optional)]
Attorney for [Petitioner]
[Address, telephone number, and Washington State Bar Association
membership number of petitioner's attorney]
A. -Appendix
[Unchanged.]

RAP FORM 4. Statement of Grounds for Direct Review
[Rule 4.2(b)]

No. [Supreme Court]

SUPREME COURT OF THE STATE OF WASHINGTON

[Title of trial court) STATEMENT OF GROUNDS FOR
proceeding with parties) DIRECT REVIEW BY THE
designated as in rule 3.4]) SUPREME COURT

[Name of party] seeks direct review of the [describe the decision
or part of the decision that the party wants reviewed] entered by the
[name of court] on [date of entry.] The issues presented in the review
are: [State issues presented for review. See Part II of Form 6 for
suggestions for framing issues presented for review.]

The reasons for granting direct review are: (Briefly indicate and
argue grounds for direct review. See rule 4.2.)

[Date]
Respectfully submitted,

Signature
[Name, personal pronouns (optional), address, telephone number,
and Washington State Bar Association membership number of attorney]

RAP FORM 5. Title Page for all Briefs and Petition for Review
[Rule 10.3 (briefs); Rule 13.4(d) (petition for review)]

No. [appellate court]
(SUPREME COURT OR COURT OF APPEALS, DIVISION _____)
OF THE STATE OF WASHINGTON

[Title of trial court proceeding with parties designated as
in rule 3.4, for example:
JOHN DOE, Respondent,
v.

MARY DOE, Petitioner,
and
HENRY JONES, Defendant.]

[PETITION FOR REVIEW or title of brief, for example:
BRIEF OF
PETITIONER, REPLY BRIEF OF APPELLANT]

[Name of attorney for party filing brief] (personal pronouns (optional))
Attorney for [*Identity of party, as Appellant*]
[Address, telephone number, and Washington State Bar Association number of attorney for party filing brief or petition]

RAP FORM 6. Brief of Appellant
[Rule 10.3(a)]

[Title Page] [Unchanged.]

TABLE OF CONTENTS
[Unchanged.]

TABLE OF AUTHORITIES
[Unchanged.]

I.-V. [Unchanged.]

VI. CONCLUSION

[Here state the precise relief sought.]

[If the petition is prepared using word processing software, include the following statement: This document contains _____ words, excluding the parts of the document exempted from the word count by RAP 18.17.]

[Date]

Respectfully submitted,

Signature

[Name of Attorney] [personal pronouns (optional)]
Attorney for [*Appellant, Respondent, or Petitioner*]
Washington State Bar Association membership number

VII. Appendix

[Unchanged.]

RAP FORM 9. Petition for Review
[Rule 13.4(d)]

TABLE OF CONTENTS
[Unchanged.]

TABLE OF AUTHORITIES
[Unchanged.]

A.-E. [Unchanged.]

F. CONCLUSION

[State the relief sought if review is granted. See Part F of Form 3.]

[If the petition is prepared using word processing software, include the following statement: This document contains _____ words, excluding the parts of the document exempted from the word count by RAP 18.7.]

[Date]
Respectfully submitted,

Signature
[Name of attorney] [personal pronouns (optional)]
Attorney for [Petitioner or Respondent]
Washington State Bar Association
membership number

Appendix

[Unchanged.]

RAP FORM 10. Cost Bill

[Rule 14.4]

No. [appellate court]

[SUPREME COURT OR COURT OF APPEALS, DIVISION _____]
OF THE STATE OF WASHINGTON

[Title of trial court)
proceeding with parties) COST BILL
designated as in rule 3.4)

[Name of party asking for costs], [appellant, petitioner, or respondent], asks that the following costs be awarded:

- 1. Statutory attorney's fees \$
 - 2. Preparation of original and one copy's of Report of proceedings \$
 - 3. Copies of clerk's papers \$
 - 4. Transmittal of record on review \$
 - 5. Expenses incurred in superseding the decision of the trial court [Identify] \$
 - 6. Charges of appellate court clerk for reproduction of briefs, petitions, and motions [Identify and separately state the charge for each.] \$
 - 7. Preparing 50 pages of original documents \$
 - 8. Filing fee \$ _____
- Total \$

The above items are expenses allowed as costs by rule 14.3, reasonable expenses actually incurred, and reasonably necessary for review. [Name of party] should pay the costs.

[Date]

Signature
Attorney for [Appellant, Respondent, or Petitioner]
[Name, personal pronouns (optional), address, telephone number, and Washington State Bar Association membership number of attorney]

RAP FORM 11. Objections to Cost Bill

[Rule 14.5]

No. [appellate court]

[SUPREME COURT OR COURT OF APPEALS, DIVISION _____]
OF THE STATE OF WASHINGTON

[Title of trial court proceeding with parties designated as in rule 3.4]) OBJECTIONS TO COST BILL))

[Name of party objecting], [appellant, petitioner or respondent], objects to the award of any costs to [name of party] because:

[Here state reasons. See rule 14.2.]

Alternate Form

[Name of party objecting], [appellant, petitioner, or respondent], objects to the following expenses listed on the Cost Bill of [name of party]:

[List the items on the cost bill which are objectionable, by number of item on the cost bill with a description of the item and the amount claimed. State the objection after each item. For example:

2. Report of Proceedings \$320.00

Objection: The amount claimed is unreasonable. See RAP 14.3.

(a). The report of proceedings is double spaced and is _____ pages. The usual charge per page is \$ _____. Computed on the usual basis, the total charge should be \$220.00.

5. Bond \$10.00

Objection: The charge is for the premium on a cost bond. A cost bond is not required under the new rules. The charge was not reasonably necessary for review. See RAP 14.3(a).]

[Date]

Signature

Attorney for [Appellant, Respondent, or Petitioner]

[Name, personal pronouns (optional), address, telephone number, and Washington State Bar Association membership number of attorney]

RAP FORM 13. Motion for Order of Indigency

[Rule 15.2(c)]

SUPERIOR COURT OF WASHINGTON FOR _____ COUNTY

[Name of Plaintiff]) Plaintiff,) No. [trial court]

v.)

) Motion for Order of Indigency-(Criminal), (Juvenile Offense), (Dependency), (Termination), (Commitment), (Civil Contempt), (Habeas Corpus), (Appeal involving a Constitutional or Statutory Right to Counsel) Case

[Name of defendant]) Defendant.)

_____, (defendant) (respondent) (petitioner), files a notice of appeal in the above-referenced (criminal), (juvenile offense), (dependency), (termination), (commitment), (civil contempt), (habeas corpus), (appeal involving a constitutional or statutory right to counsel) case, and moves the court for an Order of Indigency au-

thorizing the expenditure of public funds to prosecute this appeal (wholly at public expense) (partially at public expense).

(Defendant) (Respondent) (Petitioner) was found indigent by order of this court on _____. There has been no change in (defendant) (respondent) (petitioner)'s financial status since that time, and (defendant) (respondent) (petitioner) continues to lack sufficient funds to seek review in this case.

(Defendant) (Respondent) (Petitioner) asks the court to order the following to be provided at public expense: all filing fees; attorney fees; preparation, reproduction, and distribution of briefs; preparation of verbatim report of proceedings; and preparation of necessary clerk's papers.

The following certificate is made in support of this motion.

DATED: _____

Signature _____

(Defendant) (Respondent) (Petitioner)
(personal pronouns (optional))

Signature _____

Name of Attorney for (Defendant) (Respondent)
(Petitioner)
(personal pronouns (optional))

WSBA # _____

CERTIFICATE
[Unchanged.]

RAP FORM 16. Petition Against State Officer
[Rule 16.2 (b)]

No. [appellate court]
SUPREME COURT OF THE STATE OF WASHINGTON

[Name of petitioner],
Petitioner,

PETITION AGAINST STATE
OFFICER

v.

[Name of respondent],
Respondent.

Petitioner alleges:

[Set forth in numbered, descriptively titled paragraphs, as in a complaint in a civil action, a short and plain statement of the claim showing that petitioner is entitled to relief. Conclude with a demand for judgment for the relief sought. See CR 10.]

[Date]

Signature _____

Attorney for Petitioner

[Name, personal pronouns (optional), address, telephone number, and Washington State Bar Association membership number of attorney]

RAP FORM 17. Personal Restraint Petition for Person Confined by State or Local Government

[Rule 16.7]

[Title and Caption] [Unchanged.]

A. STATUS OF PETITIONER

I, _____, (full name, personal pro- nouns (optional), and address) apply for relief from confinement. I am _____ am not _____ now in custody serving a sentence upon conviction of a crime. (If not serving a sentence upon conviction of a crime) I am now in custody because of the following type of court order:

(identify type of order)
1. The court in which I was sentenced is _____.
2. I was convicted of the crime(s) of _____.

3. I was sentenced after trial _____, after plea of guilty on _____.
The judge who imposed sentence was _____
(date of sentence)

(name of trial court judge)
4. My lawyer at trial court was _____
(name and address if known; if none, write "none")

5. I did _____ did not _____ appeal from the decision of the trial court. (If the answer is that I did), I appealed to _____.

(name of court or courts to which appeal was taken)
My lawyer on appeal was _____
(name and address if known; if none, write "none")
The decision of the appellate court was _____ was not _____ pub- lished. (If the answer is that it was published, and I have this in- formation), the decision is published in _____.

(volume number, Washington Appellate Reports or Washington Reports, and page number)

6. Since my conviction I have _____ have not _____ asked a court for some relief from my sentence other than I have already written above. (If the answer is that I have asked), the court I asked was _____.

(name of court or courts in which relief was sought)
Relief was denied on _____
(date of decision or, if more than one, dates of all decisions)

7. (If I have answered in question 6 that I did ask for relief), the name of my lawyer in the proceeding mentioned in my answer to question 6 was _____.

(name and address if known; if none, write "none")
8. If the answers to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here: _____.
B.-E. [Unchanged.]

RAP FORM 18. Motion
[Rule 17.3(a)]

[Title Page] [Unchanged.]
1.-3. [Unchanged.]

4. GROUNDS FOR RELIEF AND ARGUMENT

[Here state the grounds for the relief sought with authority and supporting argument. For example: "RAP 3.2(a) authorizes substitution of parties when the interest of a party in the subject matter of the review has been transferred. Substitution should be granted here as

defendant has no claim against plaintiff-respondent and respondent no longer has an interest in the judgment which is the subject matter of this appeal".]

[If the petition is prepared using word processing software, include the following statement: This document contains _____ words, excluding the parts of the document exempted from the word count by RAP 18.7.]

[Date]
Respectfully submitted,

Signature

Attorney for [Appellant, Respondent, or Petitioner]
[Name, personal pronouns (optional), address, telephone number, and Washington State Bar Association membership number of attorney]

RAP FORM 19. Notice of Motion

[RAP 17.4(a)]

No. [appellate court]

[SUPREME COURT or COURT OF APPEALS, DIVISION _____]
OF THE STATE OF WASHINGTON

[Title of trial court)
proceeding with parties) Notice of Motion
designated as in rule 3.4])

To: [Names of persons entitled to notice and their attorneys. See RAP 17.4(a).]

[Name of moving party], [appellant, petitioner, or respondent], will bring on for hearing [name of motion, for example: "Motion To Substitute Appellant"] on [date]. The motion will be heard by the [Judges, Commissioner, or Clerk] at [hour], or as soon thereafter as the motion can be heard. The address of the place of hearing is [room number and address].

[Date]

Signature

[Name of attorney] [personal pronouns (optional)]
Washington State Bar Association membership number Attorney for [Appellant, Respondent, or Petitioner]

RAP FORM 20. Motion To Modify Ruling

[Rule 17.7]

1.-3. [Unchanged.]

4. GROUNDS FOR RELIEF AND ARGUMENT

[Here state the grounds for relief sought with authority and supporting argument. The grounds for relief set forth in the original motion may be incorporated by reference.]

[Date]
Respectfully submitted,

Signature

Attorney for [Appellant, Respondent or Petitioner]
[Name, (personal pronouns (optional)), address, telephone number, and Washington State Bar Association membership number of attorney]

RAP FORM 21. Civil Appeal Statement

[Rule 5.5(c)]

[Caption and Header] [Unchanged.]

1.-12. [Unchanged.]

13. CERTIFICATE OF COUNSEL

I, attorney for appellant [*name of appellant*], certify that this appeal is taken in good faith and not for purposes of delay.

I further certify that my client [*is or is not*] prepared to immediately take all steps to complete the appeal. [*If the statement indicates the party is not prepared to immediately take all steps to complete the appeal, state here why the party is not prepared to immediately complete the appeal.*]

[Date]

Signature

Attorney for Appellant

[*Name, personal pronouns (optional), address, telephone number, and Washington State Bar Association membership number of attorney*]

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 23-13-052
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO GR 31—ACCESS) NO. 25700-A-1509
TO COURT RECORDS)

The Judicial Information Systems Committee, having recommended the adoption of the proposed amendments to GR 31—Access to Court Records, 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 8th day of June, 2023.

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

GR 31
ACCESS TO COURT RECORDS

(a) - (d) [Unchanged.]

(e) Personal Identifiers Omitted or Redacted from Court Records.

(1) [Unchanged.]

(2) The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Court, ~~or~~ the Clerk, and the Administrative Office of the Courts will not review each pleading for compliance with this rule. If a pleading is filed without redaction, the opposing party or identified person may move the Court to order redaction. The court may award the prevailing party reasonable expenses, including attorney fees and court costs, incurred in making or opposing the motion.

Comment

[Unchanged.]

(f) [Unchanged.]

(g) Bulk Distribution of Court Records.

(1) - (4) [Unchanged.]

(5) The Administrator for the Courts is not responsible for the content of any court documents published through the JIS.

(h) - (k) [Unchanged.]

WSR 23-13-053
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO RAP 2.2—) NO. 25700-A-1510
DECISIONS OF THE SUPERIOR)
COURT THAT MAY BE APPEALED)

The Washington State Court of Appeals Rules Committee, having recommended the adoption of the proposed amendment to RAP 2.2—Decisions of the Superior Court That May Be Appealed, and the Court having considered the proposed amendment, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendment as shown below is adopted.

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

DATED at Olympia, Washington this 8th day of June, 2023.

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

RAP 2.2
DECISIONS OF THE SUPERIOR COURT THAT MAY
BE APPEALED

(a) Generally. Unless otherwise prohibited or provided by statute or court rule and except as provided in sections (b) and (c), a party may appeal from only the following superior court decisions:

(1)-(13) [Unchanged.]

(b)-(d) [Unchanged.]

WSR 23-13-054
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO RAP 10.5—) NO. 25700-A-1511
REPRODUCTION AND SERVICE OF)
BRIEFS)

The Washington State Court of Appeals Rules Committee, having recommended the adoption of the proposed amendments to RAP 10.5—Reproduction and Service of Briefs, 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 8th day of June, 2023.

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

RAP 10.5 REPRODUCTION AND SERVICE OF BRIEFS

(a) Reproduction of Brief. The appellate court clerk will may arrange for the economical reproduction of each brief and bill the party or amicus filing the brief for the cost of reproduction. If the clerk reproduces a Each brief, the clerk will be reproduced in only the number of copies deemed necessary by the commissioner or clerk. The party or amicus must pay the cost of reproduction of the brief within 10 days after receiving the bill from the clerk. The appellate court commissioner or clerk may permit, under appropriate standards, a governmental party to reproduce and directly supply to the commissioner or clerk the number of copies required by the court in lieu of reproduction of the briefs being made by the court.

WSR 23-13-055
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO LIMITED) NO. 25700-A-1512
PRACTICE OFFICER RULES OF)
PROFESSIONAL CONDUCT)
(LPORPC) RULE 1.12—)
SAFEGUARDING PROPERTY)

The Washington State Bar Association (WSBA), having recommended the adoption of the proposed amendment to Limited Practice Officer Rules of Professional Conduct (LPORPC) Rule 1.12—Safeguarding Property, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendment as shown below is adopted.

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

DATED at Olympia, Washington this 8th day of June, 2023.

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

LIMITED PRACTICE OFFICER RULES
OF PROFESSIONAL CONDUCT
(LPORPC)
LPORPC 1.12A SAFEGUARDING PROPERTY

(a) - (g) [Unchanged.]

(h) An LPO or Closing Firm must comply with the following for all trust accounts:

(1) - (4) [Unchanged.]

(5) All withdrawals must be made only to a named payee and not to cash.

Withdrawals must be made by check or by bank electronic transfer.

(6) - (8) [Unchanged.]

(i) - (j) [Unchanged.]

WSR 23-13-056
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO GENERAL) NO. 25700-A-1513
RULES (GR) 1, 12.4, AND 24)

The Washington State Bar Association, having recommended the adoption of the proposed amendments to General Rules (GR) 1, 12.4, and 24, 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 8th day of June, 2023.

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

GR 1
CLASSIFICATION SYSTEM FOR COURT RULES
PART I: RULES OF GENERAL APPLICATION

Table with 2 columns: Rule Name and Abbreviation. Includes General Rules (GR), Code of Judicial Conduct (CJC), Discipline Rules for Judges (DRJ), Board for Judicial Administration Rules (BJAR), Admission to and Practice Rules (APR), Rules of Professional Conduct (RPC), Limited Practice Officer Rules of Professional Conduct (LPORPC), Limited License Legal Technician Rules of Professional Conduct (LLLT RPC), Rules for Enforcement of Lawyer Conduct (ELC), Rules for Enforcement of Limited Practice Officer Conduct (ELPOC), Rules for Enforcement of Limited License Legal Technician Conduct (ELLLTC), Judicial Information System Committee Rules (JISCR), Rules of Evidence (ER).

PARTS II-V

[Unchanged.]

GR 12.4
WASHINGTON STATE BAR ASSOCIATION ACCESS TO RECORDS

(a) - (c) [Unchanged.]

(d) Bar Records—Right of Access.

(1) The Bar shall make available for inspection and copying all Bar records, unless the record falls within the specific exemptions of

this rule, or any other state statute (including the Public Records Act, chapter 42.56 RCW) or federal statute or rule as they would be applied to a public agency, or is made confidential by the Rules of Professional Conduct, the LLLT Rules of Professional Conduct, the LPO Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission to and Practice Rules and associated regulations, the Rules for Enforcement of Limited Practice Officer Conduct, the Rules for Enforcement of Limited License Legal Technician Conduct, General Rule GR 25, court orders or protective orders issued under those rules, or any other state or federal statute or rule. To the extent required to prevent an unreasonable invasion of personal privacy interests or threat to safety or by the above-referenced rules, statutes, or orders, the Bar shall delete identifying details in a manner consistent with those rules, statutes, or orders when it makes available or publishes any Bar record; however, in each case, the justification for the deletion shall be explained in writing.

(2) [Unchanged.]

(e)-(j) [Unchanged.]

GR 24

DEFINITION OF THE PRACTICE OF LAW

(a) [Unchanged.]

(b) Exceptions and Exclusions: Whether or not they constitute the practice of law, the following are permitted:

(1) Practicing law authorized by a limited license to practice pursuant to Admission to ~~and~~ Practice Rules 3(g) (pro bono admission), 8 (special limited admissions for: a particular purpose or action or proceeding; indigent representation; educational purposes; pro bono status membership; house counsel), 9 (licensed legal interns), 12 (limited practice for closing officers), or 14 (limited practice for foreign law consultants), or 28 (limited license legal technicians).

(2)-(11) [Unchanged.]

(c)-(f) [Unchanged.]

WSR 23-13-057
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

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 23-14 issue of the Register.

WSR 23-13-058
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO RAP 16.8—) NO. 25700-A-1515
PERSONAL RESTRAINT PETITION)
—FILING AND SERVICE)

Attorney Kelly Vomacka, having recommended the adoption of the proposed amendment to RAP 16.8—Personal Restraint Petition—Filing and Service, and the Court having considered the proposed amendment, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendment as shown below is adopted.

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

DATED at Olympia, Washington this 8th day of June, 2023.

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

RAP 16.8

PERSONAL RESTRAINT PETITION—FILING FOR SERVICE

(a) Filing Fee. A personal restraint petition will be filed by the clerk of the appellate court only if the statutory filing fee is paid, unless the appellate court determines that the petitioner is indigent or the case is transferred from Superior Court under CrR 7.8. The statute governing payment of a fee for filing a petition for writ of habeas corpus is controlling.

(b)–(e) [Unchanged.]

References

[Unchanged.]

WSR 23-13-059
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO RAP 14.3—) NO. 25700-A-1516
EXPENSES ALLOWED AS COSTS)

The Washington State Court of Appeals Rules Committee, having recommended the adoption of the proposed amendments to RAP 14.3—Expenses Allowed as Costs, 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 8th day of June, 2023.

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

RAP 14.3
EXPENSES ALLOWED AS COSTS

(a) Generally. Only statutory attorney fees and the reasonable expenses actually incurred by a party for the following items which were reasonably necessary for review may be awarded to a party as costs: (1) preparation of the original and one copy of the report of proceedings, (2) copies of the clerk's papers, (3) preparation of a brief or other original document to be reproduced by the clerk, as provided in rule 14.3(b), (4) transmittal of the record on review, (5) expenses incurred in superseding the decision of the trial court, but not ordinarily greater than the usual cost of a commercial surety bond, (6) the lesser of the charges of the clerk for reproduction of briefs, petitions, and motions, or the costs incurred by the party reproducing briefs as authorized under rule 10.5(a), (7) the filing fee, and (8) such other sums as provided by statute. If a party has incurred an expense for one of the designated items, the item is presumed to have been reasonably necessary for review, which presumption is rebuttable. The amount paid by a party for the designated item is presumed reasonable, which presumption is rebuttable.

(b) Special Rule for Cost of Preparing Brief or Other Original Document. The costs awarded for preparing a brief or other original document is an amount per page fixed from time to time by the Supreme Court. The cost for preparing a brief or other original document will only be awarded for a brief or document which substantially complies with these rules and only for the actual number of pages of the brief or document including the front cover and appendix. If a brief or

~~document is unreasonably long, costs will be awarded only for a reasonable number of pages.~~

(eb) Special Rule for Indigent Review. An Indigent may not recover costs from the State for expenses paid with public funds as provided in Title 15. The clerk or commissioner will claim costs due from other parties which reimburse the State for expenses paid with public funds as provided in Title 15.

References

[Unchanged.]

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 23-13-060
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO RAP 17.4—FILING) NO. 25700-A-1517
AND SERVICE OF MOTION—)
ANSWER TO MOTION)

The Washington State Court of Appeals Rules Committee, having recommended the adoption of the proposed amendment to RAP 17.4—Filing and Service of Motion—Answer to Motion, and the Court having considered the proposed amendment, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendment as shown below is adopted.

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

DATED at Olympia, Washington this 8th day of June, 2023.

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

RAP 17.4

FILING AND SERVICE OF MOTION—ANSWER TO MOTION

(a) - (f) [Unchanged.]

(g) Length of Motion, Answer and Reply; Form of Papers and Number of Copies.

(1) [Unchanged.]

(2) All papers relating to motions or answers should comply with the formatting requirements of RAP 18.17, provided and original only and no copy should be filed. The appellate court commissioner or clerk will may reproduce additional copies that may be necessary for the appellate court and charge the appropriate party as provided in rule 10.5(a).

References

[Unchanged.]

WSR 23-13-061
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO CrRLJ 7.4—) NO. 25700-A-1518
ARREST OF JUDGMENT)

Judge Steele, having recommended the adoption of the proposed amendments to CrRLJ 7.4—Arrest of Judgment, 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 8th day of June, 2023.

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

CrRLJ 7.4
ARREST OF JUDGMENT

(a) [Unchanged.]

(b) **Time for Motion; Contents of Motion.** A motion for arrest of judgment must be served and filed within 5 10 days after the verdict or decision. The court on application of the defendant or on its own motion may in its discretion extend the time until such time as judgment is entered. The motion for arrest of judgment shall identify the specific reasons in fact and law for each ground on which the motion is based.

(c) – (d) [Unchanged.]

WSR 23-13-062
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO CrRLJ 7.5—NEW) NO. 25700-A-1519
TRIAL)

Judge Steele, having recommended the adoption of the proposed amendments to CrRLJ 7.5—New Trial, 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 8th day of June, 2023.

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

CrRLJ 7.5
NEW TRIAL

(a) [Unchanged.]

(b) Time for Motion; Contents of Motion. A motion for new trial must be served and filed within 5 10 days after the verdict or decision. The court on application of the defendant or on its own motion may in its discretion extend the time until such time as judgment is entered. The motion for a new trial shall identify the specific reasons in fact and law for each ground on which the motion is based.

(c) Time for Affidavits. When a motion for a new trial is based upon affidavits they shall be served with the motion. The prosecuting authority has 5 10 days after such service within which to serve opposing affidavits. The court may extend the period for submitting affidavits to a time certain for good cause shown or upon stipulation.

(d) [Unchanged.]

WSR 23-13-063
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
NEW SUPERIOR COURT SPECIAL) NO. 25700-A-1520
PROCEEDINGS RULE (SPR 98.24W))
—UNLAWFUL DETAINERS—)
APPOINTMENT OF ATTORNEY)
[REVISED])

A Consortium (Northwest Justice Project, Access to Justice Board, Spokane Volunteer Lawyers Program, Snohomish County Legal Services, Tacoma Pro Bono, King County Bar Association Housing Justice Project, Kitsap Legal Services, Yakima Volunteer Attorney Services, Chelan-Douglas Volunteer Attorney Services, Thurston County Volunteer Lawyer Services, Skagit Volunteer Lawyers Program, Clark County Volunteer Lawyers Program), having recommended the proposed new Superior Court Special Proceedings Rule (SPR 98.24W)—Unlawful Detainers—Appointment of Attorney [Revised], and the Court having published the proposed new rule for comment and then having determined that the proposed new rule should be modified, having now approved the revised proposed new Superior Court Special Proceedings Rule for publication on an expedited basis;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed new rule as shown below is to be published expeditiously for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites.

(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 August 30, 2023. 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 8th day of June, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 Supplement - Proposed SPR 98.24 (NEW)

The Washington Supreme Court Rules Committee reviewed the comments on a new proposed rule regarding the appointment of counsel in unlawful detainer proceedings (SPR 98.24). The proposed rule was originally submitted by: Northwest Justice Project, Access to Justice Board, Spokane Volunteer Lawyers Program, Snohomish County Legal Services, Tacoma Pro Bono, King County Bar Association Housing Justice Project, Kitsap Legal Services, Yakima Volunteer Attorney Services, Chelan-Douglas Volunteer Attorney Services, Thurston County Volunteer

Lawyer Services, Skagit Volunteer Lawyers Program, Clark County Volunteer Lawyers Program

The original rule was published for comment by the October 2022 En Banc Conference with a comment expiration date of January 31, 2023. The Superior Court Judges' Association was granted an additional month until February 28, 2023 to provide comments.

Justice Yu, co-chair of the Rules Committee contacted Jim Bamberger, Director of the Office of Civil Legal Aid to obtain information regarding the availability of counsel for appointment in each county and to inquire whether additional funding would be available going forward. The attached materials were made available to Justice Yu and Mr. Bamberger stated that additional funds had been appropriated by the Legislature.

Justice Yu revised the proposed rule and such revisions were accepted by the Office of Civil Legal Aid and subsequently accepted by the Rules Committee. The Rules Committee is recommending that the revised rule be republished for comment.

[PROPOSED] SPR 98.____W

UNLAWFUL DETAINERS—APPOINTMENT OF ATTORNEY

In all unlawful detainer cases where an individual qualifies for an attorney at public expense in accordance with RCW 59.18.640, the following protocols shall be followed:

1. If the tenant appears without an attorney, before taking any action in the case, the court shall:
 - a. Advise the tenant that if they are indigent, they have a statutory right to be represented by an attorney at public expense;
 - b. If applicable, refer the tenant for screening and appointment of counsel pursuant to any local order or established procedure consistent with RCW 59.18.640; and
 - c. Continue the hearing for a reasonable period of time so that counsel may be obtained.
2. If the tenant is unrepresented and the court issues a writ of restitution before judgment or by default, the tenant may file a motion requesting that the court appoint an attorney at any time before law enforcement executes the writ. During this time, a lawyer seeking appointment may file an ex parte motion for appointment and request that the court stay the execution of the writ for ten days. The lawyer seeking appointment shall establish by declaration that good faith efforts were made to notify the other party or, if no efforts were made, why notice could not be provided prior to the application for an ex parte stay, and describing the immediate or irreparable harm that may result if an immediate stay is not granted.
3. A stay issued under this rule will be set to expire ten days after entry without further order from the court. If new information arises and the court finds the tenant is not eligible for appointment of a lawyer, the court may lift the stay.

GR 9 COVER SHEET

Suggested Adoption of New Special Proceeding Rule

SUPERIOR COURT SPECIAL PROCEEDINGS

APPOINTMENT OF ATTORNEY FOR INDIGENT TENANT IN UNLAWFUL DETAINER PROCEEDINGS

A. Proponents: Northwest Justice Project, Access to Justice Board, Spokane Volunteer Lawyers Program, Snohomish County Legal Services, Tacoma Pro Bono, King County Bar Association Housing Justice Project, Kitsap Legal Services, Yakima Volunteer Attorney Services, Chelan-Douglas Volunteer Attorney Services, Thurston County Volunteer

Lawyer Services, Skagit Volunteer Lawyers Program, Clark County Volunteer Lawyers Program

B. Spokespersons: Scott Crain, Michelle Lucas

C. Purpose:

The purpose of this proposed Civil Rule is to aid in the administration of justice by providing guidance to the Superior Courts in performing their duty to appoint counsel to unrepresented tenants facing eviction. In 2021, the legislature enacted Ch. 115 Laws 2021, creating a right to appointed counsel (RTC) for residential tenants in unlawful detainer proceedings. Codified at RCW 59.18.640, a court "must appoint counsel for an indigent tenant in an unlawful detainer proceeding". RCW 59.18.640(1). This proposed rule is intended to guide access to securing judicial relief for indigent tenants and to ensure that appointed counsel in unlawful detainer cases benefits all tenants who qualify, not only those with the language, technology, and access to resources.

During the course of implementation of RCW 59.18.640, the Office of Civil Legal Aid (OCLA) and its contractors have encountered many tenant defendants who are or were unaware of their right to counsel and only seek assistance after the entry of a default judgment or the entry of a writ of restitution. Tenants are losing their homes often because they do not understand the legal process they are involved in, and are unaware of their right to representation. Tenants often do not understand their legal situation until they are served by law enforcement with a writ of restitution telling them they will be physically removed from their home. Besides being effectively deprived the right to counsel in instances where counsel could not be appointed prior to the execution of the writ of restitution, this leads to increasing pressure on tenant defense attorneys to seek appointment in last minute requests for assistance, on the eve of physical eviction. The problem is particularly acute in jurisdictions with few ex parte dockets to present emergency motions, long travel distances with no or limited remote access, or fewer contractors providing RTC services because of the difficulty in bringing emergency motions to try and keep tenants housed until the case can be heard on the merits.

Since the rollout of the RTC program, approximately 10 percent of requests for assistance to the Northwest Justice Project Eviction Defense Screening Line or CLEAR¹ were matters already in default or where a writ of restitution had been issued. The urgency with which these matters must be addressed to prevent physical eviction and allow tenants access to appointed counsel puts a considerable strain on the RTC providers. Due to the expedited nature of unlawful detainer proceedings, RTC providers are faced with incredibly tight timelines on cases that run the normal course through the legal system. As a new program that is being implemented during a major housing crisis, there is no reliable model to ensure that an RTC attorney will be available to address emergency motions quickly enough to keep tenants housed. Although the writ of restitution is not the final decision in an unlawful detainer case, tenants face irreparable harm if forced to vacate their homes when the issue of possession was never properly litigated and they did not they receive aid of appointed counsel. Additionally, the harm faced by tenants disproportionately impacts renters by race. The 2017 University of Washington Evictions Study highlights the racial disparity in evictions. Data for King and Pierce counties show that Black adults are respectively 5.5 and 6.8 percent more likely to be evicted than White adults.

¹ CLEAR (Coordinated Legal Education, Advice and Referral) is a toll-free legal hotline for people with low incomes housed at the Northwest Justice Project.

The proposed rule will address the following issues:

Section 1 is intended to ensure equitable access to attorneys for all tenants who may be eligible for appointed counsel in their eviction cases. The language of RCW 59.18.640 puts the onus on the court to raise the issue of the availability of appointed counsel. As written, the court's duty to appoint counsel inherently includes the duty to inform litigants of the availability of counsel. Access to legal counsel for tenants cannot be equitably obtained if courts rely on tenants to assert that right when many may not even be aware of it.

This section provides guidance to the courts for how to conduct this process. Although many jurisdictions have general orders that relate to the Eviction Resolution Pilot Program or RTC generally may provide that tenants be informed of their right to counsel, a majority of the orders do not include a process for how that will be accomplished resulting in disparate practices across jurisdictions. Ensuring that this colloquy is required in all unlawful detainer actions is imperative to provide legal representation to all qualified tenants. It also provides uniformity across jurisdictions so tenants and attorneys alike have reasonable expectations for how a matter will proceed before the court. This will further reduce disparate treatment of litigants in different regions.

Section 2 creates an opportunity for people to access meaningful representation when they were not afforded the benefit of an attorney before a finding was made against them. Legal processes and paperwork are confusing, and the imminent loss of a home is a highly stressful situation. The legal system is designed by and for attorneys. Unrepresented litigants face incredible barriers trying to navigate it on their own, and these barriers are compounded when taking other access issues into account such as primary language, level of education, immigration status, and access to technology and resources. In turn, these additional barriers are most often linked to race and economic status resulting in more negative outcomes for members of our community who identify as Black, Indigenous, and People of Color.

A tenant does not have the right to appointed counsel until a lawsuit is formally commenced, either by service of a summons and complaint or by the filing of the lawsuit with the court. The impact of this is that despite having received a notice terminating their tenancy, tenants do not have a right to consult with an attorney before the matter is escalated and the court can enter orders to remove them from their home. The 10-day stay of proceedings when appointed counsel appears that this rule proposes is intended to provide a reasonable amount of time for appointed counsel to review the case, confer with the tenant, and allow for meaningful representation without tenants facing the consequence of being removed from their home before having the legal assistance that is contemplated in RCW 59.18.640.

Section 3: Section 3 provides limitations to the relief this rule sets forth for tenants. If a stay is issued under Section 2 of this proposed rule, that stay will lift automatically after 10 days if the tenant's attorney does not identify grounds for why it should be extended and move for an extension of the stay in order to have a substantive hearing on the matter where the tenant will be fully represented. The unprecedented nature of requests for same-day assistance to avoid physical eviction creates bottlenecks to assistance resulting in reduced capacity to provide RTC services, over-utilization of ex

parte court procedures to stay writs or shorten time on motions to vacate.

In conclusion, the Supreme Court's intervention is necessary to provide administrative guidance to the Superior Courts and ensure that indigent defense in unlawful detainers is provided equitably regardless of location in the state.

D. Hearing: A hearing is not recommended.

E. Expedited Consideration: The proponents are requesting expedited consideration because since Right to Counsel services began in October 2021, providers have observed the inconsistent application of the new legislation by superior courts in unlawful detainer proceedings that is having an immediate impact on RTC-eligible tenants' opportunities to access meaningful representation, resulting in denial of representation and often homelessness, despite the legislatively recognized emergency impacting residential tenants in unlawful detainers cited in Laws 2021 ch. 115 sec. 21. The Court's expedited consideration is necessary to ensure that the right to counsel is a right to effective assistance of counsel, which cannot be guaranteed when tenants are not given a continuance and the opportunity to contact and meet with their lawyer prior to the hearing.

F. Supporting Material: Suggested rule amendments.

SPR 98.24W

UNLAWFUL DETAINERS—APPOINTMENT OF ATTORNEY

[NEW]

In all unlawful detainer cases where RCW 59.18.640 applies to appoint attorneys for indigent tenants:

- (1) If the tenant appears, before taking any action in the case, the court must
 - (a) Inform the tenant they have a right to be represented by an attorney at public expense if they are indigent;
 - (b) Ask the tenant if they want the court to appoint an attorney if they are eligible;
 - (c) Appoint an attorney if the tenant is eligible; and
 - (d) Continue the hearing for at least 14 days.
- (2) If the tenant is unrepresented and the court issues a writ of restitution before judgment or by default, the tenant may move to appoint an attorney at any time before law enforcement executes the writ. During this time, a lawyer seeking appointment may make an ex parte motion for appointment and to stay the writ. Upon such motion, the court shall appoint the lawyer and stay the writ for 10 days.
- (3) A stay issued under this rule will be set to expire 10 days after entry without further order from the court. If new information arises and the court finds the tenant is not eligible for appointment of a lawyer, the court shall lift the stay immediately.

[PROPOSED] SPR 98.____W

UNLAWFUL DETAINERS—APPOINTMENT OF ATTORNEY

[Changes proposed to SCJA underlined]

In all unlawful detainer cases where RCW 59.18.640 applies to appoint attorneys for indigent tenants:

1. If the tenant appears, before taking any action in the case, the court must
 - a. Inform the tenant they have a right to be represented by an attorney at public expense if they are indigent;
 - b. Ask the tenant if they want the court to appoint an attorney if they are eligible;

c. Refer the tenant for appointment of counsel pursuant to any local order or established procedure consistent with RCW 59.18.640;
and

d. Continue the hearing for at least 14 days.

2. If the tenant is unrepresented and the court issues a writ of restitution before judgment or by default, the tenant may move to appoint an attorney at any time before law enforcement executes the writ. During this time, a lawyer seeking appointment may make an ex parte motion for appointment and to stay the writ. Upon such motion, the court shall appoint the lawyer and stay the writ for ten days. The lawyer seeking appointment shall establish by declaration that good faith efforts were made to notify the other party or, if no efforts were made, why notice could not be provided prior to the application for an ex parte stay, and describing the immediate or irreparable harm that may result if an immediate stay is not granted.

3. A stay issued under this rule will be set to expire ten days after entry without further order from the court. If new information arises and the court finds the tenant is not eligible for appointment of a lawyer, the court shall lift the stay immediately.

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 23-13-064
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

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 [23-15](#) issue of the Register.

WSR 23-13-065
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO RAP) NO. 25700-A-1522
12.4—MOTIONS FOR)
RECONSIDERATION OF DECISION)
TERMINATING REVIEW)

The Supreme Court Clerk's Office, having recommended the suggested amendment to RAP 12.4—Motions for Reconsideration of Decision Terminating Review, 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 2024.

(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, 2024. 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 8th day of June, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 Cover Sheet

Name of Proponent: Supreme Court Clerk's Office

Spokesperson: Erin L. Lennon, Washington State Supreme Court Clerk

Sarah R. Pendleton, Washington State Supreme Court Deputy Clerk

Purpose: The purpose of the rule amendment is to update the Rules of Appellate Procedure (RAP) to clarify whether a motion for reconsideration may be filed of a decision by a single Court of Appeals judge.

Currently, RAP 12.4(a) provides that a party may file a motion for reconsideration of a decision by "the judges" that meets certain criteria.

The Supreme Court and the three divisions of the Court of Appeals have long interpreted the words "the judges" to mean that a party may not file a motion for reconsideration of a decision by a single judge. This is significant because the vast majority of personal restraint petitions are resolved by the Chief Judge alone pursuant to RAP 16.11(b).

However, there is consistent confusion by self-represented parties and attorneys reading the Rules of Appellate Procedure, who miss the subtle "s" at the end of "judges" and believe that a motion for

reconsideration is permitted of an order entered by a single judge. This can sometimes lead the party to miss the deadline for filing a motion for discretionary review of the decision. To avoid this confusion, the Court should add a sentence to RAP 12.4 that explicitly states "A decision by a single judge is not subject to a motion for reconsideration."

As to the underlying policy of whether such a decision should be subject to reconsideration, I note that the Chief Judge may only dismiss a personal restraint petition on their own if they have determined it to be frivolous. See RAP 16.11(b). There does not appear to be significant value to permitting motions for reconsideration of a finding of frivolousness, when a party can seek relief by filing a motion for discretionary review. However, if the Court believes that a motion for reconsideration should be permitted in those circumstances, they should be aware that is not how the current rule is interpreted and should instead amend RAP 12.4 to state that a motion for reconsideration may be filed "of a decision by a judge or judges."

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

Expedited Consideration: The proponent does not believe that expedited consideration is necessary.

RAP 12.4

MOTIONS FOR RECONSIDERATION OF DECISION TERMINATING REVIEW

(a) Generally. A party may file a motion for reconsideration only of a decision by the judges (1) terminating review, or (2) granting or denying a personal restraint petition on the merits. The motion should be in the form and be served and filed as provided in rules 17.3(a), 17.4(a) and (g), 18.5, and 18.17, except as otherwise provided in this rule. A party may not file a motion for reconsideration of a decision by a single judge. A party may not file a motion for reconsideration of an order refusing to modify a ruling by the commissioner or clerk, nor may a party file a motion for reconsideration of a Supreme Court order denying a petition for review.

(b)-(i) [unchanged]

WSR 23-13-066
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1523
THE GUARDIAN AD LITEM RULES)
(GALR))

The Superior Court Judges' Association Guardianship and Probate Committee, having recommended the suggested amendments to the Guardian ad Litem Rules (GALR), 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 2024.

(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, 2024. 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 8th day of June, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

SUGGESTED AMENDMENTS TO SUPERIOR COURT
GUARDIAN AD LITEM RULES

(A) Name of Proponent: Superior Court Judges Association Guardianship and Probate Committee ("Committee")

(B) Spokesperson: Judge Diana Kiesel, Chair, Superior Court Judges Association Guardianship and Probate Committee

(C) Purpose: The suggested amendments principally incorporate updated terminology and statutory references in accordance with RCW 11.130, the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act ("UGA"). The UGA introduces the role of court visitor in both adult and minor guardianships. The amendments also revise non-inclusive language to replace such language with neutral words that do not change the substantive meaning of the rules.

Recommendations

The Committee considered these suggestions and voted to approve the suggested amendments.

(D) Hearing: None requested.

(E) Expedited Consideration: Is not requested.

SUGGESTED AMENDMENTS TO GALR 1
SCOPE AND DEFINITIONS

(a) Statement of Purpose and Scope of Rule. The purpose of these rules is to establish a minimum set of standards applicable to all superior court cases where the court appoints a guardian ad litem or any person to represent the best interest of a child, ~~an alleged incapacitated person~~ respondent in a guardianship, conservatorship or other protective arrangement proceeding, or an adjudicated incapacitated person individual subject to a guardianship, conservatorship or protective arrangement pursuant to Title 11, 13 or 26 RCW or appoints a court visitor in a guardianship, conservatorship or other protective arrangement proceeding pursuant to Title 11.

These rules shall also apply to guardians ad litem appointed pursuant to RCW 4.08.050 and RCW 4.08.060, if the appointment is under the procedures of Titles 11, 13 or 26 RCW. These rules shall not be applicable to guardians ad litem appointed pursuant to Special Proceedings Rule (SPR) 98.16W and chapter 11.96A RCW.

(b) Definitions. As used in this rule, the following terms have these meanings:

(1) *Court.* Court shall mean any superior court in the State of Washington and all divisions thereof.

(2) *Guardian ad Litem.* Guardian ad litem shall mean any person or program appointed in a Title 11, 13, or 26 RCW action under the Revised Code of Washington to represent the best interest of a child, ~~an alleged incapacitated person~~ respondent in a guardianship, conservatorship or other protective arrangement proceeding, or an adjudicated incapacitated person individual subject to a guardianship, conservatorship or protective arrangement. The term guardian ad litem shall not include an attorney appointed to represent a party.

(3) *Court Visitor.* Court Visitor shall mean any person or program appointed in a Title 11 action under the Revised Code of Washington to perform the functions of a court visitor pursuant to RCW 11.130. The term court visitor shall not include an attorney appointed to represent a party.

(4) *Judge.* Judge shall mean a judicial officer of the superior court, including commissioners and judges pro tempore.

(5) *Registry.* Registry shall mean the list of people authorized by the court to serve as guardians ad litem, court visitors or Court Appointed Special Advocates (CASA) programs authorized by RCW 26.12.175.

[Adopted effective November 27, 2001.]

SUGGESTED AMENDMENTS TO GALR 2
GENERAL RESPONSIBILITIES OF GUARDIAN AD LITEM
AND COURT VISITOR

Consistent with the responsibilities set forth in Titles 11, 13, and 26 of the Revised Code of Washington and other applicable statutes and rules of court, in every case in which a guardian ad litem or court visitor is appointed, the guardian ad litem or court visitor shall perform the responsibilities as set forth below. For purposes of these rules, a guardian ad litem is any person who is appointed by the court to represent the best interest of the child(ren), ~~an adjudicated incapacitated person~~ respondent in a guardianship, conservatorship or other protective arrangement proceeding, or an alleged incapacitated person individual subject to a guardianship, conservatorship or protective arrangement or to assist the court in determining the best interest of the child(ren), ~~an adjudicated incapacitated person individual subject to a guardianship, conservatorship or protective arrangement,~~ or an alleged incapacitated person respondent in a guardianship,

conservatorship or other protective arrangement proceeding, regardless of that person's title, except a person appointed pursuant to rule 6. For purposes of these rules, a court visitor is any person who is appointed by the court as a court visitor pursuant to RCW 11.130.

(a) Represent best interests. A guardian ad litem shall represent the best interests of the person for whom ~~he or she is~~ they are appointed. Representation of best interests may be inconsistent with the wishes of the person whose interest the guardian ad litem represents. The guardian ad litem shall not advocate on behalf of or advise any party so as to create in the mind of a reasonable person the appearance of representing that party as an attorney.

(b) Maintain independence. A guardian ad litem or court visitor shall maintain independence, objectivity and the appearance of fairness in dealings with parties and professionals, both in and out of the courtroom.

(c) Professional conduct. A guardian ad litem or court visitor shall maintain the ethical principles of the rules of conduct set forth in these rules and is subject to discipline under local rules established pursuant to rule 7 for violation.

(d) Remain qualified for the registry. Unless excepted by statute or court rule, a guardian ad litem or court visitor shall satisfy all training requirements and continuing education requirements developed for Titles 13 and 26 RCW guardians ad litem by the administrator of the courts and for Title 11 RCW guardians ad litem or court visitors as required by statute and maintain qualifications to serve as guardian ad litem or court visitor in every county where the guardian ad litem or court visitor is listed on the registry for that county and in which the guardian ad litem or court visitor serves and shall promptly advise each such court of any grounds for disqualification or unavailability to serve.

(e) Avoid conflicts of interests. A guardian ad litem or court visitor shall avoid any actual or apparent conflict of interest or impropriety in the performance of guardian ad litem or court visitor responsibilities. A guardian ad litem or court visitor shall avoid self-dealing or association from which a guardian ad litem or court visitor might directly or indirectly benefit, other than for compensation as guardian ad litem or court visitor. A guardian ad litem or court visitor shall take action immediately to resolve any potential conflict or impropriety. A guardian ad litem or court visitor shall advise the court and the parties of action taken, resign from the matter, or seek court direction as may be necessary to resolve the conflict or impropriety. A guardian ad litem or court visitor shall not accept or maintain appointment if the performance of the duties of guardian ad litem or court visitor may be materially limited by the guardian ad litem's or court visitor's responsibilities to another client or a third person, or by the guardian ad litem's or court visitor's own interests.

(f) Treat parties with respect. A guardian ad litem or court visitor is an officer of the court and as such shall at all times treat the parties and third parties associated with the case with respect, courtesy, fairness and good faith.

(g) Become informed about case. A guardian ad litem or court visitor shall make reasonable efforts to become informed about the facts of the case and to contact all parties. A guardian ad litem or court visitor shall examine material information and sources of information, taking into account the positions of the parties.

(h) Make requests for evaluations to court. A guardian ad litem or court visitor shall not require any evaluations or tests of the

parties except as authorized by statute or court order issued following notice and opportunity to be heard.

(i) Timely inform the court of relevant information. A guardian ad litem or court visitor shall file a written report with the court and the parties as required by law or court order or in any event not later than 10 days prior to a hearing for which a report is required. The report shall be accompanied by a written list of documents considered or called to the attention of the guardian ad litem or court visitor and persons interviewed during the course of the investigation.

(j) Limit duties to those ordered by court. A guardian ad litem or court visitor shall comply with the court's instructions as set out in the order appointing a guardian ad litem or court visitor, and shall not provide or require services beyond the scope of the court's instruction unless by motion and on adequate notice to the parties, a guardian ad litem or court visitor obtains additional instruction, clarification or expansion of the scope of such appointment.

(k) Inform individuals about role in case. A guardian ad litem or court visitor shall identify ~~himself or herself~~ themselves as a guardian ad litem or court visitor when contacting individuals in the course of a particular case and inform individuals contacted in a particular case about the role of a guardian ad litem or court visitor in the case at the earliest practicable time. A guardian ad litem or court visitor shall advise information sources that the documents and information obtained may become part of court proceedings.

(l) Appear at hearings. The guardian ad litem or court visitor shall be given notice of all hearings and proceedings. A guardian ad litem or court visitor shall appear at any hearing for which the duties of a guardian ad litem or court visitor or any issues substantially within a guardian ad litem's or court visitor's duties and scope of appointment are to be addressed. In Title 11 RCW proceedings, the guardian ad litem or court visitor shall appear at all hearings unless excused by court order.

(m) Ex parte communication. A guardian ad litem or court visitor shall not have ex parte communications concerning the case with the judge(s) and commissioner(s) involved in the matter except as permitted by court rule or by statute.

(n) Maintain privacy of parties. As an officer of the court, a guardian ad litem or court visitor shall make no disclosures about the case or the investigation except in reports to the court or as necessary to perform the duties of a guardian ad litem or court visitor. A guardian ad litem or court visitor shall maintain the confidential nature of identifiers or addresses where there are allegations of domestic violence or risk to a party's, person's, or child(ren)'s safety. The guardian ad litem or court visitor may recommend that the court seal the report or a portion of the report of the guardian ad litem or court visitor to preserve the privacy, confidentiality, or safety of the parties or the person for whom the guardian ad litem was appointed. The court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure or discovery that addresses the need to challenge the truth of the information received from the confidential source.

(o) Perform duties in timely manner. A guardian ad litem or court visitor shall perform responsibilities in a prompt and timely manner, and, if necessary, request timely court reviews and judicial intervention in writing with notice to parties or affected agencies.

(p) Maintain documentation. A guardian ad litem or court visitor shall maintain documentation to substantiate recommendations and con-

clusions and shall keep records of actions taken by the guardian ad litem or court visitor. Except as prohibited or protected by law, and consistent with rule 2(n), this information shall be made available for review on written request of a party or the court on request. Costs may be imposed for such requests.

(q) Keep records of time and expenses. A guardian ad litem or court visitor shall keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment. The court shall make provisions for fees and expenses pursuant to statute in the Order Appointing Guardian ad Litem or Court Visitor or in any subsequent order.

[Adopted effective November 27, 2001.]

SUGGESTED AMENDMENTS TO GALR 4
AUTHORITY OF GUARDIAN AD LITEM
OR COURT VISITOR

As an officer of the court, a guardian ad litem or court visitor has only such authority conferred by the order of appointment. Consistent with the roles and responsibilities set forth in rules 2 and 3, and the grievance procedures set forth in rules 5 and 6, a guardian ad litem or court visitor shall have the following authority:

(a) Access to party. Unless circumstances warrant otherwise, a guardian ad litem or court visitor shall have access to the person(s) for whom a guardian ad litem or court visitor is appointed and to all information relevant to the issues for which a guardian ad litem or court visitor was appointed. The access of a guardian ad litem or court visitor to the child or ~~alleged incapacitated person~~ respondent in a guardianship, conservatorship or other protective arrangement proceeding and all relevant information shall not be unduly restricted by any person or agency. When the guardian ad litem or court visitor seeks contact with a party who is represented by an attorney, the guardian ad litem or court visitor shall notify the attorney in advance of such contact. The guardian ad litem's or court visitor's contact with the represented party shall be as permitted by the party's attorney, unless otherwise ordered by the court.

(b) Timely receipt of case documents. Until discharged by court order a guardian ad litem or court visitor shall be timely furnished copies of all relevant pleadings, documents, and reports by the party which served or submitted them.

(c) Timely notification. A guardian ad litem or court visitor shall be timely notified of all court hearings, administrative reviews, staffings, investigations, dispositions, and other proceedings concerning the case by the person or agency scheduling the proceeding.

(d) Notice of proposed agreements. A guardian ad litem or court visitor shall be given notice of, and an opportunity to indicate ~~his or her~~ their agreement or objection to any proposed agreed order of the parties governing issues substantially related to the duties of a guardian ad litem or court visitor.

(e) Participate in all proceedings. Consistent with rule 2(1), a guardian ad litem or court visitor shall participate in court hearings through submission of written and supplemental oral reports and as otherwise authorized by statute and court rule.

(f) Access to records. Except as limited by law or unless good cause is shown to the court, upon receiving a copy of the order appointing a guardian ad litem or court visitor, any person or agency,

including but not limited to any hospital, school, child care provider, organization, department of social and health services, doctor, health care provider, mental health provider, chemical health program, psychologist, psychiatrist, or law enforcement agency, shall permit a guardian ad litem or court visitor to inspect and copy any and all records and interview personnel relating to the proceeding for which a guardian ad litem or court visitor is appointed.

(g) Access to court files. Within the scope of appointment, a guardian ad litem or court visitor shall have access to all superior court and all juvenile court files. Access to sealed or confidential files shall be by separate order. A guardian ad litem's or court visitor's report shall inform the court and parties if the report contains information from sealed or confidential files. The clerk of court shall provide certified copies of the order of appointment to a guardian ad litem or court visitor upon request and without charge.

(h) Additional rights and powers under RCW 13.34 or RCW 26.26. In every case in which a guardian ad litem is a party to the case pursuant to RCW 13.34 or RCW 26.26, a guardian ad litem shall have the rights and powers set forth below. These rights and powers are subject to all applicable statutes and court rules.

(1) *File documents and respond to discovery.* A guardian ad litem shall have the right to file pleadings, motions, notices memoranda, briefs, and other documents, and may, subject to the trial court's discretion engage in and respond to discovery.

(2) *Note motions and request hearings.* A guardian ad litem shall have the right to note motions and request hearings before the court as appropriate to the best interests of the person(s) for whom a guardian ad litem was appointed.

(3) *Introduce exhibits, examine witnesses.* A guardian ad litem shall have the right, subject to the trial court's discretion, to introduce exhibits, subpoena witnesses, and conduct direct and cross-examination of witnesses.

(4) *Oral argument and submission of reports.* A guardian ad litem shall have the right to fully participate in the proceedings through submission of written reports, and, may with the consent of the trial court present oral argument.

(i) Additional rights and powers in other cases. For good cause shown, a guardian ad litem may petition the court for additional authority as set forth in rule 2(j).

(j) Additional training requirements. The Administrative Office of the Courts shall amend the current guardian ad litem mandatory training so that Titles 13 and 26 RCW guardians ad litem are prepared to carry out the additional requirements of this rule.

[Adopted effective November 27, 2001.]

SUGGESTED AMENDMENTS TO GALR 5
APPOINTMENTS OF GUARDIAN AD LITEM
OR COURT VISITOR

(a) Equitable distribution of workload. Each court shall promulgate local rules providing a system of appointing and reasonably compensating guardians ad litem and court visitors which ensures an equitable distribution of the work load among the guardians ad litem and court visitors on the registry.

(b) Procedure to address complaints. The local rules shall provide a procedure to timely address complaints made by any guardian ad litem or court visitor regarding registry or appointment matters.

[Adopted effective November 27, 2001.]

SUGGESTED AMENDMENTS TO GALR 6
LIMITED APPOINTMENTS

There may be situations where the court wishes to appoint a person in addition to, or instead of, a guardian ad litem or court visitor to fulfill very limited roles. This will help avoid conflict of interest situations for guardians ad litem or court visitors serving in a case and will limit the time and expense spent on cases which do not require a guardian ad litem or court visitor. A person appointed pursuant to this rule is strictly limited to the duties of the role below selected by the court. If the order of appointment does not specifically designate a limited appointment as listed below, the person appointed is presumed to be a guardian ad litem or court visitor, subject to the Guardian ad Litem and Court Visitor Rules. The court may make the following limited appointments:

(a) Mediator. The court may either appoint or refer to a person or agency whose role is to assist the parties in reaching an agreement about any or all contested issues in the case.

(b) Evaluator. The court may appoint or refer to a person or agency for evaluation and findings regarding a specific issue or issues including but not limited to mental health, substance abuse, issues of abuse or neglect, cultural factors, and sexual deviancy.

(c) Visitation supervisor. The court may appoint or refer to a person or agency to supervise visits and report findings to the court.

(d) Settlement of minors' claims. The court may appoint a person for the limited purpose described in Special Proceedings Rules (SPR) 98.16W.

(e) Other. Under exceptional circumstances, upon good cause shown, the court may make other limited appointments as it deems necessary.

[Adopted effective November 27, 2001.]

SUGGESTED AMENDMENTS TO GALR 7
GRIEVANCE PROCEDURES

Each court shall promulgate rules that set out or refer to policies and procedures establishing and governing the filing, investigating, and adjudicating grievances made by or against guardians ad litem and court visitors under Titles, 11, 13, and 26 RCW. The rules shall, at a minimum, comply with and address the following:

(a) Clear and concise. The rules shall be clear, and concise and easily understood by both attorneys and non attorneys.

(b) Separate procedures. The rules shall establish separate procedures addressing grievances or complaints filed during the pendency of a case, and grievances or complaints filed subsequent to the conclusion of a case.

(c) Fair treatment of grievances. The rules shall establish procedures providing for fair treatment of grievances including appearance-of-fairness and conflict issues.

(d) CASA grievance procedures. Where applicable, local rules shall accommodate the grievance procedures of Court Appointed Special Advocate(s) (CASA) or other volunteer program(s).

(e) Confidentiality. The rules shall provide for confidentiality of complaints until merit has been found.

(f) Response to complaint. The rules shall provide a procedure for any guardian ad litem or court visitor who is the subject of a complaint to respond to the complaint.

(g) Complaint resolution time standards. The rules shall include a time limit during which a complaint must be resolved. The limit shall not be longer than 25 days for complaints filed while a case is pending or 60 days for complaints filed subsequent to the conclusion of a case.

(h) Records of grievances. For its own reference purposes, the court shall maintain a record of grievances filed and of any sanctions issued pursuant to local court grievance procedure.

(i) Removal from registry. When a guardian ad litem or court visitor is removed from a county's registry pursuant to the disposition of a grievance, the court of that county shall send notice of such removal to the Office of the Administrator of the Courts, who shall on a regular basis, but not less than biannually, forward the information to the superior courts of each county in the state of Washington.

(j) Implementation. Local court rules establishing a grievance procedure shall be filed in the manner provided in GR 7.

[Adopted effective November 27, 2001.]

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 23-13-067
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1524
RPC 1.5—FEES; RPC 5.4—)
PROFESSIONAL INDEPENDENCE)
OF A LAWYER; AND RPC 7.3—)
SOLICITATION OF CLIENTS)

The Washington State Bar Association's Committee on Professional Ethics, having recommended the suggested amendments to RPC 1.5—Fees; RPC 5.4—Professional Independence of a Lawyer; and RPC 7.3—Solicitation of Clients, 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 2024.

(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, 2024. 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 8th day of June, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

EXHIBIT A
SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT
TITLE 7 - INFORMATION ABOUT LEGAL SERVICES

RPC 7.3 SOLICITATION OF CLIENTS

(a) A lawyer may solicit professional employment unless:

(1) the solicitation is false or misleading;

(2) the lawyer knows or reasonably should know that the physical, emotional, or mental state of the subject of the solicitation is such that the person could not exercise reasonable judgment in employing a lawyer;

(3) the subject of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or

(4) the solicitation involves coercion, duress, or harassment.

(b) A lawyer shall not compensate, or give or promise anything of value to, a person who is not an employee or lawyer in the same law firm for the purpose of recommending or securing the services of the lawyer or law firm, except that a lawyer may:

(1) pay the reasonable cost of advertisements or communications permitted by RPC 7.1, including online group advertising;

(2) pay the usual charges of a legal service plan or a not-for-profit lawyer referral service and share a fee with a not-for-profit lawyer referral service that qualifies under Section 501 of the Internal Revenue Code or Washington's Nonprofit Corporation Act, or is a program sponsored by a non-profit organization or a court as authorized under Rule 6.5(a);

(3) pay for a law practice in accordance with RPC 1.17;

(4) refer clients to another lawyer or LLLT or other nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if:

(i) the reciprocal referral agreement is not exclusive, and

(ii) the client is informed of the existence and nature of the agreement;

(5) give nominal gifts that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer's services.

(c) [Reserved.]

(d) [Reserved.]

Additional Washington Comments (10-16)

[15] A lawyer may pay the usual charges of a legal service plan or a not-for-profit lawyer referral service. A "legal service plan" is a prepaid or group legal service plan or a similar delivery system that assists people who seek to secure legal representation. A "lawyer referral service," on the other hand, is any individual or entity that operates for the direct or indirect purpose of referring potential clients to lawyers, regardless of whether the term "referral service" is used. The "usual charges" of a legal service plan or not-for-profit lawyer referral service are fees that are openly promulgated and uniformly applied. Not-for-profit lawyer referral services are understood by the public to be consumer-oriented organizations that provide unbiased referrals to lawyers with appropriate experience in the subject matter of the representation and afford other client protections, such as complaint procedures or malpractice insurance requirements. A lawyer also may share a percentage of a fee in exchange for a referral from not-for-profit lawyer referral services, because these services help to facilitate access to justice and, if they operate under Section 501 of the Internal Revenue Code or the Washington Nonprofit Corporation Act, the service will use the fee only to defray reasonable operating costs. The fee paid by a client who is referred by the service, however, should not exceed the total charges that the client would have paid if the lawyer referral was not involved.

EXHIBIT B

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 5 - LAW FIRMS AND ASSOCIATIONS

RPC 5.4 PROFESSIONAL INDEPENDENCE OF A LAWYER

Additional Washington Comment (~~3-4~~ 3-5)

[3] Paragraph (a) (5) was taken from former Washington RPC 5.4 (a) (2).

[4] Notwithstanding Rule 5.4, lawyers and LLLTs may share fees and form business structures to the extent permitted by Rule 5.9.

[5] For circumstances when a lawyer can share a fee with a not-for-profit lawyer referral service, see Rule 7.3 (b) (2) and Comment 15.

EXHIBIT C

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 1 - CLIENT LAWYER RELATIONSHIP

RPC 1.5 FEES

(e) A division of a fee between lawyers who are not in the same firm may be made only if:

(1)(i) The division is in proportion to the services provided by each lawyer or each lawyer assumes responsibility for the representation;

(ii) The client agrees to the arrangement, including the share each lawyer will receive, and the agreement is confirmed in writing; and

(iii) The total fee is reasonable.

(2) ~~the division is between the lawyer and a duly authorized lawyer referral service of either the Washington State Bar Association or one of the county bar associates of this state.~~ The division of fees is allowed by RPC 7.3 (b) (2).

WSR 23-13-076
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Washington Medical Commission)
[Filed June 14, 2023, 4:57 p.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 Washington medical commission (WMC) for the year 2023. The WMC 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 WMC website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, WMC reserves the right to change or amend agendas at the meeting.

Date	Time	Location
July 14, 2023	8:00 a.m.	Virtual option available. The registration link will be available on the WMC website.
August 25, 2023 CANCELLED	8:00 a.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website.
October 20, 2023	9:00 a.m.	Virtual meeting. The registration link will be available on the WMC website.
November 17, 2023 CANCELLED	8:00 a.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website.

Please be advised WMC 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 WMC, including personal information, may ultimately be subject to disclosure as a public record.

If you need further information, please contact Amelia Boyd, program manager, mobile 360-919-6336, amelia.boyd@wmc.wa.gov, <https://wmc.wa.gov/about-commission/meetings>.

WSR 23-13-077
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Washington Medical Commission)
[Filed June 14, 2023, 5:00 p.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 policy committee and policy: Interested parties meetings for the Washington medical commission (WMC), for the year 2023. The policy 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 WMC website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, WMC reserves the right to change or amend agendas at the meeting.

Date	Time	Meeting Type	Location
June 30, 2023	10:00 a.m.	Policy: Interested parties	Virtual meeting. The registration link will be available on the WMC website.
July 5, 2023	4:00 p.m.	Policy committee	Virtual meeting. The registration link will be available on the WMC website.
July 13, 2023 CANCELLED	4:00 p.m.		Virtual options available for open sessions for the public. Information will be available on the WMC website.
August 24, 2023 CANCELLED	4:00 p.m.		Virtual options available for open sessions for the public. Information will be available on the WMC website.
September 29, 2023	10:00 a.m.	Policy: Interested parties	Virtual meeting. The registration link will be available on the WMC website.
October 13, 2023	10:00 a.m.	Policy committee	Virtual meeting. The registration link will be available on the WMC website.
November 16, 2023 CANCELLED	4:00 p.m.		Virtual options available for open sessions for the public. Information will be available on the WMC website.
December 8, 2023	10:00 a.m.	Policy: Interested parties	Virtual meeting. The registration link will be available on the WMC website.

Please be advised WMC 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 WMC, including personal information, may ultimately be subject to disclosure as a public record.

If you need further information, please contact Amelia Boyd, program manager, mobile 360-919-6336, amelia.boyd@wmc.wa.gov, <https://wmc.wa.gov/about-commission/meetings>.

WSR 23-13-078

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Applied Behavior Analysis Advisory Committee)

[Filed June 14, 2023, 5:07 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 (committee) for the year 2023. 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. 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. Given the uncertainty of holding in-person meetings in 2023, we are assuming that all meetings will be held virtually.

Date	Time	Location
February 2, 2024	10:00 a.m.	Microsoft Teams (physical location TBD).
June 7, 2024	10:00 a.m.	Microsoft Teams (physical location TBD).
October 4, 2024	10:00 a.m.	Microsoft Teams (physical location TBD).

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 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 23-13-079

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed June 14, 2023, 5:07 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 (board) for the year 2023. The board 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. Every attempt is made to ensure that the agenda is up-to-date. However, the board reserves the right to change or amend agendas at the meeting. Given the uncertainty of holding in-person meetings in 2023, we are assuming that all meetings will be held virtually.

Date	Time	Location
January 26, 2024	9:00 a.m.	Microsoft Teams (physical location TBD).
April 19, 2024	9:00 a.m.	Microsoft Teams (physical location TBD).
July 19, 2024	9:00 a.m.	Microsoft Teams (physical location TBD).
October 25, 2024	9:00 a.m.	Microsoft Teams (physical location TBD).

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 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 23-13-080
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Osteopathic Medicine and Surgery)
 [Filed June 14, 2023, 5:09 p.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 osteopathic medicine and surgery (board), approved June 2, 2023, for the year 2024. The board 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 the DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board reserves the right to change or amend agendas at the meeting.

Date	Time	Locations
January 26, 2024	9:00 a.m.	Hybrid
March 25, 2024	9:00 a.m.	Hybrid
June 7, 2024	9:00 a.m.	Hybrid
September 13, 2024	9:00 a.m.	Hybrid
October 25, 2024	9:00 a.m.	Hybrid
December 6, 2024	9:00 a.m.	Hybrid

If you need further information, please contact Becky McElhiney, Program Manager, DOH, Board of Osteopathic Medicine and Surgery, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, email osteopathic@doh.wa.gov, web www.doh.wa.gov.

Please be advised the board 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 23-13-082

HEALTH CARE AUTHORITY

[Filed June 15, 2023, 1:30 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 23-2014 Oral Health Connections Pilot Extension.

Effective Date: April 1, 2023.

Description: The health care authority (HCA) previously filed notice under WSR 23-06-013 of the intent to submit SPA 23-0014 to make the following changes to the oral health connections pilot project. This SPA is renumbered as 23-2014 to be effective April 1, 2023. The changes are:

- This SPA will extend the three-year pilot that began January 1, 2019, through December 31, 2023.
- Change the age range for pregnant clients from age 21 through 64 to ages 16 and older.
- Change the age range for diabetic clients from ages 21 through 64 to ages 21 and older.
- Clients who are eligible for both medicaid and medicare (dual eligibles) will now be able to participate.

The pilot will continue to be conducted in the same three pilot counties: Cowlitz, Spokane, and Thurston.

Washington assures compliance with [42 C.F.R.] § 440.345 related to full access to EPSDT services, and the method for complying with the provisions of section 5006(e) of the American Recovery and Reinvestment Act of 2009.

SPA 23-2014 is expected to increase the annual aggregate reimbursement/payment for some select dental services. Providers participating in the oral health connections pilot project will be paid an enhanced reimbursement of 55 percent above published rates for the select services.

SPA 23-2014 is in the development process; therefore, a copy is not yet available for review. The health care authority would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available 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: Pixie Needham, RDH, MPA, Apple Health Dental Program, 626 8th Avenue S.W., Olympia, WA 98504-5506 phone 360-725-9967, TTY 711, fax 360-725-1328, email pixie.needham@hca.wa.gov.

WSR 23-13-085

DEPARTMENT OF TRANSPORTATION

[Filed June 15, 2023, 5:14 p.m.]

Washington lawmakers passed the Healthy Environment for All Act (also known as the HEAL Act, chapter 70A.02 RCW). This law initiates a historical step in centering environmental justice to reduce health disparities in Washington state and improve the safety of all its residents.

The Washington state department of transportation (WSDOT) is requesting public input regarding the types of agency actions that require an environmental justice assessment under RCW 70A.02.060. In addition to the four types of actions listed below (defined in the law), agencies may identify other actions by July 2025. WSDOT invites the public to suggest other agency actions that should receive an environmental justice assessment.

WSDOT will conduct environmental justice assessments on the following actions initiated after July 1, 2023, in accordance with RCW 70A.02.060:

(a) The development and adoption of significant legislative rules as defined in RCW 34.05.328.

(b) The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out.

(c) A transportation project, grant, or loan by WSDOT of at least \$15,000,000.

(d) The submission of agency request legislation to the office of the governor or the office of financial management for approval.

You may provide your comments to the WSDOT office of equity and civil rights by email at william.golding@wsdot.wa.gov or EnvironmentalJustice@wsdot.wa.gov.

WSR 23-13-086

AGENDA

DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed June 16, 2023, 10:38 a.m.]

**Semi-Annual Agenda for Rules Under Development
July 1 - December 31, 2023**

DIVISION OF CONSUMER SERVICES

- Consumer Loan Act. Begin rule making under chapter 208-620 WAC to amend the rules to clarify requirements for the servicing of income share agreements that meet the definition of a student education loan, and for prudential standards related to the financial condition of residential mortgage loan servicers. Also, make technical and other changes as may be required by changes to state or federal law.
- Uniform Money Services Act. Begin rule making under chapter 208-690 WAC to amend the rules for money services businesses to implement and clarify standards and practices relating to virtual currency in order to strengthen consumer protections. Also, make technical and other changes as may be required by changes to state or federal law.

DIVISION OF SECURITIES

- Amendments to the small company offering registration (SCOR) rules in chapter 460-17A WAC. SCOR rules set forth in chapter 460-17A WAC are based on a statement of policy adopted by the North American Securities Administrators Association (NASAA). NASAA amended this statement of policy on May 19, 2019. The securities division plans to amend its related rules in chapter 460-17A WAC to align with the updated NASAA statement of policy.
- Amendments to securities broker-dealer rules in chapters 460-20B, 460-21B, 460-21C, and 460-22B WAC. The rules in these chapters apply to securities broker-dealers and their representatives. Many of the rules in these chapters have not been updated in more than two decades. The securities division plans to propose amendments to these rules to bring them up-to-date with federal rules, incorporate NASAA model rules, and describe application filing procedures and requirements, among other possible updates.

WSR 23-13-088
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF HEALTH
 [Filed June 16, 2023, 4:03 p.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 Washington state board of health (board), for the year 2023. The board's 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 the board's website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board reserves the right to change or amend agendas at the meeting.

Meeting Date	Location
Wednesday July 12, 2023	CANCELLED 6/14/2023
Wednesday August 9, 2023	Hybrid: Physical Location; Washington State Capitol Campus John A. Cherberg Building, Rooms ABC 304 15th Avenue S.E. Olympia, WA 98501 Virtual via Zoom meeting, hyperlink provided on website and agenda. Public attendees can access the meeting online.
Monday October 9, 2023	Hybrid: Physical Location; Confluence Technology Center (CTC) Methow River Room 285 Technology Center Way #102 Wenatchee, WA 98801 Virtual via Zoom meeting, hyperlink provided on website and agenda. Public attendees can access the meeting online. <i>(Note: Washington State Public Health Association Annual meeting is at the Coast Wenatchee Hotel October 10-13, 2023).</i>
Wednesday November 8, 2023	Hybrid: Physical Location; TBD Virtual via Zoom meeting, hyperlink provided on website and agenda. Public attendees can access the meeting online. <i>(Note: Washington State Association of Counties, County Leaders Conference is November 14-16, 2023, Davenport Grand, Spokane).</i>

Start time is 9:30 a.m. unless otherwise specified. Time and locations subject to change as needed. See the board of health website and the health disparities council website for the most current information.

If you need further information, please contact Melanie Hisaw, Executive Assistant, Washington State Board of Health, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-236-4110, email melanie.hisaw@sboh.wa.gov, web www.sboh.wa.gov.

Please be advised the board 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 23-13-090

NOTICE OF PUBLIC MEETINGS

STATE BOARD OF HEALTH

(Governor's Interagency Council on Health Disparities)

[Filed June 16, 2023, 4:08 p.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 approved schedule of regular meetings for the governor's interagency council on health disparities (council), for the year 2023. The council's 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 the council's website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the council reserves the right to change or amend agendas at the meeting.

Meeting Date	Location
Thursday August 17, 2023 Wednesday August 23, 2023	TBD: Online via Zoom meeting, hyperlink provided on website and agenda. Possibly meet in person and virtually (hybrid) depending on updated guidance.
Wednesday, September 13, 2023 Thursday September 14, 2023	TBD: Online via Zoom meeting, hyperlink provided on website and agenda. Possibly meet in person and virtually (hybrid) depending on updated guidance.
Thursday December 14, 2023	TBD: Online via Zoom meeting, hyperlink provided on website and agenda. Possibly meet in person and virtually (hybrid) depending on updated guidance.

Start time is 9:30 a.m. unless otherwise specified. Time and locations subject to change as needed. See the health disparities council website for the most current information.

If you need further information, please contact Melanie Hisaw, Executive Assistant, Washington State Board of Health, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-236-4110, email melanie.hisaw@sboh.wa.gov, web www.sboh.wa.gov.

Please be advised the council 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 23-13-098

HEALTH CARE AUTHORITY

[Filed June 20, 2023, 10:28 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 23-0040 Add Voice Signatures to the Community First Choice Program.

Effective Date: April 1, 2023.

Description: The health care authority (HCA) and the department of social and health services (DSHS) intend to submit SPA 23-0040 to add the ability to use "voice signatures" when completing assessments for the community first choice program.

SPA 23-0040 is expected to have no effect on the annual aggregate expenditures/reimbursement/payment for services and administrative tasks.

SPA 23-0040 is available for review. HCA and DSHS would appreciate any input or concerns regarding this SPA. To request a copy 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: Anne Moua, Waiver Program Manager, AL TSA, P.O. Box 45600, Olympia, WA 98504, phone 509-590-3909, TRS 711, email Anne.Moua@dshs.wa.gov.

WSR 23-13-101

HEALTH CARE AUTHORITY

[Filed June 20, 2023, 10:56 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 23-0039 Ambulance Transportation Rates.

Effective Date: July 1, 2023.

Description: The health care authority (HCA) intends to submit SPA 23-0039 to update the fee schedule as directed by legislature in the 2023 session 5187 (budget), sections 211(48) and 211(59).

SPA 23-0039 is expected to increase the annual aggregate payment for the below listed service codes:

Description	Code	Current Rate	Increase	New Rate
Fixed Wing Base	A0430	\$910.81	189%	\$2,632.24
Rotary Wing Base	A0431	\$804.45	265%	\$2,936.24
Air Mileage - Fixed Wing	A0435	\$5.50	57%	\$8.64
Air Mileage - Rotary Wing	A0436	\$13.31	68%	\$22.36
ALS Base NE	A0426	\$168.43	64%	\$276.23
BLS Base NE	A0428	\$115.34	80%	\$207.61
Mileage	A0425	\$5.08	35%	\$6.86

SPA 23-0023 is in the development process; therefore, a copy is not yet available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available 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: Stefanee Hale, ambulance transport and quality assurance fee program, phone 360-725-9528, TRS 711, email hcaambulanceadmin@hca.wa.gov, website hca.wa.gov.

WSR 23-13-102

AGENDA

ATTORNEY GENERAL'S OFFICE

[Filed June 20, 2023, 11:38 a.m.]

**Semi-Annual Rule-Making Agenda
July 1 through December 31, 2023.**

This is the office of the attorney general's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314. The office may have additional rule making as conditions warrant.

Should you have questions about this rule-making agenda, please contact Elaine Ganga, Rules Coordinator, P.O. Box 40100, Olympia, WA 98504-0100, 360-753-9672, Elaine.Ganga@atg.wa.gov. Additional contact information for particular rules is provided below.

There is no rule making anticipated at this time.

Elaine Ganga
Rules Coordinator

**WSR 23-13-106
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed June 20, 2023, 1:40 p.m.]

NOTICE OF PUBLIC HEARING

SCHOOL DISTRICT ACCOUNTING MANUAL (WAC 392-123-010)

EDUCATIONAL SERVICE DISTRICT ACCOUNTING MANUAL (WAC 392-125-010)

Public Hearing: A public hearing will be held concerning revisions to the Accounting Manual for School Districts and the Educational Service District Accounting Manual; in accordance with WAC 392-123-010 and 392-125-010, respectively. The hearing will be held on Tuesday, July 25, 2023, at 1:00 p.m., via Zoom.

For information on participating via Zoom [contact agency for link]. After you add your name to the participant list, you will receive a confirmation email with information about joining the meeting.

For questions concerning revisions to the manuals, please contact Paul Stone, School Apportionment and Financial Services, email Paul.Stone@k12.wa.us, The Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200.

Chris P. S. Reykdal
Superintendent of Public Instruction

WSR 23-13-107
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE

[Filed June 20, 2023, 1:43 p.m.]

BOARD OF TRUSTEES
WASHINGTON COMMUNITY COLLEGE DISTRICT 17
2023 MEETING SCHEDULE

Notice is hereby given, pursuant to RCW 42.30.075, that the board of trustees of Washington State Community College District 17 (Community Colleges of Spokane) shall hold regular meetings on the following dates (typically the third Tuesday of the month):

January 17, 2023	Lodge WORK SESSION
February 21, 2023	Lodge
March 14, 2023	Lodge
April 18, 2023	Lodge WORK SESSION
May 9, 2023	Spokane Community College (SCC) campus
June 20, 2023	Spokane Falls Community College (SFCC) campus
July 18, 2023	SCC campus WORK SESSION
August 15, 2023	No meeting
September 19, 2023	SFCC campus
October 17, 2023	Colville campus
November 14, 2023	SFCC campus
December 19, 2023	SCC campus

In-person meetings will be held at 8:30 a.m. in the Lodge Building, 3305 West Fort George Wright Drive, Spokane, WA. The June 20, 2023, meeting will be held at the SFCC Pullman campus at 8:30 a.m. located at 185 Veterans Way, Pullman, WA 99164. The October 17, 2023, meeting will be held at the SCC Colville campus at 8:30 a.m. at 985 South Elm Street, Colville, WA 99114.

The board of trustees has the right to change in-person meetings to Zoom for weather-related changes.

WSR 23-13-109

NOTICE OF PUBLIC MEETINGS
TREE FRUIT RESEARCH COMMISSION

[Filed June 20, 2023, 2:42 p.m.]

2023 Meeting Calendar
Amended

February 9	Board meeting	1:00 p.m.	Hybrid, Wenatchee
March 2	Board meeting	3:00 p.m.	Teleconference
April 6	Board meeting	1:00 p.m.	Hybrid, Yakima
May 4	Board meeting	3:00 p.m.	Teleconference
August 3	Summer board retreat	All day	Hybrid, Prosser
October 5	Board meeting	3:00 p.m.	Teleconference
December 10-12	Winter board retreat	All day	Hybrid, Roslyn

WSR 23-13-110

NOTICE OF PUBLIC MEETINGS

DAIRY PRODUCTS COMMISSION

[Filed June 20, 2023, 3:50 p.m.]

Dairy Farmers of Washington (DFW)
Revised 2023 Board Meeting Schedule

July 26, 2023	DFW board meeting Virtual option available Washington Farm Bureau 975 Carpenter Road N.E., 301 Lacey, WA 98516 8:00 a.m.
September 27, 2023	DFW board meeting Virtual option available Washington Dairy Center 4201 198th Street S.W. Lynnwood, WA 98036 8:00 a.m.
December 6, 2023	DFW board meeting Virtual 8:00 a.m.

NOTE: Please confirm all final meeting start times with the Washington dairy products commission at 425-672-0687 or on our website www.wadairy.org.

WSR 23-13-111
DEPARTMENT OF
NATURAL RESOURCES

[Filed June 20, 2023, 4:15 p.m.]

DETERMINATION OF TYPES OF SIGNIFICANT AGENCY ACTIONS

Pursuant to RCW 70A.02.060, Washington state department of natural resources (DNR) and covered agencies will conduct environmental justice assessments for significant agency actions identified in RCW 70A.02.010 (12)(a) through (d):

- Agency rule making (also known as significant legislative rule, as defined in RCW 34.05.328).
- Adopting or developing new grant or loan programs initiated after July 1, 2023.
- Designing or awarding capital projects, grants, or loans of \$12 million or more, or transportation projects, grants, or loans of \$15 million or more.
- Agency request legislation.

Starting July 1, 2023, DNR will complete an environmental justice assessment for aforementioned significant agency actions to inform and support consideration of overburdened communities and vulnerable populations when making decisions and to assist the agency with the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of environmental and health disparities.

We invite feedback and comments on the list of significant agency actions and other types of DNR actions that would benefit from an assessment starting in 2025. DNR will continue to review comments on an ongoing basis; input will inform decisions on conducting assessments and how DNR communicates and engages with the public.

Comments may be sent via email at envjustice@dnr.wa.gov or by mail at Department of Natural Resources, C/O Office of Equity and Environmental Justice, 1111 Washington Street S.E., Mailstop 47001, Olympia, WA 98504.

WSR 23-13-117

DEPARTMENT OF ECOLOGY

[Filed June 21, 2023, 9:01 a.m.]

PUBLIC NOTICE

**Reissuance of the Wastewater Operator Certification
Program Fee Schedule**

The Washington state department of ecology (ecology) certifies wastewater treatment plant operators to ensure they are knowledgeable to properly operate and maintain wastewater treatment plants.

By law, ecology must fund the wastewater operator certification (OpCert) program with application and renewal fees for individual wastewater treatment plant operators. These fees are subject to change, dependent upon a budget and workload analysis ecology completes every biennium.

On March 31, 2023, ecology published a draft fee schedule for comment. Ecology responded to the comments and is now publishing the final wastewater operator certification program fee schedule. No changes were made from the draft fee schedule.

Copies of the Final Fee Schedule: The final fee schedule and ecology's response to comments are available online at <https://ecology.wa.gov/opcert>. You may request hard copies from Torrie Shaul at opcert@ecy.wa.gov.

Ecology Contact: If you have questions about the final fee schedule, please contact OpCert Program, Poppy Carre, Washington State Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, email opcert@ecy.wa.gov.

Assistance for Persons with Disabilities: To request an Americans with Disabilities Act accommodation, contact ecology by phone 360-407-6600, email opcert@ecy.wa.gov, or visit <https://ecology.wa.gov/accessibility>. For relay service or TTY call 711 or 877-833-6341.

Language Assistance: For language assistance, please contact our OpCert Program staff at 360-407-6600 or email opcert@ecy.wa.gov. You can also visit the following web page for more information <https://ecology.wa.gov/About-us/Accessibility-equity/Language-services>.

WSR 23-13-122

DEPARTMENT OF ECOLOGY

[Filed June 21, 2023, 10:04 a.m.]

PUBLIC NOTICE

The department of ecology has determined the types of significant agency actions that will require an environmental justice assessment pursuant to RCW 70A.02.060.

Those actions include:

(a) The development and adoption of significant legislative rules as defined in RCW 34.05.328;

(b) The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out;

(c) A capital project, grant, or loan award by a covered agency of at least \$12,000,000 or a transportation project, grant, or loan by a covered agency of at least \$15,000,000;

(d) The submission of agency request legislation to the office of the governor or the office of financial management for approval; and

(e) Any other agency actions deemed significant by a covered agency consistent with RCW 70A.02.060.

The department of ecology plans to consider expanding the scope of significant agency actions that will require an environmental justice assessment by July 1, 2025.

WSR 23-13-124

DEPARTMENT OF AGRICULTURE

[Filed June 21, 2023, 10:38 a.m.]

PUBLIC COMMENT PERIOD ON TYPES OF SIGNIFICANT AGENCY ACTIONS FOR ENVIRONMENTAL JUSTICE ASSESSMENTS

COMMENTS ACCEPTED UNTIL 11:59 P.M., DECEMBER 31, 2023

Washington state's first statewide environmental justice law, the Healthy Environmental for All (HEAL) Act instructs the department of agriculture (WSDA) to conduct environmental justice assessments when considering significant agency actions.

Starting July 1, 2023, WSDA is required to complete an environmental justice assessment for the following significant agency actions named in the law:

- Adopting or developing significant legislative rules as defined in RCW 34.05.328.
- Adopting or developing new grant or loan programs initiated after July 1, 2023.
- Designing or awarding capital projects, grants, or loans of \$12 million or more.
- Developing agency request legislation.

WSDA can identify additional types of significant agency actions, in addition to the above, which will require environmental justice assessments starting July 1, 2025. We are beginning a process to identify actions that may benefit from an environmental justice assessment and there will be additional opportunities for the public to comment in the future.

We are seeking your comments and feedback on the following:

- The above list of significant agency actions.
- What other types of WSDA actions you think would benefit from an assessment starting in 2025.
- How you would like to engage with WSDA to provide your community perspective and knowledgeable impact of significant agency actions.
- How you would like to stay informed about environmental justice assessments.

While this comment period is open through December 31, 2023, we invite you to reach out to us at any time. Your input will be used to help inform decisions on conducting environmental justice assessments and how we communicate and engage with you.

Submit written comments to envjustice@agr.wa.gov. A summary of comments will be posted to our environmental justice web page by February 1, 2024.

About the HEAL Act: The passage of the HEAL Act in 2021 is a historic step toward eliminating environmental health disparities and more equitably distributing health and environmental benefits among communities of color and low-income households. **It is the first law in Washington to create a coordinated state agency approach to environmental justice.**

The law covers seven state agencies: WSDA; the state departments of commerce, ecology, health, natural resources, and transportation; and Puget Sound partnership. It allows other agencies to opt in.

For more information and continued updates on HEAL Act implementation, see the WSDA environmental justice web page.

About Environmental Justice Assessments: The HEAL Act requires covered agencies to conduct environmental justice assessments on sig-

nificant agency actions. **Environmental justice assessments are a process that WSDA will be required to follow to determine the impacts of significant agency actions on overburdened communities and vulnerable populations.** Environmental justice assessments are intended to assist the agency with understanding disproportionate impacts, equitably distributing environmental benefits, reducing environmental harms, and addressing environmental and health disparities.

WSR 23-13-125

DEPARTMENT OF AGRICULTURE

[Filed June 21, 2023, 10:40 a.m.]

Significant Agency Action Determination

On July 1, 2023, the Washington state department of agriculture (department) will begin conducting environmental justice (EJ) assessments when considering significant agency actions in accordance with RCW 70A.02.060 in order to (1) inform and support the department's consideration of overburdened communities and vulnerable populations when making decisions, and (2) assist the department with the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of environmental and health disparities.

EJ assessments will be conducted on the following significant agency actions after July 1, 2023:

- Adopting or developing significant legislative rules as defined in RCW 34.05.328.
- Adopting or developing new grant or loan programs initiated after July 1, 2023.
- Designing or awarding capital projects, grants, or loans of \$12 million or more.
- Developing agency request legislation.

The department is opening a public comment period to receive comments on this determination and suggestions on other agency actions that should be considered "significant" for the purpose of conducting EJ assessments in the future.

This public comment period will run from June 21 through December 31, 2023.

To submit comments or ask questions related to the department's implementation of the EJ requirements, please contact Jill Wisehart, Environmental Justice Coordinator, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-974-9768, email envjustice@agr.wa.gov.

WSR 23-13-128

**NOTICE OF PUBLIC MEETINGS
THE EVERGREEN STATE COLLEGE**

[Filed June 21, 2023, 11:08 a.m.]

The Evergreen State College has changed the following regular meeting:

From: Wednesday, November 29, 2023 (meeting), and Thursday, November 30, 2023 (retreat).

To: Tuesday, November 28, 2023 (meeting), and Wednesday, November 29, 2023 (retreat).

If you need further information, contact Susan M. Harris, Secretary to the Board of Trustees, President's Office, 2700 Evergreen Parkway N.W., Olympia, WA 98505, phone 360-867-5101, fax 360-867-6577, trustees@evergreen.edu, <https://www.evergreen.edu/trustees>.