

WSR 09-23-032
RULES OF COURT
STATE SUPREME COURT

[November 5, 2009]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENTS TO CrRLJ 3.2-) NO. 25700-A-928
 RELEASE OF ACCUSED)

The District Municipal Court Judges Association having recommended the adoption of the proposed amendments to CrRLJ 3.2-Release of Accused, 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 shown below are to be published for comment in the Washington Reports, Washington Register, and on the Washington State Bar Association and Office of the Administrator for the Courts' 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 5th day of November 2009.

For the Court

Gerry L. Alexander

 CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment
Criminal Rules for Courts of Limited Jurisdiction
(CrRLJ)

Rule Amendment 3.2 Release of Accused

(C) Purpose: CrRLJ 3.2 is entitled "Release of Accused" and establishes a bail schedule for 25 enumerated criminal offenses as conditions of release from custody in criminal matters. Bail amounts range from \$100 to \$500.

CrRLJ 3.2(o) also provides for forfeiture of bail as a final disposition in some criminal matters. The Legislature has not provided for or defined bail forfeiture as a final disposition in criminal matters except in the limited context of violation bureaus established under RCW 3.30.090, RCW 3.50.030, and RCW 77.15.050. It is unclear what effect bail forfeiture as a final resolution has on individuals' criminal history or whether it can be used to enhance a subsequent offense or penalty.

The rule also includes a schedule of criminal penalties. The Washington legislature has enacted criminal penalties for gross misdemeanors and misdemeanors at RCW 9.92.020 (up to 1 year in jail and \$5,000 fine for gross misdemeanors) and 9.92.030 (up to 90 days jails and \$1,000 fine for misde-

meanors). The legislature has not delegated authority to the Supreme Court to modify or otherwise revise those penalties. Various executive branch agencies or commissions charged with regulation and enforcement in specific areas have requested the Supreme Court to enact criminal penalties in court rule. The penalty amounts set in court rule have little if any relationship to the penalties set by the legislature. There have also been practical problems with keeping schedules current as the agencies and commissions have not always been timely in notifying the court of needed changes, which has resulted in and discrepancies between agency/commission expectations and published information.

Proposed Amendments—

Bail: The bail amounts set in CrRLJ 3.2 have not been revised since the rule was originally published. The amounts and listed offenses were apparently adopted based on the City of Seattle bail schedule in effect at the time of adoption. There is no currently recognized rationale behind the offenses listed. Bail amounts do not reflect current dollar values and do not adequately respond to current perceptions of crime severity. It is recommended that the court establish a simplified bail schedule for misdemeanors and gross misdemeanors of \$500 and \$1,000 respectively. It is anticipated that the court rule schedule will be a default schedule and that local jurisdictions will enact bail schedules that reflect local conditions and priorities; the default amounts will provide some guidance in determining locally appropriate bails amounts.

Forfeiture: Bail forfeiture has been used as a final disposition in criminal matters probably arising out of the old Justice of the Peace system that concerned a requirement that bail be posted before a defendant could request a jury trial on a speeding ticket. Under that system if the defendant failed to appear for trial, bail was forfeited and the case finally resolved. This antiquated system has been used for many years as a way to resolve criminal charges as diverse as DUI, assault and communication with a minor, but most often for misdemeanor charges such as DWLS3rd, Unlawful Recreational Fishing, or Transporting a Loaded Weapon. Bail forfeiture as a final disposition in criminal matters is problematic for a number of reasons. First, the legislature has provided no definition of bail forfeiture (for example, Is it a conviction? Can it be used as criminal history for sentencing considerations?). Confusingly in at least two instances the legislature has equated bail forfeiture to a conviction (RCW 46.20.270(4) concerning traffic matters provides that if money is paid, including bail forfeiture, DOL will consider the matter a conviction. RCW 77.15.050 concerning Fish & Wildlife matters provides that if money is paid, including bail forfeiture, F&W will consider the matter a conviction. In either case, the designation of 'conviction' may result in impingement of substantial rights including immigration consequences.) Second, the AOC computer system automatically changes a Bail Forfeiture (BF) code to Guilty (G) if the bail forfeiture is not paid and the case is sent for collection, thus imposing a conviction for a person who may not have been adequately advised of his Constitutional rights in that regard. Third, the legislature has not delegated authority to the Court to enact bail forfeiture in amounts that differ from misdemeanor and gross misdemeanor penalties set in statute.

Fourth, if bail forfeiture is defined as or results in conviction of a criminal charge, allowing that forfeiture of bail without a finding of guilt and constitutionally mandated colloquy is inappropriate. The proposed revision would eliminate the allowance of bail forfeiture as a final disposition in criminal matters. (Bail might however still be forfeited for a failure to appear in a case, in that event, the case is not closed but remains open for resolution until the defendant appears before the court.)

Penalties: The Washington legislature has not delegated authority to the court to enact criminal penalties. The legislature should create penalties for all criminal charges, either through direct legislation or by delegated rule-making authority. The legislature has created executive agencies and commissions that are charged with regulation and enforcement in defined areas. The legislature has delegated rule making authority to those agencies or commissions within their areas of responsibility. The legislature has also provided procedures for exercising rule making authority.

By asking the Supreme Court to enact criminal penalties, the agencies and commissions have effectively substituted Supreme Court rule making procedures for the requirements of the Administrative Procedures Act (APA), Chapter 34.05 RCW. One purpose of the APA is to ensure that interested parties have an opportunity to be heard on proposed rules, including penalties. While the Supreme Court rule making process provides the openness and opportunity to comment anticipated by the APA, it may not be apparent to interested parties that they need to watch the Supreme Court rule making process in order to participate.

The proposed revision would shift adoption of penalties back to the legislature or to the agency/commission charged with enacting rules in the defined area.

CrRLJ 3.2 RELEASE OF ACCUSED—Proposed Revision

(a) through (l) are unchanged

~~(m) Forfeiture. Nothing contained in this rule shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.~~

(n) Accused Released on Recognizance or Bail—Absence—Forfeiture. If the accused has been released on the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when the accused's personal appearance is necessary or violates conditions of release, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for the accused's arrest.

(o) Bail in Criminal Offense Cases—Mandatory Appearance.

(1) When required to reasonably assure appearance in court, bail for a person arrested for ~~the following criminal offenses listed in this rule or comparable ordinances shall be the amount listed in this rule:~~ a misdemeanor shall be \$500 and for a gross misdemeanor shall be \$1,000. In an individual case and after hearing the court for good cause recited in a written order may set a different bail amount.

(2) A court may adopt a local rule requiring that persons subjected to custodial arrest for a certain class of offenses be held until they have appeared before a judge.

~~(3) Forfeiture of bail shall not constitute a final disposition for a mandatory offense or comparable ordinance without a written order of the court showing the reasons. The order may be a simple docket entry. If the court allows forfeiture of bail for a mandatory offense, it may accept bail in an amount no less than that set forth in these rules as full payment including all statutory assessments.~~

	BAIL
1. Driving while under the influence; physical control (RCW 46.61.502; 46.52.100; 46.61.504)	\$500
2. Driving while under the influence nonhighway vehicle or snowmobile (RCW 46.09.120(2))	\$500
3. Operating nonhighway vehicle or snowmobile so as to endanger human life, etc. (RCW 46.09.130; 46.10.130)	\$500
4. No valid driver's license (without identification) (RCW 46.20.021)	\$250
5. Unlawful possession or use of a driver's license (RCW 46.20.0921)	\$100
6. Driving while license suspended or revoked in the first and second degrees (RCW 46.20.342)	\$500
7. Driving while license suspended or revoked in the third degree (RCW 46.20.342)	\$250
8. Violating occupational license restrictions (RCW 46.20.410)	\$200
9. Financial responsibility suspension (RCW 46.29.610, .620)	\$100
10. Transporting dangerous articles (RCW 46.48.175)	\$500
11. Unattended hit and run (RCW 46.52.010)	\$250
12. Attended hit and run (RCW 46.52.020)	\$500
13. Reports of repairs, concealing evidence (RCW 46.52.090)	\$500
14. Confidentiality of driving records (RCW 46.52.130)	\$500
15. Failure to obey police officer, flagger, or fire fighter (RCW 46.61.015)	\$250
16. Failure to cooperate with or give information to police officer (RCW 46.61.020)	\$100

17:	Failure to stop and give information (RCW 46.61.022)	\$100
18:	Reckless driving (RCW 46.61.500)	\$500
19:	Racing (RCW 46.61.530)	\$500
20:	Leaving children unattended (RCW 46.61.685)	\$250
21:	Unfair motor vehicle business practices (RCW 46.70.170)	\$250
22:	Unlawful operation of for hire vehicles (RCW 46.72.100)	\$250
23:	Motor vehicle wreckers (RCW 46.80.170)	\$500
24:	Driving training schools (RCW 46.82.390)	\$250
25:	First Degree Negligent Driving (RCW 46.61.525)	\$250
		Bail

(p) (Reserved.)

(q) (Reserved.)

(r) Forfeitable Wildlife and Fisheries Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:			BAIL	70% PSEA	35% PSEA	TOTAL
RCW	WAC	TITLE				
77.15.120.1		Take endangered fish or wildlife, 2nd degree (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
77.15.120.2		Take endangered fish or wildlife, 1st degree (Mandatory appearance, F)	\$1,316	\$921.20	\$460.60	\$2,698
77.15.130		Take protected fish or wildlife (M)	\$132	\$92.40	\$46.20	\$271
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-117	Raptor marking	\$79	\$55.30	\$27.65	\$162
	232-12-121	Raptor reporting	\$79	\$55.30	\$27.65	\$162
	232-12-129	Captive raptor propagation	\$79	\$55.30	\$27.65	\$162
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
77.15.140		Take unclassified fish or wildlife (M)	\$53	\$37.10	\$18.55	\$109
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-242	Hunt wildlife during deer or elk season	\$132	\$92.40	\$46.20	\$271
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
77.15.150		Use poisons or explosives (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.160.1		Catch record card (I)	\$39	\$27.30	\$13.65	\$80
77.15.160.2		Use barbed hooks (I)	\$39	\$27.30	\$13.65	\$80
77.15.160.3		Rule of commission or director designated as infraction (I)	\$39	\$27.30	\$13.65	\$80
77.15.170.1		Wastage 2nd degree (M)	\$132	\$92.40	\$46.20	\$271
77.15.170.2		Wastage 1st degree (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.180.1		Interfere with fishing/hunting gear 2nd degree (M)	\$184	\$128.80	\$64.40	\$378
77.15.180.3		Interfere with fishing/hunting gear 1st degree (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.190		Trapping violations (M) (Includes pamphlet violations)	\$53	\$37.10	\$18.55	\$109
	232-12-024	Sealing pelts	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation – hunting or trapping	\$184	\$128.80	\$64.40	\$378
77.15.210		Obstruct taking of fish or wildlife (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.220		Posting signs (M)	\$132	\$92.40	\$46.20	\$271
77.15.230		Use of department lands (M)	\$132	\$92.40	\$46.20	\$271
	232-12-177	Vehicle operation on department lands	\$53	\$37.10	\$18.55	\$109
	232-12-187	Access area use	\$53	\$37.10	\$18.55	\$109

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:			BAIL	70% PSEA	35% PSEA	TOTAL
RCW	WAC	TITLE				
	232-12-254	Litter on department lands	\$53	\$37.10	\$18.55	\$109
77.15.240		Use of dog (M)	\$132	\$92.40	\$46.20	\$271
77.15.250.1		Release of fish or wildlife (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.250.2		Release of deleterious exotic fish or wildlife (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.260.1		Trafficking 2nd degree (GM)	\$184	\$128.80	\$64.40	\$378
77.15.260.2		Trafficking 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.270		False reporting (GM)	\$184	\$128.80	\$64.40	\$378
77.15.280		Report fish or wildlife harvest (M)	\$53	\$37.10	\$18.55	\$109
77.15.290.1		Transport of fish or wildlife 2nd degree (M)	\$184	\$128.80	\$64.40	\$378
	232-12-021	Importation of wildlife	\$184	\$128.80	\$64.40	\$378
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-224	Off-reservation possession of wildlife	\$184	\$128.80	\$64.40	\$378
77.15.290.2		Transport of fish or wildlife 1st degree (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
	232-12-021	Importation of wildlife	\$184	\$128.80	\$64.40	\$378
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-224	Off-reservation possession of wildlife	\$184	\$128.80	\$64.40	\$378
77.15.300		Hydraulic project activity (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.310		Fish guard on water diversion (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.320		Fishway (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.330		Hunting or fishing contest (M)	\$132	\$92.40	\$46.20	\$271
	232-12-041	Field trial permit	\$79	\$55.30	\$27.65	\$162
	232-12-168	Fishing contests conditions	\$79	\$55.30	\$27.65	\$162
	232-12-169	Hunting contests conditions	\$79	\$55.30	\$27.65	\$162
77.15.340		Game farm operation (GM)	\$263	\$184.10	\$92.05	\$540
	232-12-031	Game farm invoice	\$79	\$55.30	\$27.65	\$162
77.15.350		Aquatic farms - inspection and disease control (M)	\$263	\$184.10	\$92.05	\$540
77.15.360		Interfere with department operations (GM)	\$263	\$184.10	\$92.05	\$540
77.15.370.1.a		Recreational fishing 1st degree (GM)	\$184	\$128.80	\$64.40	\$378
77.15.370.1.b		Fish in fishway (GM)	\$263	\$184.10	\$92.05	\$540
77.15.370.1.e		Shoot, gaff, snag fish (GM)	\$263	\$184.10	\$92.05	\$540
77.15.380		Recreational fishing 2nd degree (M)	\$53	\$37.10	\$18.55	\$109
	220-20-025.1	Razor clam beds, driving on	\$39	\$27.30	\$13.65	\$80
	220-20-025.2	Crab, soft shell	\$39	\$27.30	\$13.65	\$80
		+\$10 each crab over 1	\$0	\$0	\$0	
	220-56-145.1	Dolly Vardon/bull trout or sturgeon mutilation	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-56-145.2	Recreational salmon, mutilation	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-56-145.3	Recreational bottomfish, mutilation	\$53	\$37.10	\$18.55	\$109
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-56-180.8	Recreational salmon, possession, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-190.1-6	Recreational salmon, over limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-190.7	Recreational salmon, illegal size	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-56-191	Recreational salmon, Puget Sound, undersize	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-56-191.1-9	Recreational salmon, Puget Sound, over limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-215	Recreational salmon, snagged, each fish	\$79	\$55.30	\$27.65	\$162

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:

RCW	WAC	TITLE	BAIL	70% PSEA	35% PSEA	TOTAL
	220-56-220	Recreational salmon, eggs	\$132	\$92.40	\$46.20	\$271
	220-56-235	Recreational bottomfish, over limit	\$53	\$37.10	\$18.55	\$109
		+\$25 each fish over 1	\$0	\$0	\$0	
	220-56-240.1	Recreational sturgeon, size or limit (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
	220-56-240.2	Recreational forage fish, over limit	\$39	\$27.30	\$13.65	\$80
		+\$2 each pound of fish over 10lbs.	\$0	\$0	\$0	
	220-56-245	Recreational bottomfish, halibut, over limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-255	Recreational bottomfish, halibut, undersize, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-295.1	Recreational sturgeon, remove roe (Mandatory appearance)	\$526	\$368.20	\$184.10	\$1,079
	220-56-310.1	Recreational clams, over limit	\$39	\$27.30	\$13.65	\$80
		+\$2 each clam over limit	\$0	\$0	\$0	
	220-56-310.2	Recreational razor clam, over limit, 1-15	\$26	\$18.20	\$9.10	\$54
		+\$10 each clam over 30	\$0	\$0	\$0	
	220-56-310.3	Recreational geoduck, over limit	\$53	\$37.10	\$18.55	\$109
		+\$50 each geoduck over 4	\$0	\$0	\$0	
	220-56-310.4	Recreational clams, horse clams over limit	\$39	\$27.30	\$13.65	\$80
		+\$25 each clam over 8	\$0	\$0	\$0	
	220-56-310.5	Recreational oysters, over limit	\$26	\$18.20	\$9.10	\$54
		+\$10 each oyster over 19	\$0	\$0	\$0	
	220-56-310.6	Recreational scallops, over limit Rock scallops	\$39	\$27.30	\$13.65	\$80
		+\$10 each over 13	\$0	\$0	\$0	
	220-56-310.7	Recreational scallops, over limit sea scallops	\$39	\$27.30	\$13.65	\$80
		+\$10 each over 13	\$0	\$0	\$0	
	220-56-310.8	Recreational scallops, over limit pink scallops	\$39	\$27.30	\$13.65	\$80
		+\$10 each full pound or quart over first limit	\$0	\$0	\$0	
	220-56-310.9	Recreational shrimp, over limit	\$39	\$27.30	\$13.65	\$80
		+\$50 each full limit over 2 limits	\$0	\$0	\$0	
	220-56-310.10	Recreational octopus, over limit	\$53	\$37.10	\$18.55	\$109
		+\$50 each octopus over 3	\$0	\$0	\$0	
	220-56-310.11	Recreational abalone, possess	\$79	\$55.30	\$27.65	\$162
		+\$150 each abalone over 1	\$0	\$0	\$0	
	220-56-310.12	Recreational crawfish, over limit	\$39	\$27.30	\$13.65	\$80
		+\$25 each full limit over 2 limits	\$0	\$0	\$0	
	220-56-310.13	Recreational squid, over limit	\$39	\$27.30	\$13.65	\$80
		+\$50 for any amount over 10 pounds above limit	\$0	\$0	\$0	
	220-56-310.14	Recreational sea cucumber, over limit	\$39	\$27.30	\$13.65	\$80
		+\$10 each over 26	\$0	\$0	\$0	
	220-56-310.15	Recreational red sea urchin, over limit	\$39	\$27.30	\$13.65	\$80
		+\$10 each urchin over 19	\$0	\$0	\$0	
	220-56-310.16	Recreational purple sea urchin, over limit	\$39	\$27.30	\$13.65	\$80
		+\$10 each urchin over 19	\$0	\$0	\$0	
	220-56-310.17	Recreational green urchin, over limit	\$39	\$27.30	\$13.65	\$80
		+\$10 each urchin over 37	\$0	\$0	\$0	
	220-56-310.18	Recreational Dungeness crab, over limit, 1-6 crabs	\$39	\$27.30	\$13.65	\$80
		+\$25 each crab over 6	\$0	\$0	\$0	
	220-56-310.19	Recreational red rock crab, over limit, 1-6 crabs	\$39	\$27.30	\$13.65	\$80
		+\$25 each crab over 6	\$0	\$0	\$0	
	220-56-310.20	Recreational mussels, over limit	\$39	\$27.30	\$13.65	\$80
		+\$50 each full 10lbs. over 20lbs.	\$0	\$0	\$0	
	220-56-310.21	Recreational barnacles, over limit	\$39	\$27.30	\$13.65	\$80
		+\$50 each full 10lbs. over 2 limits	\$0	\$0	\$0	

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:

RCW	WAC	TITLE	BAIL	70% PSEA	35% PSEA	TOTAL
	220-56-310.23	Recreational King or box crab, possess	\$79	\$55.30	\$27.65	\$162
		+\$150 each over 1	\$0	\$0	\$0	
	220-56-335	Recreational crab, 1-6 crabs	\$39	\$27.30	\$13.65	\$80
		+\$25 each crab over 6	\$0	\$0	\$0	
	220-56-355.2	Recreational geoduck, neck only	\$53	\$37.10	\$18.55	\$109
		+\$50 each neck over 1	\$0	\$0	\$0	
	220-56-355.3	Recreational clams, undersize	\$39	\$27.30	\$13.65	\$80
		+\$2 each clam over 1	\$0	\$0	\$0	
	220-56-365	Recreational razor clam, fail to retain	\$39	\$27.30	\$13.65	\$80
	220-56-385	Recreational oysters, retain shell	\$26	\$18.20	\$9.10	\$54
		+\$10 each shell over 1	\$0	\$0	\$0	
	220-56-400	Recreational abalone, possess	\$79	\$55.30	\$27.65	\$162
		+\$150 each over 1 abalone	\$0	\$0	\$0	
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-151	Fly fishing rules	\$79	\$55.30	\$27.65	\$162
	232-12-164	Fishing near dams	\$132	\$92.40	\$46.20	\$271
77.15.390		Seaweed (M)	\$53	\$37.10	\$18.55	\$109
77.15.400.1		Wild birds 2nd degree (M)	\$79	\$55.30	\$27.65	\$162
	232-12-044	Game bird marking requirements	\$79	\$55.30	\$27.65	\$162
	232-12-047	Unlawful firearm	\$79	\$55.30	\$27.65	\$162
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-068	Nontoxic shot	\$53	\$37.10	\$18.55	\$109
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation—hunting or trapping	\$184	\$128.80	\$64.40	\$378
	232-12-264	Bait game birds	\$263	\$184.10	\$92.05	\$540
	232-12-267.1	Field identification of game birds	\$53	\$37.10	\$18.55	\$109
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt before or after hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled hunter/companion violation	\$79	\$55.30	\$27.65	\$162
77.15.400.2		Wild birds 1st degree (GM)	\$132	\$92.40	\$46.20	\$271
77.15.410.1		Big game animal 2nd degree (GM)	\$263	\$184.10	\$92.05	\$540
	232-12-047	Unlawful firearm	\$79	\$55.30	\$27.65	\$162
	232-12-051	Muzzleloading firearms	\$79	\$55.30	\$27.65	\$162
	232-12-054	Unlawful archery	\$79	\$55.30	\$27.65	\$162
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation—hunting or trapping	\$184	\$128.80	\$64.40	\$378
	232-12-267.2	Field identification of big game	\$184	\$128.80	\$64.40	\$378
	232-12-267.3	Field identification of big game with horn or antler	\$263	\$184.10	\$92.05	\$540
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt before or after hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled hunter/companion violation	\$79	\$55.30	\$27.65	\$162
77.15.410.2		Big game animal 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.430.1		Wild animals 2nd degree (M)	\$79	\$55.30	\$27.65	\$162
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-242	Hunt during modern firearm deer/elk season	\$132	\$92.40	\$46.20	\$271
	232-12-24402	Colville Reservation—hunting or trapping	\$184	\$128.80	\$64.40	\$378

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:			BAIL	70% PSEA	35% PSEA	TOTAL
RCW	WAC	TITLE				
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt before or after hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled hunter/companion violation	\$79	\$55.30	\$27.65	\$162
77.15.430.2		Wild animals 1st degree (M)	\$132	\$92.40	\$46.20	\$271
77.15.440		Use of weapon/dog/trap on game reserve (M)	\$132	\$92.40	\$46.20	\$271
77.15.450.1		Spotlighting big game 2nd degree (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.450.2		Spotlighting big game 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.460		Loaded firearm in vehicle (M)	\$132	\$92.40	\$46.20	\$271
77.15.470		Avoid check station (GM)	\$263	\$184.10	\$92.05	\$540
77.15.500.1		Commercial fish without license 2nd degree (GM)	\$0	\$0	\$0	
		Limited entry	\$1,053	\$737.10	\$368.55	\$2,159
		Non-limited entry	\$526	\$368.20	\$184.10	\$1,079
77.15.500.1.b		Commercial fish without license 2nd degree (GM)	\$0	\$0	\$0	
		Alternate operator	\$263	\$184.10	\$92.05	\$540
77.15.500.2		Commercial fish without license 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.510		Commercial fish guide/charter (GM)	\$1,053	\$737.10	\$368.55	\$2,159
77.15.530.1		Non-designated vessel (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.530.4		Non-designated vessel same day (Mandatory appearance, F)	\$1,053	\$737.10	\$368.55	\$2,159
77.15.540		Use of commercial fish license (M)	\$79	\$55.30	\$27.65	\$162
	220-20-050.1,2	Vessel registration decal display	\$53	\$37.10	\$18.55	\$109
	220-20-050.3	Salmon angler decal display	\$53	\$37.10	\$18.55	\$109
	220-20-051.4	Affix registration/documentation numbers	\$53	\$37.10	\$18.55	\$109
77.15.550.1		Commercial fish area or time 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618
	220-20-010.12	Salmon through power block, each fish	\$79	\$55.30	\$27.65	\$162
	220-20-010.13	Mutilate food fish, each fish	\$79	\$55.30	\$27.65	\$162
	220-20-015.3	Commercial salmon, undersize	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-20-015.3.b	Commercial salmon, dressed fish	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-20-016.1	Commercial salmon, take home limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-20-016.2	Sell salmon to unauthorized buyer	\$263	\$184.10	\$92.05	\$540
		+\$150 each fish over 1	\$0	\$0	\$0	
	220-20-020.1	Commercial sturgeon, illegal size, undersized each fish	\$79	\$55.30	\$27.65	\$162
		Oversized, each fish (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
	220-20-020.5	Commercial bottomfish, undersized flounder	\$53	\$37.10	\$18.55	\$109
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-20-021.1.a	Commercial sturgeon, exceed limit	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-20-021.1.e	Sale of sturgeon eggs (Mandatory appearance)	\$1,053	\$737.10	\$368.55	\$2,159
	220-20-021.2	Purchase sturgeon eggs (Mandatory appearance)	\$1,053	\$737.10	\$368.55	\$2,159
	220-20-025.2	Commercial crab, soft shell	\$132	\$92.40	\$46.20	\$271
	220-20-025.3	Commercial crab, back shell	\$132	\$92.40	\$46.20	\$271
	220-33-020.3	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
	220-33-020.4	Commercial sturgeon, over limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-33-020.5	Commercial sturgeon, remove eggs	\$132	\$92.40	\$46.20	\$271
	220-33-020.6	Commercial sturgeon, remove head or tail, each fish	\$79	\$55.30	\$27.65	\$162
	220-36-031.2	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:

RCW	WAC	TITLE	BAIL	70% PSEA	35% PSEA	TOTAL
	220-36-031.3	Commercial sturgeon, closed season	\$263	\$184.10	\$92.05	\$540
		+\$150 each fish over 1	\$0	\$0	\$0	
	220-40-031.2	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
	220-40-031.3	Commercial sturgeon, closed season	\$263	\$184.10	\$92.05	\$540
		+\$150 each fish over 1	\$0	\$0	\$0	
	220-44-050	Commercial bottomfish, catch limit	\$263	\$184.10	\$92.05	\$540
		+\$500 each additional 10% over limit	\$0	\$0	\$0	
	220-44-050.3	Commercial bottomfish, undersized lingcod	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-47-401	Chinook salmon using reef net gear	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-48-005.1	Commercial bottomfish, undersized sole	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over	\$0	\$0	\$0	
	220-48-005.3	Commercial bottomfish, lingcod, closed area	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-48-005.4	Commercial bottomfish, lingcod, illegal size	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-48-005.5	Commercial bottomfish, lingcod, closed time	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-48-005.6	Commercial bottomfish, retain shellfish	\$132	\$92.40	\$46.20	\$271
	220-48-005.7.b	Commercial bottomfish, retain salmon or sturgeon	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-48-005.7.e	Commercial bottomfish, retain shellfish	\$132	\$92.40	\$46.20	\$271
	220-48-005.7.d	Commercial bottomfish, whiting	\$53	\$37.10	\$18.55	\$109
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-48-052.2	Commercial bottomfish, fish for possess-salmon, each fish	\$79	\$55.30	\$27.65	\$162
	220-52-019.5	Commercial geoduck, neck or siphon	\$79	\$55.30	\$27.65	\$162
		+\$50 for each geoduck over 1	\$0	\$0	\$0	
	220-52-019.9	Commercial geoduck, processing (Mandatory appearance)	\$789	\$552.30	\$276.15	\$1,618
	220-52-040.3	Commercial crab, undersized or female	\$132	\$92.40	\$46.20	\$271
		+\$50 each crab over 1	\$0	\$0	\$0	
	220-52-043.6	Commercial crab, incidental catch	\$132	\$92.40	\$46.20	\$271
	220-52-050.1.e	Commercial shrimp, exceed count	\$526	\$368.20	\$184.10	\$1,079
	220-52-050.1.d	Commercial shrimp, incidental catch, each fish	\$79	\$55.30	\$27.65	\$162
	220-52-050.1.e	Commercial shrimp, incidental catch of shellfish	\$132	\$92.40	\$46.20	\$271
	220-52-060.1.e	Commercial crawfish, undersized or female	\$79	\$55.30	\$27.65	\$162
	220-52-068.4	Commercial scallops, incidental catch	\$132	\$92.40	\$46.20	\$271
	220-52-069.2.a.ii	Commercial scallops, undersized	\$53	\$37.10	\$18.55	\$109
		+\$25 each scallop over 1	\$0	\$0	\$0	
	220-52-069.2.a.iv	Commercial scallops, retain other foodfish or shellfish	\$132	\$92.40	\$46.20	\$271
	220-52-071.3.e	Commercial sea cucumbers, possess geoduck, each geoduck	\$79	\$55.30	\$27.65	\$162
	220-52-073.2	Commercial sea urchins, illegal size	\$53	\$37.10	\$18.55	\$109
		+\$25 each sea urchin over 1	\$0	\$0	\$0	
	220-52-073.3.d	Commercial sea urchins, purple sea urchin, each urchin	\$53	\$37.10	\$18.55	\$109
	220-52-073.3.g	Commercial sea urchins, processing	\$526	\$368.20	\$184.10	\$1,079
	220-88A-070.3	Commercial shrimp, undersized spot shrimp	\$263	\$184.10	\$92.05	\$540
77.15.550.2		Commercial fish area or time 1st degree (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:			BAIL	70% PSEA	35% PSEA	TOTAL
RCW	WAC	TITLE				
77.15.560		Report commercial fish harvest or delivery (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.570.1		Participate in treaty Indian fishery (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.570.2		Participate in treaty Indian commercial fishery (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.580.1.a		Use of net to take fish 2nd degree (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.580.1.b		Use of net, retain fish 2nd degree (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.580.2		Use of net to take fish 1st degree (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.590		Commercial vessel for charter or recreational use (GM)	\$263	\$184.10	\$92.05	\$540
77.15.600		Commercial wildlife activity (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.610		Commercial wildlife license (M)	\$79	\$55.30	\$27.65	\$162
77.15.620.1		Fish-dealing 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.620.3		Fish-dealing 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.630.1		Use of fish buyer/dealer license 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.630.2		Use of fish buyer/dealer license 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.640		Violate fish buyer/dealer rules (GM)	\$263	\$184.10	\$92.05	\$540
77.15.650.1		Purchase or use of license 2nd degree (GM)	\$263	\$184.10	\$92.05	\$540
77.15.650.2		Purchase or use of license 1st degree (Mandatory appearance, F)	\$1,316	\$921.20	\$460.60	\$2,698
77.15.660		Scientific permit (GM)	\$263	\$184.10	\$92.05	\$540
77.15.670.1		Suspension of department privileges 2nd degree (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.670.2		Suspension of department privileges 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.16.070		Hunting intoxicated (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.16.360.1		Hunt bear using bait (GM)	\$263	\$184.10	\$92.05	\$540
77.16.360.2		Hunt with dog or dogs (GM)	\$263	\$184.10	\$92.05	\$540

(s) Forfeitable Natural Resources Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:			BAIL	70% PSEA	35% PSEA	TOTAL
RCW 76.04.205		Violation of Burning Permit	90	63	31.50	185
WAC 332-24-211		Violations of Outdoor Burning Rules	90	63	31.50	185
RCW 76.04.215		Burning Mill Wood Waste—Arresters	90	63	31.50	185
RCW 76.04.246		Use of Blasting Fuse	90	63	31.50	185
RCW 76.04.305		Closed to Entry—Extra Fire Hazard	90	63	31.50	185
RCW 76.04.315		Suspension of Burning Permits/Privileges	90	63	31.50	185
RCW 76.04.325		Closure of Forest Operations or	90	63	31.50	185
WAC 332-24-301		Industrial Restrictions Forest Lands				
RCW 76.04.405		Spark-Emitting Equipment Regulated	90	63	31.50	185
WAC 332-24-405						
RCW 76.04.415		Work Stoppage Notice—Violation	90	63	31.50	185
RCW 76.04.425		Unauthorized Entry Into Sealed Fire Tool Box	90	63	31.50	185
RCW 76.04.435		Deposit of Fire or Live Coals—Railroad	150	105	52.50	308
RCW 76.04.455		Discarding Lighted Material	90	63	31.50	185
RCW 76.04.465		Certain Snags To Be Felled	90	63	31.50	185
WAC 332-24-401		Felling of Snags				
WAC 332-24-409		Electric Fence Controllers—Uncertified	90	63	31.50	185
RCW 76.04.650		Disposal of Forest Debris—Felling	90	63	31.50	185
RCW 76.04.700		Failure To Extinguish Campfire	90	63	31.50	185

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
RCW 76.04.710	Willful Setting of Fire	160	112	56	328
RCW 76.04.720	Removal of Notices—Signs	90	63	31.50	185
RCW 76.04.730	Negligent Fire—Spread	90	63	31.50	185

FOREST PROTECTION

FOREST PRACTICES

RCW 76.09.060(5) WAC 222-20-060	Deviation From Approved Appl./Notif.	250	175	87.50	513
RCW 76.09.060(3) WAC 222-20-050	Conversion-Deviation From Approved Appl./Notif.	250	175	87.50	513
RCW 76.09.060 WAC 222-34-010 WAC 222-34-020	Conversion-Deviation From Approved Appl./Notif. (also see Reforestation)	250	175	87.50	513
RCW 76.09.050(4) WAC 222-24-020(6)	Road Location—Unstable Slopes	250	175	87.50	513
RCW 76.09.050(4) WAC 222-24-025	Location and Design	250	175	87.50	513
RCW 76.09.050(4) WAC 222-24-030	Road Construction—General	250	175	87.50	513
RCW 76.09.050(4) WAC 222-24-030(8,9)	End Haul/Side Cast and Waste Disposal	250	175	87.50	513
RCW 76.09.050(4) WAC 222-24-050	Road Maintenance	250	175	87.50	513
RCW 76.09.050(4) WAC 222-24-060	Rock Quarries	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-020	Harvest Unit, Plan-Design	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-020(2,3)	Landing Location and Construction—Water	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-040	Temperature Control Shade Requirements—Temp. Sensitive	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-040	Temperature Control Shade Requirements—General	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-050	Falling and Bucking	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-060	Cable Yarding	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-070	Tractor and Wheeled Skidding Systems	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-090	Postharvest Site Preparation	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-100	Slash Disposal (See also RCW 76.04 & WAC 332-24)	250	175	87.50	513
RCW 76.09.050(4) WAC 222-38-020	Chemicals	250	175	87.50	513

Consult Department of Agriculture prior to citation.

SPECIALIZED FOREST PRODUCTS

General Rules

RCW 43.30.310 WAC 332-52-030	Nontraffice				
	(1) Sanitation	90	63	31.50	185
	(2) Public Behavior	40	28	14	82
	-(e) Selling without permission				
	-(d) Advertising without permission				
	-(f) Fireworks	90	63	31.50	185
	(3) Audible Devices	70	49	24.50	144
	-(a) Audible devices regulated				
	-(b) Unauthorized use of public address system				

Public Behavior—Recreation Site

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:	BAIL	70% PSEA	35% PSEA	TOTAL
RCW 43.30.310 WAC 332-52-040				
(4) Occupying a closed site	25	17.50	8.75	52
(5) Fire outside designated location	25	17.50	8.75	52
(6) Camping in a day-use area	25	17.50	8.75	52
(7) Failure to clean up rubbish	25	17.50	8.75	52
(8) Utilizing site which is designated for other use	25	17.50	8.75	52
(9) Overstaying site	25	17.50	8.75	52
(10) Failure to maintain quiet	25	17.50	8.75	52
(11) Saddle or pack animals in camp	25	17.50	8.75	52
(12) Pets at large	25	17.50	8.75	52
<u>MANDATORY</u>				
RCW 76.04.235 WAC 332-24-261	Dumping Mill Waste, Forest Debris	Mandatory		
RCW 76.04.445	Dumping Mill Waste—Creation of Fire Hazard	Mandatory		
RCW 76.04.740	Reporting Fire	Mandatory		
RCW 76.09.170 WAC 222-46-080	Reckless Burning	Mandatory		
RCW 76.09.050 (2),(4) WAC 222-20-010	Knowingly in Violation of RCW 76.09.010-.280	Mandatory		
RCW 76.09.050(4) WAC 222-24-040	Operation Without Application/ Notification	Mandatory		
RCW 76.09.050(4) WAC 222-30-020(4)	Water Crossing Structures (See also RCW 75.20.100 & WAC 220-110)	Mandatory		
RCW 76.09.050(4) WAC 222-30-030	Riparian Management Zone	Mandatory		
RCW 76.09.050(4) WAC 222-30-080	Stream Bank Integrity	Mandatory		
RCW 76.09.070 WAC 222-34-010	Landing Cleanup	Mandatory		
RCW 76.36	Reforestation	Mandatory		
RCW 76.40	Marks and Brands—File All Charges With Prosecutor. (No Citation.)	Mandatory		
RCW 76.48.030	Log Patrol—File All Charges With Prosecutor. (No Citation.)	Mandatory		
RCW 76.48.070	No Valid Permit	Mandatory		
RCW 76.48.075	Possessing Forest Products Without a Valid Permit	Mandatory		
RCW 76.48.092	Transporting Forest Products Without a Valid Permit	Mandatory		
RCW 76.48.094	Transporting Forest Products From Out of State	Mandatory		
RCW 76.48.096	Refusal To Surrender Copy of Permit	Mandatory		
RCW 76.48.120	Cedar Processor—Failure To Maintain Records	Mandatory		
	Cedar Processor—Purchase From a Person Without a Permit	Mandatory		
	Offering a False or Fraudulent Permit (Class C Felony—No Citation.)	Mandatory		
General Rules				
RCW 43.30.310 WAC 332-52-030	Nontraffice			
	(2) Public behavior	Mandatory		
	—(a) Inciting or participating in riots	Mandatory		
	—(b) Malicious mischief	Mandatory		
	—Damages less than \$50			
	—Damages more than \$50, less than \$250	Mandatory		
	—Damages more than \$250, less than \$1,500	Mandatory		
	—(Class C Felony—No Citation.)			
	—Damages more than \$1,500			
	—(Class B Felony—No Citation.)			
	—(c) Erecting unauthorized buildings	Mandatory		
Public Behavior—Recreation Site				

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
RCW 43.30.310	Nontraffice				
WAC 332-52-040					
	(1) Destroying—Defacing (Malicious mischief)	Mandatory			
	—Damages less than \$50				
	—Damages more than \$50, less than \$250	Mandatory			
	—Damages more than \$250, less than \$1,500	Mandatory			
	—(Class C Felony—No Citation.)				
	—Damages more than \$1,500	Mandatory			
	—(Class B Felony—No Citation.)				
	(2) Discharging firearms	Mandatory			

~~(t) Forfeitable Parks Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:~~

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
CRIMINAL					
WAC					
308-93-020	Vessel Registration Required				Mandatory
352-32-120	Firearms and/or Weapons				Mandatory
352-32-130	Aircraft				Mandatory
352-32-140	Fireworks	70.00	49.00	24.50	144.00
352-32-150	Fishing	50.00	35.00	17.50	103.00
352-32-15001	Little Spokane River Natural Area Prohibited Uses	50.00	35.00	17.50	103.00
352-32-170	Rubbish				Mandatory
352-32-180	Sanitation				Mandatory
352-32-210	Consumption of Alcohol in State Park Areas	50.00	35.00	17.50	103.00
352-32-290	Wood Debris Collection	70.00	49.00	24.50	144.00
352-37-070	Restricted Areas				Mandatory
352-37-120	Operator's License Required				Mandatory
352-37-140	Certain Practices Prohibited				Mandatory
352-37-170	Aircraft				Mandatory
352-37-190	Excluded/Limited Recreational Activities	50.00	35.00	17.50	103.00
352-60-030	Personal Flotation Devices	24.74	17.32	8.66	51.00
352-60-040	Visual Distress Signals	24.74	17.32	8.66	51.00
352-60-050	Ventilation	70.00	49.00	24.50	144.00
352-60-060	Navigation Lights and Shapes and Sound and Light Signals	70.00	49.00	24.50	144.00
352-60-070	Steering and Sailing				Mandatory
352-60-080	Fire Extinguishing Equipment	24.74	17.32	8.66	51.00
352-60-090	Backfire Flame Control	70.00	49.00	24.50	144.00
352-60-100	Liquefied Petroleum Gas				Mandatory
352-60-110	Canadian Vessels				Mandatory
352-70-040	Boating Accident & Casualty Report				Mandatory

~~(u) Forfeitable Utilities and Transportation Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:~~

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
RCW & WAC VIOLATION					
81.04.380	Violation of Chapter by Officer, Agent, Employee of Public Service Co. (Mandatory Appearance)				500
81.04.385	Failure To Comply With Commission Orders/Provision of Title 81 (Mandatory Appearance)				500
81.04.390	Person Violating Provision of Title 81 (Mandatory Appearance)				500
81.04.390	Failure To Observe Order, Aiding, Abetting, Etc. (Mandatory Appearance)				250
81.68.045	Certificate Required—Auto Transp. (Mandatory Appearance)				500
480-30-030					

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
RCW & WAC	VIOLATION				
81.68.045 480-40-030	Certificate Required—Excursion Bus (Mandatory Appearance)				500
81.70.220 480-40-030	Certificate Required—Charter Bus (Mandatory Appearance)				500
81.70.330 480-30-090	No Name or Permit Number Displayed—Charter/Excursion Bus Fail to ID Vehicle—Auto Transp.	50	35	17.50	103
81.70.340 480-40-120	Fail To Register ICC Authority—Charter/Excursion Bus	80	56	28	164
480-30-100	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15 (Mandatory Appearance)				500
480-40-070	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15 Charter/Excursion Bus (Mandatory Appearance)				500
480-30-100	Medical Certificate Violation—Auto Transp.	50	35	17.50	103
480-40-070	Medical Certificate Violation—Charter/Excursion Bus	50	35	17.50	103
480-30-097	Moving Equipment Ordered Out of Service Without Repairs Made—Auto Transp. (Mandatory Appearance)				500
480-40-065	Moving Equipment Ordered Out of Service Without Repairs Made—Charter/Excursion Bus (Mandatory Appearance)				500
480-30-100	Hours of Service—Auto Transp.—Driver in Service	50	35	17.50	103
480-30-100(1)	Driver Out of Service	80	56	28	164
81.77.040 480-70-070	Certificate of Convenience and Necessity Required—Solid Waste Transp. (Mandatory Appearance)				500
480-70-300	Fail To ID Vehicle—Solid Waste Transp.	50	35	17.50	103
480-70-400	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15—Solid Waste Transp. (Mandatory Appearance)				500
480-70-400	Medical Certificate Violation—Solid Waste Transp.	50	35	17.50	103
480-70-325	Moving Equipment Ordered Out of Service Without Repairs Made—Solid Waste Transp. (Mandatory Appearance)				500
480-70-330	Hours of Service—Solid Waste Transp.—Driver in Service Driver Out of Service	50	35	17.50	103
81.80.060	No Valid Combination of Services Permit	80	56	28	164
81.80.070	No Valid Permit—Common/Contract (Mandatory Appearance)	130	91	45.50	267
81.80.100	Exceeding Permit Authority	130	91	45.50	267
81.80.355	Unlawful Advertising	80	56	28	164
480-14-100					
81.80.371	Fail to Register Appropriate ICC Authority	80	56	28	164
480-14-320					
480-12-121	Fail to Display Copy of Permit	25	17.50	8.75	52
480-14-090					
480-14-110	Improper Use of Permit or Registration	130	91	45.50	267
81.80.305	No Name or Permit Number Displayed	50	35	17.50	103
480-12-150 480-14-340					
480-12-165	Moving Equipment Ordered Out of Service Without Repairs Made—(Mandatory Appearance)				500
480-14-360(3)					
480-12-180(6)	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. § 391.15 (Mandatory Appearance)				500
480-14-370(7)					
480-12-180(1)	Attendance/Surveillance of Hazardous Material Laden Motor Vehicle—(Mandatory Appearance)				500
480-14-370(1)					
480-12-180(1)	Parking of Hazardous Material Laden Motor Vehicle (Mandatory Appearance)				500
480-14-370(1)					

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70%-PSEA	35%-PSEA	TOTAL
RCW & WAC	VIOLATION				
480-12-180(1)	Explosive Laden Vehicle Off Route (Mandatory Appearance)				500
480-14-370(1)					
480-12-180(6)	Medical Certificate Violation	50	35	17.50	103
480-14-370(7)					
480-12-190	Hours of Service Violation Driver in Service	50	35	17.50	103
480-14-380					
480-12-190(1)	Driver Out of Service	80	56	28	164
480-14-380	Hazardous Material Transportation (Mandatory Appearance)				500
480-14-390					
480-12-210	Failure to Display Commission Approved Lease	50	35	17.50	103
81.90.030	Certificate Required (Mandatory Appearance)				500
81.90.140	Failure to Register Interstate Authority	80	56	28	164
480-35-110					
480-35-120	Failure to Display Valid Identification Decal	50	35	17.50	103
81.80.301	Failure to Display Single State Registration (SSR) Receipt	50	35	17.50	103
480-14-300					
480-14-400	Radioactive Material Transp. (Mandatory Appearance)				500

[Amended effective September 1, 2002; April 1, 2003; September 1, 2005.]

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 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 09-23-035
RULES OF COURT
STATE SUPREME COURT
 [November 5, 2009]

Madsen, J.	Fairhurst, J.
Sanders, J.	J. M. Johnson, J.
Chambers, J.	Stephens, J.

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENTS TO CrR 6.16-) NO. 25700-A-931
 VERDICTS AND FINDINGS, CrRLJ 6.16-)
 VERDICTS AND FINDINGS AND NEW)
 MPR 3.5-NOTICE OF RESTRICTIONS)

PROPOSED AMENDMENT TO CrR 6.16

VERDICTS AND FINDINGS

(a) Verdicts.

(1) *Several Defendants.* If there are two or more defendants, the jury at any time during its deliberations may return a verdict or verdicts with respect to a defendant or defendants as to whom it has agreed; if a jury cannot agree with respect to all, the defendant or defendants as to whom it does not agree may be tried again.

(2) *Return of Verdict.* When all members of the jury agree upon a verdict, the presiding juror shall complete and sign the verdict form and return it to the judge in open court.

(3) *Poll of Jurors.* When a verdict or special finding is returned and before it is recorded, the jury shall be polled at the request of any party or upon the court's own motion. If at the conclusion of the poll, all of the jurors do not concur, the jury may be directed to retire for further deliberations or may be discharged by the court.

(b) Special Findings. The court may submit to the jury forms for such special findings which may be required or authorized by law. The court shall give such instruction as may be necessary to enable the jury both to make these special findings or verdicts and to render a general verdict. When a special finding is inconsistent with another special

The Washington Association of Prosecuting Attorneys having recommended the adoption of the proposed amendments to CrR 6.16-Verdicts and Findings, CrRLJ 6.16-Verdicts and Findings and New MPR 3.5-Notice of Restrictions, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments shown below are 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 5th day of November, 2009.

Alexander, C. J.

C. Johnson, J.

Owens, Susan

finding or with the general verdict, the court may order the jury to retire for further consideration.

(c) Forms.

(1) *Verdict.* The verdict of the jury may be in substantially the following form:

We, the jury, find the defendant guilty (or not guilty) of the crime of _____ as charged in count number _____.

Signature of Presiding Juror

(2) *Special Findings.* Special findings may be substantially in the following form:

Was the defendant _____ (name) _____ armed with a deadly weapon at the time of the commission of the crime charged in count number ____ Yes () No ()

(d) Not Guilty By Reason of Insanity.

(1) *Procedure When Verdict Received.* If a defendant is acquitted of a crime by reason of insanity, the court shall either direct the defendant's release or shall order the defendant's hospitalization or an appropriate alternative treatment as mandated by RCW 10.77.110. Prior to the entry of an appropriate order releasing or detaining the defendant, the court shall advise the defendant: (i) of the need to surrender any firearm and any concealed pistol license, and of the prohibition upon the possession of any firearm or of a concealed pistol license; (ii) of the time limits on the right to collateral attack imposed by RCW 10.73.090 and .100; and (iii) if the defendant is acquitted of a sex offense or kidnapping offense as defined in RCW 9A.44.130, of the need to register as a sex offender or kidnapping offender.

(2) *Form of Notice.* The form shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY

STATE OF WASHINGTON,) No.
Plaintiff,) NOT GUILTY BY REASON OF
vs.) INSANITY ACQUITTEE'S NOTICE
OF
) FIREARM DISABILITY
) TIME LIMITS ON COLLAT-
ERAL ATTACKS
) SEX OFFENDER OR KID-
NAPPING
Defendant.) OFFENDER REGISTRATION
REQUIREMENTS
)

TO THE ABOVE-NAMED DEFENDANT:

You are hereby advised that you have been acquitted by reason of insanity of the offense of _____.

YOU ARE ADVISED THAT YOU ARE TO IMMEDIATELY SURRENDER ANY FIREARM AND ANY CONCEALED PISTOL LICENSE AND YOU MAY NOT POSSESS A FIREARM OR A CONCEALED PISTOL LICENSE UNTIL YOUR RIGHT HAS BEEN RESTORED BY A COURT OF RECORD.

You are further advised that if you wish to petition or move for collateral attack on any order of hospitalization or

order mandating alternative treatment less restrictive than detention in a state hospital, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. In re Personal Restraint of Well, 133 Wn.2d 433, 946 P.2d 750 (1997).

If the following numbered paragraphs apply, they should initialed by the Defendant and the Judge.

1. General Applicability and Requirements. Because the offense which you have been acquitted of committing by reason of insanity is classified as a sex offense or kidnapping offense in RCW 9A.44.130, you will be required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being acquitted by reason of insanity unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has you in custody and you must also register within 24 hours of your release with the sheriff of the county of the state of Washington where you will be residing, or if not residing in the state of Washington, where you are a student, where you are employed, or where you carry on a vocation.

2. Offenders Who Leave the State and Return: If you leave this state following your acquittal or release from custody but later move back to Washington, you must register within three business days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Social and Health Services. If you leave this state following your acquittal or release from custody, but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Social and Health Services.

3. Change of Residence Within State and Leaving the State: If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence and you must register with the sheriff of the new county within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move out of Washington State, you must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom you last registered in Washington State.

4. Additional Requirements Upon Moving to Another State: If you move to another state, or if you work, carry on

a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): If you are a resident of Washington and you are admitted to a public or private institution of higher education, you shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of your residence of your intent to attend the institution. If you become employed at a public or private institution of higher education, You are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. The sheriff shall promptly notify the principal of the school.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you not have a residence at the time of your release from custody. Within 48 hours, excluding weekends and holidays, after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report in person to the sheriff of the county where you are registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list of the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make you subject to disclosure to the public at large pursuant to RCW 4.24.550.

7. Reporting Requirements for Persons Who Are Risk Level II or III: If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the commu-

nity, you may petition the superior court to be relieved of the duty to report every 90 days.

8. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

The warning regarding firearms has been read to the defendant.

DATED: _____

_____ Judge/Commissioner/Pro Tem

Defendant's Signature

Defendant's Last Name First Name Middle Name

List any aliases

Residential Street Address

City State Zip

Date of Birth (month/date/year) Driver's License/ID Number

Race Sex Weight Height Eyes Hair

_____ Court NCIC #

Submit to: Dept. of Licensing, Business & Professions Firearms Unit, PO Box 9649, Olympia, WA 98507-9649

(3) Record. A verbatim record of the notice of verdict return proceedings shall be made. The clerk of the court shall forward a copy of the notice of firearm disability to the Department of Licensing, Business & Professions Firearms Unit.

CrRLJ 6.16—Verdicts and Findings

(a) Verdicts.

(1) Several Defendants. If there are two or more defendants, the jury at any time during its deliberations may return a verdict or verdicts with respect to a defendant or defendants as to whom it has agreed; if a jury cannot agree with respect to all, the defendant or defendants as to whom it does not agree may be tried again.

(2) Return of Verdict. When all members of the jury agree upon a verdict of guilty or not guilty, the presiding juror shall complete and sign the verdict form and return it to the judge in open court.

(3) Poll of Jurors. When a verdict or special finding is returned and before it is recorded, the jury shall be polled at the request of any party or upon the courts own motion. If at the conclusion of the poll, all of the jurors do not concur, the jury may be directed to retire for further deliberations or may be discharged by the court.

(b) Special Findings. The court may submit to the jury forms for such special findings which may be required or authorized by law. The court shall give such instruction as may be necessary to enable the jury both to make these special findings or verdicts and to render a general verdict. When a special finding is inconsistent with another special finding or with the general verdict, the court may order the jury to retire for further consideration.

(c) Not Guilty By Reason of Insanity.

(1) Procedure When Verdict Received. If a defendant is acquitted of a crime by reason of insanity, the court shall either direct the defendant's release or shall order the defendant's hospitalization or an appropriate alternative treatment as mandated by RCW 10.77.110. Prior to the entry of an appropriate order releasing or detaining the defendant, the court shall advise the defendant: (i) of the need to surrender any firearm and any concealed pistol license, and of the prohibition upon the possession of any firearm or of a concealed pistol license; (ii) of the time limits on the right to collateral attack imposed by RCW 10.73.090 and .100; and (iii) if the defendant is acquitted of a sex offense or kidnapping offense as defined in RCW 9A.44.130, of the need to register as a sex offender or kidnapping offender.

(2) Form of Notice. The form shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY

STATE OF WASHINGTON,) No.
Plaintiff,) NOT GUILTY BY REASON OF
vs.) INSANITY ACQUITTEE'S NOTICE
) OF
) FIREARM DISABILITY
) TIME LIMITS ON COLLAT-
) ERAL ATTACKS
) SEX OFFENDER OR KID-
) NAPPING
_____) OFFENDER REGISTRATION
Defendant.) REQUIREMENTS
_____)

TO THE ABOVE-NAMED DEFENDANT:

You are hereby advised that you have been acquitted by reason of insanity of the offense of _____.

YOU ARE ADVISED THAT YOU ARE TO IMMEDIATELY SURRENDER ANY FIREARM AND ANY CONCEALED PISTOL LICENSE AND YOU MAY NOT POSSESS A FIREARM OR A CONCEALED PISTOL LICENSE UNTIL YOUR RIGHT HAS BEEN RESTORED BY A COURT OF RECORD.

You are further advised that if you wish to petition or move for collateral attack on any order of hospitalization or order mandating alternative treatment less restrictive than detention in a state hospital, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. *In re Personal Restraint of Well*, 133 Wn.2d 433, 946 P.2d 750 (1997).

If the following numbered paragraphs apply, they should be initiated by the Defendant and the Judge.

1. General Applicability and Requirements. Because the offense which you have been acquitted of committing by reason of insanity is classified as a sex offense or kidnapping offense in RCW 9A.44.130, you will be required to register with the sheriff of the county of the state of Washington where you reside. If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you

must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being acquitted by reason of insanity unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has you in custody and you must also register within 24 hours of your release with the sheriff of the county of the state of Washington where you will be residing, or if not residing in the state of Washington, where you are a student, where you are employed, or where you carry on a vocation.

2. Offenders Who Leave the State and Return: If you leave this state following your acquittal or release from custody but later move back to Washington, you must register within three business days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Social and Health Services. If you leave this state following your acquittal or release from custody, but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after attending school in this state, or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Social and Health Services.

3. Change of Residence Within State and Leaving the State: If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence and you must register with the sheriff of the new county within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving. If you move out of Washington State, you must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom you last registered in Washington State.

4. Additional Requirements Upon Moving to Another State: If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): If you are a resident of Washington and you are admitted to a public or private institution of higher education, you shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of your residence of your intent to attend the institution. If you become employed at a public or private institution of higher education, You are required to notify the sheriff for the

county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. The sheriff shall promptly notify the principal of the school.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you not have a residence at the time of your release from custody. Within 48 hours, excluding weekends and holidays, after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report in person to the sheriff of the county where you are registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list of the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make you subject to disclosure to the public at large pursuant to RCW 4.24.550.

7. Reporting Requirements for Persons Who Are Risk Level II or III: If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the community, you may petition the superior court to be relieved of the duty to report every 90 days.

8. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

The warning regarding firearms has been read to the defendant.

DATED: _____
Judge/Commissioner/Pro Tem
Defendant's Signature
Defendant's Last Name First Name Middle Name
List any aliases

Residential Street Address
City State Zip
Date of Birth (month/date/year) Driver's License/ID Number
Race Sex Weight Height Eyes Hair
Court NCIC #

Submit to: Dept. of Licensing, Business & Professions
Firearms Unit, PO Box 9649, Olympia, WA 98507-9649

(3) Record. A verbatim record of the notice of verdict return proceedings shall be made. The clerk of the court shall forward a copy of the notice of firearm disability to the Department of Licensing, Business & Professions Firearms Unit.

[NEW] MENTAL PROCEEDING RULE 3.5
NOTICE OF RESTRICTIONS

A. Record of Notice Requirements. A record of the notice of ineligibility to possess a firearm required by RCW 9.41.047, RCW Chapter 71.05, RCW Chapter 71.34 and RCW Chapter 10.77 shall be made. Within three judicial days of entry of the order of commitment, the clerk of the court shall forward a copy of the notice of ineligibility to possess a firearm to the Department of Licensing, Business & Professions Firearms Unit and to the National Instant Criminal Background Check System (NICS) either by mail or electronic means.

B. Form. The notice shall be in substantially the following form:

Superior Court of Washington
County of

In re the Detention of:

Petitioner,
and

Respondent.

No.
Notice of Ineligibility to Possess a Firearm (NTIPF)
Clerk's Action Required

To the Respondent:

You are hereby advised that the court committed you for mental health treatment under Chapter 71.05 RCW, Chapter 71.34 RCW, or Chapter 10.77 RCW.

You are required to immediately surrender any concealed pistol license. You may not possess a firearm until your right to do so has been restored by a court of record.

The information below has been filled in by the State based on available information.

The date of commitment: _____.

[] A copy of the Respondent's Driver's License or identicaid is attached, or

Respondent's Last Name,	First Name,	Middle Name
List any Aliases:		
Residential Address (Street)	(City)	(State) (Zip)
Date of Birth (month/date/year)	Driver's License/ID Number	
Race:	Sex:	Weight: Height:
Eyes:	Hair:	Court NCIC No.

Submit to: Dept. of Licensing, Business & Professions Firearms Unit, PO Box 9649, Olympia, WA 98507-9649 and to the National Instant Criminal Background Check System (NICS).

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 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 09-23-036
RULES OF COURT
STATE SUPREME COURT

[November 5, 2009]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO RPC 1.15A,) NO. 25700-A-932
ELC 15.4, ELC TITLE 15, ELPOC 15.4)
AND NEW ELC 15.7)

The Washington State Bar Association and the Legal Foundation of Washington having recommended the adoption of the proposed amendments to RPC 1.15A, ELC 15.4, ELC TITLE 15, ELPOC 15.4 AND New ELC 15.7, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments shown below are adopted.

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

DATED at Olympia, Washington this 5th day of November, 2009.

	Chambers, J.
C. Johnson, J.	Susan Owens
Madsen, J.	Fairhurst, J.
Alexander, C. J.	
Chambers, J.	Stephens, J.

RULES OF PROFESSIONAL CONDUCT (RPC)

RULE 1.15A. SAFEGUARDING PROPERTY

(a) This Rule applies to (1) property of clients or third persons in a lawyer's possession in connection with a representation and (2) escrow and other funds held by a lawyer incidental to the closing of any real estate or personal property transaction. Additionally, for all transactions in which a lawyer has selected, prepared, or completed legal documents for use in the closing of any real estate or personal property transaction, the lawyer must ensure that all funds received or

held by the Closing Firm incidental to the closing of the transaction, including advances for costs and expenses, are held and maintained as set forth in this rule or LPORPC 1.12A. The lawyer's duty to ensure that all funds received or held by the Closing Firm incidental to the closing of the transaction are held and maintained as set forth in this rule or LPORPC 1.12A shall not apply to a lawyer when that lawyer's participation in the matter is incidental to the closing and (i) the lawyer or lawyer's law firm has a preexisting client-lawyer relationship with a buyer or seller in the transaction, and (ii) neither the lawyer nor the lawyer's law firm has an existing client-lawyer relationship with the Closing Firm or an LPO participating in the closing.

(b) A lawyer must not use, convert, borrow or pledge client or third person property for the lawyer's own use.

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

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

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

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

(d) A lawyer must promptly notify a client or third person of receipt of the client or third person's property.

(e) A lawyer must promptly provide a written accounting to a client or third person after distribution of property or upon request. A lawyer must provide at least annually a written accounting to a client or third person for whom the lawyer is holding funds.

(f) Except as stated in this Rule, a lawyer must promptly pay or deliver to the client or third person the property which the client or third person is entitled to receive.

(g) If a lawyer possesses property in which two or more persons (one of which may be the lawyer) claim interests, the lawyer must maintain the property in trust until the dispute is resolved. The lawyer must promptly distribute all undisputed portions of the property. The lawyer must take reasonable action to resolve the dispute, including, when appropriate, interpleading the disputed funds.

(h) A lawyer must comply with the following for all trust accounts:

(1) No funds belonging to the lawyer may be deposited or retained in a trust account except as follows:

(i) funds to pay bank charges, but only in an amount reasonably sufficient for that purpose;

(ii) funds belonging in part to a client or third person and in part presently or potentially to the lawyer must be deposited and retained in a trust account, but any portion belonging to the lawyer must be withdrawn at the earliest reasonable time; or

(iii) funds necessary to restore appropriate balances.

(2) A lawyer must keep complete records as required by Rule 1.15B.

(3) A lawyer may withdraw funds when necessary to pay client costs. The lawyer may withdraw earned fees only after giving reasonable notice to the client of the intent to do so, through a billing statement or other document.

(4) Receipts must be deposited intact.

(5) All withdrawals must be made only to a named payee and not to cash. Withdrawals must be made by check or by bank transfer.

(6) Trust account records must be reconciled as often as bank statements are generated or at least quarterly. The lawyer must reconcile the check register balance to the bank statement balance and reconcile the check register balance to the combined total of all client ledger records required by Rule 1.15B (a)(2).

(7) A lawyer must not disburse funds from a trust account until deposits have cleared the banking process and been collected, unless the lawyer and the bank have a written agreement by which the lawyer personally guarantees all disbursements from the account without recourse to the trust account.

(8) Disbursements on behalf of a client or third person may not exceed the funds of that person on deposit. The funds of a client or third person must not be used on behalf of anyone else.

(9) Only a lawyer admitted to practice law may be an authorized signatory on the account.

(i) Trust accounts must be interest-bearing and allow withdrawals or transfers without any delay other than notice periods that are required by law or regulation and meet the requirements of ELC 15.7(d) and ELC 15.7(e). In the exercise of ordinary prudence, a lawyer may select any financial institution authorized by the Legal Foundation of Washington (Legal Foundation) under ELC 15.7(c) ~~bank, savings bank, credit union or savings and loan association that is insured by the Federal Deposit Insurance Corporation or National Credit Union Administration, is authorized by law to do business in Washington and has filed the agreement required by ELC 15.4. Trust account funds must not be placed in mutual funds, stocks, bonds, or similar investments. In selecting the type of trust account for the purpose of depositing and holding funds subject to this Rule, a lawyer shall apply the following criteria:~~

(1) When client or third-person funds will not produce a positive net return to the client or third person because the funds are nominal in amount or expected to be held for a short period of time the funds must be placed in a pooled interest-bearing trust account known as an Interest on Lawyer's Trust Account or IOLTA. ~~The interest accruing on the IOLTA account, net of reasonable check and deposit processing charges which may only include items deposited charge, monthly maintenance fee, per item check charge, and per deposit charge, must be paid to the Legal Foundation of Washington. Any other fees and transaction costs must be paid by the lawyer. The interest earned on IOLTA accounts shall be paid to, and the IOLTA program shall be administered by, the Legal Foundation of Washington in accordance with ELC 15.4 and ELC 15.7(e).~~

(2) Client or third-person funds that will produce a positive net return to the client or third person must be placed in one of the following two types of non-IOLTA trust accounts, one of the following unless the client or third person requests that the funds be deposited in an IOLTA account:

(i) a separate interest-bearing trust account for the particular client or third person with earned interest paid to the client or third person; or

(ii) a pooled interest-bearing trust account with sub-accounting that allows for computation of interest earned by each client or third person's funds with the interest paid to the appropriate client or third person.

(3) In determining whether to use the account specified in paragraph (i)(1) or an account specified in paragraph (i)(2), a lawyer must consider only whether the funds will produce a positive net return to the client or third person, as determined by the following factors:

(i) the amount of interest the funds would earn based on the current rate of interest and the expected period of deposit;

(ii) the cost of establishing and administering the account, including the cost of the lawyer's services and the cost of preparing any tax reports required for interest accruing to a client or third person's benefit; and

(iii) the capability of financial institutions to calculate and pay interest to individual clients or third persons if the account in paragraph (i)(2)(ii) is used.

~~(4) As to IOLTA accounts created under paragraph (i)(1), lawyers or law firms must direct the depository institution:~~

~~(i) to remit interest or dividends, net of charges authorized by paragraph (i)(1), on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, monthly, to the Legal Foundation of Washington;~~

~~(ii) to transmit with each remittance to the Foundation a statement, on a form authorized by the Washington State Bar Association, showing details about the account, including but not limited to the name of the lawyer or law firm for whom the remittance is sent, the rate of interest applied, and the amount of service charges deducted, if any, and the balance used to compute the interest, with a copy of such statement to be transmitted to the depositing lawyer or law firm; and~~

~~(iii) to bill fees and transaction costs not authorized by paragraph (i)(1) to the lawyer or law firm.~~

~~(5) The provisions of paragraph (i) do not relieve a lawyer or law firm from any obligation imposed by these Rules or the Rules for Enforcement of Lawyer Conduct.~~

~~(j) The Legal Foundation of Washington must prepare an annual report to the Supreme Court of Washington that summarizes the Foundation's income, grants and operating expenses, implementation of its corporate purposes, and any problems arising in the administration of the program established by paragraph (i) of this Rule.~~

Washington Comments

[1] A lawyer must also comply with the recordkeeping rule for trust accounts, Rule 1.15B.

[2] Client funds include, but are not limited to, the following: legal fees and costs that have been paid in advance other than retainers and flat fees complying with the requirements of Rule 1.5(f)), funds received on behalf of a client,

funds to be paid by a client to a third party through the lawyer, other funds subject to attorney and other liens, and payments received in excess of amounts billed for fees.

[3] This Rule applies to property held in any fiduciary capacity in connection with a representation, whether as trustee, agent, escrow agent, guardian, personal representative, executor, or otherwise.

[4] The inclusion of ethical obligations to third persons in the handling of trust funds and property is not intended to expand or otherwise affect existing law regarding a Washington lawyer's liability to third parties other than clients. See, e.g., *Trask v. Butler*, 123 Wn.2d 835, 872 P.2d 1080 (1994); *Hetzel v. Parks*, 93 Wn. App. 929, 971 P.2d 115 (1999).

[5] Property covered by this Rule includes original documents affecting legal rights such as wills or deeds.

[6] A lawyer has a duty to take reasonable steps to locate a client or third person for whom the lawyer is holding funds or property. If after taking reasonable steps, the lawyer is still unable to locate the client or third person, the lawyer should treat the funds as unclaimed property under the Uniform Unclaimed Property Act, RCW 63.29.

[7] A lawyer may not use as a trust account an account in which funds are periodically transferred by the ~~bank~~ financial institution between a trust account and an uninsured account or other account that would not qualify as a trust account under this Rule or ELC 15.7.

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

[9] Under paragraph (g), the extent of the efforts that a lawyer is obligated to take to resolve a dispute depend on the amount in dispute, the availability of methods for alternative dispute resolution, and the likelihood of informal resolution.

[10] The requirement in paragraph (h)(4) that receipts must be deposited intact means that a lawyer cannot deposit one check or negotiable instrument into two or more accounts at the same time, commonly known as a split deposit.

[11] Paragraph (h)(7) permits Washington lawyers to enter into written agreements with the trust account financial institution to provide for disbursement of trust deposits prior to formal notice of dishonor or collection. In essence the trust account bank is agreeing to or has guaranteed a loan to the lawyer and the client for the amount of the trust deposit pending collection of that deposit from the institution upon which the instrument was written. A Washington lawyer may only enter into such an arrangement if 1) there is a formal written agreement between the attorney and the trust account institution, and 2) the trust account financial institution provides the lawyer with written assurance that in the event of dishonor of the deposited instrument or other difficulty in collecting the deposited funds, the financial institution will not have recourse to the trust account to obtain the funds to reimburse the financial institution. A lawyer must never use one client's money to pay for withdrawals from the trust account on

behalf of another client who is paid subject to the lawyer's guarantee. The trust account financial institution must agree that the institution will not seek to fund the guaranteed withdrawal from the trust account, but will instead look to the lawyer for payment of uncollectible funds. Any such agreement must ensure that the trust account funds or deposits of any other client's or third person's money into the trust account would not be affected by the guarantee.

[12] The Legal Foundation of Washington was established by Order of the Supreme Court of Washington.

[13] A lawyer may, but is not required to, notify the client of the intended use of funds paid to the Foundation.

[14] If the client or third person requests that funds that would be deposited in ~~a separate interest-bearing account~~ a non-IOLTA trust account under paragraph (i)(2) instead be held in the IOLTA account, the lawyer should document this request in the lawyer's trust account records and preferably should confirm the request in writing to the client or third person.

[15] A lawyer may not receive from financial institutions earnings credits or any other benefit from the financial institution based on the balance maintained in a trust account.

[16] The term "Closing Firm" as used in this rule has the same definition as in ELPOC 1.3(g).

[17] The lawyer may satisfy the requirement of paragraph (a), that the lawyer must ensure that all funds received or held by the Closing Firm incidental to the closing of the transaction including advances for costs and expenses, are held and maintained as set forth in this rule or LPORPC 1.12A, by obtaining a certification or other reasonable assurance from the Closing Firm that the funds are being held in accordance with RPC 1.15A and/or LPORPC 1.12A. The lawyer is not required to personally inspect the books and records of the Closing Firm.

The last sentence of Paragraph (a) is intended to relieve a lawyer from the duties of paragraph (a) only if the lawyer or the lawyer's law firm has a previous client-lawyer relationship with one of the parties to the transaction and that party is a buyer or seller. Lawyers may be called on by clients to review deeds prepared during the escrow process, or may be asked to prepare special deeds such as personal representative's deeds for use in the closing. A lawyer may also be asked by a client to review documents such as settlement statements or tax affidavits that have been prepared for the closing. Such activities are limited in scope and are only incidental to the closing. The exception stated in the last sentence of paragraph (a) does not apply if the lawyer or the lawyer's law firm has an existing client-lawyer relationship with the Closing Firm or with a limited practice officer who is participating in the closing.

[18] When selecting a financial institution for purposes of depositing and holding funds in a trust account, a lawyer is obligated to exercise ordinary prudence under paragraph (i). All trust accounts must be insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration up to the limit established by law for those types of accounts or be backed by United States Government Securities. Trust account funds must not be placed in stocks, bonds, mutual funds that invest in stock or bonds, or similar uninsured investments. See ELC 15.7(d).

[19] Only those financial institutions authorized by the Legal Foundation of Washington (Legal Foundation) are eligible to offer trust accounts to Washington lawyers. To become authorized, the financial institution must satisfy the Legal Foundation that it qualifies as an authorized financial institution under ELC 15.7(c) and must have on file with the Legal Foundation a current Overdraft Notification Agreement under ELC 15.4. A list of all authorized financial institutions is maintained and published by the Legal Foundation and is available to any person on request.

[20] Upon receipt of a notification of a trust account overdraft, a lawyer must comply with the duties set forth in ELC 15.4(d) (lawyer must promptly notify the Office of Disciplinary Counsel of the Washington State Bar Association and include a full explanation of the cause of the overdraft).

**RULES FOR ENFORCEMENT OF LAWYER CONDUCT (ELC)
RULE 15.4. TRUST ACCOUNT OVERDRAFT NOTIFICATION**

(a) Overdraft Notification Agreement Required. To be authorized as a depository for lawyer trust accounts referred to in RPC 1.15A(i) or LPO trust accounts referred to in LPO RPC 1.12A(i), a Every financial institution, bank, credit union, savings bank, or savings and loan association referred to in RPC 1.15A(i) and LPO RPC 1.12A(i) must will be approved as a depository for lawyer trust accounts and LPO trust accounts if it files with the Legal Foundation of Washington Disciplinary Board an agreement, in a form provided by the Washington State Bar Association Board, to report to the Washington State Bar Association Board if any properly payable instrument is presented against a lawyer, LPO or closing firm trust account containing insufficient funds, whether or not the instrument is honored. The agreement must apply to all branches of the financial institution and cannot be canceled except on 30 days' notice in writing to the Legal Foundation of Washington Board. The Legal Foundation of Washington must provide copies of signed agreements and notices of cancellation to the Washington State Bar Association Board annually publishes a list of approved financial institutions.

(b) Overdraft Reports.

(1) The overdraft notification agreement must provide that all reports made by the financial institution must contain the following information:

- (A) the identity of the financial institution;
- (B) the identity of the (1) the lawyer or law firm, or (2) the limited practice officer or closing firm;
- (C) the account number; and
- (D) either:
 - (i) the amount of overdraft and date created; or
 - (ii) the amount of the returned instrument(s) and the date returned.

(2) The financial institution must provide the information required by the notification agreement within five banking days of the date the item(s) was paid or returned unpaid.

(c) Costs. Nothing in these rules precludes a financial institution from charging a particular lawyer or law firm for the reasonable cost of producing the reports and records required by this rule, but those charges may not be a transaction cost charged against funds payable to the Legal Foundation of Washington under RPC 1.15A (i)(1) and ELC 15.7(e).

(d) Notification by Lawyer. Every lawyer who receives notification that any instrument presented against his or her trust account was presented against insufficient funds, whether or not the instrument was honored, must promptly notify the Office of Disciplinary Counsel of the Association of the information required by section (b). The lawyer must include a full explanation of the cause of the overdraft.

**RULES FOR ENFORCEMENT OF LAWYER CONDUCT (ELC)
[Caption]**

**TITLE 15. IOLTA, AUDITS, AND TRUST ACCOUNT OVERDRAFT
NOTIFICATION**

**RULES FOR ENFORCEMENT OF LIMITED PRACTICE OFFICER
CONDUCT (ELPOC)**

RULE 15.4. TRUST ACCOUNT OVERDRAFT NOTIFICATION

(a) Overdraft Notification Agreement Required. To be authorized as a depository for LPO trust accounts, Every a bank, credit union, savings and loan association, or qualified public depository referred to in LPORPC 1.12A(i) will be approved as a depository for LPO trust accounts if it files must file with the Legal Foundation of Washington (Legal Foundation) Association's Disciplinary Board an agreement as provided for under ELC 15.4 (a) and (b). The Legal Foundation Association's Disciplinary Board annually publishes a list of approved maintains a list of financial institutions authorized to establish LPO trust accounts and publishes the list on a website maintained by the Legal Foundation for public information.

(b)-(c) [Unchanged.]

**RULES FOR ENFORCEMENT OF LAWYER CONDUCT (ELC)
RULE 15.7. TRUST ACCOUNTS AND THE LEGAL FOUNDATION
OF WASHINGTON**

(a) Legal Foundation of Washington. The Legal Foundation of Washington (Legal Foundation) was established by Order of the Supreme Court of Washington to administer distribution of Interest on Lawyer's Trust Account (IOLTA) funds to civil legal aid programs.

(1) *Administrative Responsibilities.* The Legal Foundation is responsible for assessing the products and services offered by financial institutions operating in the state of Washington and determining whether such institutions meet the requirements of this rule, ELC 15.4, and ELPOC 15.4. The Legal Foundation must maintain a list of financial institutions authorized to establish client trust accounts and publish the list on a website maintained by the Legal Foundation for public information. The Legal Foundation must provide a copy of the list to any person upon request.

(2) *Annual Report.* The Legal Foundation must prepare an annual report to the Supreme Court of Washington that summarizes the Foundation's income, grants and operating expenses, implementation of its corporate purposes, and any problems arising in the administration of the IOLTA program.

(b) Definitions. The following definitions apply to this rule:

(1) *United States Government Securities.* United States Government Securities are defined as direct obligations of

the United States Government, or obligations issued or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof, including United States Government-Sponsored Enterprises.

(2) *Daily Financial Institution Repurchase Agreement.* A daily financial institution repurchase agreement must be fully collateralized by United States Government Securities and may be established only with an authorized financial institution that is deemed to be "well capitalized" under applicable regulations of the Federal Deposit Insurance Corporation and the National Credit Union Association.

(3) *Money Market Funds.* A money market fund is an investment company registered under the Investment Company Act of 1940, as amended, that is regulated as a money market funder under Rules and Regulations adopted by the Securities and Exchange Commission pursuant to said Act, and at the time of the investment, has total assets of at least five hundred million dollars (\$500,000,000). A money market fund must be comprised solely of United States Government Securities or investments fully collateralized by United States Government Securities.

(c) Authorized Financial Institutions. Any bank, savings bank, credit union, savings and loan association, or other financial institution that meets the following criteria is eligible to become an authorized financial institution under this rule:

- (1) is insured by the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Administration;
- (2) is authorized by law to do business in Washington;
- (3) complies with all requirements set forth in section (d) of this rule and in ELC 15.4; and
- (4) if offering IOLTA accounts, complies with all requirements set forth in section (e) of this rule.

The Legal Foundation determines whether a financial institution is an authorized financial institution under this section. Upon a determination of compliance with all requirements of this rule and ELC 15.4, the Legal Foundation must list a financial institution as an authorized financial institution under section (a)(1). At any time, the Legal Foundation may request that a listed financial institution establish or certify compliance with the requirements of this rule or ELC 15.4. The Legal Foundation may remove a financial institution from the list of authorized financial institutions upon a determination that the financial institution is not in compliance.

(d) Requirements of All Trust Accounts. All trust accounts established pursuant to RPC 1.15A(i) or LPORPC 1.12A(h) must be insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration up to the limit established by law for those types of accounts or be backed by United States Government Securities. Trust account funds must not be placed in stocks, bonds, mutual funds that invest in stock or bonds, or similar uninsured investments.

(e) IOLTA Accounts. To qualify for Legal Foundation approval as an authorized financial institution offering IOLTA accounts, in addition to meeting all other requirements set forth in this Rule, a financial institution must comply with the requirements set forth in this section.

(1) *Interest Comparability.* For accounts established pursuant to RPC 1.15A, authorized financial institutions must pay the highest interest rate generally available from the institutions to its non-IOLTA account customers when IOLTA accounts meet or exceed the same minimum balance or other account eligibility qualifications, if any. In determining the highest interest rate generally available to its non-IOLTA customers, authorized financial institutions may consider factors, in addition to the IOLTA account balance, customarily considered by the institution when setting interest rates for its customers, provided that such factors do not discriminate between IOLTA accounts and accounts of non-IOLTA customers and that these factors do not include that the account is an IOLTA account. An authorized financial institution may satisfy these comparability requirements by selecting one of the following options:

- (i) Establish the IOLTA account as the comparable interest-paying product; or
- (ii) Pay the comparable interest rate on the IOLTA checking account in lieu of actually establishing the comparable interest-paying product; or
- (iii) Pay a rate on IOLTA equal to 75% of the Federal Funds Targeted Rate as of the first business day of the month or IOLTA remitting period, or .75%, whichever is higher, and which rate is deemed to be already net of allowable reasonable service charges or fees.

(2) *Remit Interest to Legal Foundation of Washington.* Authorized financial institutions must remit the interest accruing on all IOLTA accounts, net of reasonable account fees, to the Legal Foundation monthly, on a report form prescribed by the Legal Foundation. At a minimum, the report must show details about the account, including but not limited to the name of the lawyer, law firm, LPO, or Closing Firm for whom the remittance is sent, the rate of interest applied, the amount of service charges deducted, if any, and the balance used to compute the interest. Interest must be calculated on the average monthly balance in the account, or as otherwise computed in accordance with applicable state and federal regulations and the institution's standard accounting practice for non-IOLTA customers. The financial institution must notify each lawyer, law firm, LPO, or Closing Firm of the amount of interest remitted to the Legal Foundation on a monthly basis on the account statement or other written report.

(3) *Reasonable account fees.* Reasonable account fees may only include per deposit charges, per check charges, a fee in lieu of minimum balances, sweep fees, FDIC insurance fees, and a reasonable IOLTA account administration fee. No service charges or fees other than the allowable, reasonable fees may be assessed against the interest or dividends on an IOLTA account. Any service charges or fees other than allowable reasonable fees must be the sole responsibility of, and may be charged to, the lawyer, law firm, LPO, or Closing Firm maintaining the IOLTA account. Fees or charges in excess of the interest or dividends earned on the account must not be deducted from interest or dividends earned on any other account or from the principal.

(4) *Comparable Accounts.* Subject to the requirements set forth in sections (d) and (e), an IOLTA account may be established as:

(i) A business checking account with an automated investment feature, such as a daily bank repurchase agreement or a money market fund; or

(ii) A checking account paying preferred interest rates, such as a money market or indexed rates; or

(iii) A government interest-bearing checking account such as an account used for municipal deposits; or

(iv) An interest-bearing checking account such as a negotiable order of withdrawal (NOW) account, business checking account with interest; or

(v) Any other suitable interest-bearing product offered by the authorized financial institution to its non-IOLTA customers.

(5) Nothing in this rule precludes an authorized financial institution from paying an interest rate higher than described above or electing to waive any service charges or fees on IOLTA accounts.

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 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.

Washington State Prevailing Wage

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

**ELECTRICIANS - POWERLINE CONSTRUCTION
JOURNEY LEVEL**

EFFECTIVE PERIOD OF SEPTEMBER 2, 2009

CORRECTED ON OCTOBER 30, 2009

CORRECTED RATE WILL BE EFFECTIVE ON NOVEMBER 29, 2009

List of Corrected Rates Compared to the Incorrect Rate Previously Published.

COUNTIES COVERED:

ALL WASHINGTON COUNTIES

Journey Level Classification	Corrected Rate	Incorrect Rate
Line Equipment Operator	\$46.32	\$46.33

WSR 09-24-002

**DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed November 18, 2009, 1:12 p.m.]

Prevailing Rate of Wage

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 and as was published on the internet on August 3, 2009, and were effective September 2, 2009, the industrial statistician has determined the statewide prevailing rates of wage. These prevailing rates of wage are effective for public works projects bid on or after September 2, 2009. On October 30, 2009, the industrial statistician made corrections to these rates. The corrected rates will be effective on November 29, 2009, thirty days from the date of correction.

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

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

The corrected rates are as follows:

**State of Washington
Department of Labor and Industries**

Prevailing Wage Section
Telephone (360) 902-[5335]
P.O. Box 44540
Olympia, WA 98504-4540

WSR 09-24-003

**NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE**

[Filed November 19, 2009, 8:58 a.m.]

Pursuant to RCW 42.30.075, Shoreline Community College board of trustees shall hold regular meetings at 4:00 p.m. in the Board Room (#1010M), Administration Building (#1000), Shoreline Community College, 16101 Greenwood Avenue North, Shoreline, WA. The board is scheduled to meet on the following dates in calendar year 2010:

Winter Quarter
January 27, 2010
February 24, 2010
March 17, 2010 ¹
Spring Quarter
April 28, 2010
May 26, 2010
June 23, 2010 ²
Fall Quarter
September 22, 2010
October 27, 2010
December 1, 2010 ³

¹Third Wednesday in March.

²The June 23, 2010, board meeting will be held in Room 5 at Shoreline Community College's Lake Forest Park location (SCC@LFP), Lake Forest Park Towne Center, 17171 Bothell Way N.E., Suite A220, Lake Forest Park, WA.

³The November and December 2010 meetings are combined with the meeting scheduled for the first Wednesday in December.

In the event of a change to a regular meeting date, notice of the change will be submitted to the office of the code reviser a minimum of twenty days prior to the rescheduled meeting date.

Please call (206) 546-4552 or e-mail Lori Y. Yonemitsu at lyonemitsu@shoreline.edu if you need further information.

WSR 09-24-004
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
 [Filed November 19, 2009, 2:19 p.m.]

Following is the schedule of meetings for the board of trustees of Walla Walla Community College, District 20, for the calendar year 2010. All meetings will be held on the Walla Walla Community College campus, 500 Tausick Way, Walla Walla, WA 99362, unless otherwise noted.

Date	Time	Location
January 19 retreat	9:00 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
January 20	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
February 17	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
March 17	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
April 21	10:00 a.m.	WWCC Clarkston Campus 1470 Bridge Street Clarkston, WA
May 19	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
June 30	9:00 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
July 21*	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA

Date	Time	Location
August 18*	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
September 15	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
October 20	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
November 17	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
December 15	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA

*Optional meetings.

If you need further information, contact Jerri Ramsey, Walla Walla Community College, 500 Tausick Way, Walla Walla, WA 99362, phone (509) 527-4274, fax (509) 527-4249, e-mail jerri.ramsey@wwcc.edu.

WSR 09-24-006
OFFICE OF THE GOVERNOR
 [Filed November 20, 2009, 8:35 a.m.]

NOTICE OF APPEAL
RCW 34.05.330(3)

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

On October 16, 2009, the Governor's Office received an appeal from Mr. William Higday relating to the Washington Fish and Wildlife Commission's denial of a petition to repeal or amend WAC 232-12-017.

DATE: November 18, 2009

Martin C. Loesch
 Director of External Affairs
 and Senior Counsel

WSR 09-24-007
NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD
 [Filed November 20, 2009, 8:35 a.m.]

Executive Ethics Board 2010 Meeting Schedule

The following is the executive ethics board meeting schedule for the year 2009 [2010]. The executive ethics

board will hold regular monthly meetings on the second Friday of each month with the exceptions of August and December, when no meetings are scheduled, or indicated otherwise. All meetings will begin at 9:00 a.m. and be held at 1110 Capitol Way, 4th Floor, Video Conference Room, Olympia, WA.

Meeting dates for 2010 are:

January 8
 February - no meeting
 March 12
 April - no meeting
 May 14
 June - no meeting
 July 9
 August - no meeting
 September 10
 October - no meeting
 November 13
 December - no meeting

Meeting agendas and other information may be accessed five to seven days prior to the meeting at the web site <http://www.ethics.wa.gov>.

For additional information or reasonable accommodations to attend meetings, please contact board staff at (360) 664-0871. Reasonable accommodation requests should be made at least ten working days prior to the scheduled meeting date.

WSR 09-24-017
PUBLIC RECORDS OFFICER
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed November 23, 2009, 9:05 a.m.]

Per RCW 42.56.580, Debra Tollefson is the designated public records officer for the department of labor and industries.

The contact information is e-mail TOLD235@Lni.wa.gov, phone (360) 902-6695, fax (360) 902-4202.

Debra Tollefson
 Agency Public Records Officer

WSR 09-24-018
OFFICE OF THE GOVERNOR
 [Filed November 23, 2009, 9:05 a.m.]

Lowering of the Washington State and United States Flags

I hereby direct that Washington State and United States flags at all state agency facilities be lowered to half-staff on **Monday, November 23, 2009**, in memory of Neal Richards, a Washington State Department of Transportation employee, who died today after being hit by a falling tree limb while

working to clear a slide on US 101 near Indian Hill east of Port Angeles.

I was extremely saddened to learn of the death of Neal. He died while working to make travel safer for our residents. This tragic event is a reminder of the danger many of our state workers are exposed to while doing their jobs and serving the people of our state. My heart goes out to his family, co-workers at DOT and friends during this most difficult time.

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

Flags should remain at half-staff until close of business on Monday, or first thing Tuesday morning.

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

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

Christine O. Gregoire
 Governor

WSR 09-24-019
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
 [Filed November 23, 2009, 9:06 a.m.]

2010 PUBLIC MEETINGS

The following is a schedule of the regular meetings of the public employment relations commission for 2010:

January 5	Olympia office
February 9	Olympia office
March 9	Olympia office
April 13	Olympia office
May 11	Kirkland office
June 8	Olympia office
July 13	Olympia office
August 10	Olympia office
September 14	Kirkland office
October 5	Olympia office
November 9	Olympia office

All meetings begin at 10:00 a.m. Meetings will be held in the Third Floor Conference Room, 112 Henry Street N.E., Suite 300, Olympia, WA, except May and September, as noted above. The Kirkland office address is 9757 Juanita Drive N.E., Suite 201, Kirkland, WA 98034.

Following due notice, some meetings may be rescheduled or relocated.

Meeting sites are barrier free to the greatest extent possible. Braille or taped agenda items for visually impaired persons, and interpreters for individuals with hearing impairment will be provided if requested with adequate notice. Such requests should be made at least ten working days in advance of the scheduled meeting date, and should be addressed to the Public Employment Relations Commission, P.O. Box 40919, Olympia, WA 98504-0919.

WSR 09-24-020
NOTICE OF PUBLIC MEETINGS
BEEF COMMISSION
 [Filed November 23, 2009, 9:06 a.m.]

October 19, 2010
 November 16, 2010
 December 21, 2010

This is to notify you of the following meeting dates for the Washington state beef commission:
 2010 Scheduled Meeting Dates

January 21, 2010 (Thursday)		Conference call
February 24 and 25, 2010 (Wednesday/ Thursday)	Seattle	Strategic planning/board meeting
April 15, 2010 (Thursday)	Ellensburg	Budget meeting
June 3, 2010 (Thursday)	Ellensburg	Annual meeting
August 12, 2010 (Thursday)	Ellensburg	Regular board meeting
November 11, 2010 (Thursday)	Pasco	Regular board meeting

(in conjunction with Washington Cattlemen's Association Convention)
 Should you have questions, please contact Daniene Giesen at (206) 444-2902.

WSR 09-24-021
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE
 [Filed November 23, 2009, 9:07 a.m.]

Pursuant to RCW 42.30.075, following is the schedule of meetings for the board of trustees of Washington State Community College District 17 for calendar year 2010.

Should you have questions regarding this memo, or the schedule, please contact Christine Pearl, executive assistant to the chancellor/CEO and liaison to the board of trustees, at (509) 434-5006.

SCHEDULE OF MEETINGS

Notice is hereby given, pursuant to RCW 42.30.075, that the regular meetings of the board of trustees of Washington State Community College District 17 (Community Colleges of Spokane) during calendar year 2010 shall be held at 8:30 a.m. on the following dates (generally held on the third Tuesday of the month):

- January 19, 2010
- February 16, 2010
- March 16, 2010
- April 20, 2010
- May 18, 2010
- June 15, 2010
- July 20, 2010
- August 17, 2010
- September 21, 2010

All meetings, with the exception of October 19, 2010, will be held at the Institute for Extended Learning Lodge Building, 3305 West Fort George Wright Drive, Spokane, WA. The location for the October 19 meeting will be determined at a later date.

WSR 09-24-022
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
 (Capitol Campus Design Advisory Committee)
 [Filed November 23, 2009, 9:07 a.m.]

This is to confirm that the *quarterly* capitol campus design advisory committee (CCDAC) meetings for the 2010 calendar year are scheduled for:

- Thursday, February 18
- Thursday, May 27
- Thursday, September 23
- Thursday, November 18

The CCDAC meetings will be held in room 326 on the third floor of the General Administration Building, 210 11th Avenue S.W., Olympia, WA. Meetings will begin at 10:00 a.m.

If you have any questions, please contact Diane Cowan at 902-0929.

WSR 09-24-023
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Filed November 23, 2009, 9:07 a.m.]

In accordance with RCW 42.30.075, 28B.20.105, 28B.20.130, and WAC 478-04-030, the board of regents of the University of Washington established the following meeting schedule for 2010 at its meeting held November 19, 2009.

Day	Date	Location
Thursday	January 21	UW - UW Tower Room T-22
Thursday	February 18	UW - Petersen Room Allen Library
Thursday	March 18	UW Tacoma
Thursday	April 15*	UW - Petersen Room Allen Library
Thursday	May 13	UW - UW Tower Room T-22
Thursday	June 10 at 1 p.m.	UW - Petersen Room Allen Library

Day	Date	Location
Thursday	July 15	UW - UW Tower Room T-22
Thursday	August 19*	UW - UW Tower Room T-22
Thursday	September 16	UW - Petersen Room Allen Library
Thursday	October 21	UW - UW Tower Room T-22
Thursday	November 18	UW - Petersen Room Allen Library
Friday	November 19	WSU Pullman
Thursday	December 9*	UW - Petersen Room Allen Library

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

Day	Date
Wednesday	January 20
Wednesday	March 17
Thursday	April 15*
Wednesday	May 12
Wednesday	July 14
Wednesday	August 18*
Wednesday	September 15
Wednesday	October 20

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

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

To request disability accommodations, contact the office of the ADA coordinator, at least ten days in advance of the event, 543-6450 (voice), 543-6452 (TDD), 685-3885 (fax), access@u.washington.edu (e-mail).

WSR 09-24-024
NOTICE OF PUBLIC MEETINGS
LOWER COLUMBIA COLLEGE

[Filed November 23, 2009, 9:08 a.m.]

On November 18, 2009, the Lower Columbia College board of trustees adopted the following meeting schedule for 2010. All regularly scheduled meetings are held on the third

Wednesday of each month at 5:00 p.m. in the Heritage Room of the Administration Building, unless noted otherwise.

The trustees meet on the third Wednesday of the month at 5:00 in the Heritage Room of the administration building unless noted differently below.

2010 MEETING SCHEDULE

January 20, 2010	5:00 p.m.	Regular meeting
February 17, 2010	8:30 a.m.	Regular workshop
March 10, 2010	5:00 p.m.	Special executive session Administration Building Training Room
March 17, 2010	5:00 p.m.	Regular meeting
April 21, 2010	5:00 p.m.	Regular meeting
May 19, 2010	5:00 p.m.	Regular meeting
June 16, 2010	5:00 p.m.	Regular meeting
July 21, 2010	8:30 a.m.	Workshop location TBD
August 2010	No meeting	
September 15, 2010	5:00 p.m.	Regular meeting
October 20, 2010	5:00 p.m.	Regular meeting
November 17, 2010	5:00 p.m.	Regular meeting
December 15, 2010	5:00 p.m.	Regular meeting

WSR 09-24-025

NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Filed November 23, 2009, 9:08 a.m.]

The board of trustees of Eastern Washington University will hold regular meetings at the Cheney campus on Thursday and Friday, November 19 and 20, 2009, according to the schedule below. The board will convene an executive session according to RCW 42.30.110 and/or 42.30.140 on Friday, November 20 at 2:30 p.m. The board will convene in open session on Friday, November 20 at approximately 3:30 p.m. to discuss and take action on agenda items.

Thursday - November 19, 2009

2:30 - 4:30 p.m.	Business and Finance Committee	PUB 261
6:30 p.m.	Dinner with WSU Regents	Pullman

Friday - November 20, 2009

8:30 - 10:00 a.m.	Advancement Committee	PUB 261
10:00 - 11:30 a.m.	Academic Affairs Committee	PUB 206
11:45 a.m. - 12:15 p.m.	Greet and Serve staff and faculty - EWU	
	Thanksgiving Lunch	PUB MPR
12:15 - 1:00 p.m.	Distinguished Staff Awards - EWU	
	Thanksgiving Lunch	PUB MPR
1:00 - 2:30 p.m.	Student Affairs Committee	PUB 206
2:30 - 3:30 p.m.	Executive session	TAW 215 A
3:30 - 5:00 p.m.	Board of trustees open meeting	TAW 215 B&C

November 20, 2009

Regular Open Board Meeting	3:30 p.m.	Cheney TAW 215 B&C
Executive Session	2:30 p.m.	Cheney TAW 215 A

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-4648.

WSR 09-24-032

NOTICE OF PUBLIC MEETINGS
GRAIN COMMISSION

[Filed November 23, 2009, 12:17 p.m.]

The Washington grain commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting information of the board of directors for publication in the state register for the period January through December 2010. All meetings will take place in the commission conference room at 2702 West Sunset Boulevard, Suite A, Spokane, WA. The meetings will begin at 10:00 a.m. on the first day and will reconvene at 8:00 a.m. on the second day.

Regular	January 13 and 14
Regular	March 17 and 18
Annual	May 19 and 20
Regular	September 15 and 16
Regular	November 17 and 18

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

WSR 09-24-040

NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION

(Capitol Campus Design Advisory Committee)

[Filed November 24, 2009, 8:53 a.m.]

The quarterly capitol campus design advisory committee (CCDAC) meetings for the 2010 calendar year are scheduled for:

Thursday, February 18
Thursday, May 27
Thursday, September 13
Thursday, November 18

The CCDAC meetings are held at the General Administration Building, 210 11th Avenue S.W., Olympia, WA. The meetings are held in room 326, beginning at 10:00 a.m.

If you have any questions, please contact Diane Cowan at (360) 902-0929.

WSR 09-24-041

POLICY STATEMENT
MARINE EMPLOYEES' COMMISSION

[Filed November 24, 2009, 8:56 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Purchasing.

Issuing Entity: Marine employees' commission.

Description: In compliance with Washington purchase manual policy adopted to specific purchasing activities by commissioners and staff.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: November 19, 2009.

WSR 09-24-042

POLICY STATEMENT
MARINE EMPLOYEES' COMMISSION

[Filed November 24, 2009, 8:56 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Releasing Public Information.

Issuing Entity: Marine employees' commission.

Description: In compliance with RCW 42.56.070. Policy adopted to ensure full compliance with documents and indexes to be made public.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: November 19, 2009.

WSR 09-24-043

POLICY STATEMENT
MARINE EMPLOYEES' COMMISSION

[Filed November 24, 2009, 8:56 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Retiring/Resigning.

Issuing Entity: Marine employees' commission.

Description: In compliance with governor's policy. Policy adopted to comply with governor's boards and commissions applications and appointments.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite

104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: November 19, 2009.

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

WSR 09-24-044

POLICY STATEMENT

MARINE EMPLOYEES' COMMISSION

[Filed November 24, 2009, 8:56 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Supporting Risk Management.

Issuing Entity: Marine employees' commission.

Description: In compliance with RCW 43.41.350 and Executive Order 01-05. Policy adopted to outline agency's commitment to risk management.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: November 19, 2009.

WSR 09-24-045

POLICY STATEMENT

MARINE EMPLOYEES' COMMISSION

[Filed November 24, 2009, 8:56 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Taking Personal Leave.

Issuing Entity: Marine employees' commission.

Description: In compliance with RCW 41.06.133 and 41.06.150 and chapter 357-31 WAC. Policy adopted to establish how leave is accumulated and how to use different types of leave.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: November 19, 2009.

WSR 09-24-051

NOTICE OF PUBLIC MEETINGS

WASHINGTON STATE UNIVERSITY

[Filed November 24, 2009, 1:21 p.m.]

Notice of Special Meeting

November 28, 2009

The Washington State University board of regents will hold a special meeting with the University of Washington board of regents on Saturday, November 28, 2009, 11:30 a.m. - 1:30 p.m. The meeting will be held in the Bill & Melinda Gates Commons, Room CSE 691, Paul G. Allen Center for Computer Science and Engineering at the University of Washington in Seattle.

WSR 09-24-057

NOTICE OF PUBLIC MEETINGS

BATES TECHNICAL COLLEGE

[Filed November 25, 2009, 8:44 a.m.]

The board of trustees of Bates Technical College has scheduled its 2010 regular meetings as follows:

- January 26 Bates Technical College
1101 South Yakima Avenue
Tacoma, WA 98405
- February 23 Bates Technical College
1101 South Yakima Avenue
Tacoma, WA 98405
- March 30 Bates Technical College
1101 South Yakima Avenue
Tacoma, WA 98405
- April 27 Bates Technical College
South Campus
2201 South 78th Street
Tacoma, WA 98409
- May 25 Bates Technical College
1101 South Yakima Avenue
Tacoma, WA 98405
- June 29 Bates Technical College
1101 South Yakima Avenue
Tacoma, WA 98405
- July 27 Bates Technical College
1101 South Yakima Avenue
Tacoma, WA 98405
- September 28 Bates Technical College
1101 South Yakima Avenue
Tacoma, WA 98405
- October 26 Bates Technical College
Mohler Campus
2320 South 19th Street
Tacoma, WA 98405
- November 30 Bates Technical College
1101 South Yakima Avenue
Tacoma, WA 98409 [98405]
- December 21 Bates Technical College
1101 South Yakima Avenue
Tacoma, WA 98405

There will not be a regular meeting in August. Should you have any questions, please contact Vickie Lackman at (253) 680-7100.

WSR 09-24-058
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
 [Filed November 25, 2009, 8:44 a.m.]

Following is the transportation commission's 2010 meeting schedule.

All meetings in Olympia will be held between 9:00 a.m. and 5:00 p.m. in Room 1D2 of the Transportation Building, 310 Maple Park Drive, Olympia, WA.

Once we have determined the specific locations for the local jurisdiction meetings, we will forward the information to you.

2010 WSTC Calendar

January 20-21	Commission meeting
Wednesday/Thursday	Olympia
February 16-17	Commission meeting
Tuesday/Wednesday	Olympia
March 16-17	Commission meeting
Tuesday/Wednesday	Olympia
April 20	Local meeting
Tuesday	Prosser
May 18	Joint commission meeting
Tuesday	with MPO/RTPO/WSDOT
	Coordinating council (tentative)
May 19	Commission meeting
Wednesday	Olympia
June 22	Local meeting
Tuesday	Aberdeen
June 23	Commission meeting
Wednesday	Seattle
	WSF ferry fare proposal
	(tentative)
July 20-21	Commission meeting
Tuesday/Wednesday	Olympia
September 21	Local meeting
Tuesday	Omak/Okanogan
October 19-20	Commission meeting
Tuesday/Wednesday	Olympia
November 16	Local meeting
Tuesday	Bellevue
November 17	Commission meeting
Wednesday	Seattle
	Adopt/fine tune WTP
December 14-15	Commission meeting
Tuesday/Wednesday	Olympia

WSR 09-24-059
NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIREFIGHTERS' PLAN 2 RETIREMENT BOARD
 [Filed November 25, 2009, 8:44 a.m.]

The law enforcement officers' and firefighters' plan 2 retirement board has adopted their meeting schedule for 2010.

LEOFF 2 Meetings
Wednesday, January 27
Wednesday, February 24
Wednesday, March 24
Wednesday, April 28
Wednesday, May 26
Wednesday, June 16
Wednesday, July 28
Tuesday, August 17
Wednesday, September 22
Wednesday, October 27
Wednesday, November 17
Wednesday, December 15

All meetings of the LEOFF plan 2 retirement board begin at 9:30 a.m. and take place in the Washington state investment board room located at 2100 Evergreen Park Drive S.W., Olympia, WA 98502.

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

WSR 09-24-060
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
 (Capitol Campus Design Advisory Committee)
 [Filed November 25, 2009, 8:45 a.m.]

Correction to Calendar for 2010 Meeting Dates

The quarterly capitol campus design advisory committee (CCDAC) meetings for the 2010 calendar year are scheduled for:

- Thursday, February 18
- Thursday, May 27
- Thursday, September 23
- Thursday, November 18

The CCDAC meetings are held at the General Administration Building, 210 11th Avenue S.W., Olympia, WA. The meetings are held in room 326, beginning at 10:00 a.m.

If you have any questions, please contact Diane Cowan at (360) 902-0929.

WSR 09-24-067
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Elevator Advisory Committee)
 [Filed November 25, 2009, 11:08 a.m.]

Meetings - 2010

Per chapter 42.30 RCW, the Open Public Meetings Act, the elevator advisory committee meetings for 2010 have been scheduled for:

DATE	TIME	LOCATION
February 16, 2010	9:00 a.m.	Department of Labor and Industries 12806 Gateway Drive Tukwila, WA
May 18, 2010	9:00 a.m.	Department of Labor and Industries 12806 Gateway Drive Tukwila, WA
August 17, 2010	9:00 a.m.	Department of Labor and Industries 12806 Gateway Drive Tukwila, WA
November 16, 2010	9:00 a.m.	Department of Labor and Industries 12806 Gateway Drive Tukwila, WA

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

WSR 09-24-071
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE
 (Recreation and Conservation Funding Board)
 [Filed November 30, 2009, 9:01 a.m.]

The schedule for the 2010 public meetings for the recreation and conservation funding board will be:

Dates	Location
March 25-26, 2010	Olympia
June 24-25, 2010	Walla Walla
October 28-29, 2010	Olympia

For further information, please contact Tauren Ibarra at (360) 902-3013 or check recreation and conservation office's (RCO) web page at <http://www.rco.wa.gov/rcfb/board/schedule.htm>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Tauren Ibarra at least two weeks prior to the meeting date at the number listed above or by e-mail at tauren.ibarra@rco.wa.gov.

WSR 09-24-072
NOTICE OF PUBLIC MEETINGS
FORENSIC INVESTIGATIONS COUNCIL
 [Filed November 30, 2009, 9:02 a.m.]

The following is a list of the meetings currently scheduled for the Washington state forensic investigations council for calendar year 2010:

DATE	LOCATION
January 22, 2010	Large Conference Room Forensic Laboratory Services Bureau 2203 Airport Way South Seattle, WA
February 19, 2010 (3rd Friday)	Conference Room WA Counties Building 206 Tenth Avenue S.E. Olympia, WA
March 26, 2010	Conference Room WA Counties Building 206 Tenth Avenue S.E. Olympia, WA
April 23, 2010	Large Conference Room Forensic Laboratory Services Bureau 2203 Airport Way South Seattle, WA
May 28, 2010	Conference Room WA Counties Building 206 Tenth Avenue S.E. Olympia, WA
June 25, 2010	Conference Room WA Counties Building 206 Tenth Avenue S.E. Olympia, WA
July 23, 2010	Large Conference Room Forensic Laboratory Services Bureau 2203 Airport Way South Seattle, WA
August 27, 2010	Conference Room WA Counties Building 206 Tenth Avenue S.E. Olympia, WA
September 24, 2010	Conference Room WA Counties Building 206 Tenth Avenue S.E. Olympia, WA
October 22, 2010	Large Conference Room Forensic Laboratory Services Bureau 2203 Airport Way South Seattle, WA
November 19, 2010 (3rd Friday)	Conference Room WA Counties Building 206 Tenth Avenue S.E. Olympia, WA

December 17, 2010 (3rd Friday)
 Conference Room
 WA Counties Building
 206 Tenth Avenue S.E.
 Olympia, WA

The meetings will commence at 9:00 a.m., unless public notice is given to the contrary.

The forensic investigations council strives to satisfy all requests for persons with disabilities. Requests for such accommodations are welcome and should be made by calling Kitty Jacobs, (206) 262-6000, at least forty-eight hours prior to the scheduled meeting.

WSR 09-24-073
NOTICE OF PUBLIC MEETINGS
CLOVER PARK
TECHNICAL COLLEGE
 [Filed November 30, 2009, 9:03 a.m.]

The board of trustees of Clover Park Technical College, at their regularly scheduled meeting on September 9, 2009, identified the dates on the following list for their monthly meetings in the year 2010, in compliance with RCW 42.30-075.

All meetings except April's meeting will begin at 4 p.m. in the Rotunda, located in Building 3, on the Clover Park Technical College campus at 4500 Steilacoom Boulevard S.W., Lakewood, WA 98499-4098. The meeting scheduled on April 14, 2010, will be held at 4 p.m. on Clover Park Technical College's South Hill campus at 17214 110th Avenue East, Puyallup, WA 98474.

**2010 Meeting Calendar to Include Budget
 Workshop Session and General Study Sessions**

January 13, 2010	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
February 3, 2010	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
March 10, 2010	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
April 14, 2010	Study Session	3 p.m.	South Hill Campus
	Business Agenda	4 p.m.	South Hill Campus
May 12, 2010	<i>Budget Workshop</i>	2 p.m.	Rotunda, Building 3
	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
June 17, 2010	Study Session	3 p.m.	Rotunda, Building 3

July 14, 2010	Business Agenda	4 p.m.	Rotunda, Building 3
	Study Session	3 p.m.	Rotunda, Building 3
August 11, 2010	Business Agenda	4 p.m.	Rotunda, Building 3
	No Meeting		
September 8, 2010	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
October 13, 2010	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
November 17, 2010	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3
December 8, 2010	Study Session	3 p.m.	Rotunda, Building 3
	Business Agenda	4 p.m.	Rotunda, Building 3

TACTC Winter Conference	Olympia, Washington	January 24-25, 2010
ACCT National Legislative Summit	Washington, DC	February 7-10, 2010
CCID Annual Conference	The Woodlands, Texas	February 20-23, 2010
AACC Annual Convention	Seattle, Washington	April 17-20, 2010
TACTC Spring Convention	Wenatchee, Washington	May 20-21, 2010
CPTC Graduation	Tacoma Dome	June 17, 2010
ACCT Annual Congress	Toronto, Ontario	October 20-23, 2010
CPTC Board of Trustees Annual Retreat		TBD

WSR 09-24-074
OFFICE OF THE GOVERNOR
 [Filed November 30, 2009, 9:03 a.m.]

Lowering of the Washington State and United States Flags

I hereby direct that Washington State and United States flags at all state agency facilities be lowered to half-staff on **Tuesday, December 1, 2009**, in memory of U.S. Army Staff Sergeant John J. Cleaver, 36, of Marysville, who died November 19 in Afghanistan, of injuries sustained when a suicide bomber attacked his unit.

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

Flags should remain at half-staff until close of business on Tuesday, or first thing Wednesday morning.

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

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

Christine O. Gregoire
Governor

WSR 09-24-077

ATTORNEY GENERAL'S OFFICE

[Filed November 30, 2009, 10:53 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by December 23, 2009. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by calling (360) 586-0728, or by writing to the Office of the Attorney General, Solicitor General Division, Attention Jeffrey T. Even, Deputy Solicitor General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the attorney general's web site at www.atg.wa.gov/AGOOpinions/default.aspx for more information on how to join our opinions list-serv.

The attorney general's office seeks public input on the following opinion request(s):

Opinion Docket No. 09-11-03

Request by Mary Selecky, Secretary, Department of Health

1. Are certain responses on the certificate of death exempt from public disclosure?

WSR 09-24-079

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Filed November 30, 2009, 1:48 p.m.]

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 10-01 issue of the Register.

WSR 09-24-081

DEPARTMENT OF ECOLOGY

[Filed November 30, 2009, 2:48 p.m.]

Commercial Low-Level Radioactive Waste Site Use Permit Fees

In accordance with chapter 173-326 WAC, Commercial low-level radioactive waste disposal—Site use permits, the department of ecology is providing notice of the site use permit fees for the period of March 1, 2010, through February 28, 2011. The annual base fee, 1x, has been set at \$424. Site use permit fees for each category are as follows:

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

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

WSR 09-24-088

**NOTICE OF PUBLIC MEETINGS
PUGET SOUND PARTNERSHIP**

(Puget Sound Partnership Science Panel)

[Filed December 1, 2009, 8:42 a.m.]

2010 Meeting Schedule

At a regular meeting on September 10, 2009, the Puget Sound partnership science panel adopted the following meeting schedule:

Date	Days	Location
February 9-10, 2010	Tuesday - Wednesday	TBD
April 13-14, 2010	Tuesday - Wednesday	TBD
June 8-9, 2010	Tuesday - Wednesday	TBD
August 24-25, 2010	Tuesday - Wednesday	TBD

Date	Days	Location
October 12-13, 2010	Tuesday - Wednesday	TBD
December 14-15, 2010	Tuesday - Wednesday	TBD

Conference call meetings and work sessions will be scheduled as needed.

WSR 09-24-096
INTERPRETIVE STATEMENT
PUBLIC DISCLOSURE COMMISSION

[Filed December 1, 2009, 1:31 p.m.]

Commission Interpretation

The commission issued Interpretation 08-01, Internal Political Communications and Sponsor Identification, to address two stakeholder questions: "Do a mutual insurance company's communications to its policyholder members constitute internal political communications?" and "Is sponsor identification required on internal political communications as it is on political advertisements?"

The commission meeting materials can be found at www.pdc.wa.gov under Commission Meetings. For additional information concerning this interpretation contact Sue-mary Trobaugh, Administrative Officer, (360) 753-1985, toll free 1-877-601-2828 or e-mail strobaugh@pdc.wa.gov.

WSR 09-24-097
INTERPRETIVE STATEMENT
PUBLIC DISCLOSURE COMMISSION

[Filed December 1, 2009, 1:32 p.m.]

Commission Interpretation

The commission adopted Interpretation 09-01, Implementing chapter 358, Laws of 2009 - Penalty Waivers for Small Business Paperwork Violations. The interpretation formalizes the commission's decision that civil penalties should not be waived for first time paperwork violations of chapter 42.17 RCW by small businesses.

The commission meeting materials can be found at www.pdc.wa.gov under Commission Meetings. For additional information concerning this interpretation contact Sue-mary Trobaugh, Administrative Officer, (360) 753-1985, toll free 1-877-601-2828 or e-mail strobaugh@pdc.wa.gov.

WSR 09-24-098
NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED
CONTROL BOARD

[Filed December 1, 2009, 3:20 p.m.]

Meeting Schedule 2010

The meeting schedule of the Washington state noxious weed control board for January 2010 - September 2010 is:

Hearing

January 11, 2010	11:00 a.m.	Natural Resources Building 1111 Washington Street Room 175 A & B Olympia, WA
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Washington State Noxious Weed Control Board Meetings

January 12, 2010	9:00 a.m.	Department of Social and Health Services 1115 Washington Street S.E. Olympia, WA 98504
March 16, 2010	9:00 a.m.	Quality Inn and Conference Center 1700 Canyon Road Ellensburg, WA 98926
May 11, 2010	9:00 a.m.	Confluence Technology Center 285 Technology Center Way Wenatchee, WA 98801
July 13, 2010	9:00 a.m.	Moses Lake Fire Department 701 East Third Avenue Moses Lake, WA 98837
September 14, 2010	9:00 a.m.	Hal Holmes Center/ Public Library 209 North Ruby Street Ellensburg, WA 98926

WSR 09-24-105
NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION
COORDINATING BOARD

[Filed December 2, 2009, 8:45 a.m.]

In accordance with RCW 28B.80.420, 42.30.075, and WAC 250-10-070, the higher education coordinating board approved the following board meeting calendar for 2010 at its regular meeting on November 19, 2009. Public notice is given before each meeting, including changes in date, time and venue.

If anyone wishes to request disability accommodations, notice should be given to the higher education coordinating board at least ten days in advance of the meeting in question. Notice must be given by phone (360) 753-7800 or by fax (360) 753-7808.

2010 MEETING CALENDAR

DATE	MEETING	LOCATION
January 25 Monday	Regular Board Meeting <i>Advisory Council</i>	State Investment Board
March 10 Wednesday	Regular Board Meeting	State Investment Board

DATE	MEETING	LOCATION
May 13 Thursday	Regular Board Meeting	WSU Pullman
July 15 Thursday	Regular Board Meeting <i>Advisory Council</i>	CWU Ellensburg
August 12 Thursday	Board Retreat	Olympic College
September 16 Thursday	Regular Board Meeting	Highline Community College
October 20 Wednesday	Regular Board Meeting	Gonzaga University
November 16 Tuesday	Regular Board Meeting <i>Advisory Council</i>	WSU Vancouver