

WSR 13-15-001
NOTICE OF PUBLIC MEETINGS
CLARK COLLEGE
 [Filed July 3, 2013, 12:59 p.m.]

Amended 2013 Board of Trustees Meeting Schedule

The board of trustees of Clark College will hold its general meetings on the fourth Wednesday of the month at 5:00 p.m. except during the months of March, June, and November 2013. All meetings are held at Clark College in the Ellis Dunn Community Room GHL 213 in Gaiser Hall.

Original Date	New Date
July 24 tentative special meeting	August 16 special meeting will be held at: Clark College Corporate and Continuing Education Room 217 500 Broadway Street Vancouver, WA 98663 8:30 a.m.-12:30 p.m.
August 28	The August 28 work session, originally scheduled from 4:00-5:00 p.m. has been extended and will take place from 3:00-5:00 p.m.

WSR 13-15-006
INTERPRETIVE OR POLICY STATEMENT
PUBLIC DISCLOSURE COMMISSION
 [Filed July 5, 2013, 4:57 p.m.]

Document Title: Interpretation 07-04.
 Subject: Online campaign activities.
 Effective Date: October 25, 2007, amended June 27, 2013.

Description: Guidance for applying Washington state campaign finance disclosure laws and rules to campaign activities occurring on the internet and other online platforms, including but not limited to whether online communications are subject to sponsor identification and related information required for political advertising.

The commission's interpretive statements are available online at <http://www.pdc.wa.gov/home/laws/commissioninterpretation.aspx>.

Copies may be requested by contacting Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737 or 1-877-601-2828, e-mail lori.anderson@pdc.wa.gov, fax (360) 753-1112.

WSR 13-15-007
INTERPRETIVE OR POLICY STATEMENT
PUBLIC DISCLOSURE COMMISSION
 [Filed July 5, 2013, 4:57 p.m.]

Document Title: Interpretation 95-05.

Subject: Fund raising through 900 telephone numbers.
 Effective Date: October 24, 1995, superseded by Interpretation 00-02 June 27, 2013.

Description: Guidance for processing campaign contributions received through 1-900 telephone numbers.

The commission's interpretive statements are available online at <http://www.pdc.wa.gov/home/laws/commissioninterpretation.aspx>.

Copies may be requested by contacting Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737 or 1-877-601-2828, e-mail lori.anderson@pdc.wa.gov, fax (360) 753-1112.

WSR 13-15-008
INTERPRETIVE OR POLICY STATEMENT
PUBLIC DISCLOSURE COMMISSION
 [Filed July 5, 2013, 4:57 p.m.]

Document Title: Interpretation 00-02.

Subject: Guidelines for contributions made over the internet, via 1-900 telephone numbers, and using other technologies such as text messages.

Effective Date: June 29, 2011, revised June 27, 2013.

Description: Guidance for processing campaign contributions made via the internet, 1-900 telephone, and by other technologies.

The commission's interpretive statements are available online at <http://www.pdc.wa.gov/home/laws/commissioninterpretation.aspx>.

Copies may be requested by contacting Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737 or 1-877-601-2828, e-mail lori.anderson@pdc.wa.gov, fax (360) 753-1112.

WSR 13-15-010
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Filed July 8, 2013, 8:24 a.m.]

Change in Location of Regular Meeting on October 10, 2013

The chair of the board of regents has provided a notice of a change in the location of the regular meeting of the board of regents on Thursday, October 10, 2013.

The prior notice of the meeting, dated November 9, 2012, stated it would be held in the Husky Union Building, Room 334. The revised location for the regular meeting is the Petersen Room of the Allen Library. Committee meetings will be held in Gerberding Hall, Room 142.

The revised notice, as published in the Washington State Register, should read Thursday, October 10 at 1 p.m., UW Seattle Campus, Petersen Room, Allen Library, Committees in Gerberding Hall, Room 142.

This board meeting will begin at 8:00 a.m. with the first of a series of regent committee sessions, which are part of the board's meetings and are attended by some or all of the mem-

bers of the board. A concluding session, attended by the full board, begins at 1:00 p.m.

Any delay in the committee start time will be announced on the board's web page by noon on the Friday before the meeting date, and at 8:00 a.m. on the meeting date, at the meeting location.

**WSR 13-15-017
ATTORNEY GENERAL'S OFFICE**

[Filed July 8, 2013, 11:18 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 August 14, 2013. 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 pro-

cess; 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 listserv.

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

Opinion Docket No. 13-01-02

Request by Deborah Kelly, Clallam County Prosecuting Attorney

QUESTIONS

1. Timber tax revenues are generated to junior taxing districts having "... debt service payments ... because of ... bonds issued under a vote of the people pursuant to RCW 84.52.056" (excess levies for capital purposes only) or based upon "... excess levies for a capital project fund authorized pursuant to RCW 84.52.053" (school district levies). The funds received may only be used for "... debt service and capital project payments ...". May these timber tax revenues be used to pay "debt service" of the junior taxing district other than that for the bonds which generated the timber tax revenue?

2. If so limited, how should the timber tax revenues be used? Particularly, should such revenues be used to reduce the annual levy to pay the debt service on the bond, held as a reserve against those debt service payments, or in some other fashion?

3. Finally, how may the timber tax revenues be used if there remain any of these funds after the bonds have been fully satisfied? May they be placed into a general fund, or do they remain, limited in use in some fashion?

WSR 13-15-018

AGENDA

BOARD OF ACCOUNTANCY

[Filed July 8, 2013, 2:19 p.m.]

**Semi-Annual Rule-Making Agenda
July through December 2013**

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

This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making activity not on the agenda as conditions warrant.

If you have questions about this rule-making agenda, please contact Richard C. Sweeney, CPA, Executive Director, P.O. Box 9131, Olympia, WA 98507-9131, phone (360) 586-0163, fax (360) 664-9190, e-mail ricks@cpaboard.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
WAC 4-30-134	Continuing professional education requirements.	WSR 12-19-057 filed 9/14/12	WSR 12-3-068 [12-23-068] filed 5/21/13	CR-103 expected in January 2014

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
WAC 4-30-070	Experience requirements in order to obtain a CPA license.	CR-101 filed 4/25/13	CR-102 expected in fall of 2013	CR-103 expected in January 2014
WAC 4-30-080	How to apply for an initial individual certified public accountant license.	CR-101 filed 4/25/13	CR-102 expected in fall of 2013	CR-103 expected in January 2014

Richard C. Sweeney, CPA
Executive Director

WSR 13-15-019

**NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD**

[Filed July 8, 2013, 2:30 p.m.]

2013-15 Meeting Schedule

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

2013 Meetings	Location
July 18, 2013	Olympia, Commerce
September 18, 2013	TBD
September 19, 2013	TBD
November 21, 2013	Olympia, Commerce

2014 Meetings	Location
January 16, 2014	Olympia, Commerce
March 20, 2014	Olympia, Commerce
May 15, 2014	Olympia, Commerce
July 17, 2014	Olympia, Commerce
September 18, 2014	Olympia, Commerce
November 20, 2014	Olympia, Commerce

2015 Meetings	Location
January 15, 2015	Olympia, Commerce
March 19, 2015	Olympia, Commerce
May 21, 2015	Olympia, Commerce

The meetings will begin at 9:00 a.m.
Please contact the CERB main line at (360) 725-3150 for additional information.

WSR 13-15-021

AGENDA

MILITARY DEPARTMENT

[Filed July 9, 2013, 6:56 a.m.]

**Semi-Annual Rule-Making Agenda
(July 1 - December 31, 2013)**

Listed below is the Washington military department's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

If you have questions about the agenda, please contact Bernadette Petruska, Military Department Rules Coordinator, Building 1, Camp Murray, WA 98430, phone (253) 512-8108, fax (253) 512-8497, e-mail bernadette.petruska@mil.wa.gov.

WAC Chapter	Subject Matter	Agency Contact	Current Activity		
			CR-101	CR-102	CR-103
118-04	Updating the rules to the emergency worker program.	Kurt Hardin (253) 512-7061 kurt.hardin@mil.wa.gov	To be determined	To be determined	To be determined

WAC Chapter	Subject Matter	Agency Contact	Current Activity		
			CR-101	CR-102	CR-103
118-09	Updating the funding methodology and criteria for allocation of emergency management assistance funds.	Charma Anderson (253) 512-7062 charma.anderson@mil.wa.gov	2/17/12	To be determined	To be determined
118-30	Updating the rules to the local emergency management/services organizations, plans and programs.	John Ufford (253) 512-7052 john.ufford@mil.wa.gov	5/17/13	To be determined	To be determined

WSR 13-15-024

AGENDA

WASHINGTON STATE PATROL

[Filed July 9, 2013, 2:07 p.m.]

**Semi-Annual Rule-Making Agenda
July through December 2013**

The following is the Washington state patrol's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making activity not on the agenda as conditions warrant. Any errors in this agenda do not affect the rules and rule-making notices filed with the office of the code reviser and published in the Washington State Register.

If you have any questions about this rule-making agenda, please contact Melissa Van Gorkom, Rules Coordinator, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 596-4017, fax (360) 596-4015, e-mail WSPrules@wsp.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
WAC 204-91A-180	Additional vehicle towing/operator qualifications, restrictions and requirements. Updates are to replace the requirement for a tow operator's signature with a requirement for the name of the operator to allow for electronic processing.		Filed 3/18/13 WSR 13-07-049	Filed 5/21/13 WSR 13-11-112
Chapter 204-91A WAC	Towing businesses. The agency anticipates a need to update this language due to the passage of HB 2274 in 2012. In addition, other clean up is necessary to sections of this chapter.	Filed 5/21/13 WSR 13-11-114	July 2013	September 2013
Chapter 212-12 WAC	Fire marshal standards. The agency anticipates a need to update this language due to the passage of ESHB 1968 in 2013. Rule changes may also include other clean up to existing language.	Filed 5/21/13 WSR 13-11-113	July 2013	September 2013
WAC 446-16-120	Audit of reporting compliance. This section is being repealed due to the passage of SB 5466 in 2013.	Filed 5/21/13 WSR 13-11-115	July 2013	September 2013

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Chapter 446-50 WAC	Transportation of hazardous materials. Sections of this chapter need updating to align state rules with changes in state and federal regulations.	Filed 5/21/13 WSR 13-11-116	July 2013	September 2013
WAC 446-65-010 and 446-65-030	Commercial vehicle regulations. Updates are necessary to this section to bring the rules into conformance with the federal requirements for commercial vehicles. Changes may also include clean up to other language within these sections.	Filed 5/21/13 WSR 13-11-117	July 2013	September 2013
Chapter 204-76 WAC	Standards for brake systems. Changes to this chapter include but may not be limited to adding adjustment criteria for long stroke brake chambers and providing clean up to existing language.	September 2013	October 2013	December 2013
WAC 204-32-010	Regulations for private carrier buses—Definitions. Changes to the definition of a private carrier bus are necessary to coincide with changes in the federal definition.	September 2013	October 2013	December 2013
Chapter 212-80 WAC	Fire sprinkler system contractors. Changes to this include but may not be limited to clean up to existing language and provide clarification to current regulations concerning fire sprinkler system contractors and certificate holders.	September 2013	October 2013	December 2013
Chapter 446-08 WAC	Practice and procedure. Changes to this include but may not be limited to clean up to existing language and provide clarification to current regulations.	September 2013	October 2013	December 2013

Melissa Van Gorkom
Rules Coordinator

WSR 13-15-026
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE

(Recreation and Conservation Funding Board)

[Filed July 10, 2013, 7:48 a.m.]

The recreation and conservation funding board is announcing the location of the following regular meeting:

Date: September 11-12, 2013

Location: September 11:
Coast Wenatchee Center Hotel
201 North Wenatchee Avenue
Wenatchee, WA 98801

September 12: Tour of various projects funded by the board. Please see meeting materials.

Time: Please see agenda.

For further information, please contact Rebecca Connolly at (360) 902-2637 or check recreation and conservation office's (RCO) web page http://www.rco.wa.gov/boards/rcfb_meetings.shtml.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance may contact Leslie Frank at (360) 902-0220 or by e-mail leslie.frank@rco.wa.gov.

WSR 13-15-027
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE

(Salmon Recovery Funding Board)

[Filed July 10, 2013, 7:49 a.m.]

The salmon recovery funding board is announcing the location of the following regular meeting:

- Date: October 16-17, 2013
- Location: October 16:
 Best Western Plus Dayton Hotel and Suites
 507 East Main Street
 Dayton, WA, 99328
- October 17: Tour of various projects funded by the board. Please see meeting materials.
- Time: Please see agenda.

For further information, please contact Rebecca Connolly at 360-902-2637 or check recreation and conservation office's (RCO) web page http://www.rco.wa.gov/boards/srfb_meetings.shtml.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance may contact Leslie Frank at (360) 902-0220 or by e-mail leslie.frank@rco.wa.gov.

WSR 13-15-028
NOTICE OF PUBLIC MEETINGS
INDETERMINATE SENTENCE
REVIEW BOARD

[Filed July 10, 2013, 9:55 a.m.]

The indeterminate sentence review board has cancelled the July 22, 2013, board meeting scheduled to begin at 10:00 a.m.

The cancellation will be posted to our web site at www.doc.wa.gov/isrb.

WSR 13-15-029
NOTICE OF PUBLIC MEETINGS
GRAYS HARBOR COLLEGE

[Filed July 10, 2013, 9:55 a.m.]

The date of the Grays Harbor College board of trustees meeting scheduled for Tuesday, July 16, 2013, has been rescheduled to Tuesday, July 30, 2013. The meeting will begin at 1:00 p.m. in the Boardroom of the Manspeaker Instructional Building on the Grays Harbor College campus.

WSR 13-15-033
NOTICE OF PUBLIC MEETINGS
BIG BEND
COMMUNITY COLLEGE

[Filed July 11, 2013, 9:50 a.m.]

This notice is in accordance with RCW 42.30.075 that the board of trustees for Big Bend Community College, District No. 18, have made changes to the board meeting schedule.

The August 8, 2013, meeting is cancelled.

Board retreats are scheduled August 29, 9:00 a.m. to 4:00 p.m. and September 12, 9:00 a.m. to 4:00 p.m. They will be held at the WorkSource Office, 309 East 5th Avenue, Moses Lake, WA.

WSR 13-15-034
NOTICE OF PUBLIC MEETINGS
CONVENTION CENTER

[Filed July 11, 2013, 9:50 a.m.]

A regular meeting of the Washington State Convention Center public facilities district board of directors will be held on Tuesday, July 23, 2013, at 2:00 p.m. The meeting will take place in the Administrative Boardroom, 5th Floor of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding the board meeting, please call (206) 694-5000.

WSR 13-15-035
NOTICE OF PUBLIC MEETINGS
BEEF COMMISSION

[Filed July 11, 2013, 10:11 a.m.]

Following is a change in the November 2013 meeting date for the Washington state beef commission, as indicated below:

Was scheduled for:
 November 7, 2013 Regular board TBD
 (Thursday) meeting

Is now scheduled for:

November 14, 2013 Regular board Pasco,
(Thursday) meeting Washington

Should you have questions, please contact April Budinich at (206) 444-2902.

WSR 13-15-049
RULES OF COURT
STATE SUPREME COURT
[July 10, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO RPC 4.4-) NO. 25700-A-1024
RESPECT FOR RIGHTS OF THIRD)
PERSONS-NEW WA COMMENT 4)

WSR 13-15-038
NOTICE OF PUBLIC MEETINGS
GUARANTEED EDUCATION
TUITION PROGRAM

[Filed July 11, 2013, 11:39 a.m.]

In accordance with RCW 28B.95.020 and WAC 14-276-030, the advanced college tuition program, known as guaranteed education tuition (GET) program, has made a couple of revisions to the GET committee meeting schedule:

- Cancellation Monday, August 12, 2013
2:00 p.m. – 4:00 p.m.
Office of the Insurance Commissioner
5000 Capitol Boulevard
Tumwater, WA 98501
Addition Monday, September 9, 2013
2:00 p.m. – 4:00 p.m.
Office of the Insurance Commissioner
5000 Capitol Boulevard
Tumwater, WA 98501

Please contact Katie Gross, if you need additional information at (360) 753-7839.

The Supreme Court Rules Committee having recommended the adoption of the proposed amendments to the Washington State Bar Association's RPC 4.4-Respect for Rights of Third Persons-New WA Comment 4; and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2013.

DATED at Olympia, Washington this 10th day of July, 2013.

Judicial panel listing: C. Johnson, J., Owens, J., Fairhurst, J., J. M. Johnson, J., Madsen, C.J., Stephens, J., Wiggins, J., Gonzalez, J., Gordon McCloud, J.

RULES OF PROFESSIONAL CONDUCT (RPC)
RULE 4.4. RESPECT FOR RIGHTS OF THIRD PERSONS

(a) - (b) [Unchanged.]

Comment

[1] – [3] [Unchanged.]

Additional Washington Comment (4)

[4] The duty imposed by paragraph (a) of this Rule includes a lawyer's assertion or inquiry about a third person's immigration status when the lawyer's purpose is to intimidate, coerce, or obstruct that person from participating in a civil matter. Issues involving immigration status carry a significant danger of interfering with the proper functioning of the justice system. See Salas v. Hi-Tech Erectors, 168 Wn.2d 664, 230 P.3d 583 (2010). When a lawyer is representing a client in a civil matter, a lawyer's communication to a party or a witness that the lawyer will report that person to immigration authorities, or a lawyer's report of that person to immigration authorities, furthers no substantial purpose of the civil adjudicative system if the lawyer's purpose is to intimidate, coerce, or obstruct that person. A communication in violation of this Rule can also occur by an implied assertion that is the equivalent of an express assertion prohibited by paragraph (a). See also Rules 8.4(b) (prohibiting criminal acts that reflect adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects), 8.4(d) (prohibiting con-

WSR 13-15-045
AGENDA
UNIVERSITY OF WASHINGTON

[Filed July 11, 2013, 3:22 p.m.]

Semi-Annual Agenda for Rules under Development
(Per RCW 34.05.314)
July 2013

Rule-making activity not now anticipated may also be added as conditions warrant between semi-annual agendas.

1. Rule making for WAC 478-136-041 Alcoholic beverage policy, will be completed during the second half of 2013 (a CR-101 was filed as WSR 13-06-045, and a CR-102 was filed as WSR 13-10-067).

2. Expedited rule making for various Title 478 WAC housekeeping changes is anticipated during the second half of 2013.

For more information concerning the above rules, please contact Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, Box 351210, Seattle, WA 98195-1210, phone (206) 543-9219, e-mail rules@uw.edu, web www.washington.edu/admin/rules/.

duct prejudicial to the administration of justice), and 8.4(h) (prohibiting conduct that is prejudicial to the administration of justice toward judges, other parties and/or their counsel, witnesses and/or their counsel, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status).

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 13-15-050
RULES OF COURT
STATE SUPREME COURT
[July 10, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO GR 12.1-) NO. 25700-A-1025
WASHINGTON STATE BAR ASSOCIA-)
TION: PURPOSES-SPECIFIC ACTS)
AUTHORIZED)

The Supreme Court Rules Committee having recommended the adoption of the proposed amendments to the Washington State Bar Association's GR 12.1-Washington State Bar Association: Purposes-Specific Acts Authorized; and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2013.

DATED at Olympia, Washington this 10th day of July, 2013.

C. Johnson, J. Madsen, C.J.
Owens, J. Stephens, J.
Fairhurst, J. Wiggins, J.
J. M. Johnson, J. Gonzalez, J.
Gordon McCloud, J.

SUGGESTED AMENDMENT
RULES OF GENERAL APPLICATION (GR)
RULE 12.1 - WASHINGTON STATE BAR ASSOCIATION: PURPOSES

(a) Purposes: In General. [no change]

(b) Specific Activities Authorized. In pursuit of these purposes, the Washington State Bar Association may:

(1) - (21) [no change]

(22) Establish the amount of all license, application, investigation, and other related fees, as well as charges for services provided by the Washington State Bar Association,

and collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged. The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable.

(c) Activities Not Authorized. [no change]

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 13-15-051
RULES OF COURT
STATE SUPREME COURT
[July 10, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO ER 804-) NO. 25700-A-1026
HEARSAY EXCEPTIONS: DECLAR-)
ANT UNAVAILABLE)

The Supreme Court Rules Committee having recommended the adoption of the proposed amendments to the Washington State Bar Association's ER 804-Hearsay Exceptions: Declarant Unavailable; and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2013.

DATED at Olympia, Washington this 10th day of July, 2013.

C. Johnson, J. Madsen, C.J.
Owens, J. Stephens, J.
Fairhurst, J. Wiggins, J.
J. M. Johnson, J. Gonzalez, J.
Gordon McCloud, J.

SUGGESTED AMENDMENT
SUPERIOR COURT RULES OF EVIDENCE (ER)
RULE 804 - HEARSAY EXCEPTIONS: DECLARANT UNAVAILABLE

(a) Definition of unavailability. [Unchanged]

(b) Hearsay exceptions. The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

[1 - 5 unchanged]

(6) Forfeiture by wrongdoing. A statement offered against a party that has engaged directly or indirectly in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.

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 13-15-052
RULES OF COURT
STATE SUPREME COURT
[July 10, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO CR 34-) NO. 25700-A-1027
PRODUCING DOCUMENTS, ELEC-)
TRONICALLY STORED INFORMA-)
TION, AND THINGS OR ENTRY ONTO)
LAND FOR INSPECTION AND OTHER)
PURPOSES)

The Supreme Court Rules Committee having recommended the adoption of the proposed amendments to the Washington State Bar Association's; CR 34-Producing Documents, Electronically Stored Information, and Things or Entry Onto Land for Inspection and Other Purposes; and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby ORDERED:

- (a) That the amendments as shown below are adopted.
(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2013.

DATED at Olympia, Washington this 10th day of July, 2013.

C. Johnson, J. Stephens, J.
Owens, J. Wiggins, J.
J. M. Johnson, J. Gonzalez, J.
Fairhurst, J. Gordon McCloud, J.

SUGGESTED AMENDMENT
CIVIL RULES (CR)
RULE 34. PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS AND OR ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES

(a) Scope. Any party may serve on any other party a request within the scope of Rule 26(b):

- (1) to produce and permit the requesting party making the request, or the party's representative someone acting on his behalf, to inspect, and copy, test, photograph, record, measure, or sample the following items in the responding party's possession, custody, or control: any designated documents, electronically stored information, or things—(including writings, drawings, graphs, charts, photographs, phonorecords, sound recordings, images, and other data or data com-

pilations—stored in any medium from which information can be obtained, translated either directly or, if necessary, after translation or conversion by the respondent through detection devices responding party into a reasonably usable form); or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of rule 26(b) and which are in the possession, custody or control of the responding party upon whom the request is served; or

(2) to permit entry upon onto designated land or other property in the possession possessed or controlled by the responding party, so that the requesting party may of the party upon whom the request is served for the purpose of inspection, and measuring, surveying, photographing, testing, or sampling the property or any designated object, process or operation on it, thereon, within the scope of rule 26(b).

(b) Procedure.

(1) Service. The request may, without leave of court, be served upon the plaintiff after the summons and a copy of the complaint are served upon the defendant, or the complaint is filed, whichever shall first occur, and upon any other party with or after service of the summons and complaint upon that party.

(2) Contents of the Request. The request:

(A) shall set forth the items to be inspected produced either by individual item or by category, and describe each item and category with reasonable particularity;

(B) The request shall specify a reasonable time, place and manner of making the inspection production and performing the related acts;

(C) may specify the form or forms in which electronically stored information is to be produced.

(3) Responses and Objections.

(A) Time to Respond. The responding party upon whom the request is served shall serve a written response within 30 days after the service of the request, except that a defendant may serve a response within 40 days after service of the summons and complaint upon that defendant. The parties may stipulate or the court may allow a shorter or longer time.

(B) Responding to Each Item. For each item or category, the response must either state that inspection and related activities will be permitted as requested or state a specific objection to the request, including the reasons.

(C) Objections. An objection to part of a request must specify the part and permit inspection of the rest.

(D) Responding to a Request for Electronically Stored Information. The response may state an objection to a requested form for producing electronically stored information. If the responding party objects to a form or forms—or if no form was specified in the request—the responding party must state the form or forms it intends to use.

The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objections shall be stated. If objection is made to part of an item or category, the part shall be specified and inspection permitted of the remaining parts. The party submitting the request may move for an order under rule 37(a) with respect to any objection to or other failure to respond to

the request or any part thereof, or any failure to permit inspection as requested.

(E) Failure to Make Discovery. For any failure to make discovery under this rule, the requesting party may move for an order as provided under rule 37.

(F) Producing the Documents or Electronically Stored Information. Unless otherwise stipulated or ordered by the court:

(i) A party who produces things, electronically stored information, or documents for inspection shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request;

(ii) If a request does not specify a form for producing electronically stored information, a party must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms; and

(iii) Unless otherwise stipulated or ordered by the court, for good cause shown, a party need not produce the same electronically stored information in more than one form.

(c) Persons Not Parties. This rule does not preclude an independent action or a subpoena issued pursuant to rule 45 against a person not a party for production of documents and things and permission to enter upon land.

WSR 13-15-053

RULES OF COURT

STATE SUPREME COURT

[July 10, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
OF AMENDMENTS TO CODE OF JUDI-) NO. 25700-A-1028
CIAL CONDUCT 2.9-COMMENT 5)

The Supreme Court Rules Committee having recommended the adoption of the proposed amendments to the Superior Court Judges' Association's Code of Judicial Conduct 2.9-Comment 5, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2013.

DATED at Olympia, Washington this 10th day of July, 2013.

C. Johnson, J. Stephens, J.
Owens, J. Wiggins, J.
Fairhurst, J. Gonzalez, J.
J. M. Johnson, J. Gordon McCloud, J.

CJC 2.9

Ex Parte Communications

(A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending* or impending matter,* before that judge's court except as follows:

(1) When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, or ex parte communication pursuant to a written policy or rule for a mental health court, drug court, or other therapeutic court, is permitted, provided:

(a) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and

(b) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication, and gives the parties an opportunity to respond.

(2) A judge may obtain the written advice of a disinterested expert on the law applicable to a proceeding before the judge, if the judge affords the parties a reasonable opportunity to object and respond to the advice received.

(3) A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record, and does not abrogate the responsibility personally to decide the matter.

(4) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to settle matters pending before the judge.

(5) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law* to do so.

(B) If a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.

(C) A judge shall not investigate facts in a matter pending or impending before that judge, and shall consider only the evidence presented and any facts that may properly be judicially noticed, unless expressly authorized by law.

(D) A judge shall make reasonable efforts, including providing appropriate supervision, to ensure that this Rule is not violated by court staff, court officials, and others subject to the judge's direction and control.

COMMENT

[1] To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge.

[2] Whenever the presence of a party or notice to a party is required by this Rule, it is the party's lawyer, or if the party is unrepresented, the party, who is to be present or to whom notice is to be given.

[3] The proscription against communications concerning a proceeding includes communications with lawyers, law teachers, and other persons who are not participants in the

proceeding, except to the limited extent permitted by this Rule.

[4] A judge may initiate, permit, or consider ex parte communications expressly authorized by law, such as when serving on therapeutic or problem-solving courts, mental health courts, or drug courts. In this capacity, judges may assume a more interactive role with parties, treatment providers, probation officers, social workers, and others.

[5] A judge may consult with other judges on pending matters with other judges, or with retired judges who no longer practice law and are enrolled in a formal judicial mentoring program (such as the Washington Superior Court Judges' Association Mentor Judge Program), but such consultations must avoid ex parte discussions of a case with judges or retired judges who have previously been disqualified from hearing the matter, and with judges who have appellate jurisdiction over the matter.

[6] The prohibition against a judge investigating the facts in a matter extends to information available in all mediums, including electronic.

[7] A judge may consult ethics advisory committees, outside counsel, or legal experts concerning the judge's compliance with this Code. Such consultations are not subject to the restrictions of paragraph (A)(2).

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 13-15-054
RULES OF COURT
STATE SUPREME COURT
[July 10, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
OF AMENDMENTS TO REVISED NEW) NO. 25700-A-1029
SET OF RULES FOR ENFORCEMENT)
OF LAWYER CONDUCT (ELC))

The Supreme Court Rules Committee having recommended the adoption of the Washington State Bar Association's proposed amendments to the Revised New Set of Rules for Enforcement of Lawyer Conduct (ELC), and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby ORDERED:

- (a) That the amendments as shown below are adopted.
(b) That the amendments will be published in the Washington Reports and will become effective January 1, 2014.

DATED at Olympia, Washington this 10th day of July, 2013.

C. Johnson, J.
Owens, J.
Madsen, C.J.
Stephens, J.
Wiggins, J.

Fairhurst, J.
Gonzalez, J.
J. M. Johnson, J.
Gordon McCloud, J.

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 13-17 issue of the Register.

WSR 13-15-055
RULES OF COURT
STATE SUPREME COURT

[July 10, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
OF AMENDMENTS TO NEW SET OF) NO. 25700-A-1030
ADMISSION TO PRACTICE RULES)
APR TITLE, APR 1-9; APPENDIX APR)
12, REGULATION 14, APR 13, APR 15,)
APR 15 PROCEDURAL RULES 6, 9, 13,)
APR 17, APR 18, APR 20, APR 20.1, APR)
20.2, APR 20.3, APR 20.4, APR 20.5,)
APR 21, APR 22, APR 23, APR 24, APR)
24.1, APR 24.2, APR 24.3, APR 24.4,)
APR 24.5, APR 25, APR 25.1, APR 25.2,)
APR 25.3, APR 25.4, APR 25.5, AND)
APR 25.6; RPC 5.5-UNAUTHORIZED)
PRACTICE OF LAW; MULTIJURISDIC-)
TIONAL PRACTICE OF LAW; RPC 5.8-)
MISCONDUCT INVOLVING DIS-)
BARRED, SUSPENDED, RESIGNED)
AND INACTIVE LAWYERS AND)
LPORPC 1.12A-SAFEGUARDING)
PROPERTY)

The Supreme Court Rules Committee having recommended the adoption of the Washington State Bar Association's proposed amendments to, New Set of Admission to Practice Rules APR Title, APR 1-9; Appendix APR 12, Regulation 14, APR 13, APR 15, APR 15 Procedural Rules 6, 9, 13, APR 17, APR 18, APR 20, APR 20.1, APR 20.2, APR 20.3, APR 20.4, APR 20.5, APR 21, APR 22, APR 23, APR 24, APR 24.1, APR 24.2, APR 24.3, APR 24.4, APR 24.5, APR 25, APR 25.1, APR 25.2, APR 25.3, APR 25.4, APR 25.5, and APR 25.6; RPC 5.5-Unauthorized Practice of Law; Multijurisdictional Practice of Law; RPC 5.8-Misconduct Involving Disbarred, Suspended, Resigned and Inactive Lawyers and LPORPC 1.12A-Safeguarding Property; and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby ORDERED:

- (a) That the amendments as shown below are adopted.
(b) That the amendments will be published in the Washington Reports and will become effective January 1, 2014.

DATED at Olympia, Washington this 10th day of July, 2013.

	Madsen, C.J.
C. Johnson, J.	Stephens, J.
Owens, J.	Wiggins, J.
Fairhurst, J.	Gonzalez, J.
J. M. Johnson, J.	

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 13-17 issue of the Register.

WSR 13-15-056
RULES OF COURT
STATE SUPREME COURT

[July 10, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
 OF AMENDMENTS TO CrR 4.2(g)) NO. 25700-A-1031
 STATEMENT OF DEFENDANT ON)
 PLEA OF GUILTY TO NON-SEX)
 OFFENSE; CrR 4.2(g) STATEMENT OF)
 DEFENDANT ON PLEA OF GUILTY)
 TO SEX OFFENSE; CrR 4.2(g) "FEL-)
 ONLY FIREARM OFFENDER REGIS-)
 TRATION" ATTACHMENT; JuCR 7.7)
 STATEMENT OF DEFENDANT ON)
 PLEA OF GUILTY AND JuCR 7.7 "FEL-)
 ONLY FIREARM OFFENDER REGIS-)
 TRATION" ATTACHMENT)

The Supreme Court Rules Committee having recommended the adoption of the Washington State Pattern Forms Committee's proposed amendments to CrR 4.2(g) Statement of Defendant on Plea of Guilty to Non-Sex Offense; CrR 4.2(g) Statement of Defendant on Plea of Guilty to Sex Offense; CrR 4.2(g) "Felony Firearm Offender Registration" Attachment; JuCR 7.7 Statement on Plea of Guilty and JuCR 7.7 "Felony Firearm Offender Registration" Attachment, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be adopted expeditiously and become effective upon their publication.

DATED at Olympia, Washington this 10th day of July, 2013.

	Madsen, C.J.
C. Johnson, J.	Stephens, J.
Owens, J.	Wiggins, J.
Fairhurst, J.	Gonzalez, J.
J. M. Johnson, J.	Gordon McCloud, J.

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 13-16 issue of the Register.

WSR 13-15-057
RULES OF COURT
STATE SUPREME COURT

[July 10, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
 OF AMENDMENTS TO APR 28-LIM-) NO. 25700-A-1032
 ITED PRACTICE RULE FOR LIMITED)
 LICENSE LEGAL TECHNICIANS AND)
 REGULATION 4 TO APPENDIX 28)

The Supreme Court Rules Committee having recommended the adoption of the Limited License Legal Technicians Board's proposed amendments to APR 28-Limited Practice Rule for Limited License Legal Technicians and Regulation 4 to Appendix 28, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be adopted expeditiously and become effective upon their publication.

DATED at Olympia, Washington this 10th day of July, 2013.

	Madsen, C.J.
C. Johnson, J.	Stephens, J.
Owens, J.	Wiggins, J.
Fairhurst, J.	Gonzalez, J.
J. M. Johnson, J.	Gordon McCloud, J.

PROPOSED AMENDMENTS TO
ADMISSION TO PRACTICE RULE 28

TITLE
ADMISSION TO PRACTICE RULES (APR)
RULE 28. LIMITED PRACTICE RULE FOR LIMITED
LICENSE LEGAL TECHNICIANS

A. Purpose.

[no change]

B. Definitions.

[no change]

C. Limited License Legal Technician Board.

[no change]

D. Requirements for Applicants. An applicant for licensure as a Limited License Legal Technician shall:

(1) *Age.* Be at least 18 years of age.

(2) *Moral Character and Fitness to Practice.* Be of good moral character and demonstrate fitness to practice as a Limited License Legal Technician.

(3) Education and Experience. Have the following education, unless waived by the Board through regulation and experience:

(a) ~~(i) An associate level degree or higher, equivalent program, or a bachelor degree, in paralegal/legal assistant studies approved by the American Bar Association or the Board, together with a minimum of two years experience as a paralegal/legal assistant doing substantive law related work under the supervision of a lawyer, provided that at least one year is under a Washington lawyer; or~~

~~(ii) A post-baccalaureate certificate program in paralegal/legal assistant studies approved by the Board, together with a minimum of three years experience as a paralegal/legal assistant doing substantive law related work under the supervision of a lawyer, provided that at least one year is under a Washington lawyer; and~~

(b) 45 credit hours of core curriculum instruction in paralegal studies as approved by the Board with instruction to occur at an ABA approved law school or ABA approved paralegal education program; and

(c) In each practice area in which an applicant seeks licensure, instruction in the approved practice area, which must be based on a curriculum developed by or in conjunction with an ABA approved law school. For each approved practice area, the Board shall determine the key concepts or topics to be covered in the curriculum and the number of credit hours of instruction required for admission in that practice area.

(d) For the purposes of satisfying APR 28 (D)(3), one credit hour shall be equivalent to 450 minutes of instruction.

~~(b) Complete at least 20 hours of pro bono legal service in Washington as approved by the Board, within two years prior to taking the Limited License Legal Technician examination.~~

~~In all cases, the paralegal/legal assistant experience must be acquired after completing the education requirement, unless waived by the Board for good cause shown.~~

(4) *Application.* Execute under oath and file with the Board two copies of his/her application, in such form as the Board requires. An applicant's failure to furnish information requested by the Board or pertinent to the pending application may be grounds for denial of the application.

(5) *Examination Fee.* Pay, upon the filing of the application, the examination fee and any other required application fees as established by the Board and approved by the Supreme Court.

E. Licensing Requirements. In order to be licensed as a Limited License Legal Technician, all applicants must:

(1) *Examination.* Take and pass the examinations required under these rules;

(2) Experience. Acquire 3,000 hours of substantive law-related work experience supervised by a licensed lawyer. The experience must be acquired no more than three years prior to licensure and no more than three years after passing the examination;

~~(32) Annual License Fee.~~ Pay the annual license fee;

~~(43) Financial Responsibility.~~ Show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted by this rules.

The proof of financial responsibility shall be in such form and in such amount as the Board may by regulation prescribe; and

(54) Meet all other licensing requirements set forth in the rules and regulations proposed by the Board and adopted by the Supreme Court.

F. Scope of Practice Authorized by Limited Practice Rule. The Limited License Legal Technician shall ascertain whether the issue is within the defined practice area for which the LLLT is licensed. If it is not, the LLLT shall not provide the services required on this issue and shall inform the client that the client should seek the services of a lawyer. If the issue is within the defined practice area, the LLLT may undertake the following:

(1) Obtain relevant facts, and explain the relevancy of such information to the client;

(2) Inform the client of applicable procedures, including deadlines, documents which must be filed, and the anticipated course of the legal proceeding;

(3) Inform the client of applicable procedures for proper service of process and filing of legal documents;

(4) Provide the client with self-help materials prepared by a Washington lawyer or approved by the Board, which contain information about relevant legal requirements, case law basis for the client's claim, and venue and jurisdiction requirements;

(5) Review documents or exhibits that the client has received from the opposing side, and explain them to the client;

(6) Select ~~and~~ complete, file, and effect service of forms that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts or the content of which is specified by statute; federal forms; forms prepared by a Washington lawyer; or forms approved by the Board; and advise the client of the significance of the selected forms to the client's case;

(7) Perform legal research and draft legal letters and pleadings documents beyond what is permitted in the previous paragraph, if the work is reviewed and approved by a Washington lawyer;

(8) Advise a client as to other documents that may be necessary to the client's case ~~(such as exhibits, witness declarations, or party declarations)~~, and explain how such additional documents or pleadings may affect the client's case;

(9) Assist the client in obtaining necessary documents, such as birth, death, or marriage certificates.

G. Conditions Under Which A Limited License Legal Technician May Provide Services.

[no change]

H. Prohibited Acts.

[no change]

I. Continuing Licensing Requirements.

[no change]

J. Existing Law Unchanged.

[no change]

K. Professional Responsibility and Limited License Legal Technician-Client Relationship.

[no change]

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.

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

SUGGESTED NEW REGULATION 4 TO APPENDIX APR 28

APPENDIX APR 28. REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD REGULATIONS 1-3. Reserved.

REGULATION 4: LIMITED TIME WAIVERS

A. Limited Time Waiver, Defined. For the limited time between the date the Board begins to accept applications and December 31, 2016, the Board shall grant a waiver of the minimum associate-level degree requirement and/or the core curriculum education requirement set forth in APR 28D(3) if an applicant meets the requirements set forth in Regulation 4B. The Board shall not grant waivers for applications filed after December 31, 2016. The Board shall not waive the practice area curriculum requirement. The limited time waiver application will be separate from the application process for licensure set forth in these regulations.

B. Waiver Requirements and Applications. To qualify for the limited time waiver, an applicant shall pay the required fee, submit the required waiver application form, and provide proof, in such form as the Board requires, that he/she has:

- 1. Passed the Certified Paralegal Exam conducted by the National Association of Legal Assistants (NALA) or the Paralegal Advanced Competency Exam (PACE) conducted by the National Federation of Paralegal Associations (NFPA);
2. Active certification as a Certified Paralegal with NALA or as a PACE Registered Paralegal with NFPA; and
3. Completed 10 years of substantive law-related experience supervised by a licensed lawyer within the 15 years preceding the application for the waiver. Proof of 10 years of substantive-law related experience supervised by a licensed lawyer shall include the following:
a. the name and bar number of the supervising lawyer(s),
b. certification by the lawyer that the work experience meets the definition of substantive law-related work experience as defined in APR 28, and
c. the dates of employment or service.

C. Review of Limited Time Waiver Application. WSBA staff shall review each limited time waiver application to determine if the application meets the waiver requirements. Any application that does not meet the limited time waiver requirements as established by this Regulation shall be denied by the WSBA staff on administrative grounds, with a written statement of the reason(s) for denial.

D. Review of Denial. An applicant whose application for waiver has been denied by WSBA staff may request review by the Board chair. Such request shall be filed with WSBA staff within 14 days of the date of the notification of denial. The applicant shall be provided with written notification of the chair's decision, which is not subject to review.

E. Expiration of Limited Time Waiver Approval. Approval of the limited time waiver application shall expire December 31, 2018. After expiration of the approval, any subsequent application for licensure by the applicant shall

meet all of the standard requirements for licensure without waiver.

WSR 13-15-058 RULES OF COURT STATE SUPREME COURT

[July 10, 2013]

IN THE MATTER OF THE ADOPTION) ORDER
OF AMENDMENTS TO WSBA'S SUG-) NO. 25700-A-1033
GESTED AMENDMENTS TO RPC)
1.15A-SAFEGUARDING PROPERTY)
AND RPC 1.15B-REQUIRED TRUST)
ACCOUNT RECORDS)

The Supreme Court Rules Committee having recommended the adoption of the proposed amendments to WSBA's Suggested Amendments to RPC 1.15A-Safeguarding Property and RPC 1.15B-Required Trust Account Records, 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 expeditiously for a 60-day comment period in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-mail. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Denise.Foster@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 10th day of July, 2013.

For the Court

Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments RULES OF PROFESSIONAL CONDUCT (RPC) RULES 1.15A and 1.15B (a)(8)

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

A. Purpose: The WSBA RPC Committee formed a subcommittee on trusts and accounts to address ethical concerns faced by lawyers who are increasingly using electronic banking services. Suggested amendments developed by that sub-

committee and approved by the RPC Committee and the WSBA Board of Governors are enclosed for consideration.

Encouraging lawyers to read and comprehend RPC 1.15A has always been a challenge, and many lawyers are not conversant with bookkeeping and trust accounting methods in general. Over time, the rule has become increasingly detailed and complicated. The suggested changes are designed to clarify certain ambiguities within the trust account rule and streamline the Limited Practice Officer Rules of Professional Conduct (LPORPC) language to make it easier to understand.

Suggested Amendments to RPC 1.15A

The introductory LPORPC language added in 2009 applies to a very small number of transactions and does not apply to the vast majority of transactions about which a lawyer should be consulting RPC 1.15A. Additionally, the language uses the term "the Closing Firm" on three occasions. There is no definition of this phrase in the RPC 1.0 Terminology provisions.

The intent of the Suggested Amendment to RPC 1.15A is not to make any substantive changes, but to improve the readability of the rule by moving a discussion of the LPORPC from the introductory paragraph to a new subsection RPC 1.15A(j). The Suggested Amendment would remove unnecessary language and bulk while keeping the essential language regarding the LPORPC. Suggested revisions to the Comments are recommended to conform with the Suggested Amendment.

The Suggested Amendment to RPC 1.15A (h)(5) would eliminate the phrase "bank transfer" and substitute the more common language of "electronic transfer." With increasing use of technology in banking transactions, more and more courts are requiring filing fees to be paid electronically. The rules presently do not define "bank transfer," and attorneys must determine whether "bank transfer" includes electronic funds transfers. With ever increasing transactions occurring by way of electronic funds transfer, this revision would encourage interpretation of RPC 1.15A in a manner that is consistent with electronic banking vernacular.

Suggested Amendment to RPC 1.15B (a)(8)

RPC 1.15B provides for records to be maintained for 7 years. RPC 1.15B (a)(8) provides that the client ledger reconciliations must be maintained, but does not mention bank reconciliations. While this language might imply that bank reconciliations are a component to client ledger reconciliations, the language is incomplete and ambiguous. The Suggested Amendment to RPC 1.15B (a)(8) would clarify that bank and client ledger reconciliations must be kept for at least seven years after the events they record.

RULES OF PROFESSIONAL CONDUCT (RPC) SUGGESTED AMENDMENTS TO RULE 1.15A SAFEGUARDING PROPERTY (REDLINE COPY)

(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 incident 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~~ **electronic** 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). 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 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, 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) 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) In any transaction in which a lawyer has selected, prepared, or completed legal documents for use in the closing of any real estate or personal property transaction, where funds received or held in connection with the closing of the transaction, including advances for costs and expenses, are not being held in that lawyer's trust account, the lawyer must ensure that such funds, including funds being held by a closing firm, are held and maintained as set forth in this rule or LPORPC 1.12A. This duty shall not apply to a lawyer whose participation in a matter is incidental to the closing if (i) the lawyer or lawyer's law firm has a preexisting lawyer-client 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 a closing firm or LPO participating in the closing.

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); *Hetzl 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 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 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 (aj), that the lawyer must ensure that all funds received or held by the a Closing Firm incidental to in connection with 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 (aj) is intended to relieve a lawyer from the duties of the 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).

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.

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.

**SUGGESTED AMENDMENT TO RULE 1.15B (a)(8) REQUIRED
TRUST ACCOUNT RECORDS
(REDLINE COPY)**

(a) A lawyer must maintain current trust account records. They may be in electronic or manual form and must be retained for at least seven years after the events they record. At minimum, the records must include the following:

(1) Checkbook register or equivalent for each trust account, including entries for all receipts, disbursements, and transfers, and containing at least:

(i) identification of the client matter for which trust funds were received, disbursed, or transferred;

(ii) the date on which trust funds were received, disbursed, or transferred;

(iii) the check number for each disbursement;

(iv) the payor or payee for or from which trust funds were received, disbursed, or transferred; and

(v) the new trust account balance after each receipt, disbursement, or transfer;

(2) Individual client ledger records containing either a separate page for each client or an equivalent electronic record showing all individual receipts, disbursements, or transfers, and also containing:

(i) identification of the purpose for which trust funds were received, disbursed, or transferred;

(ii) the date on which trust funds were received, disbursed or transferred;

(iii) the check number for each disbursement;

(iv) the payor or payee for or from which trust funds were received, disbursed, or transferred; and

(v) the new client fund balance after each receipt, disbursement, or transfer;

(3) Copies of any agreements pertaining to fees and costs;

(4) Copies of any statements or accountings to clients or third parties showing the disbursement of funds to them or on their behalf;

(5) Copies of bills for legal fees and expenses rendered to clients;

(6) Copies of invoices, bills or other documents supporting all disbursements or transfers from the trust account;

(7) Bank statements, copies of deposit slips, and cancelled checks or their equivalent;

(8) Copies of all trust account bank and client ledger reconciliations; and

(9) Copies of those portions of clients' files that are reasonably necessary for a complete understanding of the financial transactions pertaining to them.

(b) Upon any change in the lawyer's practice affecting the trust account, including dissolution or sale of a law firm or suspension or other change in membership status, the lawyer must make appropriate arrangements for the maintenance of the records specified in this Rule.

WSR 13-15-059

POLICY STATEMENT

UNIVERSITY OF WASHINGTON

[Filed July 12, 2013, 3:51 p.m.]

The University of Washington has recently created or revised the following policy statements, orders, codes, or regulations:

- "University Organization Chart," revised effective January 18, 2013 (Administrative Policy Statement 1.1).
- "Business and Financial Affairs," revised effective February 8, 2013 (Administrative Order No. 1).
- "The University Ombud," revised effective February 22, 2013 (Executive Order No. 18).
- "University Health and Safety Programs: Policy and Responsibilities," revised effective March 8, 2013 (Executive Order No. 55).
- "Payment of Moving Expenses Incurred by New or Transferred Employees," revised effective April 10, 2013 (Administrative Policy Statement 34.1).
- "Procedural Safeguards for Promotion, Merit-Based Salary, and Tenure Considerations," revised effective April 16, 2013 (*Faculty Code*, Chapter 24, Section 24-57).
- "Tenure of the Faculty," multiple sections revised effective April 16, 2013 (*Faculty Code*, Chapter 25).
- "Preliminary Statements and Definitions," revised effective May 24, 2013 (*Student Governance and Policies*, Chapter 101, Section 1).
- "Degrees, Graduation, and Commencement," multiple sections revised effective May 24, 2013 (*Student Governance and Policies*, Chapter 114).
- "Organ Donation Leave Sharing Policy," new effective June 3, 2013 (Administrative Policy Statement 45.9).
- "Policy on Assistance for Human Subjects," revised effective June 13, 2013 (*Board of Regents Governance*, Standing Orders, Chapter 6).
- "Reporting Suspected Child Abuse," new effective June 13, 2013 (Administrative Policy Statement 11.8).
- "Procedure for Promotions," revised effective June 14, 2013 (*Faculty Code*, Chapter 24, Section 24-54).
- "Granting of Tenure: Policy and Procedure," revised effective June 14, 2013 (*Faculty Code*, Chapter 25, Section 25-41).
- "Documentation of Qualifications and Recommendations for Promotion, Tenure, and Merit Increases," revised effective July 3, 2013 (Executive Order No. 45).
- "Role and Mission of the University," revised effective July 11, 2013 (*Board of Regents Governance*, Regent Policy No. 5).

To view any item noted above, see the UW policy directory <http://www.washington.edu/admin/rules/policies/>. For more information on these materials contact Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, Box 351210, Seattle, WA 98195-1210, or e-mail rules@uw.edu.

WSR 13-15-060**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH**

(Board of Osteopathic Medicine and Surgery)

[Filed July 12, 2013, 3:53 p.m.]

The department of health, board of osteopathic medicine and surgery, has changed the following regular meeting:

From: September 20, 2013, meeting at Pacific NW University of Health Sciences in Yakima, Washington.

To: July 27, 2013, meeting at Pacific NW University of Health Sciences in Yakima, Washington.

If you need further information contact Brett Cain, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4766, fax (360) 236-2901, e-mail brett.cain@doh.wa.gov, or on our web site at www.doh.wa.gov.

WSR 13-15-061**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Filed July 15, 2013, 7:27 a.m.]

AMENDED NOTICE

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for August 15, 2013, has been cancelled. Call 752-8334 for information.

The Bellingham Technical College board of trustees will hold a special meeting on Wednesday, August 28, 2013, 8:30 a.m. – 4:00 p.m., in the Campus Center, Room 233 on the Bellingham Technical College campus. The purpose of the meeting will be to provide trustees with an update and report on the college goals and initiatives; to discuss student success initiatives; provide updates on accreditation, and approve the 2013-14 college operating budget. The special meeting will recess into executive session to review the performance of a public employee. Action may be taken as a result of discussions during open session. (RCW 42.30.110 (1)(g).) Call 752-8334 for information.

WSR 13-15-065**NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY**

[Filed July 15, 2013, 2:12 p.m.]

**2013 WWU Board Meetings
Revised Schedule**

Pursuant to RCW 42.30.075, the following is notice of a change to a regularly scheduled meeting of the Western Washington University's board of trustees:

The August 22, 23, 2013, regular meeting of the Western Washington University board of trustees has been changed.

- The board will conduct a regular meeting on Thursday, August 22, 2013, at 11:30 a.m. at 516 High Street, Board Room, Old Main 340, Bellingham, WA.
- A public comment period will be conducted on Thursday, August 22, 2013, between 1:30-1:45 p.m. A sign-up

period will be offered immediately preceding at 1:15 p.m.

- The August 23, 2013, regular meeting has been changed to a special meeting that will be held 8 a.m. to 5 p.m., at the Bellwether Hotel, 1 Bellwether Way, Bellingham, WA.

Any questions regarding the meeting schedule or the public comment period can be directed to Elissa Hicks, assistant secretary to the board of trustees, at (360) 650-3998.

WSR 13-15-069**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY**

[Filed July 16, 2013, 8:33 a.m.]

**Notice of Change in Regular Meeting
Global Animal Health-Tanzania**

Following is a change in the date and time for the regular meeting of the board of directors of Global Animal Health-Tanzania, a nonprofit corporation affiliated with Washington State University (previously scheduled for Wednesday, August 28, 2013, 2:00 p.m.).

The new date and time are: Wednesday, September 4, 2013, 3:00 p.m.

The location will remain the same: **Washington State University, Paul G. Allen Center for Global Animal Health, Room 201, Pullman, Washington.**

For further information, contact Mike Malcolm, GAH-Tanzania Secretary, P.O. Box 647010, Pullman, WA 99164-7010, or mmalcolm@vetmed.wsu.edu.

WSR 13-15-073**DEPARTMENT OF ECOLOGY**

[Filed July 16, 2013, 12:19 p.m.]

SEPA Lead Agency, Determination of Significance and Request for Comments on Scope of Environmental Impact Statement for the Pacific Coast Marine Spatial Plan

Pursuant to WAC 197-11-900 (922-948), the department of ecology (ecology) has determined that it is lead agency for the development of the Pacific Coast marine spatial plan (MSP).

Washington's Pacific Coast is potentially adversely affected by increasing pressures on the resources in this area, conflicts among uses, and proposed new uses. In addition, multiple, overlapping jurisdictions and authorities creates challenges for coordinated decision-making and proactive planning. Under chapter 43.372 RCW, the development of an MSP is intended to address these issues by providing a non-regulatory framework for coordinating information and decisions. This state law requires an interagency team of state natural resource agencies to coordinate the development of the MSP.

Washington is using an existing interagency team, the State Ocean Caucus, for this planning process. The team is chaired by the governor's office and coordinated by ecology. Ecology is the designated lead for coordinating the development of the MSP. Other State Ocean Caucus agencies involved in developing the MSP include: Washington department of natural resources, department of fish and wildlife, Washington Sea Grant and state parks and recreation commission. The planning process will also involve and engage coastal stakeholders, the public and local, tribal, and federal governments. Once the MSP is complete, ecology will submit it to the National Oceanic and Atmospheric Administration for its review and approval for incorporation into Washington's federally approved coastal zone management program under the federal Coastal Zone Management Act.

Under the State Environmental Policy Act (SEPA), a nonproject EIS will provide a general evaluation of the alternatives and potential significant adverse impacts associated with developing the MSP for Washington's Pacific Coast (WAC 197-11-704(2)(b)). Additional project-level environmental review under NEPA and SEPA would occur when individual projects or activities are proposed.

More information [on] this public comment opportunity may be found at <http://www.msp.wa.gov/news>.

Scoping: As part of SEPA, scoping is conducted to receive public and agency comments on the scope of an upcoming environmental impact statement (EIS). A scoping document provides important background, context, and draft proposed language to assist those wishing to provide comments. A copy of this document is available at http://www.msp.wa.gov/wp-content/uploads/2013/07/MSP_scoping_document.pdf.

Written comments will be accepted until **5 p.m., September 23, 2013**. Send written scoping comments to MSPComments@ecy.wa.gov or the Department of Ecology, SEA Program, P.O. Box 47600, Olympia, WA 98504-7600.

Location of Proposal: The proposed Marine Spatial Plan addresses marine waters along Washington's Pacific Ocean Coast, including Clallam, Jefferson, Grays Harbor and Pacific counties, Washington.

SEPA Responsible Official: Gordon White.

Date: July 16, 2013.

WSR 13-15-075

NOTICE OF PUBLIC MEETINGS LAKE WASHINGTON INSTITUTE OF TECHNOLOGY

[Filed July 16, 2013, 1:26 p.m.]

Pursuant to RCW 42.30.075, we are hereby notifying you of the following change in the board meeting schedule for the Lake Washington Institute of Technology board of trustees.

A special board of trustees meeting/retreat will be held on Friday, July 19, 2013.

It will be held from 9:00 a.m. to noon in Room R-124 at our Redmond Campus, 6505 176th Avenue N.E., Redmond, WA 98052.

WSR 13-15-076

ATTORNEY GENERAL'S OFFICE

[Filed July 16, 2013, 2:47 p.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 August 14, 2013. 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 listserv.

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

Opinion Docket No. 13-07-04

Request by Troy Kelley, State Auditor

QUESTIONS

1. Does the phrase "most recently published regional power plan" in RCW 19.285.040(1)(a) mean the power plan that was in place when the law was enacted, i.e., the 5th Power Plan, or does it refer to subsequent power plans as they are adopted by the NWPC?

2. In RCW 19.285.040(1)(a), is the term "methodologies" in the phrase "methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in its most recently published regional power plan" limited to the analytical steps used to calculate a conservation target? Or, alternatively, does the term include both the application of such analytical steps as well as a unique combination of conservation measures, savings values, and assumptions, i.e., does the term "methodology" refer to a calculation that results in a specific target?

3. Does the phrase "conservation calculator" in subsections (4) and (5) of WAC 194-37-070 mean only the 5th Power Plan calculator, or does it also refer to calculators based on the most recently issued power plan, for time periods subsequent to the effective date of the 6th Power Plan in February 2010? For example, for targets required to be set by January 1, 2012, does the phrase refer to the 5th or 6th Power Plan calculator?

4. Based on RCW 19.285.040 and WAC 194-37-070, the statement in RCW 19.285.040(1) that utilities shall pursue all available conservation that is cost-effective, reliable, and feasible, is a utility authorized to set its biennial targets by January 1, 2012, and every two years thereafter based solely on the conservation measures, values and assumptions used in the 5th Power Plan?

WSR 13-15-080
PUBLIC RECORDS OFFICER
TRAFFIC SAFETY COMMISSION
 [Filed July 17, 2013, 10:17 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington traffic safety commission is Geri Nelson, P.O. Box 40944, Olympia, WA 98504-0944, phone (360) 725-9898, fax (360) 586-6489, e-mail gnelson@wtsc.wa.gov.

Darrin T. Grondel
 Director

WSR 13-15-082
AGENDA
DEPARTMENT OF TRANSPORTATION
(TRANSPORTATION COMMISSION)
 [Filed July 17, 2013, 11:21 a.m.]

Following is the department of transportation's and transportation commission's July through December 2013 semi-annual rules development agenda for publication in the Washington State Register pursuant to RCW 34.05.314. There may be additional rule-making activity not on this agenda as conditions warrant.

Department of Transportation
Semi-Annual Rules Agenda
RCW 34.05.314
July – December 2013

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate Filing Date
468-66	Highway advertising control.	All	Add language to address administration of new duties prescribed in revisions to chapter 47.42 RCW.	Pat O'Leary	CR-101 October 2013
468-38	Vehicle size and weight—Highway restrictions—Equipment.	071	Add language to comply with Federal MAP-21 – Moving Ahead for Progress in the 21 st Century.	Jim Wright	Public Hearing on August 16, 2013 CR-103 filing August 2013
468-305	General provisions.	All	Update language to reflect toll collection and adjudication rules for toll collections.	Lucinda Broussard	CR-102 September 2013
468-38	Vehicle size and weight—Highway restrictions—Equipment.	073	Update rule to comply with Federal MAP-21 – Moving Ahead for Progress in the 21 st Century.	Jim Wright	CR-102 July 2013 Public Hearing September 2013

**Transportation Commission
Semi-Annual Rules Agenda
RCW 34.05.314
July – December 2013**

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate Filing Date
468-300	State ferries and toll bridges.	010, 020, 040, 220	Increase passenger tolls, vehicle tolls and ferry charter rates per chapters 47.56 and 47.60 RCW.	Reema Griffith	Public Hearing July 30, 2013 CR-103 filing August 2013

Cathy Downs
WAC Rules Coordinator

WSR 13-15-083

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH**

(Board of Denturists)

[Filed July 17, 2013, 11:43 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of denturists, for the year 2013. The board of denturists meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

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

Date	Time	Location
July 26, 2013	9:00 a.m.	Cancelled
August 23, 2013	9:00 a.m.	Tumwater
September 26, 2013	9:00 a.m.	Tumwater
November 8, 2013	9:00 a.m.	Tumwater

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

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

WSR 13-15-087

**NOTICE OF PUBLIC MEETINGS
TACOMA COMMUNITY COLLEGE**

[Filed July 18, 2013, 9:56 a.m.]

The following date change needs to be reflected for the Tacoma Community College board of trustees meeting scheduled for November 13, 2013:

From: November 13, 2013, 4:00 - 6:00 p.m., TCC Gig Harbor Campus, 3993 Hunt Street, Gig Harbor.

To: November 6, 2013, 4:00 - 6:00 p.m., TCC Gig Harbor Campus, 3993 Hunt Street, Gig Harbor.

Pursuant to RCW 42.30.075, the following is the schedule for District 22 Tacoma Community College board of trustees meetings for 2014:

Month	Time	Comments
January 15, 2014	4:00	Regular meeting
January 31, 2014	8:00-4:00	Winter board retreat
February 19, 2014	4:00	Regular meeting
March 12, 2014	2:45	Regular meeting with early start for three tenure interviews
April 16, 2014	4:00	Regular meeting
May 14, 2014	2:30-6:00	Regular meeting with early start for Ellen Pinto interviews
June 11, 2014	4:00	Regular meeting
June 26, 2014	8:00-4:00	Summer board retreat, 5401 North Waterfront, Tacoma
July 2014		No meeting
August 2014		No meeting
September 10, 2014	4:00	Regular meeting
October 8, 2014	4:00	Regular meeting

Month	Time	Comments
November 12, 2014	4:00	Regular meeting, Gig Harbor campus
December 10, 2014	4:00	Regular meeting

All meetings of the board of trustees (except June 26 and November 12) will be held at Tacoma Community College, 6501 South 19th Street, Tacoma, WA, and will begin at 4:00 p.m. unless otherwise noted.

If you need any other information, you may call Cathie Bitz at (253) 566-5101 or send an e-mail at cbitz@tacomacc.edu.

March 19, 2014

April 16, 2014

May 28, 2014

June 25, 2014

July 9, 2014

July 16, 2014

July 23, 2014

December 10, 2014 9:00 a.m. - 3:00 p.m.
(board retreat)

If you are a person with a disability and need a special accommodation, please contact Connie Bergener at (360) 725-0856.

WSR 13-15-088
HEALTH CARE AUTHORITY

[Filed July 18, 2013, 11:56 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 13-23 Primary Care Rates & Vaccine Codes.

Effective Date: August 8, 2013.

Description: The health care authority intends to submit Medicaid SPA 13-23 to add covered codes for the rate increase for eligible services for specific providers in order to comply with provisions in the Affordable Care Act. The SPA will add codes that are eligible for the increased medicaid payment rates to not less than medicare payment rates in calendar years 2013 and 2014 for physicians specializing in family medicine, general intern medicine, and pediatric medicine when they furnish evaluation and management and vaccine administration services to eligible medicaid clients. The change is expected to cost approximately \$17,533,197 in 2013 and \$18,813,096 in 2014. This SPA will also correct incorrect page numbers approved in SPA 13-01 on May 20, 2013. The incorrect page numbers are 7a, 7b, and 7c, and will be corrected to pages 7c, 7d, and 7e.

For additional information, contact Jean Bui, FS Rates, P.O. Box 45510, Olympia, WA 98504-5510, phone (360) 725-1973, TDD/TTY 1-800-848-5429, fax (253) 350-6512, e-mail jean.bui@hca.wa.gov.

WSR 13-15-090
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Filed July 18, 2013, 1:05 p.m.]

2014 Meeting Schedule

The meetings will be held at the Health Care Authority, Sue Crystal Center, Rooms A and B, 626 8th Avenue S.E., Olympia, WA 98501. The meetings begin at 1:30 p.m., unless otherwise noted below.

December 11, 2013 9:00 a.m. - 3:00 p.m.
(board retreat)

WSR 13-15-091
NOTICE OF PUBLIC MEETINGS
LIQUOR CONTROL BOARD

[Filed July 18, 2013, 2:01 p.m.]

PUBLIC HEARINGS/SPECIAL MEETING # 1

August 6, 1:00 to 4:00 Comcast Arena Conference Center Ballroom 1
2000 Hewitt Avenue
Everett, WA 98201

PUBLIC HEARINGS/SPECIAL MEETING # 2

August 6, 6:00 to 9:00 p.m. Seattle Center
Northwest Rooms
Olympic Room
354 1st Avenue
(N and Republic Streets, north of Key Arena)
Seattle, WA 98109

PUBLIC HEARINGS/SPECIAL MEETING # 3

August 7, 9:30 to 12:30 p.m. Red Lion Hotel
Fir and Spruce Ballroom
2300 Evergreen Park Drive S.W.
Olympia, WA 98502

PUBLIC HEARINGS/SPECIAL MEETING # 4

August 7, 6:00 to 9:00 p.m. Central Washington University
Student Union Ballroom B and C
400 East University Way
Ellensburg, WA 98926

PUBLIC HEARINGS/SPECIAL MEETING # 5

August 8, 6:00 to 9:00 p.m. Spokane Convention Center
Ballroom 100A
334 West Spokane Falls Boulevard
Spokane, WA 99201

WSR 13-15-094
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed July 19, 2013, 8:36 a.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following excise tax advisory (ETA):

ETA 3175.2013

Purchases made with Funds Provided by the Federal Government

This ETA provides guidance regarding the tax collection and reporting requirements when buyers use funds provided by the United States to pay for a purchase. This ETA identifies federal programs that have been reviewed by the department of revenue (department), and are included to provide general context. A description of SSB 5072, which provides a retail sales tax exemption for purchases of physician prescribed add-on automotive adaptive equipment, installation and repair services for veterans, is included.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Tim Jennrich
 Tax Policy Specialist

WSR 13-15-095

NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES

[Filed July 19, 2013, 9:45 a.m.]

In compliance with RCW 42.30.075, the Seattle Community Colleges, District VI board of trustees is holding a special meeting on August 8, 2013, from 10:00 - 11:30 a.m., at Seattle Community College District Office, 1500 Harvard Avenue, Seattle, WA 98122.

If you have any questions, please contact Harrietta Hanson at (206) 934-3850.

WSR 13-15-096

INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed July 19, 2013, 10:44 a.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following excise tax advisory (ETA):

ETA 3178.2013

Domestic International Sales Corporations

This ETA provides guidance regarding the application of Washington's business and occupation tax to Domestic International Sales Corporations after the adoption of economic nexus and single factor receipts apportionment, including application of WAC 458-20-19402.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Tim Jennrich
 Tax Policy Specialist

WSR 13-15-097

RULES COORDINATOR
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 19, 2013, 10:55 a.m.]

Pursuant to RCW 34.05.312, Suchi Sharma is the designated rules coordinator for the department of labor and industries, e-mail suchi.sharma@lni.wa.gov, phone (360) 902-6744, fax (360) 902-4202.

Suchi Sharma
 Counsel for Executive Policy

WSR 13-15-100

HEALTH CARE AUTHORITY

[Filed July 22, 2013, 7:07 a.m.]

NOTICE

Title or Subject: Health Homes Medicaid State Plan Amendment.

Effective Date: October 1, 2013.

Description: Medicaid state plan amendment for health homes and the rate structure for the fee-for-service (FFS) and primary care case management (PCCM) delivery system.

The health care authority is planning to submit a Medicaid state plan amendment regarding health homes as described below. Consideration paid to successful applicants for health home services provided under a resultant contract will be paid at a monthly encounter rate for FFS and PCCM participating beneficiaries. Payment for eligible managed care beneficiaries is built into the healthy options capitation rate and no additional payment will be made for their contractually required health homes when implemented on October 1, 2013.

FFS and Primary Care Case Management Health Home Program Payment Rates					
Stage of Care Coordination	Total Rate	Rate Net of Withhold	Total Admin.	Withhold portion of Admin.	Admin. Net Withhold
<u>Outreach, Engagement, and Health Action Plan</u> Per Participate [Participant]	\$252.93	\$252.93	\$25.29	N/A	\$25.29
<u>Intensive Health Home Care Coordination</u> Per Participate [Participant] per Month	\$172.61	\$169.16	\$17.26	\$3.45	\$13.81
<u>Low-Level Health Home Care Coordination</u> Per Month with Encounter	\$67.50	\$66.15	\$6.75	\$1.35	\$5.40

Any contracts awarded as a result of this solicitation are contingent upon the availability of funding. The rates are subject to change based on legislative direction or appropriation.

Legislative authority granted through SSL [SSB] 5394 requires that funding for health homes remains budget neutral.

Health homes are a new set of medicaid services granted through the Affordable Care Act, enacted on March 30, 2010, entitled "State Option to Provide Health Homes for Enrollees with Chronic Conditions." Section 2703 adds section 1945 to allow states to elect this option under a medicaid state plan amendment. Coverage will be statewide, to improve the delivery of health care and social services. Health home services will be available to both managed care and FFS beneficiaries. Health homes provide an opportunity to build a person-centered system that achieves improved outcomes for beneficiaries and increases the quality and efficiency of the state's medicaid program. Health homes provide targeted and intensive interventions that improve health outcomes, beneficiary's experience in accessing and navigating the care system, and reduce preventable hospitalizations, emergency room visits and unnecessary institutionalizations.

Health homes are defined by a set of six specific care coordination services:

1. Comprehensive care management;
2. Care coordination and health promotion;
3. Comprehensive transitional care from inpatient to other settings, including appropriate follow-up;
4. Individual and family support, which includes authorized representatives;
5. Referral to community and social support services, if relevant; and
6. The use of health information technology to link services, as feasible and appropriate.

This notice is being published in the Washington State Register. Proposed changes are available for viewing at the health home web site http://www.hca.wa.gov/health_homes.html.

Written comments may be sent to Becky McAninch-Dake at Becky.McAninch-Dake@hca.wa.gov and will be posted on the health home web site for review by the public.

For additional information, contact Becky McAninch-Dake, Health Homes, Division of Health Care Services, 626 8th Avenue S.E., Olympia, WA 98501, phone (360) 725-

1642, TDD/TTY 711 or 1-800-848-5429, fax (360) 753-5429, e-mail Becky.McAninch-Dake@hca.wa.gov, web site http://www.hca.wa.gov/health_homes.html.

WSR 13-15-104

NOTICE OF PUBLIC MEETINGS

EDMONDS COMMUNITY COLLEGE

[Filed July 22, 2013, 11:03 a.m.]

Please be advised of the following revision to the 2013 regular meeting schedule of the Edmonds Community College board of trustees.

The meeting scheduled for November 14, 2013, has been rescheduled to November 21, 2013. The meeting will be held at 4:30 p.m. in Snohomish Hall 304 on the Edmonds Community College campus.

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

WSR 13-15-127

HEALTH CARE AUTHORITY

[Filed July 22, 2013, 3:35 p.m.]

NOTICE

Title or Subject: Public Notice - State Plan Amendment 13-25.

Effective Date: July 1, 2013.

Description: The health care authority (the agency) intends to submit medicaid state plan amendment 13-25 to amend the disproportionate share hospital (DSH) program to comply with state and federal rules and the state's 2013-2015 operating budget. Changes will include creating a new sole community hospital DSH program and other revisions to our nonfunded small rural indigent assistance and nonrural indigent assistance DSH programs. Expected annual expenditures are set forth in the final SFY 2013-2015 operating budget.

For additional information, contact Scott Palafox, Office of Hospital Finance, 626 8th Avenue S.E., P.O. Box 45510,

Olympia, WA 98504, phone (360) 725-1858, e-mail scott.palafox@hca.wa.gov.

For additional information, contact Kevin Cornell, CHIP Program Manager, HCA, 626 8th Avenue S.E., Olympia, WA 98504-5534, phone (360) 725-1423, TDD/TTY (800) 204-6430, fax (360) 725-1158, e-mail kevin.cornell@hca.wa.gov.

**WSR 13-15-130
HEALTH CARE AUTHORITY**

[Filed July 23, 2013, 7:51 a.m.]

NOTICE

Title or Subject: Changes to the children's health insurance program (CHIP) resulting from the Affordable Care Act (ACA).

Effective Date: October 1, 2013.

Description: As provided by the ACA, the health care authority (HCA) will update CHIP to implement the following changes:

Use of a single streamlined application through the Health Benefit Exchange.

Conversion of current income standards to a modified adjusted gross income (MAGI) equivalent standard.

Elimination of the four month waiting period for dropping group health insurance.

Requiring a Social Security number for applicants.

Creation of a temporary eligibility group for medicaid children who lose eligibility for medicaid resulting from the application of MAGI.

WSR 13-15-131

AGENDA

EMPLOYMENT SECURITY DEPARTMENT

[Filed July 23, 2013, 9:23 a.m.]

**Semi-Annual Rule-Making Agenda
(July 31 - January 31, 2014)**

The following is employment security department's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as the department is responsible for initiating rule making to implement new state laws, meet federal requirements, or meet unforeseen circumstances. Additional rule-making information is available on the agency web site, www.ESD.wa.gov. Click on Rule-making at the bottom of the page.

If you have any questions, please contact Pamela Ames, employment security department, rules coordinator, (360) 902-9387, or e-mail pames@esd.wa.gov.

WAC CHAPTER	SUBJECT	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
WAC 192-120-010 and 192-270-035	Claimant handbook.	Juanita Myers (360) 902-9665	CR-101 - March 2013 CR-102 - August 2013 CR-103 - TBD	Eliminate automatic mailing to all claimants who file applications for benefits and determine other means of providing it.
WAC 192-300-090, 192-310-010, 192-310-150, 192-310-160, 192-310-170, 192-310-180, and 192-310-190	Corporate officers.	Juanita Myers (360) 902-9665	CR-101 - May 2013 CR-102 - TBD CR-103 - TBD	Implement HB 1056 and SSB 5227 related to corporate officer unemployment insurance taxes and benefits.
WAC 192-310-010 and 192-320-085	Penalties for incomplete employer registrations. Crediting benefit overpayments to employer accounts.	Juanita Myers (360) 902-9665	CR-101 - April 2013 CR-102 - August 2013 CR-103 - TBD	Adding \$25 penalty for incomplete registration by employers. Crediting overpayments to employer accounts.
WAC 192-310-030	Late wage reports.	Juanita Myers (360) 902-9665	CR-101 - May 2013 CR-102 - August 2013 CR-103 - TBD	Adding \$25 penalty for employers who file late quarterly wage reports.

WAC CHAPTER	SUBJECT	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
WAC 192-220-040, 192-220-045, 192-220-050, and 192-230-020	Claimant fraud.	Juanita Myers (360) 902-9665	CR-101 - June 2013 CR-102 - TBD CR-103 - TBD	Implement sections 1 and 2 of SB 5355 assessing fifteen percent penalty for the first instance of fraud by claimants.
Chapter 192-320 WAC	Employer eligibility for relief of benefit charging.	Juanita Myers (360) 902-9665	CR-101 - May 2013 CR-102 - TBD CR-103 - TBD	Implement section 3 of SB 5355 regarding employers' eligibility for relief of benefit charges based on a pattern of untimely and inadequate responses.
New section in Title 192 WAC; amend WAC 192-220-030	Tax settlements; equity and good conscience.	Juanita Myers (360) 902-9665	CR-101 - May 2013 CR-102 - TBD CR-103 - TBD	Implement EHB 1394 regarding departmental authority to settle unemployment taxes based on equity and good conscience. Implement section 4 of SB 5355 related to equity and good conscience for benefit overpayments.
Chapter 192-250 WAC	Shared work program.	Juanita Myers (360) 902-9665	CR-101 - June 2013 CR-102 - TBD CR-103 - TBD	Implement EHB 1396 which brings program into conformity with federal law. Additional policy changes may be included.
Chapter 192-310 WAC	Maritime services.	Juanita Myers (360) 902-9665	CR-101 - July 2013 CR-102 - TBD CR-103 - TBD	Implement HB 1311 which exempts certain employment on small fishing vessels from unemployment insurance coverage.

WSR 13-15-134**NOTICE OF PUBLIC MEETINGS
LEGISLATIVE ETHICS BOARD**

[Filed July 23, 2013, 11:05 a.m.]

The legislative ethics board has canceled its meeting which was set for August 15 and has rescheduled it for September 5. This meeting will be held in the senate rules room at 12 p.m.

Written comments may be submitted directly to Daniel Lunghofer, Office of Superintendent of Public Instruction, 600 Washington Street, Olympia, WA 98504-7200 on or before August 28, 2013, at Daniel.lunghofer@k12.wa.us [Daniel.lunghofer@k12.wa.us] or TTY (360) 664-3631.

Randy Dorn
State Superintendent
of Public Instruction

WSR 13-15-136**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed July 23, 2013, 12:46 p.m.]

**NOTICE OF PUBLIC HEARING
WAC 392-123-010****EDUCATIONAL SERVICE DISTRICT ACCOUNTING MANUAL**

Public Hearing/Written Comments: A public hearing adopting changes relating to the 2013-2014 Accounting manual for educational service districts in accordance with WAC 392-123-010 will be held on August 28, 2013, 10:00 a.m., Office of Superintendent of Public Instruction, Wanamaker Conference Room, 600 Washington Street, Olympia, WA 98504-7200.

WSR 13-15-159**DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed July 23, 2013, 4:08 p.m.]

Prevailing Rate of Wage Publication

Pursuant to RCW 39.12.015, 39.12.020 and WAC 296-127-011, on August 1, 2013, the industrial statistician will determine and publish on the internet the statewide prevailing rates of wage. Pursuant to WAC 296-127-011, these rates become effective August 31, 2013, thirty days after publication.

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.

L. Ann Selover
 Prevailing Wage Manager
 Industrial Statistician

5006, fax (509) 434-5025, e-mail linda.graham@ccs.spokane.edu.

WSR 13-15-167
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE
 [Filed July 24, 2013, 8:34 a.m.]

The board of trustees of Washington State Community College District 17 (Community Colleges of Spokane) has changed the location of its September 17, 2013, regular meeting:

From: Institute for Extended Learning, Lodge Building, 3305 West Fort George Wright Drive, Spokane, WA 99224.

To: Spokane Falls Community College, Science Building (Building 28), Room 141, 3410 West Fort George Wright Drive, Spokane, WA 99224.

If you need further information, please contact Linda Graham, Community Colleges of Spokane, 501 North Riverpoint Boulevard, Spokane, WA 99217, phone (509) 434-

WSR 13-15-176
AGENDA
DEPARTMENT OF REVENUE
 [Filed July 24, 2013, 11:04 a.m.]

Semi-Annual Rule-Making Agenda
(July 1 - December 31, 2013)

Listed below is the department of revenue's (department) semi-annual rule-making agenda for publication in the Washington State Register. This list identifies rules under development by the department, and those rules for which the department at this time anticipates initiating some rule-making action during the next six months.

The department's rule-making agenda is also available on its web site. The information on this site is continually updated as the department files rule-making notices, or as it otherwise adds or deletes rules that it anticipates some action over the next six months. This includes rules that [were] added or deleted as a result of resource allocation, legislation, court decisions, or changes in rule-making priorities.

Subject of Rule Making	Rule Drafter	Preliminary Proposal (CR-101 filing)	Proposed Rule (CR-102 or CR-105 filing)	Rule Adoption (CR-103 filing)	Description of Anticipated Changes
458-18-220 Rates of interest. 458-30-262 Farm and agricultural land values. 458-30-590 Rate of inflation.	Marilou Rickert		Anticipated		Must be amended by the first of January each year
458-40-540 Timber excise tax—Forest land values.	Mark Bohe	Anticipated			Must be amended by the first of January each year
458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.	Mark Bohe	Anticipated			Must be updated by the first of January and July of each year
458-07-015 Revaluation fo [for] real property—Annual counties.	Jay Jetter	Anticipated			Update
458-12-010	Jay Jetter		Anticipated		Correct citation
458-14-026 Assessment roll corrections agreed to by taxpayer.	Jay Jetter		Anticipated		Recognize 2011 legislation

Subject of Rule Making	Rule Drafter	Preliminary Proposal (CR-101 filing)	Proposed Rule (CR-102 or CR-105 filing)	Rule Adoption (CR-103 filing)	Description of Anticipated Changes
458-14-066 Requests for valuation information— Duty to exchange documentary information— Time limits.	Jay Jetter	Anticipated			Update
458-14-095 Record of hearings.	Jay Jetter	Anticipated			Update
458-16-300 Public meeting hall— Public meeting place—Community meeting hall.	Jay Jetter	Anticipated			Update
458-19-050 Port district levies.	Jay Jetter	Anticipated			Update
458-19-060 EMS levies. 458-19-070 \$5.90 limitation. 458-19-075 Constitutional one percent limitation.	Jay Jetter		Anticipated		Recognize 2012/2011 legislation
458-19-045 Lid lifts.	Jay Jetter		Anticipated		Update
458-19-055 Levy limit—Proration of earmarked funds. 458-19-085 Refunds—Procedures—Applicable limits.	Jay Jetter		Anticipated		Recognize 2013 legislation
458-20-101 Tax registration and tax reporting.	TBD		Anticipated		Recognize 2013 legislation
458-20-10101 Business licensing service (BLS)— Total fee payable—Handling of fees.	Marilou Rickert		WSR 13-14-120		Propose fee increases to be used to improve BLS system technology and infrastructure (XXX)
458-20-107 Requirement to separately state sales tax—Advertised prices including sales tax.	Gayle Carlson		Anticipated		Recognize <i>Bi-Mor</i> court decision

Subject of Rule Making	Rule Drafter	Preliminary Proposal (CR-101 filing)	Proposed Rule (CR-102 or CR-105 filing)	Rule Adoption (CR-103 filing)	Description of Anticipated Changes
458-20-140 Photographers and photofinishers.	Rich Cason	Anticipated			Update
458-20-141 Duplicating activities and mailing bureaus.	Rich Cason	Anticipated			Update
458-20-146 National and state banks, mutual savings banks, savings banks, savings and loan associations and other financial institutions.	TBD		Anticipated		Recognize 2013 legislation
458-20-153 Funeral directors. 458-20-154 Cemeteries, crematories and columbaria.	Armikka Bryant		WSR 13-14-107		Update
458-20-168 Hospitals, nursing homes, boarding homes, adult family homes and similar health care facilities.	Kristine Rompa	Anticipated			Update
458-20-169 Non-profit organizations.	TBD		Anticipated		Recognize 2013 legislation
458-20-178 Use tax.	Gayle Carlson	Anticipated			Update
458-20-183 Amusement, recreation, and physical fitness services.	Kristine Rompa	WSR 11-19-063			Update
458-20-185 Tobacco products tax. 458-20-186 Cigarette tax.	Dave Hesford	Anticipated			Update, recognize 2012 legislation
458-20-18801 Prescription drugs, prosthetics, and medically prescribed oxygen.	Kristine Rompa	Anticipated			Update

Subject of Rule Making	Rule Drafter	Preliminary Proposal (CR-101 filing)	Proposed Rule (CR-102 or CR-105 filing)	Rule Adoption (CR-103 filing)	Description of Anticipated Changes
458-20-193 Inbound and out-bound interstate sales of tangible personal property.	Armikka Bryant	WSR 12-03-007			Update
458-20-19401 458-20-19402 458-20-19403 458-20-19404 458-20-19405 Substantial nexus threshold adjustments.	Armikka Bryant		Anticipated		Adopt new rule (19405) to provide current substantial nexus thresholds per RCW 82.04.067, and update other rules to recognize this rule
458-20-210 Sales of tangible personal property for farming—Sales of agricultural products by farmers.	TBD		Anticipated		Recognize 2013 legislation
458-20-217 Lien for taxes.	Marilou Rickert		Anticipated		Recognize 2011/2010 legislation
458-20-228 Returns, payments, penalties, extensions, interest, stay of collection.	Kristine Rompa		Anticipated		Recognize 2011/2010/2009 legislation
458-20-22801 Tax reporting frequency.	Kristine Rompa		Anticipated		Recognize 2011/2009 legislation
458-20-22802 Electronic funds transfer.	Kristine Rompa		WSR 13-12-058		Recognize 2011/2009 legislation
458-20-240 Manufacturer's new employee tax credits.	Joseph Vidal	Anticipated			Update
458-20-24001 Sales and use tax deferral—Manufacturing and R&D activities in rural counties.	Joseph Vidal	Anticipated			Update
458-20-241 Radio and television broadcasting.	Armikka Bryant	WSR 13-15-146			Amend consistent with JLARC finding
458-20-245 Telephone business, telephone service.	Armikka Bryant	Anticipated			Update, Recognize 2013 legislation

Subject of Rule Making	Rule Drafter	Preliminary Proposal (CR-101 filing)	Proposed Rule (CR-102 or CR-105 filing)	Rule Adoption (CR-103 filing)	Description of Anticipated Changes
458-20-255 Syrup tax.	Gayle Carlson	Anticipated			Update
458-20-257 Warranties and maintenance agreements.	Gayle Carlson	WSR 12-06-072	WSR 12-23-051		Update - a second public hearing will be scheduled
458-20-258 Travel agents and tour operators.	Melinda Mandell	Anticipated			Update
458-20-273 Renewable energy system cost recovery.	Mark Bohe	WSR 12-16-007			Update
458-20-New Tax avoidance transactions.	Melinda Mandell	Anticipated			Recognize 2010 legislation
458-29A-600	Marilou Rickert		Anticipated		Recognize 2013 legislation
458-57-105 Nature of estate tax, definitions. 458-57-115 Valuation of property, property subject to estate tax, and how to calculate the tax. 458-57-125 Apportionment of tax when there are out-of-state assets. 458-57-175 Family-owned business interest deduction.	Mark Bohe	Anticipated			Recognize 2013 legislation
Real estate excise tax. 458-61A-105 Mobile and floating home sales. 458-61A-202 Inheritance or devise. 458-61A-205 Governmental transfers. 458-61A-206 Condemnation proceedings [proceedings]. 458-61A-207 Bankruptcy.	Dave Hesford	WSR 13-12-077			Consider amending REET affidavit requirements for conveyances

Subject of Rule Making	Rule Drafter	Preliminary Proposal (CR-101 filing)	Proposed Rule (CR-102 or CR-105 filing)	Rule Adoption (CR-103 filing)	Description of Anticipated Changes
458-61A-208 Foreclosure—Deeds in lieu of foreclosure—Sales pursuant to court order. 458-61A-210 Irrevocable trusts. 458-61A-213 IRS "tax deferred" exchange. 458-61A-215 Clearing or exiting title, and additions to title. 458-61A-301 Payment of tax, collection responsibility, audit responsibility, and tax rulings. 458-61A-303 Affidavit. 458-61A-304 Supplemental statements.					
Chapter 308-30 WAC Consolidated licensing service.	Wan Chen	Anticipated			Repeal chapter and readopt needed information into another chapter.

WSR 13-15-179

AGENDA

HEALTH CARE AUTHORITY

[Filed July 24, 2013, 11:33 a.m.]

**Semi-Annual Rule-Making Agenda
July through December 2013**

The following is the Washington health care authority's (HCA) semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant. If you have questions about this rule-making agenda, please contact Kevin Sullivan, Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, e-mail Kevin.Sullivan@hca.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		CR-101 Preproposal	CR-102 or CR-105	CR-103
Chapters 182-08, 182-12, and 182-16	Public employee's benefits board—Annual review of eligibility, enrollment, and appeal rules.	WSR 13-12-046 Filed May 31, 2013		

WAC Citation	Subject Matter	Current Activity		
		CR-101 Preproposal	CR-102 or CR-105	CR-103
Chapters 182-503, 182-504, 182-505, 182-506, 182-507, 182-508, 182-509, 182-510, 182-511, 182-512, 182-514, 182-518, 182-519, 182-520, 182-523	Medicaid expansion—Implementation of Affordable Care Act (ACA) provisions by January 2014.	WSR 12-19-092 Filed September 19, 2012	Phase 1 WSR 13-06-038 Filed March 1, 2013 Phase 2 WSR 13-11-141 Filed May 22, 2013	Phase 1 WSR 13-14-019 Filed June 24, 2013
182-501-0050, 182-501-0060, 182-501-0065, 182-501-0070, 182-502-0160	Updating health care services categories to reflect what is currently available to HCA medicaid clients.	WSR 10-22-121 Filed November 3, 2010	WSR 13-12-057 Filed June 3, 2013	WSR 13-15-044 Filed July 11, 2013
182-502-0115	Adding requirements and prohibition of payment for provider preventable conditions.	WSR 11-19-008 Filed September 7, 2011	WSR 13-08-058 Filed March 29, 2013	WSR 13-11-051 Filed May 14, 2013
Chapter 182-502A	Provider audit and appeal.	WSR 13-15-177 Filed July 24, 2013		
182-531-1410	Applied behavioral analysis therapy for children with autism spectrum disorders.	WSR 12-14-100 Filed July 3, 2012	WSR 13-03-003 Filed January 2, 2013	
Chapter 182-532	TAKE CHARGE program. Amending rules to comply with new federal waiver and discontinuing payment for application assistance.	WSR 12-16-100 Filed August 1, 2012	WSR 13-11-069 Filed May 16, 2013	
Chapter 182-535, 182-531-1025	Dental-related services and oral health care services.	WSR 13-08-054 Filed March 29, 2013		
182-540-001 through 182-540-065	Kidney disease program. Restructuring program to include changes to client eligibility and the application process, client and contractor accountability, and adding a standardized administrative hearing process.	WSR 12-05-021 Filed February 7, 2012		
Chapter 182-543	Durable medical equipment. Establishing separate recognition for individually configured complex rehabilitation technology products.	WSR 13-15-072 Filed July 16, 2013		

WAC Citation	Subject Matter	Current Activity		
		CR-101 Preproposal	CR-102 or CR-105	CR-103
Chapter 182-550	Hospital services. Implementing safety net assessments.	WSR 12-11-102 Filed May 21, 2012		
Chapter 182-550	Hospital services. Codifying changes to the rebasing of inpatient and outpatient rates.	WSR 13-15-042 Filed July 11, 2013		
182-550-5450	Hospital services. Aligning trauma supplemental payment method with approved medicaid state plan.	WSR 13-09-070 Filed April 17, 2013	WSR 13-14-094 Filed July 1, 2013	
Chapter 182-551	Home health services. Implementing ACA requirement that a health care provider must have a face-to-face encounter with a client before ordering or recertifying services.	WSR 12-22-074 Filed November 7, 2013 [2012]	WSR 13-03-089 Filed January 15, 2013	WSR 13-12-002 Filed May 22, 2013
Chapter 182-557	Chronic care management. Implementing ACA requirement regarding utilizing health homes in managing chronic care.	WSR 12-22-074 Filed November 7, 2012	WSR 13-03-089 Filed January 15, 2013	WSR 13-12-002 Filed May 22, 2013

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