

WSR 08-09-004
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
[Filed April 3, 2008, 11:52 a.m.]

By direction of the commission on judicial conduct, the 11:00 a.m., Friday, June 13, 2008, business meeting of the commission, previously scheduled at the Holiday Inn Express Hotel and Suites, 19621 International Boulevard, SeaTac, WA 98188, will now be held at 11:00 a.m. at the Doubletree Hotel, Spokane City Center, 322 North Spokane Falls Court, Spokane, WA 99201.

WSR 08-09-007
NOTICE OF PUBLIC MEETINGS
RECREATION AND
CONSERVATION OFFICE
(Invasive Species Council)
[Filed April 4, 2008, 9:43 a.m.]

The next public meeting of the Washington invasive species council will be Wednesday, May 7, 2008, from 9:00 a.m. to 3:00 p.m. in room 172, at the Natural Resource Building, located at 1111 Washington Street, Olympia, WA 98501.

For further information, please contact Rachel Utley, Washington invasive species council (WISC), (360) 902-3012.

WISC schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Rachel Utley at (360) 902-3000, TTY (360) 902-1996, or e-mail RachelU@rco.wa.gov.

WSR 08-09-008
RULES OF COURT
STATE SUPREME COURT
[April 4, 2008]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO NEW RAP) NO. 25700-A-889
18.13A, RAP 18.13 AND RAP 13.5A)

The Washington State Supreme Court Commission on Children in Foster Care and the Washington State Bar Association having recommended the adoption of the proposed amendments to NEW RAP 18.13A, RAP 18.13 and RAP 13.5A, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

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

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

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

DATED at Olympia, Washington this 3rd day of April, 2008.

For the Court
Gerry L. Alexander

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested New Rule
RULE OF APPELLATE PROCEDURE
(RAP 18.13A)

Accelerated Review of Juvenile
Dependency Disposition Orders
and Orders Terminating Parental Rights

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: As long as appeals from juvenile dependency disposition orders and orders terminating parental rights are pending, adoptions cannot be finalized and children are not able to become part of new families. The purpose of this new rule is to further accelerate review of these orders to promote permanency for children awaiting adoption.

This rule is proposed by the Task Force on Dependency and Termination Appeals for the Washington State Supreme Court Commission on Children in Foster Care. Participants on the Task Force include Hon. Anne Ellington of Division I of the Courts of Appeals, commissioners from each of the three divisions of the Court of Appeals and the Supreme Court, an appellate court clerk, a Superior Court clerk, two representatives of the Office of the Attorney General, two appellate defenders, and a representative from the state Office of Public Defense.

The rule's genesis is a report by the National Center for State Courts, *Expediting Dependency Appeals: Strategies to Reduce Delay*, which encourages states to involve stakeholders in the process of developing strategies that apply to their particular jurisdictions. At the direction of the Task Force, a law student interviewed stakeholders throughout Washington to learn about the problems they encounter attempting to prepare appeals from juvenile dependency disposition orders and orders terminating parental rights, and to solicit their ideas for improving the accelerated review rule. The Task Force heard from trial counsel for parents and the Department of Social and Health Services, court reporters, transcriptionists, and Superior Court clerks from a variety of urban and rural counties.

Based on this input and the collective experience of Task Force members, the Task Force focused its attention on inefficiencies and delays inherent in the transfer of cases from the

trial court system to the appellate court. Under the current rules, perfection of an appeal does not begin until the appellate court appoints appellate counsel. Although some other jurisdictions have adopted rules providing for abbreviated briefs and briefing schedules, the Task Force questioned the wisdom and fairness of that approach and chose instead to reduce the inefficiency and delay.

The Task Force's goal was to speed the resolution of these cases without diminishing the opportunity of the parties to be heard or the ability of the appellate court to make sound decisions. In pursuit of this goal, the Task Force employed three principles: (1) simplify perfection of the appeal and start the process more quickly; (2) appoint appellate counsel more quickly; (3) balance the goal of expediting preparation of these appeals with the reality that there are practical, political, and financial considerations that shape the rules of appellate procedure as they currently exist. Cost is a significant consideration. The Office of Public Defense, which pays for appellate counsel and preparation of the record, demonstrated a true commitment to expediting dependency and termination appeals through its willingness to be flexible regarding payment for preparation of the record and early appointment of counsel.

Suggested new Rule of Appellate Procedure (RAP) 18.13A is tailored to appeals from juvenile dependency disposition orders and orders terminating parental rights. In brief, the suggested rule requires trial counsel to order the verbatim report of proceedings and designate the clerk's papers at the time the notice of appeal is filed, rather than waiting for the appointment of appellate counsel. To simplify and speed the designation process, the suggested rule requires all documents in the court file to be transmitted to the appellate court, with copies provided to appellate counsel to save them the time of copying the documents themselves. To offset that cost, the suggested rule provides that only one set of clerk's papers will be transmitted to the appellate court, rather than one for each child as is the current practice.¹ The suggested rule provides for the notice of appeal to be served on the appellate court as a safeguard to prevent cases from falling between the cracks. Contemporaneous filing of any order of indigency will allow appellate counsel to be appointed more quickly. The suggested rule codifies the existing accelerated briefing schedules already in use in all three divisions of the Court of Appeals. The suggested rule informs the Superior Court clerks, court reporters, and transcriptionists that these appeals are to be given priority.

¹ Individual dependency petitions and petitions to terminate parental rights are filed in the trial court for each child, and each child's case is given a case number. Under current RAP 18.13, the documents in each file must be separately designated and transmitted, even though they are substantially identical. Under suggested new RAP 18.13A, only the documents filed in the lowest case number would be transmitted to the appellate court, but the Office of Public Defense has agreed to pay for copies of the clerk's papers to be provided to appellate counsel so they no longer have to arrange to have the documents copied themselves.

In conjunction with suggested new RAP 18.13A, the Task Force is also proposing the following:

1. Adding new RAP Forms 15B and 15C to help trial counsel fulfill their new obligations regarding statements of arrangement and designation of clerk's papers, along with

express cross-references to the new forms in the suggested new rule (*see suggested RAP 18.13A (e) and (g)*);

2. Modifying existing RAP 18.13 to apply strictly to manifest injustice dispositions in juvenile offender matters (but to otherwise make no substantive change to the manner in which those dispositions are reviewed); and

3. Providing a corollary reference in RAP 13.15A (a)(3) (which is part of a rule addressing Supreme Court Review of decisions by the Court of Appeals) to suggested new RAP 18.13A(j), which would expand the number of circumstances under which a party may seek discretionary Supreme Court review.

Please refer to the separate GR 9 cover sheet for more details on each of these three concomitant proposals.

RULES OF APPELLATE PROCEDURE (RAP)

NEW RULE 18.13A. ACCELERATED REVIEW OF JUVENILE DEPENDENCY DISPOSITION ORDERS AND ORDERS TERMINATING PARENTAL RIGHTS

(a) Generally. Juvenile dependency disposition orders and orders terminating parental rights may be reviewed by a commissioner on the merits by accelerated review as provided in this rule. Review from other orders entered in juvenile dependency and termination actions are not subject to this rule. The provisions of this rule supersede all other provisions of the Rules of Appellate Procedure to the contrary, and this rule shall be construed so that appeals from juvenile dependency disposition orders and orders terminating parental rights shall be heard as expeditiously as possible.

(b) Notice of Appeal - Filing with Appellate Court. The notice of appeal must be filed with the trial court in compliance with Title 5 of these rules. Notwithstanding the other provisions of this rule, a timely notice of appeal shall be accepted for filing. A copy of the notice of appeal with proof of service should be filed with the appellate court by the appellant at the time it is filed with the trial court.

(c) Motion for Order of Indigency. Parties seeking review at public expense must file a motion for order of indigency in the trial court. Any order of indigency should be filed contemporaneously with the notice of appeal.

(d) Consolidation. When one or more appellants seek review of more than one dependency dispositional order or order terminating parental rights arising from cases tried together, each appellant may file a single statement of arrangements and a single designation of clerk's papers under the lowest trial court cause number. The appellate court normally will consolidate the appeals for purposes of review.

(e) Statement of Arrangements. A statement of arrangements should be filed contemporaneously with the notice of appeal. The party seeking review should arrange for the transcription of an original and one copy of the verbatim report of proceedings. If the proceeding being reviewed was recorded electronically, transcription of the recordings shall be completed by a court-approved transcriber in accordance with the procedures developed by the Administrative Office of the Courts. An indigent party should provide the court reporter, transcriber, or court administrator a copy of the order of indigency. A non-indigent party should arrange for payment for the transcription of the report.

The party seeking review must file with the trial and appellate courts and serve the statement of arrangements on all parties of record and all named court reporters and file proof of service with the appellate court. The party must indicate the date that the report of proceedings was ordered, the financial arrangements which have been made for payment of transcription costs, the name of each court reporter or other person authorized to prepare the report of proceedings who will be preparing a transcript, the hearing dates, and the trial court judge. If the party seeking review does not intend to provide a report of proceedings, a statement to that effect should be filed in lieu of a statement of arrangements and served on all parties of record.

See Form 15B

(f) Report of Proceedings. The preparation and filing of reports of proceedings in appeals under this rule take precedence over all other appeal records. The format of the verbatim report of proceedings is governed by rule 9.2 (e) and (f). The filing and service of the report of proceedings is governed by rule 9.5, except that any motion for extension of time to file the report of proceedings must be accompanied by an affidavit from the court reporter or other person authorized to prepare the report of proceedings demonstrating exceptional circumstances. Extensions otherwise will be denied and sanctions may be imposed.

(g) Designation and Filing of Clerk's Papers. The party seeking review should file a designation of clerk's papers with the trial and appellate courts contemporaneously with the notice of appeal. In appeals under this rule, the entire trial court file shall be designated as clerk's papers to be transmitted to the appellate court. All of the exhibits filed in the trial court shall also be designated and transmitted to the appellate court. In cases appropriate for consolidation under subsection (d) of this rule, a designation of clerk's papers need only request the preparation of a single trial court file. The clerk shall prepare and transmit the clerk's papers as set forth in rules 9.7 and 9.8, except that a copy of the clerk's papers and the exhibits shall be provided to appellate counsel. The clerk should give priority to the preparation and filing of clerk's papers in appeals under this rule.

See Form 15C

(h) Briefing. Parties shall file briefs in compliance with rules 10.3 and 10.4.

(i) Time for Filing Briefs.

(1) Brief of Appellant. The brief of an appellant should be filed with the appellate court within 30 days after the report of proceedings is filed with the trial court; or, if the record on review does not include a report of proceedings, within 30 days after the party seeking review has received an index of clerk's papers and exhibits. Appellant shall append to the brief a copy of the trial court's findings of fact and conclusions of law.

(2) Brief of Respondent. The brief of a respondent should be filed with the appellate court within 30 days after service of the brief of appellant. When there is more than one appellant, the respondent may file one brief in response to all appellants.

(3) Reply Brief. A reply brief of an appellant should be filed with the appellate court within 15 days after service of the brief of respondent unless the court orders otherwise.

(4) Other Briefs. The appellate court may, on its own motion or on motion of a party, authorize or direct the filing of briefs on the merits other than those listed in this rule.

(5) Briefs in Consolidated Cases. In consolidated cases, a party may (i) join with one or more other parties in a single brief, or (ii) file a separate brief and adopt by reference any part of the brief of another.

(j) Supreme Court Review. A decision by the Court of Appeals on accelerated review that relates only to juvenile dependency dispositional orders or orders terminating parental rights is subject to review by the Supreme Court only by a motion for discretionary review on the terms and in the manner provided in rules 13.3(e) and 13.5A.

RULES OF APPELLATE PROCEDURE (RAP)

NEW RULE 18.13A: SUGGESTED FORMS 15B AND 15C

FORM 15B. STATEMENT OF ARRANGEMENTS IN APPEALS FROM DEPENDENCY DISPOSITIONAL ORDERS AND ORDERS TERMINATING PARENTAL RIGHTS

[Rule 18.13A(e)]

SUPERIOR COURT OF WASHINGTON FOR (____) COUNTY

[Name of plaintiff],)
Plaintiff) No. [trial court]
v.)
[Name of defendant],) STATEMENT OF
Defendant) ARRANGEMENTS

_____, attorney for _____, states that on _____, 20__, I ordered transcription of the original and one copy of the verbatim report of proceedings from the court reporter(s)/transcriptionist(s) named below and have arranged to pay the cost of transcription and preparation of the record on appeal [at public expense by Order of Indigency]:

Table with 3 columns: Hearing date(s), Judge, Court Reporter/Transcriptionist. Includes horizontal lines for data entry.

A copy of this statement is being filed with the Court of Appeals and served on all parties of record and all court reporters and/or court-approved transcribers.

The reports of proceedings in appeals under RAP 18.13A take precedence over the preparation and filing of all other appeal records. Extensions will be granted only in exceptional circumstances. RAP 18.13A(f).

Attorney for [_____]

WSBA No. _____

CERTIFICATE OF SERVICE

I certify that on the ____ day of _____, 20__, I caused a true and correct copy of this Statement of Arrangements to be served on the following in the manner indicated below:

Counsel for _____ () U.S. Mail
 Name _____ () Hand Delivery
 Address _____ () _____

Counsel for _____ () U.S. Mail
 Name _____ () Hand Delivery
 Address _____ () _____

Court Reporter _____ () U.S. Mail
 Name _____ () Hand Delivery
 Address _____ () _____

By: _____

By: _____

GR 9 COVER SHEET

Suggested Amendment
RULE OF APPELLATE PROCEDURE
(RAP 18.13)

Accelerated Review of Juvenile Dependency Disposition
 Orders and Orders Terminating Parental Rights

**Submitted by the Board of Governors of the Washington
 State Bar Association**

**FORM 15C. DESIGNATION OF CLERK'S PAPERS IN APPEALS
 FROM DEPENDENCY DISPOSITIONAL ORDERS AND ORDERS
 TERMINATING PARENTAL RIGHTS**

[Rule 18.13A(g)]
 SUPERIOR COURT OF WASHINGTON FOR (____) COUNTY
 [Name of plaintiff],)
 Plaintiff) No. [trial court]
 v.)
 [Name of defendant],) DESIGNATION OF
 Defendant) CLERK'S PAPERS
)

TO: Superior Court Clerk

Pursuant to RAP 18.13A(g) please prepare and transmit to the Court of Appeals, Division ____, the following Clerk's Papers and Exhibits:

All documents/subnumbers filed in [the lowest trial court cause number for which the appellant seeks review].

All exhibits admitted in [the lowest trial court cause number for which the appellant seeks review].

A copy of this document has been filed with the Court of Appeals and served on all parties of record.

The clerk should give priority to the preparation and transmittal of clerk's papers under RAP 18.13A(g).

DATED this _____ day of _____, 20__.

 Attorney for [_____

 WSBA No. _____

CERTIFICATE OF SERVICE

I certify that on the ____ day of _____, 20__, I caused a true and correct copy of this Designation of Clerk's Papers to be served on the following in the manner indicated below:

Counsel for _____ () U.S. Mail
 Name _____ () Hand Delivery
 Address _____ () _____

Counsel for _____ () U.S. Mail
 Name _____ () Hand Delivery
 Address _____ () _____

Counsel for _____ () U.S. Mail
 Name _____ () Hand Delivery
 Address _____ () _____

Purpose: This amendment removes references to appeals from juvenile dependency disposition orders and orders terminating parental rights, making the rule apply strictly to appeals from manifest injustice dispositions. This proposal is prompted by suggested new RAP 18.13A, which would deal exclusively with review of juvenile dependency disposition orders and orders terminating parental rights. Please refer to the purpose statement for suggested new RAP 18.13A.

RULES OF APPELLATE PROCEDURE (RAP)

RULE 18.13. ACCELERATED REVIEW OF DISPOSITIONS IN JUVENILE OFFENSE, JUVENILE DEPENDENCY AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS

(a) Generally. Dispositions in a juvenile offense proceeding beyond the standard range for such offenses, ~~juvenile dependency and termination of parental rights~~, shall be reviewed on the merits by accelerated review as provided in this rule.

(b) Accelerated Review by Motion. The accelerated review of the disposition shall be done by motion. The motion must include (1) the name of the party filing the motion; (2) the offense in a juvenile offense proceeding ~~or the issues in a juvenile dependency or termination of parental rights~~; (3) the disposition of the trial court; (4) the standard range for the offense, ~~as may be appropriate~~; (5) a statement of the disposition urged by the moving party; (6) copies of the clerk's papers and a written verbatim report of those portions of the disposition proceeding that are material to the motion; (7) an argument for the relief the party seeks; and (8) a statement of any other issues to be decided in the review proceeding.

(c) Motion Procedure Controls. Unless otherwise specified in this rule, ~~the~~ motion procedure, including a party's response, is governed by rule 17.

(d) Accelerated Review of Other Issues. The decision of issues other than those relating to the juvenile offense disposition, ~~juvenile dependency and termination of parental rights~~ may be accelerated only pursuant to rules 18.8, ~~and 18.12, or 18.13A.~~

(e) Supreme Court Review. A decision by the Court of Appeals on accelerated review that relates only to a juvenile offense disposition, ~~juvenile dependency and termination of parental rights~~ is subject to review by the Supreme Court only

by a motion for discretionary review on the terms and in the manner provided in rules 13.3(e) and 13.5A.

(f) Schedule. The accelerated review shall include a schedule for filing the record on review, the motion, response, and reply, and briefs and setting oral argument.

~~**(g) Content of Motion and Response.** In addition to the requirements of section (b) of this rule, a party appealing from the disposition decision following a finding of dependency by a juvenile court or a decision terminating all of a person's parental rights with respect to a child should (1) append to the motion a copy of the trial court's finding of facts and conclusions of law and copies of all dependency review orders; (2) identify by specific assignments of error those findings and conclusions challenged on appeal; and (3) set forth the applicable standard of governing review of those issues. Counsel for the respondent should respond to each assignment of error and should provide citation to the record for any evidence supporting the trial court's findings.~~

GR 9 COVER SHEET

**Suggested Amendment
RULE OF APPELLATE PROCEDURE
(RAP 13.5A)**

**Motions for Discretionary Review of
Specified Final Decisions**

**Submitted by the Board of Governors of the
Washington State Bar Association**

Purpose: This amendment is prompted by suggested new RAP 18.13A, which addresses Supreme Court Review of decisions by the Court of Appeals on accelerated review relating to juvenile dependency dispositional orders or orders terminating parental rights. This amendment provides a corollary reference in RAP 13.5A(3) to suggested new RAP 18.13A(j), which would expand the number of circumstances under which a party may seek discretionary Supreme Court review. Please refer to the purpose statement for suggested new RAP 18.13A.

RULES OF APPELLATE PROCEDURE (RAP)

**RULE 13.5A. MOTIONS FOR DISCRETIONARY REVIEW OF
SPECIFIED FINAL DECISIONS**

(a) Scope of Rule. This rule governs motions for discretionary review by the Supreme Court of the following decisions of the Court of Appeals:

- (1) Decisions dismissing or deciding personal restraint petitions, as provided in rule 16.14(c);
- (2) Decisions dismissing or deciding post-sentence petitions, as provided in rule 16.18(g);
- (3) Decisions on accelerated review that relate only to a juvenile offense disposition, juvenile dependency, or termination of parental rights, as provided in rule 18.13(e) or 18.13A(j);
- (4) Decisions on accelerated review that relate only to an adult sentence, as provided in rule 18.15(g)

(b) [Unchanged.]

(c) [Unchanged.]

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

Reviser's note: The spelling 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.

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

**WSR 08-09-009
RULES OF COURT
STATE SUPREME COURT**

[April 4, 2008]

IN THE MATTER OF THE ADOPTION)	ORDER
OF THE AMENDMENT TO CrRLJ 2.1)	NO. 25700-A-890
AND IRLJ 2.1)	

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendments to CrRLJ 2.1 and IRLJ 2.1, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

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

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

DATED at Olympia, Washington this 3rd day of April, 2008.

Alexander, C. J.

C. Johnson, J.

Owens, J.

Madsen, J.

Fairhurst, J.

Sanders, J.

J. M. Johnson, J.

Chambers, J.

Stevens, J.

GR 9 Cover Sheet

Proposed Amendment to Criminal Rules for Courts of Limited Jurisdiction

Revised CrRLJ 2.1

COMPLAINT—CITATION AND NOTICE

Purpose—The proposed rule change to section (b) is based on the Committee's belief that standardize citation forms benefit law enforcement who fill out and issue citations and courts and other agencies enter data contained in the

forms into court and other statewide data bases. Increasing use of electronic means for issuing citations has presented challenges in encouraging uniformity. Technology is not uniform across jurisdictions and forms that are being developed to implement different technologies may not comply with statewide citation standards, may not provide adequate notice to offenders, or contain all data that state agencies need to have reported. A rule change that clearly makes AOC responsible for prescribing citation forms will assist AOC and the Committee in ensuring uniformity. The proposed rule change would clarify that AOC has the authority to prescribe the form and content of citation forms.

The proposed change does not make any substantive changes to the current content or format of citation forms.

CrRLJ 2.1

COMPLAINT—CITATION AND NOTICE—Proposed Revision

- (a) No change
- (b) Citation and Notice To Appear.

(1) Issuance. Whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor the arresting officer, or any other authorized peace officer, may serve upon the person a citation and notice to appear in court. Criminal citations shall be on a form entitled "Criminal Citation" prescribed by the Administrative Office of the Courts. Citation forms prescribed by the Administrative Office of the Courts are presumed valid.

- (b)(2) — (5) No Change
- (c) - (d) No Change

GR 9 Cover Sheet

Proposed Amendment to Infraction Rules for Courts of Limited Jurisdiction

Revised IRLJ 2.1
Notice of Infraction

Purpose—The Committee believes that standardized citation forms benefit law enforcement officers who fill out and issue notices of infraction and courts and other agencies that enter data from the forms into court and other statewide databases. The Committee has worked closely with the statewide electronic citation project (eCitation) to ensure that electronically issued citations conform to the specifications for paper citation forms. However, the statewide eCitation project does not encompass all methods that are in use for electronically issuing citations (e.g.: photo enforcement and handheld equipment (PDA) other than that being supported as part of eCitation).

The proliferation of methods for issuing citations has resulted in individual jurisdictions and their vendors creating forms that may not conform to statewide citations standards. A rule change that clearly makes AOC responsible for prescribing notice of infraction forms will assist AOC and the Committee in ensuring uniformity. The proposed rule change would clarify that AOC has the authority to prescribe the form and content of non-traffic notice of infraction forms.

The proposed change does not make any substantive changes to the current content or format of notice of infraction forms.

IRLJ 2.1

NOTICE OF INFRACTION—Proposed Revision

(a) ~~Traffic~~ Infraction Form Prescribed or approved by the Administrative Office of the Courts. ~~Traffic infraction~~ Infraction cases shall be filed on a form entitled "Notice of ~~Traffic~~ Infraction" prescribed by the Administrative Office of the Courts; except that the form used to file cases alleging the commission of a parking, standing or stopping infraction shall be approved by the Administrative Office of the Courts. ~~Traffic infraction~~ Notice of Infraction forms prescribed or approved by the Administrative Office of the Courts are presumed valid and shall not be deemed insufficient by reason of defects or imperfections which do not prejudice substantial rights of the defendant.

- (b) No Change

Reviser's note: The spelling 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 08-09-010
RULES OF COURT
STATE SUPREME COURT

[April 4, 2008]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO GR 22) NO. 25700-A-891

The Judicial Information System Committee having recommended the adoption of the proposed amendment to GR 22, and the Court having approved the proposed amendment for publication;

Now, therefore, it is hereby

ORDERED:

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

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

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

DATED at Olympia, Washington this 3rd day of April, 2008.

For the Court
Gerry L. Alexander

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments to GR 22**Submitted by the Judicial Information
System Committee**

Purpose: The Judicial Information Systems Committee (JISC) is proposing amendments to General Rule 22 (GR 22), Access to Family Law and Guardianship Court Records. Recent legislation related to judicial approval of parenting plans has raised a number of issues in terms of the requirement that judicial officers review the history of parties prior to entering a parenting plan. Specifically, RCW 26.09.182 (effective July 2007) states, "Before entering a permanent parenting plan, the court shall determine the existence of any information and proceedings relevant to the placement of the child that are available in the judicial information system and databases." Two repeated complaints have been that this requirement is extraordinarily burdensome on the courts, and it further requires disclosure of certain JIS information considered "confidential."

In response to these concerns, Judge C. Kenneth Grosse, chair of the JISC - Data Dissemination Committee sent a letter to the Superior Court Judges Association and to the Superior Court Commissioners asking for responses and possible recommendations regarding the new legislation as it relates to JIS data. The Data Dissemination Committee met and discussed the responses and decided on a solution that addresses JIS data concerns. The Data Dissemination Committee recommended to the JISC some minor amendments to GR 22. These proposed amendments address the distribution and filing of JIS data in situations addressed by the new legislation. The JISC unanimously voted to forward the amendments to the Supreme Court Rules Committee with a recommendation for expedited adoption due to the requirements of the new legislation. I have attached a copy of the proposed amendments for your review. Here is a summary of the proposed amendments:

- Copies of any relevant JIS database considered by the court for purposes of approving a parenting plan are not publicly accessible. (See GR 22 (c)(2) - suggested amendments)
- A judicial officer must disclose to the parties any information within a JIS database that is relevant to the placement of a child and give opportunity to the parties to be heard regarding the JIS information. If the information is irrelevant, disclosure is not required. (See GR 22(f) - suggested amendments)
- The JIS database(s) that is considered by the court and disclosed to the parties is filed under a confidential cover sheet. (See GR 22(g)).

GR 22 (suggested amendments)**ACCESS TO FAMILY LAW AND GUARDIANSHIP COURT
RECORDS**

(a) Purpose and Scope of this Rule. This rule governs access to family law and guardianship court records, whether

the records are maintained in paper or electronic form. The policy of the courts is to facilitate public access to court records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the courts.

(b) Definition and Construction of Terms.

- (1) "Court record" is defined in GR 31 (c)(4).
- (2) "Family law case or guardianship case" means any case filed under Chapters 11.88, 11.92, 26.09, 26.10, 26.12, 26.18, 26.21, 26.23, 26.26, 26.27, 26.50, 26.52, 73.36 and 74.34 RCW.
- (3) "Personal Health Care Record" means any record or correspondence that contains health information that: (1) relates to the past, present, or future physical or mental health condition of an individual including past, present, or future payments for health care; or (2) involves genetic parentage testing.
- (4) "Personal Privacy" is unreasonably invaded only if disclosure of information about the person or the family (a) would be highly offensive to a reasonable person and (b) is not of legitimate concern to the public.
- (5) "Public access" means unrestricted access to view or copy a requested court record.
- (6) "Restricted personal identifiers" means a party's social security number, a party's driver's license number, a party's telephone number, financial account numbers, social security number of a minor child and date of birth of a minor child.

COMMENT

A party is not required to provide a residence address. Petitioners or counsel to a family law case will provide a service or contact address in accordance with CR 4.1 that will be publicly available and all parties and counsel should provide a contact address if otherwise required. Pattern forms shall be modified, as necessary, to reflect the intent of this rule.

(7) "Retirement plan order" means a supplemental order entered for the sole purpose of implementing a property division that is already set forth in a separate order or decree in a family law case. A retirement plan order may not grant substantive relief other than what is set forth in a separate order. Examples of retirement plan orders are orders that implement a division of retirement, pension, insurance, military, or similar benefits as already defined in a decree of dissolution of marriage.

(8) "Sealed financial source documents" means income tax returns, W-2s and schedules, wage stubs, credit card statements, financial institution statements, checks or the equivalent, check registers, loan application documents, retirement plan orders, as well as other financial information sealed by court order.

(c) Access to Family Law or Guardianship Court Records.

(1) General Policy. Except as provided in RCW 26.26.610(2) and subsections (c)(2) and (c)(3) below, all court records shall be open to the public for inspection and copying upon request. The Clerk of the court may assess fees, as may be authorized by law, for the production of such records.

(2) Restricted Access. The Confidential Information Form, Sealed Financial Source Documents, Domestic Violence Information Form, Notice of Intent to Relocate required by R.C.W. 26.09.440, Sealed Personal Health Care Record, Retirement Plan Order, Confidential Reports as defined in (e)(2)(B), copies of any Judicial Information System database information considered by the court for parenting plan approval as set forth in (f) of this rule, and any Personal Information Sheet necessary for Judicial Information System purposes shall only be accessible as provided in sections (g~~h~~) and (h~~i~~) herein.

(3) Excluded Records. This section (c) does not apply to court records that are sealed as provided in GR 15, or to which access is otherwise restricted by law.

(d) Restricted Personal Identifiers Not Required - Except. Parties to a family law case or the protected person in a guardianship case shall not be required to provide restricted personal identifiers in any document filed with the court or required to be provided upon filing a family law or guardianship case, except:

(1) "Sealed financial source documents" filed in accordance with (f~~g~~)(1).

(2) The following forms: Confidential Information Form, Domestic Violence Information Form, Notice of Intent to Relocate required by R.C.W. 26.09.440, Vital Statistics Form, Law Enforcement Information Form, Foreign Protection Order Information Form, and any Personal Information Sheet necessary for Judicial Information System purposes.

(3) Court requested documents that contain restricted personal identifiers, which may be submitted by a party as financial source documents under the provisions of section (f~~g~~) of this rule.

COMMENT

Court records not meeting the definition of "Sealed Financial Source Documents", "Personal Health Care Records", Retirement Plan Orders, Confidential Reports or court records that otherwise meet the definition but have not been submitted in accordance with (f~~g~~)(1) are not automatically sealed. Section (3) provides authority for the court to seal court records containing restricted personal identifiers upon motion of a party, or on the court's own motion during a hearing or trial.

(e) Filing of Reports in Family Law and Guardianship cases - Cover Sheet.

(1) This section applies to documents that are intended as reports to the court in Family law and Guardianship cases including, but not limited to, the following:

(A) Parenting evaluations;

(B) Domestic Violence Assessment Reports created by Family Court Services or a qualified expert appointed by the court;

(C) Risk Assessment Reports created by Family Court Services or a qualified expert;

(D) CPS Summary Reports created by Family Court Services or supplied directly by Children's Protective Services;

(E) Sexual abuse evaluations; and

(F) Reports of a guardian ad litem or Court Appointed Special Advocate.

(2) Reports shall be filed as two separate documents, one public and one sealed.

(A) Public Document. The public portion of any report shall include a simple listing of:

(i) Materials or information reviewed;

(ii) Individuals contacted;

(iii) Tests conducted or reviewed; and

(iv) Conclusions and recommendations.

(B) Sealed Document. The sealed portion of the report shall be filed with a coversheet designated: "Sealed Confidential Report." The material filed with this coversheet shall include:

(i) Detailed descriptions of material or information gathered or reviewed;

(ii) Detailed descriptions of all statements reviewed or taken;

(iii) Detailed descriptions of tests conducted or reviewed; and

(iv) Any analysis to support the conclusions and recommendations.

(3) The sealed portion may not be placed in the court file or used as an attachment or exhibit to any other document except under seal.

(f) Information Obtained from JIS Databases with Regard to Approval of a Parenting Plan as Required by Chapter 26.09 RCW.

When a judicial officer determines that information contained within a judicial information services (JIS) database is relevant to the placement of a child in a parenting plan, the judicial officer shall disclose the relevant information to the parties and, on timely request, provide any party an opportunity to be heard regarding that information. Disclosure of JIS database information irrelevant to child placement is not required.

(f~~g~~) Sealing Financial Source Documents, Personal Health Care Records, and Sealed Confidential Reports in Family Law and Guardianship cases - Cover Sheet.

(1) Financial source documents, personal health care records, ~~and~~ confidential reports as defined in (e)(2)(B) of this rule, and copies of judicial information system database records considered by the court for parenting plan approval as set forth in (f) of this rule, shall be submitted to the clerk under a cover sheet designated "SEALED FINANCIAL SOURCE DOCUMENTS", "SEALED PERSONAL HEALTH CARE RECORDS", ~~or~~ "SEALED CONFIDENTIAL REPORT" or "JUDICIAL INFORMATION SYSTEM DATABASE RECORDS" for filing in the court record of family law or guardianship cases.

(2) All financial source documents, personal health care records, ~~or~~ confidential reports, or judicial information system database records so submitted shall be automatically sealed by the clerk. The cover sheet or a copy thereof shall remain part of the public court file.

(3) The court may order that any financial source documents containing restricted personal identifiers, personal health care records, ~~or~~ any report containing information described in (e)(2)(B), or copies of judicial information system database records considered by the court for parenting plan approval as described in (f) be sealed if they have not previously automatically been sealed pursuant to this rule.

(4) These coversheets may not be used for any documents except as provided in this rule. Sanctions may be imposed upon any party or attorney who violates this rule.

COMMENT

See comment to (d)(3) above.

(gh) Access by Courts, Agencies, and Parties to Restricted Documents.

(1) Unless otherwise provided by statute or court order, the following persons shall have access to all records in family law or guardianship cases:

(A) Judges, commissioners, other court personnel, the Commission on Judicial Conduct, and the Certified Professional Guardian Board may access and use restricted court records only for the purpose of conducting official business of the court, Commission, or Board.

(B) Any state administrative agency of any state that administers programs under Title IV-A, IV-D, IV-E, or XIX of the federal Social Security Act.

(2) Except as otherwise provided by statute or court order, the following persons shall have access to all documents filed in a family law or guardianship case, except the Personal Information Sheet, Vital Statistics Form, Confidential Information Form, Domestic Violence Information Form, Law Enforcement Information Form, and Foreign Protection Order Form.

(A) Parties of record as to their case.

(B) Attorneys as to cases where they are attorneys of record.

(C) Court appointed Title 11 guardians ad litem as to cases where they are actively involved.

(hi) Access to Court Records Restricted Under This Rule.

(1) The parties may stipulate in writing to allow public access to any court records otherwise restricted under section (c)(2) above.

(2) Any person may file a motion, supported by an affidavit showing good cause, for access to any court record otherwise restricted under section (c)(2) above, or to be granted access to such court records with specified information deleted. Written notice of the motion shall be provided to all parties in the manner required by the Superior Court Civil Rules. 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 Superior 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.

(3) The court shall allow access to court records restricted under this rule, or relevant portions of court records restricted under this rule, if the court finds that the public interests in granting access or the personal interest of the person seeking access outweigh the privacy and safety interests of the parties or dependent children. If the court grants access to restricted court records, the court may enter such orders necessary to balance the personal privacy and safety interests of the parties or dependent children with the public interest or the personal interest of the party seeking access, consistent with this rule.

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

**WSR 08-09-011
RULES OF COURT
STATE SUPREME COURT**

[April 4, 2008]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO APR 8(b)) NO. 25700-A-892

The Supreme Court Clerk having recommended the adoption of the proposed amendment to APR 8(b), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

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

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

DATED at Olympia, Washington this 3rd day of April, 2008.

Alexander, C. J.

C. Johnson, J.

Owens, J.

Madsen, J.

Fairhurst, J.

Sanders, J.

J. M. Johnson, J.

Chambers, J.

Stephens, J.

ADMISSION TO PRACTICE RULES

RULE 8 SPECIAL ADMISSIONS

(a) **In General.** Lawyers admitted to the practice of law in any state or territory of the United States or the District of Columbia or in any foreign jurisdiction, who do not meet the requirements of rule 1(b), may engage in the practice of law in this state as provided in this rule.

(b) **Exception for Particular Action or Proceeding.** A member in good standing of the Bar of any other state or territory of the United States or of the District of Columbia, who is a resident of and maintains a practice in such other state, territory, or District, may appear as a lawyer in any action or proceeding only (i) with the permission of the court or tribunal in which the action or proceeding is pending, and (ii) in association with an active member of the Washington State Bar Association, who shall be the lawyer of record therein, responsible for the conduct thereof, and present at proceedings unless excused by the court or tribunal.

(1) An application to appear as such a lawyer shall be made by written motion to the court or tribunal before whom

the action or proceeding is pending, in a form approved by the Board of Governors, which shall include certification by the lawyer seeking admission under this rule and the associated Washington lawyer that the requirements of this rule have been compiled with, **and shall include an indication on which date the fee required in part (2) below was paid.** The motion shall be heard by the court or tribunal after such notice to the Washington State Bar Association as is required in part (2) below, together with the required fees **fee**, and to adverse parties as the court or tribunal shall direct. **Payment of the required fee shall only be necessary upon a lawyer's first application to any court or tribunal in the same case.** The court or tribunal shall enter an order granting or refusing the motion, and, if the motion is refused, the court or tribunal shall state its reasons.

(2) The lawyer making the motion shall submit a copy of the motion to the Washington State Bar Association, accompanied by a fee in each case in an amount set by the Board of Governors with the approval of the Supreme Court. **Payment of the fee shall only be necessary upon a lawyer's first motion to any court or tribunal in the same case.** The associated Washington counsel shall be jointly responsible for payment of ~~these fees~~ **the fee**. The Washington State Bar Association shall maintain a public record of all motions for admission pursuant to this rule.

WSR 08-09-013

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed April 4, 2008, 11:39 a.m.]

Notice of Interpretive or Policy Statement

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

**Economic Services Administration
Division of Child Support**

Document Title: Policy Clarification Memo 08-002.

Subject: Requests for genetic testing following service of a notice and finding of parental responsibility, DSHS 09-710.

Effective Date: April 1, 2008.

Document Description: PCM 08-002 explains the process for handing a request for genetic testing after service of a notice and finding on parental responsibility, DSHS 09-710.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TYY (360) 753-9122, fax (360) 586-3274, e-mail JKildahl@dshs.wa.gov, web site <http://www1.dshs.wa.gov/dcs/>.

WSR 08-09-017

NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT

[Filed April 7, 2008, 11:55 a.m.]

By direction of the commission on judicial conduct, the commission will hold a special meeting commencing at 3:30 p.m. until approximately 5:00 p.m. on Friday, June 13, 2008, at the Moot Courtroom at Gonzaga Law School, 721 North Cincinnati Street, Spokane, WA 99220-3528. The purpose of the meeting is to conduct a public outreach meeting on the work of the commission for the local bar and the general community.

WSR 08-09-025

NOTICE OF PUBLIC MEETINGS
CLARK COLLEGE

[Filed April 8, 2008, 11:42 a.m.]

2008 Board of Trustees Meeting Schedule

AMENDED NOTICE

The regularly scheduled meeting of the board of trustees of Clark College scheduled for Monday, June 23, 2008, has been cancelled and rescheduled for Monday, June 16, 2008, in Rooms 258 B&C on the Clark College campus. The board of trustees will have a work session from 4:00 - 5:00 p.m. in Room 258A; the regular meeting will begin at approximately 5:00 p.m. Call 992-2101 for information.

WSR 08-09-026

PROCLAMATION
OFFICE OF
THE GOVERNOR

[Filed April 8, 2008, 11:42 a.m.]

PROCLAMATION BY THE GOVERNOR
TERMINATING STATES OF EMERGENCY
08-02

I, Christine O. Gregoire, Governor of the state of Washington, under RCW 43.06.210, terminate the following proclamations:

1. Proclamation dated November 9, 2006, which declared a state of emergency in Washington State for flooding, landslides and wind related damages in Chelan, Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, Klickitat, Kitsap, Kittitas, King, Lewis, Mason, Okanogan, Pacific, Pierce, San Juan, Skamania, Skagit, Snohomish, Thurston, Wahkiakum, Whatcom, and Yakima Counties.
2. Proclamation dated December 16, 2006, which declared a state of emergency in Washington State for wind and flood related damages.
3. Proclamation dated February 5, 2007, which declared a state of emergency in Washington State for wind-storm related damages in Chelan, Douglas,

Grant, Island, Jefferson, King and Snohomish Counties.

4. Proclamation dated July 16, 2007, which declared a state of emergency in Washington State for a high risk of severe wild fires.
5. Proclamation dated November 2, 2007, which declared a state of emergency in Washington State for I-90 overpass damage in Kittitas County.
6. Proclamation dated January 31, 2008, which declared a state of emergency in Washington State for storms.

Signed and sealed with the official seal of the state of Washington this 2nd day of April, A.D., Two Thousand and Eight at Olympia, Washington.

By:
Christine O. Gregoire
 Governor

BY THE GOVERNOR
Sam Reed
 Secretary of State

WSR 08-09-034
NOTICE OF PUBLIC MEETINGS
PUGET SOUND PARTNERSHIP
 (Puget Sound Partnership Science Panel)
 [Filed April 9, 2008, 10:25 a.m.]

Below is the proposed agenda for a April 10, 2008, science panel conference call. This call is scheduled to begin at 3:00 p.m. and end by 5:00 p.m.

There are two locations where the public can access this call: Olympia, Partnership Office, GA Building, 4th Floor, Suite 401, 210 11th Avenue S.W., Olympia; or Seattle, King Street Center, 201 South Jackson Street, Seattle, WA 98104, Room 8J, 8th Floor.

Directions to these two locations are posted on the web page at http://www.psp.wa.gov/SP_meetings.html.

Public testimony will not be taken during the conference call. The next regular meeting of the science panel where public testimony time will be provided is on April 15 and 16 at the Allmendinger Center in Puyallup.

Tammy Owings, Special Assistant to the Puget Sound Partnership Leadership Council, Ecosystem Coordination Board, and Science Panel, (360) 725-5463, cell (360) 791-7069, tammy.owings@psp.wa.gov.

WSR 08-09-035
NOTICE OF PUBLIC MEETINGS
PUGET SOUND PARTNERSHIP
 (Puget Sound Partnership Science Panel)
 [Filed April 9, 2008, 10:26 a.m.]

The next regular meeting of the Puget Sound Partnership Science Panel will be held on April 15 and 16, 2008, at the

Allmendinger Center, 7612 Pioneer Way East, Puyallup. The meeting is scheduled to begin at 10:00 a.m. on the 15th.

Additional meeting materials will be posted on the web page as they are ready, http://www.psp.wa.gov/SP_meetings.html.

Tammy Owings, Special Assistant to the Puget Sound Partnership Leadership Council, Ecosystem Coordination Board, and Science Panel, (360) 725-5463, cell (360) 791-7069, tammy.owings@psp.wa.gov.

WSR 08-09-037
GROWTH MANAGEMENT
HEARINGS BOARDS

[RL-08-001 and RL-08-002—Filed April 9, 2008, 1:16 p.m.]

**Eastern Washington, Western Washington,
 and Central Puget Sound**
 STATE OF WASHINGTON

In the matter of the petition for rule making of Futurewise (RL-08-001) and concerned residents on waste disposal (RL-08-002).

I. BACKGROUND: Pursuant to RCW 34.05.330(1) and WAC 242-02-052(1), on February 8, 2008,¹ the Growth Management Hearings Boards (GMHBs) - Eastern Washington, Western Washington, and Central Puget Sound - received two petitions for rule making: Futurewise rule-making petition No. RL-08-001 and concerned residents on waste disposal (CROWD) rule-making petition No. RL-08-002.

Both Futurewise and CROWD petitioned the GMHBs to amend the boards' rules of practice and procedure, WAC 242-02-040 Definitions, by adding a new subsection as follows: "Standing" means a right to petition for board review of any issues within the board's jurisdiction, without regard to injury or any other factor not specifically included in RCW 36.70A.280 (2) and (4).

Pursuant to RCW 34.05.330(1) and WAC 242-02-054, on March 17, 2008, a special meeting was held telephonically to determine whether to deny the petitions or to initiate rule making.² All of the current members of the GMHBs were present; James McNamara, Rules Committee Chair, presiding.³ Petitioners were also present; with Keith Scully for Futurewise and Kathy George for CROWD.

II. DISCUSSION: The boards have not uniformly interpreted standing in regards to claims based on the State Environmental Policy Act (SEPA), chapter 43.21C RCW, as it relates to plans, development regulations, or amendments thereto adopted under RCW 36.70A.040 or chapter 90.58 RCW. SEPA claims; with only the Central Puget Sound board requiring that in order for a party to raise a SEPA issue before the board it must demonstrate both injury-in-fact and zone of interest (the *Trepanier* test). For the Western and Eastern boards, in order to raise a SEPA issue the party must demonstrate that they have standing to file a petition pursuant to RCW 36.70A.280(2).

At the special meeting, each of the petitioners was permitted an opportunity to summarize their concerns which pertained to the conflict amongst the boards in regard to the application of standing to claims alleging violations of

SEPA. The GMHBs deliberated on the proposals and, with a vote of seven to one, the GMHBs adopted motions to deny both of the petitions on March 17, 2008.⁴

The proposed amendment to the rules is believed by board members to be outside its jurisdiction, such change not being procedural. RCW 36.70A.270(7). Further, the boards recognize that they are autonomous and may interpret the statute differently. The boards further find that the adoption of the language offered by the petitioners appears to amend or contradict statutory definitions found in the Growth Management Act (GMA). The boards find that this disagreement concerning SEPA standing under the GMA would be better resolved through the other available avenues, to wit, an appeal to the governor, the state legislature, through clarifying legislation, or before the courts.

III. ORDER: Based upon review of the petitions for rule making, chapter 36.70A RCW, the GMA, chapter 34.05 RCW, Administrative Procedure Act, and chapter 242-02 WAC, boards' rules of practice and procedure, the GMHBs enter the following ORDER:

- The petition for rule making filed by Futurewise - RL-08-001, requesting that the joint boards initiate rule making to amend WAC 242-02-040, is **denied**.
- The petition for rule making filed by CROWD - RL-08-002, requesting that the joint boards initiate rule making to amend WAC 242-02-040, is **denied**.

Either petitioner may seek an alternative ruling on SEPA standing for GMA issues from the courts as provided by RCW 34.05.510 - [34.05].598, by appealing this denial to the governor as provided by RCW 34.05.330(3), or by the legislature.

So ORDERED this 7th day of April, 2008.

GROWTH MANAGEMENT HEARINGS BOARDS
EASTERN, WESTERN, AND CENTRAL PUGET SOUND

James McNamara, Chair - Rules Committee
Western Washington Growth Management
Hearings Board

Dennis Dellwo, Rules Committee
Eastern Washington Growth Management
Hearings Board

Edward McGuire, Rules Committee
Central Puget Sound Growth Management
Hearings Board

¹ The GMHB received an e-mail of the petitions on February 8, 2008; hard copies of the petitions were received on February 11, 2008.

² The notice of the special meeting was published on the growth management hearings boards home page, as well as, on each individual board's web site. Petitioners were served with copies of the notice and it was filed with the code reviser for publication in the Washington State Register (WSR 08-05) on March 5, 2008.

³ The current board members are: Western Board - Holly Gadbow and James McNamara; Eastern Board - Dennis Dellwo, John Roskelley, and Joyce

Mulliken; Central Puget Sound Board - Edward McGuire, Margaret Pageler, and David Earling.

⁴ Each petition was voted on separately, with the GMHB voting 7 to 1 in favor of denying in regards to each petition.

WSR 08-09-046
RULES COORDINATOR
DEPARTMENT OF PERSONNEL
[Filed April 11, 2008, 9:15 a.m.]

REMOVAL OF AGENCY RULE COORDINATOR

In accordance with RCW 34.05.312 and 41.06.111 please **remove** the following information in the state register: Personnel Appeals Board, Agency Rules Coordinator, Don Bennett, P.O. Box 40911-1481, Olympia, WA 98504-0911, phone (360) 586-1481, fax (360) 753-0139.

Should you have any questions regarding this matter, please contact Kristie Wilson at (360) 664-6408.

Eva Santos
Director

WSR 08-09-047
PUBLIC RECORDS OFFICER
DEPARTMENT OF PERSONNEL
[Filed April 11, 2008, 9:15 a.m.]

AGENCY PUBLIC RECORDS OFFICER

In accordance with RCW 42.56.580, please publish the following information under Andy Colvin's name in the state register: E-mail Andrewc@dop.wa.gov.

Should you have any questions regarding this matter, please contact Kristie Wilson at (360) 664-6408.

Eva Santos
Director

WSR 08-09-053
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD
[Filed April 14, 2008, 3:47 p.m.]

The community economic revitalization board (CERB) will hold a special meeting May 14, 2008. The meeting location for May 14 is the Port of Bellingham Squalicum Boat-house, located at 2600 South Harbor Loop, Bellingham, WA 98225. The meeting will begin at 8:30 a.m.

The location of the CERB regular meeting on May 15, 2008, has changed from the Central Auditorium at SeaTac Airport to the Port of Bellingham Squalicum Boathouse, located at 2600 South Harbor Loop, Bellingham, WA 98225. The meeting will begin at 9:00 a.m.

Please call Kate Rothschild, (360) 725-4058, if you have any questions or require further clarification.

WSR 08-09-064
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed April 15, 2008, 2:53 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the Department of Social and Health Services.

Economic Services Administration
Division of Child Support

Document Title: Administrative Policy 6.00: Public information.

Subject: Public information.

Effective Date: April 8, 2008.

Document Description: This policy outlines the authority for official communication between the division of child support (DCS) and the media, public officials, advocacy groups, and the public on specific issues.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail address JKildahl@dshs.wa.gov, web site <http://www1.dshs.wa.gov/dcs/>.

WSR 08-09-068
NOTICE OF PUBLIC MEETINGS
GREEN RIVER
COMMUNITY COLLEGE
 [Filed April 16, 2008, 9:56 a.m.]

Regular Meeting Date Change

The board of trustees of Community College District No. 10 has rescheduled the date of its regular May 2008 meeting, from May 15 to Monday, May 12, 2008.

WSR 08-09-069
RULES COORDINATOR
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed April 16, 2008, 9:56 a.m.]

This is a change in the designated rules coordinator for the department of general administration (GA). Barton Potter is our current designee, but we would like to appoint a new rules coordinator, Jack Zeigler, GA, P.O. Box 41000, Olympia, WA 98504-1000, e-mail JZeigle@ga.wa.gov, phone (360) 902-0970, fax (360) 586-5898.

Linda V. Bremer
 Director

WSR 08-09-067
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Health Technology Clinical Committee)
 [Filed April 16, 2008, 8:50 a.m.]

Amended 2008 Public Meeting Schedule

	Date of Public Meeting	Location
1.	Friday, February 15, 2008 8:00 a.m. - 4:30 p.m.	Marriott Hotel 3201 South 176th Street Seattle, WA 98188
2.	Friday, May 9, 2008 CANCELLED	CANCELLED
3.	Friday, August 15, 2008 8:00 a.m. - 4:30 p.m.	TBA
4.	Friday, November 14, 2008 8:00 a.m. - 4:30 p.m.	TBA

If you are a person with a disability and need special accommodation, please contact Denise Santoyo at (360) 923-2742.

WSR 08-09-070
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD
 [Filed April 16, 2008, 11:12 a.m.]

NOTICE OF PUBLIC MEETINGS UPDATE 2008

The scheduled May 7, 2008, board meeting time has changed. The public works board will be holding a board meeting on Wednesday, May 7, 2008, at **8:00 a.m. - 10:00 a.m.** The public works board will be holding the annual board retreat following the board meeting on May 7 through May 9, 2008. The location of the meeting and retreat will be The Davenport Hotel, 10 South Post Street, Spokane, WA 99201, (509) 455-8888.

Contact the public works board at (360) 586-4120 for any further information.

WSR 08-09-075
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
 [Filed April 16, 2008, 1:52 p.m.]

The following transportation improvement board meetings have been changed.

MAY MEETING	Previously scheduled	Now scheduled
	May 29-30, 2008	June 5-6, 2008, in Pullman

JULY MEETING - Previously scheduled
 CANCELLED July 24-25, 2008, in
 Mt. Vernon

Please contact Eileen Bushman at 586-1146 or at
 eileenb@tib.wa.gov if you need additional information.

WSR 08-09-082

**NOTICE OF PUBLIC MEETINGS
 CLEMENCY AND PARDONS BOARD**

[Filed April 17, 2008, 2:18 p.m.]

The Washington state clemency and pardons board hereby gives notice that a quarterly hearing is scheduled for June 12, 2008, at 10:00 a.m., in Hearing Room A, John L. O'Brien Building, Olympia, Washington. The following petitions will be considered by the board:

Joseph Augustyn	Petition for Pardon
Gail Droz	Petition for Pardon
Ronald Nichols	Petition for Pardon
Eric Rust	Petition for Pardon
Mir Latif Ahmad	Petition for Pardon

WSR 08-09-083

**NOTICE OF PUBLIC MEETINGS
 CLEMENCY AND PARDONS BOARD**

[Filed April 17, 2008, 2:19 p.m.]

A special hearing of the Washington clemency and pardons board is scheduled for April 30, 2008, at 1:00 p.m. The special hearing will be conducted via telephone conferencing.

The agenda items are as follows:

1. Petition of Melissa Scott.

WSR 08-09-086

**NOTICE OF PUBLIC MEETINGS
 SOUTH PUGET SOUND
 COMMUNITY COLLEGE**

[Filed April 17, 2008, 4:24 p.m.]

The board of trustees of South Puget Sound Community College District 24 will have its regular meeting on Thursday, June 12, 2008, 3:00 a.m. at the **Thurston County Fire District #9 (McLane) Headquarters, 125 Delphi Road N.W., Olympia, WA 98502**, instead of at South Puget Sound Community College, Student and Administrative Services Building #25-Boardroom, 2011 Mottman Road S.W., Olympia, WA 98512.

WSR 08-09-099

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

[Filed April 21, 2008, 1:51 p.m.]

A state board of education special meeting is scheduled for Monday, April 28, 2008, as follows:

- Approval of OSPI adoption of K-8 math standards.

Materials for this meeting are posted on the web site at www.sbe.wa.gov.

Location: Office of Superintendent of
 Public Instruction
 600 Washington Street S.E.
 Billings Conference Room
 Olympia, WA 98501

Questions: Contact Edie Harding
 Executive Director
 (360) 725-6025

WSR 08-09-124

**NOTICE OF PUBLIC MEETINGS
 WASHINGTON SCHOOL FOR THE DEAF**

[Filed April 22, 2008, 12:03 p.m.]

The date, time, and location of the May board of trustees meeting has been changed as follows:

Friday, May 16, 2008	12 noon - 6 p.m.	Eastern Washington Center for the Deaf and Hard of Hearing 1206 North Howard Spokane, WA 99201
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The board will also hold a "special meeting" on Saturday, May 17, 2008, from 9 a.m. - 4 p.m. at the location listed above.

WSR 08-09-125

**NOTICE OF PUBLIC MEETINGS
 COUNTY ROAD
 ADMINISTRATION BOARD**

[Filed April 22, 2008, 12:04 p.m.]

MEETING NOTICE: July 24, 2008
 County Road Administration Board
 2404 Chandler Court S.W.
 Suite 240
 Olympia, WA 98504
 1:00 p.m. to 5:00 p.m.

PUBLIC HEARING: July 24, 2008
 County Road Administration Board
 2404 Chandler Court S.W.
 Suite 240
 Olympia, WA 98504
 2:00 p.m.

MEETING NOTICE: July 25, 2008
 County Road Administration Board
 2404 Chandler Court S.W.
 Suite 240
 Olympia, WA 98504
 8:30 a.m. - Noon

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact Karen Pendleton at (360) 753-5989.

WSR 08-09-130

DEPARTMENT OF ECOLOGY

[Filed April 22, 2008, 4:02 p.m.]

**Air Quality Program Publishes
 a New General Order of Approval**

In 2005, ecology created the legal framework for general orders of approval. Ecology's air quality program is proposing the concrete batch plant general order. The general order incorporates requirements to manage materials used in a concrete batch plant in such a way as to minimize the air pollution from the source. If a business wishes to install the equipment needed to run a concrete batch plant (either a temporary or a permanent plant), an application can be made for coverage under the general order, or the business can choose to go through the older more site specific notice of construction order of approval. The choice is made by the applicant.

Applicability Criteria for this General Order of Approval

Criterion	Limitation
Location in Washington	Any jurisdiction within which new source review requirements are regulated by the department of ecology's air quality program. At the time of issuance of this general order, this includes: Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, San Juan, Stevens, Walla Walla, and Whitman counties

Criterion	Limitation
Facility description	Facilities that manufacture concrete from cement, cement supplement, fine aggregate, coarse aggregate, and water. ¹ The ingredients are gravity fed through a weigh hopper In-transit mixing plant: The weigh hopper drops the ingredients into mixer trucks (in-transit mixing). Central mix plant: The weigh hopper drops the ingredients into a mixer that dumps the premixed concrete into transit trucks (central mix). Portable concrete batch plant: Although a plant may be designed to be "portable," to be considered portable under this general order, the plant must be located temporarily. Ecology defines "temporary" as one year or less at the same location. This general order is valid for any location within the jurisdiction described in "Location in Washington." Stationary concrete batch plant: A plant that is located at the same site for over one year. This general order is valid only for the location specified in the coverage order. The concrete batch plant is not part of a new major stationary source or major modification to a major stationary source, which is subject to review under the prevention of significant deterioration program, and the addition of the concrete batch plant to an existing source does not make the source subject to the air operating permit (AOP) program or require a modification in an existing AOP permit.
Size	In-transit mix: Not greater than 150,000 tons of concrete mixed in any consecutive twelve-month period (74,500 cubic yards). Central mix: Not greater than 495,000 tons of concrete mixed in any consecutive twelve-month period (246,000 cubic yards).
Design	Facility may either produce truck-mixed or central-mixed concrete.

Criterion	Limitation
	May be permanent or portable.
Equipment	Mobile and stationary conveying equipment for loading sand, aggregate, and cementitious material bins and silos, weigh hopper, mixer (central mix), and truck charging station.
SEPA Requirements	Portable concrete batch plant: Individual SEPA review is not required at any temporary location. Stationary concrete batch plant: SEPA review is required.
Portable plant: Special provisions	Must notify ecology not less than ten calendar days prior to operating at a new temporary location. A plant that has been operating under "stationary" status may move and convert to "portable" status under this general order as long as it thereafter follows the time-in-location limitations and reporting requirements of a portable plant. A new coverage order is not required. A plant that has been operating under "portable" status must obtain a new coverage order and undergo SEPA review before converting to "stationary" status at its current or a new location.

¹ Cement supplement: Fly ash, ground granulated blast furnace slag, natural pozzolans, silica fume.

Fine aggregate: Sand.

Coarse aggregate: Gravel, crushed stone, or iron blast furnace slag.

Heavyweight aggregate: Barite, magnetite, limonite, ilmenite, iron, or steel.

Lightweight aggregate: Sintered clay, shale, slate, diatomaceous shale, perlite, vermiculate, slag pumice, cinders, or sintered fly ash.

The draft order and fact sheet are available for review and public comment from May 7, 2008, to June 7, 2008. The public is encouraged to give written comments during the public comment period.

A general order is used instead of a series of individual notice of construction orders of approval when the permitted facilities are similar. Individual facilities that receive coverage under the general order are required to comply with the terms and conditions of the order.

This order will be available to applicants in the counties that are regulated directly by ecology's air quality program. These counties are: San Juan, Okanogan, Chelan, Douglas, Ferry, Stevens, Pend Oreille, Kittitas, Walla Walla, Columbia, Garfield, Asotin, Grant, Lincoln, Adams, Whitman, Franklin, and Klickitat counties. Applicants in other areas are regulated by a local air agency and are subject to their notice of construction rules and procedures. This order is

also available to those sources of statewide importance that are directly regulated by ecology.

Requesting Copies of the Order: You can request copies of the proposed order and fact sheet by contacting Tom Todd, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7528, fax (360) 407-7534, e-mail ttod461@ecy.wa.gov.

The proposed order and fact sheet are also available online at http://www.ecy.wa.gov/programs/air/AOP_Permits/Boiler/GeneralOrders.htm under the concrete batch plant heading.

Submitting Written Comments: Ecology will accept written comments on the draft concrete batch plant general order and fact sheet. Comments should reference specific text when possible. Comments may address the following:

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

Please submit written comments to Tom Todd, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7528, fax (360) 407-7534, e-mail ttod461@ecy.wa.gov.

Written, e-mailed and faxed comments must be **received** no later than 5 p.m., June 7, 2008.

Issuing the Final Concrete Batch Plant General Order: Ecology will issue the final order after it considers all public comments. Ecology expects to issue the general order soon after the end of the public comment period. It will be effective thirty days later. When ecology issues the order, it will send a response to everyone who commented.

Who would be covered by the order? The order covers all new concrete batch plants who proposed to emit air pollutants to the environment. The choice of whether to be covered by a more traditional individual notice of approval or this general order remains with the applicant.

If you have special accommodation needs or require a copy of the order and fact sheet in an alternative format, please contact Tami Dahlgren, (360) 407-6830. If you are a person with a speech or hearing impairment, call 711 or 800-833-6388 for TTY.

WSR 08-09-148

NOTICE OF PUBLIC MEETINGS

EDMONDS COMMUNITY COLLEGE

[Filed April 23, 2008, 10:33 a.m.]

Please be advised of the following revision to the 2008 meeting schedule of the Edmonds Community College board of trustees: The May 8 regular meeting has been rescheduled to begin at 3:15 p.m. in Snohomish Hall, Room 304A, Edmonds Community College.

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