

WSR 15-01-031
RULES OF COURT
STATE SUPREME COURT

[December 3, 2014]

IN THE MATTER OF SUGGESTED ) ORDER
AMENDMENTS TO SPRC 3—COURT ) NO. 25700-A-1090
REPORTERS; FILING OF NOTES, )
CrR —ELECTRONIC RECORDING )
LOG, RAP 9.2—VERBATIM REPORT OF )
PROCEEDINGS, RAP 9.3—NARRATIVE )
REPORT OF PROCEEDINGS, RAP 9.4— )
AGREED REPORT OF PROCEEDINGS, )
RAP 9.5—FILING AND SERVICE OF )
REPORT OF PROCEEDINGS, OBJEC- )
TIONS, RAP 9.8—TRANSMITTING )
RECORD ON REVIEW, RAP 9.9—COR- )
RECTING OR SUPPLEMENTING )
REPORT OF PROCEEDINGS—BEFORE )
TRANSMITTAL TO APPELLATE )
COURT [RESERVED], RAP 9.10—COR- )
RECTING OR SUPPLEMENTING )
RECORD AFTER TRANSMITTAL TO )
APPELLATE COURT, RAP 10.2—TIME )
FOR FILING BRIEFS, RAP 18.9—VIO- )
LATION OF RULES, CR 43—TAKING )
OF TESTIMONY, CR 80—COURT )
REPORTERS, CR —ELECTRONIC )
RECORDING LOG, ARLJ 13—LIMITED )
JURISDICTION COURTS ARE )
REQUIRED TO RECORD ALL PRO- )
CEEDINGS ELECTRONICALLY, ARLJ )
5.3—LOG, CRLJ 75—RECORD ON )
TRIAL DE NOVO, NEW GR —OFFI- )
CIAL SUPERIOR COURT TRAN- )
SCRIPTS )

The Court Management Council, having recommended the suggested amendments to SPRC 3—Court reporters; filing of notes, CrR —Electronic recording log, RAP 9.2—Verbatim report of proceedings, RAP 9.3—Narrative report of proceedings, RAP 9.4—Agreed report of proceedings, RAP 9.5—Filing and service of report of proceedings, objections, RAP 9.8—Transmitting record on review, RAP 9.9—Correcting or supplementing report of proceedings—before transmittal to appellate court [reserved], RAP 9.10—Correcting or supplementing record after transmittal to appellate court, RAP 10.2—Time for filing briefs, RAP 18.9—Violation of rules, CR 43—Taking of testimony, CR 80—Court reporters, CR —Electronic recording log, ARLJ 13—Limited jurisdiction courts are required to record all proceedings electronically, ARLJ 5.3—Log, CRLJ 75—Record on trial de novo, NEW GR —Official superior court transcripts, and the Court having considered the amendments and comments submitted thereto;

Now, therefore, it is hereby ORDERED:

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

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2015. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 3rd day of December, 2014.

For the Court

Madsen, C.J.
CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments to SPRC 3; RAP 9.2, 9.3, 9.4, 9.5, 9.8, 9.9, 9.10, 10.2, 18.9; CR 43, 80; ARLJ 13; RALJ 5.3; CRLJ 75

Suggested New Rules: CR, CrR, and GR

SUPERIOR COURT SPECIAL PROCEEDINGS RULES — CRIMINAL (SPRC)

RULE 3 — COURT REPORTERS; FILING OF NOTES SUGGESTED NEW RULE

SUPERIOR COURT CRIMINAL RULE (CrR) ELECTRONIC RECORDING LOG

RULES OF APPELLATE PROCEDURE (RAP)

RULE 9.2 — VERBATIM REPORT OF PROCEEDINGS RULES OF APPELLATE PROCEDURE (RAP)

RULE 9.3 — NARRATIVE REPORT OF PROCEEDINGS RULES OF APPELLATE PROCEDURE (RAP)

RULE 9.4 — AGREED REPORT OF PROCEEDINGS RULES OF APPELLATE PROCEDURE (RAP)

RULE 9.5 — FILING AND SERVICE OF REPORT OF PROCEEDINGS — OBJECTIONS

RULES OF APPELLATE PROCEDURE (RAP)

RULE 9.8 — TRANSMITTING RECORD ON REVIEW RULE 9.9 — CORRECTING OR SUPPLEMENTING REPORT OF PROCEEDINGS BEFORE TRANSMITTAL TO APPELLATE COURT

RULES OF APPELLATE PROCEDURE (RAP)

RULE 9.10 — CORRECTING OR SUPPLEMENTING RECORD AFTER TRANSMITTAL TO APPELLATE COURT

RULES OF APPELLATE PROCEDURE (RAP)

RULE 10.2 — TIME FOR FILING BRIEFS

RULES OF APPELLATE PROCEDURE (RAP)

RULE 18.9 — VIOLATION OF RULES

SUPERIOR COURT CIVIL RULES (CR)

RULE 43 — TAKING OF TESTIMONY

SUPERIOR COURT CIVIL RULES (CR)

RULE 80 — COURT REPORTERS

SUPERIOR COURT CRIMINAL RULES (CrR)

ELECTRONIC RECORDING LOG

ADMINISTRATIVE RULES FOR COURTS OF LIMITED JURISDICTION (ARLJ)

RULE 13 — LIMITED JURISDICTION COURTS ARE REQUIRED TO RECORD ALL PROCEEDINGS ELECTRONICALLY

ADMINISTRATIVE RULES FOR COURTS OF LIMITED JURISDICTION (RALJ)

RULE 5.3 — LOG

CIVIL RULES FOR COURTS OF LIMITED JURISDICTION (CRLJ)

RULE 75 — RECORD ON TRIAL DE NOVO

GENERAL RULE (GR)

NEW RULE — OFFICIAL CERTIFIED SUPERIOR COURT TRANSCRIPTS

**Purpose:**

The Court Management Council (CMC), created by Supreme Court Order 25700-B-217 as a statewide forum for enhancing the administration of the courts, has identified opportunities to improve the quality and timeliness of transcripts that are necessary for appellate review. Current statutes and court rules lack adequate direction on the process and standards for authorizing persons to transcribe trial court records. Consequently, there is great inconsistency across the state on the qualifications and performance accountability for transcriptionists completing verbatim report of proceedings. This contributes to incomplete or inaccurate transcripts, administrative inefficiency, and delays.

With the support of the Board for Judicial Administration (BJA), the Court Management Council suggests rule amendments and new rules that will promote consistent standards and practices for the creation, maintenance, and transmission of verbatim report of proceedings. These changes are necessary to keep pace with changing technology and the increased use of electronic recordings in the trial courts.

Beginning in 2009, a CMC subcommittee consisting of representatives from all levels of court, conducted a comprehensive review of the statutes, rules, and practices that govern the verbatim report of proceedings in the courts of Washington. The CMC adopted revised guidelines for electronic recordings in 2011, and then began working on suggested changes to court rules and statutes to implement best practices. An initial draft was presented to the Board for Judicial Administration in September 2012 and referred to the judicial community for further review and comment.

The suggestions submitted to the Supreme Court are the product of input from the Washington Court Reporters' Association, Court of Appeals Rules Committee, Superior Court Judges' Association, and the District and Municipal Court Judges' Association in addition to the administrative groups that comprise the CMC (Clerk of the Supreme Court, Court of Appeals Administrator/Clerks, Washington State Association of County Clerks, Washington Association of Superior Court Administrators, Washington Association of Juvenile Court Administrators, District and Municipal Court Management Association, and the Administrator for the Courts).

BJA endorsed these suggested changes on December 16, 2013.

**SUGGESTED AMENDMENT****SUPERIOR COURT SPECIAL PROCEEDINGS RULES — CRIMINAL (SPRC)****RULE 3****COURT REPORTERS; FILING OF NOTES**

(a) At the commencement of a capital case, the trial court will designate one or more court reporters for that case. To the extent practical, only designated reporters will report all hearings.

(b) As soon as possible after each hearing, the court reporter's notes, including electronic and nonelectronic stenographic the court reporter will transmit stenographic notes, any audio or video tapes, and any other electronic data medium containing notes of the hearing, will be submitted to the courtroom clerk county clerk's office.

~~(e) The courtroom clerk will index the notes on a records inventory, noting the date of the notes. The courtroom clerk will have the court reporter initial the inventory log as each set of notes is received by the courtroom clerk.~~

~~(d) (c) Court reporter's notes The stenographic notes of the hearing shall be indexed and stored by the county clerk's office, any audio or video tapes, and any other electronic data medium containing notes of any hearing shall be stored by the clerk's office in an exhibit box labeled with the defendant's name and cause number to allow easy retrieval of notes. Sealed notes are to be marked "SEALED" in red ink and maintained in accordance with GR 15.~~

~~(e) (d) Court reporter's notes of the hearing, any audio or video tapes, and any other electronic data medium containing notes of any hearing, sealed or unsealed, shall not be provided to anyone except the court reporter who produced the notes, unless a court order provides otherwise.~~

~~(f) (e) A court reporter may withdraw the stenographic court reporter's notes any video or audio tapes, and any other electronic data medium containing notes of a hearing as required for transcription upon completing a request slip. The stenographic court reporter's notes, any audio or video tapes, and any other electronic data medium containing notes shall be returned to the county clerk's office at the same time the transcript is filed for transmission to an with an appellate court.~~

[Adopted effective December 30, 1997.]

**SUGGESTED NEW RULE  
SUPERIOR COURT CRIMINAL RULE  
CrR  
ELECTRONIC RECORDING LOG**

When the proceedings are electronically recorded, the court shall ensure that a written log of the proceedings is created that indicates the time of relevant events.

The judicial officer shall call the case name and cause number of each proceeding and shall assure that all case participants identify themselves for the record.

**SUGGESTED AMENDMENT  
RULES OF APPELLATE PROCEDURE (RAP)  
RULE 9.2  
VERBATIM REPORT OF PROCEEDINGS**

(a) **Transcription and Statement of Arrangements.** If the party seeking review intends to provide a verbatim report of proceedings, the party should arrange for transcription of and payment for an original and one copy of the verbatim report of proceedings within 30 days after the notice of appeal was filed or discretionary review was granted. ~~If the proceeding being reviewed was recorded on videotape, transcription of the videotapes shall be completed by a court-approved transcriber in accordance with procedures developed by the Office of the Administrator for the Courts. Copies of these procedures are available at the court administrator's office in each county where there is a courtroom that videotapes proceedings or through the Office of the Administrator for the Courts.~~ The party seeking review must file with the appellate court and serve on all parties of record and all named court reporters or authorized transcriptionists a statement that arrangements have been made for the transcription of the report and file proof of service with the appellate court.

The statement must be filed within 30 days after the notice of appeal was filed or discretionary review was granted. The party must indicate the date that the report of proceedings was ordered, the financial arrangements which have been made for payment of transcription costs, the name of each court reporter or authorized transcriptionist ~~other person authorized to prepare~~ preparing a verbatim report of proceedings ~~who will be preparing the transcript~~, the hearing dates, and the trial court judge. If the party seeking review does not intend to provide a verbatim report of proceedings, a statement to that effect should be filed in lieu of a statement of arrangements within 30 days after the notice of appeal was filed or discretionary review was granted and served on all parties of record.

(b) **Content.** A party should arrange for the transcription of all those portions of the verbatim report of proceedings necessary to present the issues raised on review. A verbatim report of proceedings provided at public expense will not include the voir dire examination or opening statement unless so ordered by the trial court. If the party seeking review intends to urge that a verdict or finding of fact is not supported by the evidence, the party should include in the record all evidence relevant to the disputed verdict or finding. If the party seeking review intends to urge that the court erred in giving or failing to give an instruction, the party should include in the record all of the instructions given, the relevant instructions proposed, the party's objections to the instructions given, and the court's ruling on the objections.

(c) **Notice of Partial Report of Proceedings and Issues.** If a party seeking review arranges for less than all of the verbatim report of proceedings, the party should include in the statement of arrangements a statement of the issues the party intends to present on review. Any other party who wishes to add to the verbatim report of proceedings should within 10 days after service of the statement of arrangements file and serve on all other parties and the court reporter or authorized transcriptionist a designation of additional parts of the verbatim report of proceedings and file proof of service with the appellate court. If the party seeking review refuses to provide the additional parts of the verbatim report of proceedings, the party seeking the additional parts may provide them at the party's own expense or apply to the trial court for an order requiring the party seeking review to pay for the additional parts of the verbatim report of proceedings.

(d) **Payment of Expenses.** If a party fails to make arrangements for payment of the costs of the verbatim report of proceedings at the time the verbatim report of proceedings is ordered, the party may be subject to sanctions as provided in rule 18.9.

(e) **Title Page and Table of Contents.** The court reporter or other authorized transcriber shall include at the beginning of each volume of the verbatim report of proceedings a title page and a table of contents.

(1) The title page should include the following:

- (A) Case name,
- (B) Trial court and appellate cause numbers,

- (C) Date(s) of hearings,
- (D) Trial court judge(s),
- (E) Names of attorneys at trial,
- (F) Name, business address and telephone number of each court reporter or other authorized transcriber.

(2) The table of contents shall follow the title page and shall indicate, under the headings listed below, the pages where the following appear:

(A) Proceedings. The beginning of each proceeding and the nature of that proceeding;

(B) Testimony. The testimony of each witness, the page where it begins, and the type of examination, i.e., direct, cross, re-direct, re-cross, and the page where the plaintiff rests and the defendant rests;

(C) Exhibits. The admission into evidence of exhibits and depositions;

(D) Argument. The pages where opening statements occur, except as otherwise provided in rule 9.2(b) for verbatim reports of proceedings provided at public expense, and the pages where closing arguments occur;

(E) Instructions. All instructions proposed and given. Any other events should be listed under a suitable heading which would help the reviewing court locate separate parts of the verbatim report of proceedings.

(F) Multiple Days. If a volume includes hearings from more than one day, there shall be a separate table of contents for each day.

(f) **Form.**

(1) Generally. The verbatim report of proceedings shall be on 8-1/2-by 11-inch paper. Margins shall be lined 1-3/8 inches from the left and 5/8 inches from the right side of each page. Indentations from the left lined margin should be: 1 space for "Q" and "A"; 5 spaces for the body of the testimony; 8 spaces for commencement of a paragraph; and 10 spaces for quoted authority. Typing should be double spaced except that comments by the reporter should be single spaced. The page should have 25 lines of type. Type must be pica type or its equivalent with no more than 10 characters an inch.

(A) Witnesses Designated/Examination. Indicate at the top or bottom of each page the name of the witness and whether the examination is on direct, cross, re-direct, re-cross, or rebuttal.

(B) Jury In/Out. Indicate when the jury is present, when the jury leaves, and when the jury returns.

(C) Bench/Side Bar Conferences. Designate whether a bench/side bar conference is on or off the record.

(D) Chamber Conferences. If the conference is recorded, note the presence or absence of persons participating in chamber conferences.

(E) Speaker/Event Identification. Identify speakers and events that occur throughout the proceedings in capital letters centered on the appropriate line. For example: recess/court reconvene; direct examination, cross examination, re-direct examination, re-cross examination, plaintiff rests; defendant's evidence: direct examination, cross examination, re-direct examination, re-cross examination, defense rests; instructions, conference, closing arguments: for plaintiff, for defense, and rebuttal.

(2) Volume and Pages.

(A) Pages in each volume of the verbatim report of proceedings shall be numbered consecutively and be arranged in chronologic order by date of hearing(s) requested in the statement of arrangements.

(B) Each volume of the verbatim report of proceedings shall include no more than 200 pages. The page numbers in the first volume should start with page 1 and continue to 200, as needed, regardless of how many hearing dates are included in the volume. In the second volume of the verbatim report of proceedings and subsequent volume page numbers should start with the next page number in sequence where the previous volume ended. The volumes shall be either bound or fastened securely.

(3) Copies. The verbatim report of proceedings should be legible, clean and reproducible.

[Originally effective July 1, 1976; amended effective July 2, 1976; September 1, 1985; September 1, 1993; December 10, 1993; September 1, 1994; September 1, 1998; December 24, 2002; September 1, 2010.]

#### References

Form 15, Statement of Arrangements; Title 6, Acceptance of Review.

**SUGGESTED AMENDMENT  
RULES OF APPELLATE PROCEDURE  
RULE 9.3  
NARRATIVE REPORT OF PROCEEDINGS**

The party seeking review may prepare a narrative report of proceedings. A party preparing a narrative report must exercise the party's best efforts to include a fair and accurate statement of the occurrences in and evidence introduced in the trial court material to the issues on review. A narrative report should be in the same form as a verbatim report, as provided in rule 9.2 (e) and (f). If any party prepares a verbatim report of proceedings, that report will be used as the report of proceedings for the review. A narrative report of proceedings may be prepared if ~~either~~ the court reporter's notes or the electronic recording the videotape of the proceeding being reviewed ~~are~~ is lost or damaged.

[Adopted effective July 1, 1997; amended effective December 10, 1993.]

**SUGGESTED AMENDMENT  
RULES OF APPELLATE PROCEDURE  
RAP 9.4  
AGREED REPORT OF PROCEEDINGS**

The parties may prepare and sign an agreed report of proceedings setting forth only so many of the facts averred and proved or sought to be proved as are essential to the decision of the issues presented for review. The agreed report of proceedings must include only matters which were actually before the trial court. An agreed report of proceedings should be in the same form as a verbatim report, as provided in rule 9.2 (e) and (f). An agreed report of proceedings may be prepared if ~~either~~ the court reporter's notes or the electronic recording videotape of the proceeding being reviewed ~~are~~ is lost or damaged.

[Adopted July 1, 1976; amended effective December 10, 1993.]

**SUGGESTED AMENDMENT  
RULES OF APPELLATE PROCEDURE  
RAP 9.5**

**FILING AND SERVICE OF REPORT OF PROCEEDINGS —  
OBJECTIONS**

(a) Generally. The party seeking review must file an agreed or narrative report of proceedings with the ~~clerk of the trial appellate~~ court within 60 days after the statement of arrangements is filed. The court reporter or ~~person authorized~~ — transcriptionist authorized to prepare preparing the a verbatim report of proceedings must file it in the appellate court within 60 days after the statement of arrangements is filed and all named court reporters or authorized transcriptionists are served. ~~If the proceeding being reviewed was recorded on videotape, the transcript must be filed by the transcriber with the clerk of the trial court within 60 days after the statement of arrangements is filed and all named court reporters are served. The court reporter or authorized transcriptionist shall promptly serve notice of filing on all parties, and shall provide a copy of the report of proceedings to the party who arranged for transcript.~~

(1) A party filing a brief must promptly forward a copy of the verbatim report of proceedings with a copy of the brief to the party with the right to file the next brief. If more than one party has the right to file the next brief, the parties must cooperate in the use of the report of proceedings. The party who files the last brief should return the copy of the report of proceedings to the party who paid for it.

(2) ~~((If the transcript was computer generated, one diskette or compact disk (using ASCII format with hard page returns)))~~ A searchable PDF electronic copy of the verbatim report of proceedings shall be filed with the original verbatim report of proceedings, with a copy and a second diskette or compact disk shall be provided to the party who receives caused the verbatim report of proceedings to be filed. The report of proceedings may be electronically filed with the appellate court in accordance with the court's filing procedures. The party who files the last brief should return the diskette or compact disk to the party who paid for the verbatim report of proceedings.

(b) Additional Time for Filing and Service of Verbatim Report of Proceedings. If a verbatim report of proceedings cannot be completed within 60 days after the statement of arrangements is filed and served, the court reporter or authorized ~~person~~ transcriptionist shall, no later than 10 days before the report of proceedings is due to be filed, submit an affidavit to the party who ordered the report of proceedings stating the reasons for the delay. The party who requested the verbatim report of proceedings should move for an extension of time from the appellate court. The clerk will notify the parties of the action taken on the motion. ~~When the court reporter or authorized person files the verbatim report of proceedings, a copy shall be provided to the party who arranged for transcription and either the reporter or authorized person shall serve and file notice of the filing on all other parties and the appellate court. The notice of filing served on the appellate court shall include a declaration that (1) the transcript was computer generated and an ASCII diskette or compact~~

~~disc was filed or (2) the transcript was not computer generated.~~ Failure to timely file the verbatim report of proceedings and notice of service may subject the court reporter or authorized ~~person~~ transcriptionist to sanctions as provided in rule 18.9.

(c) **Objections to Report of Proceedings.** A party may serve and file objections to, and propose amendments to, a narrative report of proceedings or a verbatim report of proceedings within 10 days after receipt of the report of proceedings or receipt of the notice of filing of the report of proceedings with the appellate court. If objections or amendments to the report of proceedings are served and filed, any objections or proposed amendments must be heard by the trial court judge before whom the proceedings were held for settlement and approval, except objections to the form of a report of proceedings, which shall be heard by motion in the appellate court. The court may direct ~~a party or a court~~ reporters or authorized transcriber transcriptionists to pay for the expense of any modifications of the proposed report of proceedings. The motion procedure of the court deciding any objections shall be used in settling the report of proceedings.

(d) **Substitute Judge May Settle Report of Proceedings.** If the judge before whom the proceedings were held is for any reason unable to promptly settle questions as provided in section (c), another judge may act in the place of the judge before whom the proceedings were held.

[Originally effective July 1, 1976; amended effective September 1, 1985; September 1, 1990; September 21, 1990; December 10, 1993; September 1, 1994; September 1, 1998; December 24, 2002; September 1, 2007; September 1, 2010.]

SUGGESTED AMENDMENT  
RULES OF APPELLATE PROCEDURE (RAP)  
RULE 9.8  
~~TRANSMITTING RECORD ON REVIEW~~ CLERK'S PAPERS AND EXHIBITS

(a) **Duty of Trial Court Clerk.** Except as provided in section (b), the clerk of the trial court shall send the clerk's papers and exhibits to the appellate court when the clerk receives payment for the preparation of the documents, ~~and shall send the verbatim report of proceedings to the appellate court at the end of the objection period set forth in rule 9.5.~~ The clerk shall endorse on the face of the record the date upon which the ~~record on review~~ clerk's papers ~~is~~ are transmitted to the appellate court.

(b) **Cumbersome Exhibits.** The clerk of the trial court shall transmit to the appellate court exhibits which are difficult or unusually expensive to transmit only if the appellate court directs or if a party makes arrangements with the clerk to transmit the exhibits at the expense of the party requesting the transfer of the exhibits. No weapons, controlled substances, hazardous items, or currency shall be forwarded unless directed by the appellate court.

(c) **Temporary Transmittal to another Court.** If the record or any part of it is needed in another court while a review is pending, the clerk of the appellate court will, on the order or ruling of the appellate court, transmit the record or part of it to the clerk of that court, to remain there until the purpose for which it is transmitted has been satisfied or until the clerk of the appellate court requests its return.

[Originally effective July 1, 1976; amended effective July 2, 1976; September 1, 1994; September 1, 1998; September 1, 2010.]

SUGGESTED AMENDMENT  
RULES OF APPELLATE PROCEDURE  
RULE 9.9  
~~CORRECTING OR SUPPLEMENTING REPORT OF PROCEEDINGS BEFORE TRANSMITTAL TO APPELLATE COURT~~

[Reserved.] ~~The report of proceedings may be corrected or supplemented by the trial court on motion of a party, or on stipulation of the parties, at any time prior to the transmission of the report to the appellate court. The trial court may impose the same kinds of sanctions provided in rule 18.9(a) as a condition to correcting or supplementing the report of proceedings after the time provided in rule 9.5.~~

[Originally effective July 1, 1976.]

SUGGESTED AMENDMENT  
RULES OF APPELLATE PROCEDURE (RAP)  
RAP 9.10  
~~CORRECTING OR SUPPLEMENTING RECORD AFTER TRANSMITTAL TO APPELLATE COURT~~

If a party has made a good faith effort to provide those portions of the record required by rule 9.2(b), the appellate court will not ordinarily dismiss a review proceeding or affirm, reverse, or modify a trial court decision or administrative adjudicative order certified for direct review by the superior court because of the failure of the party to provide the appellate court with a complete record of the proceedings below. If the record is not sufficiently complete to permit a decision on the merits of the issues presented for review, the appellate court may, on its own initiative or on the motion of a party (1) direct the transmittal of additional clerk's papers and exhibits or administrative records and exhibits certified by the administrative agency, or (2) correct, or direct the supplementation or correction of, the report of proceedings. The appellate court or trial court may impose sanctions as provided in rule 18.9(a) as a condition to correcting or supplementing the record on review. The party directed or permitted to supplement the record on review must file either a designation of clerk's papers as provided in rule 9.6 or a statement of arrangements as provided in rule 9.2 within the time set by the appellate court.

[Originally effective July 1, 1976; amended effective September 1, 1994; September 1, 1998.]

SUGGESTED AMENDMENT  
RULES OF APPELLATE PROCEDURE  
RULE 10.2  
TIME FOR FILING BRIEFS

(a) **Brief of Appellant or Petitioner.** The brief of an appellant or petitioner should be filed with the appellate court within 45 days after the report of proceedings is filed in the ~~trial~~ appellate court; or, if the record on review does not include a report of proceedings, within 45 days after the party seeking review has filed the designation of clerk's papers and exhibits in the trial court.

(b) **Brief of Respondent in Civil Case.** The brief of a respondent in a civil case should be filed with the appellate court within 30 days after service of the brief of appellant or petitioner.

(c) **Brief of Respondent in Criminal Case.** The brief of a respondent in a criminal case should be filed with the appellate court within 60 days after service of the brief of appellant or petitioner.

(d) **Reply Brief.** A reply brief of an appellant or petitioner should be filed with the appellate court within 30 days after service of the brief of respondent unless the court orders otherwise.

(e) [Reserved; see rule 10.10]

(f) **Brief of Amicus Curiae.** Unless the court sets a different date, or allows a later date upon a showing of particular justification, a brief of amicus curiae should be filed as follows.

(1) Supreme Court. A brief of amicus curiae should be received by the court and counsel of record for the parties and any other amicus curiae not later than 45 days before oral argument or consideration of the merits.

(2) Court of Appeals. A brief of amicus curiae should be received by the court and counsel of record for the parties and any other amicus curiae not later than 45 days after the due date for the last brief of respondent permitted under rule 10.2(b).

(g) **Answer to Brief of Amicus Curiae.** A brief in answer to the brief of amicus curiae may be filed with the appellate court not later than the date fixed by the appellate court.

(h) **Service of Briefs.** At the time a party files a brief, the party should serve one copy on every other party and on any amicus curiae, and file proof of service with the appellate court. In a criminal case in which the defendant is the appellant, appellant's counsel shall serve the appellant and file proof of service with the appellate court. Service and proof of service should be made in accordance with rules 18.5 and 18.6.

(i) **Sanctions for Late Filing and Service.** The appellate court will ordinarily impose sanctions under rule 18.9 for failure to timely file and serve a brief.

(Originally effective July 1, 1976; amended effective September 1, 1990; September 1, 1991; September 1, 1994; September 1, 1998; September 1, 1999; December 24, 2002; September 1, 2006; September 1, 2014.)

#### References:

Rule 18.6, Computation of Time, (c) Filing by mail.

#### SUGGESTED AMENDMENT RULES OF APPELLATE PROCEDURE (RAP) RULE 18.9 VIOLATION OF RULES

(a) **Sanctions.** The appellate court on its own initiative or on motion of a party may order a party or counsel, or a court reporter or ~~other~~ authorized person transcriptionist preparing a verbatim report of proceedings, who uses these rules for the purpose of delay, files a frivolous appeal, or fails to comply with these rules to pay terms or compensatory damages to any other party who has been harmed by the delay or the failure to comply or to pay sanctions to the court. The appellate

court may condition a party's right to participate further in the review on compliance with terms of an order or ruling including payment of an award which is ordered paid by the party. If an award is not paid within the time specified by the court, the appellate court will transmit the award to the superior court of the county where the case arose and direct the entry of a judgment in accordance with the award.

(b) **Dismissal on Motion of Commissioner or Clerk.** The commissioner or clerk, on 10 days' notice to the parties, may (1) dismiss a review proceeding as provided in section (a) and (2) except as provided in rule 18.8(b), will dismiss a review proceeding for failure to timely file a notice of appeal, a notice for discretionary review, a motion for discretionary review of a decision of the Court of Appeals, or a petition for review. A party may object to the ruling of the commissioner or clerk only as provided in rule 17.7.

(c) **Dismissal on Motion of Party.** The appellate court will, on motion of a party, dismiss review of a case (1) for want of prosecution if the party seeking review has abandoned the review, or (2) if the application for review is frivolous, moot, or solely for the purpose of delay, or (3) except as provided in rule 18.8(b), for failure to timely file a notice of appeal, a notice of discretionary review, a motion for discretionary review of a decision of the Court of Appeals, or a petition for review.

(d) **Objection to Ruling.** A counsel upon whom sanctions have been imposed or a party may object to the ruling of a commissioner or the clerk only as provided in rule 17.7.

[Originally effective July 1, 1976; amended effective September 1, 1990; September 1, 1994; September 1, 1998.]

#### References

Rule 10.7, Submission of Improper Brief.

#### SUGGESTED AMENDMENT SUPERIOR COURT CIVIL RULES (CR) RULE 43 TAKING OF TESTIMONY

##### (a) Testimony.

(1) *Generally.* In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise directed by the court or provided by rule or statute. For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.

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

(b) and

(c) (Reserved. See ER 103 and 611.)

##### (d) Oaths of Witnesses.

(1) *Administration.* The oaths of all witnesses in the superior court

(A) shall be administered by the judge;

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

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

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

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

**(e) Evidence on Motions.**

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

(2) *For injunctions, etc.* On application for injunction or motion to dissolve an injunction or discharge an attachment, or to appoint or discharge a receiver, the notice thereof shall designate the kind of evidence to be introduced on the hearing. If the application is to be heard on affidavits, copies thereof must be served by the moving party upon the adverse party at least 3 days before the hearing. Oral testimony shall not be taken on such hearing unless permission of the court is first obtained and notice of such permission served upon the adverse party at least 3 days before the hearing. This rule shall not be construed as pertaining to applications for restraining orders or for appointment of temporary receivers.

**(f) Adverse Party as Witness.**

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

(2) *Effect of Discovery, etc.* A party who has served interrogatories to be answered by the adverse party or who has taken the deposition of an adverse party or of the managing agent of an adverse party shall not be precluded for that reason from examining such adverse party or managing agent at the trial. Matters admitted by the adverse party or managing agent in interrogatory answers, deposition testimony, or trial testimony are not conclusively established and may be rebutted.

(3) *Refusal To Attend and Testify; Penalties.* If a party or a managing agent refuses to attend and testify before the officer designated to take his deposition or at the trial after notice served as prescribed in rule 30 (b)(1), the complaint, answer, or reply of the party may be stricken and judgment taken

against the party, and the contumacious party or managing agent may also be proceeded against as in other cases of contempt. This rule shall not be construed:

(A) to compel any person to answer any question where such answer might tend to incriminate him;

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

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

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

**(h) Report or Transcript as Evidence.** Whenever the testimony of a witness at a trial or hearing which was reported is admissible in evidence at a later trial, it may be proved by the certified transcript thereof ~~duly certified by the person who reported the testimony.~~

**(i) (Reserved. See ER 804.)**

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

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

[Originally effective July 1, 1967; amended effective January 1, 1977; April 2, 1979; September 1, 1988; October 1, 2002; September 1, 2006, September 1, 2010.]

SUGGESTED AMENDMENT TO  
SUPERIOR COURT CIVIL RULES (CR)  
RULE 80  
COURT REPORTERS

(a) (Reserved.)

(b) **Electronic Recording.** Except as provided in SPRC 3 regarding capital cases, in any civil or criminal proceedings may be recorded electronically, electronic or mechanical recording devices approved by the Administrator for the Courts may be used to record oral testimony and other oral proceedings in lieu of or supplementary to causing shorthand or stenographic notes thereof to be taken. In all matters, the use of such devices shall rest within the sole discretion of the court. If proceedings are recorded electronically, the judicial officer shall assure that all case participants identify themselves for the record.

(c) ~~((Recording Proceedings in Superior Court by Means of Videotape.~~ All superior courts that elect to use video equipment to record proceedings shall comply with courtroom procedures published by the Office of the Administrator for the Courts. The judicial officer shall assure that all case participants identify themselves for the record.

[Adopted effective July 1, 1967; amended effective September 1, 1984; May 8, 1987; December 10, 1993.]

SUGGESTED NEW RULE  
SUPERIOR COURT CRIMINAL RULE  
CR \_\_\_\_\_  
ELECTRONIC RECORDING LOG

When the proceedings are electronically recorded, the court shall ensure that a written log of the proceedings is created that indicates the time of relevant events.

The judicial officer shall call the case name and cause number of each proceeding and shall assure that all case participants identify themselves for the record.

SUGGESTED AMENDMENT  
ADMINISTRATIVE RULES FOR COURTS OF LIMITED JURISDICTION (ARLJ)  
RULE 13  
LIMITED JURISDICTION COURTS ARE REQUIRED TO RECORD ALL PROCEEDINGS ELECTRONICALLY

(a) **Generally.** All limited jurisdiction courts shall make an electronic record of all proceedings and retain the record for at least as long as the record retention schedule dictates. The judicial officer shall assure that all case participants identify themselves for the record in keeping with RALJ 5.2(a)

(b) **Nonelectronic Record in Emergency.** In the event of an equipment failure or other situation making an electronic recording impossible, the court may order the proceeding to be recorded by nonelectronic means. The nonelectronic record must be made at the court's expense, and in the event of an appeal, any necessary transcription of the nonelectronic record must be made at the court's expense.

[Adopted effective October 1, 2002.]

SUGGESTED AMENDMENT  
ADMINISTRATIVE RULES FOR COURTS OF LIMITED JURISDICTION  
RALJ 5.3  
LOG

The judge of the court of limited jurisdiction shall cause a written log to be maintained separate from the recording indicating the location on the electronic record of relevant events in the proceedings, including but not limited to the beginning of the proceeding, the beginning and ending of the

testimony of each witness, the decision of the court, and the end of the proceeding. The judicial officer shall assure that all case participants identify themselves for the record.

[Originally effective January 1, 1981.]

SUGGESTED AMENDMENT  
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION (CRLJ)  
RULE 75  
RECORD ON TRIAL DE NOVO

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

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

(c) **Small Claims Appeals; Trial De Novo on the Record.** Small claims appeals pursuant to RCW 12.40 shall be tried by the superior court de novo on the record. Within 14 days after the notice of appeal has been filed in a small claims proceeding, appellant shall ~~cause to be filed with the clerk of the superior court~~ make necessary arrangements with the district court to directly transmit a verbatim electronic recording of the trial ~~of the matter in district court~~ and any exhibits from the trial to the clerk of the superior court. The electronic recording shall be made and certified by the district court to be correct upon the payment of the fees allowed by law therefor.

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

[Adopted effective September 1, 1984; amended effective October 30, 2001.]

SUGGESTED NEW RULE

GENERAL RULE (GR) \_\_\_\_\_

NEW RULE — OFFICIAL CERTIFIED SUPERIOR COURT TRANSCRIPTS

(a) Definitions.

(1) "Authorized Transcriptionist" means a person approved by a Superior Court to prepare an official verbatim report of proceedings of an electronically recorded court proceeding in that court.

(2) "Certified Court Reporter" means a person who meets the standards outlined in RCW 18.145.080.

(3) "Mentorship" means a professional relationship between an experienced, authorized transcriptionist or a certified court reporter and another transcriptionist for the purpose of providing guidance, encouragement, and professional advice.

(b) Official court transcripts may be completed and filed by 1) an official court reporter employed by the court or other certified court reporter; or 2) a court employee with job responsibilities to transcribe a report of proceedings; or 3) an authorized transcriptionist who has been approved by the jurisdiction conduction the hearing to be transcribed.

(c) Each court will determine who has the authority to approve transcriptionist for that jurisdiction.

(d) Except as otherwise ordered by the court the minimum qualification to become an authorized transcriptionist in order to complete and file an official certified court transcript from electronically recorded proceedings is certification as a court reporter or certification by AAERT (American Association of Electronic Reporters and Transcribers) or proof of one year of supervised mentorship with a certified court reporter or an authorized transcriptionist. Courts may require additional or different qualifications at their discretion.

(e) The certified court reporter or authorized transcriptionist shall attach to the official transcript filed with the court a certificate in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. That I am a certified court reporter (or authorized transcriptionist);
2. I received the electronic recording directly from the trial court conducting the hearing;
3. This transcript is a true and correct record of the proceedings to the best of my ability, including any changes made by the trial judge reviewing the transcript;
4. I am in no way related to or employed by any party in this matter, nor any counsel in the matter; and
5. I have no financial interest in the litigation.

(Date and Place) (Signature)"

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

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

WSR 15-02-002

NOTICE OF PUBLIC MEETINGS

PUGET SOUND PARTNERSHIP

(Puget Sound Partnership Leadership Council)

(Puget Sound Partnership Ecosystem Coordination Board)

(Puget Sound Partnership Science Panel)

[Filed December 24, 2014, 12:43 p.m.]

At a regular meeting on December 10, 2014, the Puget Sound partnership leadership council adopted the following 2015 meeting schedule (see [http://www.psp.wa.gov/LC\\_meetings.php](http://www.psp.wa.gov/LC_meetings.php) for details):

Date	Days	Location
January 29, 2015	Thursday	Olympia area
March 19-20, 2015	Thursday-Friday	TBD
May 7-8, 2015	Thursday-Friday	TBD
July 23-24, 2015	Thursday-Friday	TBD
October 22-23, 2015	Thursday-Friday	TBD
December 3-4, 2015	Thursday-Friday	TBD

At a regular meeting on November 13, 2014, the Puget Sound partnership ecosystem coordination board adopted the following 2015 meeting schedule (see [http://www.psp.wa.gov/EB\\_meetings.php](http://www.psp.wa.gov/EB_meetings.php) for details):

Date	Days	Location
February 19, 2015	Thursday	Olympia area
May 21, 2015	Thursday	TBD
July 8, 2015	Wednesday	TBD
September 17, 2015	Thursday	TBD
November 12, 2015	Thursday	TBD

At a regular meeting on December 16, 2014, the Puget Sound partnership science panel adopted the following 2015 meeting schedule (see [http://www.psp.wa.gov/SP\\_meetings.php](http://www.psp.wa.gov/SP_meetings.php) for details):

Date	Days	Location
February 25-26, 2015	Wednesday-Thursday	TBD
April 23, 2015	Thursday	TBD
June 24-25, 2015	Wednesday-Thursday	TBD
August 6, 2015	Thursday	TBD
October 28, 2015	Wednesday	TBD
December 15-16, 2015	Wednesday-Thursday	TBD

## WSR 15-02-003

## AGENDA

DEPARTMENT OF  
ENTERPRISE SERVICES

[Filed December 24, 2014, 1:34 p.m.]

Listed below is the department of enterprise services' semi-annual rules development agenda for publication in the Washington State Register. This list identifies rules that the department of enterprise services has under development and rules that the agency anticipates starting some rule-making action on during the next six months.

This agenda also is available on our web site at [www.des.wa.gov/about/LawsRules](http://www.des.wa.gov/about/LawsRules). The information on our web site is continually updated as rule-making notices are filed. If the agency starts rule-making activities that are not listed on this agenda or stops listed rule-making activities, that information also will be posted.

Jack Zeigler is available if you have questions about this agenda. His e-mail address is [jack.zeigler@des.wa.gov](mailto:jack.zeigler@des.wa.gov) and phone (360) 407-9209.

**Semi-Annual Rule-Making Agenda  
January 1 through June 30, 2015**

WAC Citation	Subject Matter/Purpose of Rule	Current Activity/Approximate Filing Date
Title 200 WAC, Enterprise services, department of.	<p>Expedited rule making to amend rules to update agency name, locations, and division name and program name changes.</p> <p>The existing rules affected are those that were transferred from the former department of general administration, the former department of personnel, and the office of financial management to the department of enterprise services in 2011.</p>	CR-105 anticipated filing in January 2015.
New rule within Title 200 WAC managing state print operations.	New rule to improve efficiency and minimize costs of agency-based printing.	<p>CR-101 was filed in January 2013.</p> <p>A supplemental CR-102 was filed in December 2014.</p> <p>Final rule adoption anticipated in January 2015.</p>
Chapter 200-240 WAC, Display of flags.	<p>Expedited rule making to amend rules to reflect passage of SB [SSB] 5097 in 2002 (RCW 1.20.017) which requires the display of POW/MIA flag at public entities on certain days of the year.</p> <p>Current rule prohibits flags other than the United States flag and the Washington state flag to be flown on the capitol campus.</p>	<p>CR-105 anticipated filing in January 2015.</p> <p>Final rule adoption anticipated in March 2015.</p>
Chapter 200-320 WAC, Competitive contracting.	<p>Amend rules to update the bidding process for services that have been customarily and historically provided by state employees.</p> <p>The purpose is to align competitive contracting processes under RCW 41.06.142 with similar statewide contracting processes under procurement reform (chapter 39.26 RCW).</p>	<p>CR-101 filed in December 2014.</p> <p>CR-102 proposed rules anticipated filing in March 2015.</p>
Chapter 200-340 WAC, Design and construction standards of sidewalk and curb ramps.	Amend design and construction standards of sidewalk and curb ramps for the physically handicapped person without uniquely endangering the blind.	CR-101 filed in December 2014.

WAC Citation	Subject Matter/Purpose of Rule	Current Activity/Approximate Filing Date
	<p>These rules are needed to update the current rules to align with current state building code. These rules apply to cities, counties and towns.</p>	<p>CR-102 proposed rules anticipated filing in April 2015.</p>
<p>Chapter 200-370 WAC, Credit, charge, or purchasing cards.</p>	<p>Expedited rule making to repeal chapter 200-370 WAC.</p> <p>Under HB [2SHB] 2452 (2012), commonly known as procurement reform, RCW 43.19.185 was repealed. RCW 43.19.185 mandated the development of credit card systems and rules relating to the use of credit cards by state agencies and departments.</p> <p>While the development of credit card policies and standards are required under HB [2SHB] 2452, credit card rules are no longer required.</p> <p>In addition, fully developed and operational credit card systems, controls and policies are in place and widely used and followed by state agencies and departments.</p> <p>Because of this, chapter 200-370 WAC is no longer relevant.</p>	<p>CR-105 filed in December 2014.</p> <p>Final rule adoption anticipated in February 2015.</p>
<p>New rule within Title 200 WAC trespassing on the capitol campus.</p>	<p>New rules are needed to specify the grounds upon which the state may give a trespass warning, excluding a person from the capitol buildings and grounds, and to put in place an administrative review process to satisfy a person's due process.</p>	<p>CR-101 was filed in December 2014.</p> <p>Proposed rules anticipated filing in March 2015.</p>

Jack Zeigler  
Rules Manager

**WSR 15-02-004**  
**AGENDA**  
**ENVIRONMENTAL AND**  
**LAND USE HEARINGS OFFICE**

[Filed December 24, 2014, 1:35 p.m.]

**Rule-Making Agenda**  
**January 1 through June 30, 2015**

This is the environmental and land use hearing's office (ELUHO) 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 Kay Brown, Rules Coordinator, P.O. Box 40903, Olympia, WA 98504, e-mail eluho@eluho.wa.gov.

Current Rule Making: The pollution control hearings board (PCHB) and the shorelines hearings board (SHB) are in the process of amending both boards' procedural rules. See WSR 14-24-044. One purpose of the amendments is to allow the boards to routinely accept electronic filing for both filings

of the initial petition for review and other types of filings. Another purpose specifically of the amendments to WAC 371-08-315 is to update the existing rule to reflect additional types of appeals over which the legislature has given the PCHB jurisdiction. Additional amendments reflect general clean up and modernization of the rules. The public hearing on these proposed amendments is scheduled for January 7, 2015. It is anticipated that the boards will adopt the amendments at its [their] meeting on January 13, 2015.

The growth management hearings board (GMHB) has no current rule making in process.

Anticipated Rule Making: Once the current rule making is completed, the PCHB and the SHB do not have any additional rule making planned.

The GMHB strategic plan calls for review and update of the board's rules of practice and procedure, chapter 242-03 WAC, beginning second quarter of 2015. The GMHB significantly rewrote these rules in 2011 to implement a legislative reorganization. The purpose of the anticipated 2015 rule making is to identify any rules that need correction or clarification since the 2011 update, in light of court rulings, practi-

tioner questions, advances in electronic communications, and the like. The GMHB anticipates perhaps twelve to twenty of its procedural rules should be reviewed and possibly revised.

December 24, 2014  
 Kay M. Brown  
 Rules Coordinator

**WSR 15-02-007**

**AGENDA**

**HIGHLINE COLLEGE**

[Filed December 26, 2014, 9:34 a.m.]

In accordance with RCW 34.05.314, Highline College (HC) submits this semi-annual agenda for rules under development. During the next six month period, HC will be engaged in the rule-making activities set forth below.

RCW 28B.140 [28B.50.140](7) grants HC board of trustees the authority to create rules and regulations for the governance of the college. Title 132I WAC, the WAC governing HC's operations was last revised in 2014. HC is conducting a comprehensive review of Title 132I WAC and has tentatively identified the following chapters that require revision to address contemporary business practices, changes in state law, or circumstances not previously contemplated:

Chapter 132I-120 WAC revisions and addition of new model code sections to meet Violence Against Women Act (VAWA) and Title IX compliance.

Other chapters may be revised or added to this list.

Larry T. Yok  
 Vice-President  
 for Administration

**WSR 15-02-012**

**AGENDA**

**RECREATION AND CONSERVATION OFFICE**

(Recreation and Conservation Funding Board)

(Salmon Recovery Funding Board)

[Filed December 29, 2014, 9:58 a.m.]

**SEMI-ANNUAL RULE DEVELOPMENT AGENDA**

**JANUARY - JUNE 2015**

Following is the semi-annual rule-making agenda for the recreation and conservation funding board and salmon recovery funding board, prepared by the recreation and conservation office, 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 Leslie Connelly, Rules Coordinator, P.O. Box 40917, Olympia, WA 98504-0917, (360) 902-3080, or [leslie.connelly@rco.wa.gov](mailto:leslie.connelly@rco.wa.gov).

WAC Title, Chapter or Section(s)	Purpose of Rule Being Developed or Amended	Current Activity		
		Preproposal (CR- 101)	Proposal (CR-102) Expedited (CR-105)	Permanent (CR-103)
420-04	Update sections including definitions, project selection, final decisions, and public records.	February 4, 2015	April 1, 2015	May 8, 2015

**WSR 15-02-008**

**NOTICE OF PUBLIC MEETINGS  
 EXECUTIVE ETHICS BOARD**

[Filed December 26, 2014, 9:35 a.m.]

This is to notify all interested persons, that the executive ethics board's regular meeting, scheduled for January 9, 2015, has been cancelled.

If you have any questions, please contact executive director, Kate Reynolds at (360) 586-6759.

**WSR 15-02-009**

**NOTICE OF PUBLIC MEETINGS  
 BELLINGHAM TECHNICAL COLLEGE**

[Filed December 26, 2014, 9:57 a.m.]

The Bellingham Technical College board of trustees will hold a **special meeting** on Friday, January 9, 2015, 9:00 - 12:00 p.m., in the College Services Board Room on the Bellingham Technical College campus to discuss the presidential search process. (RCW 42.30.110 (1)(g).) Call 752-8334 for information.

The **regularly scheduled** meeting of the board of trustees of Bellingham Technical College will be held on Thursday, January 15, 2015, from 9:00 - 12:00 p.m., in the College Services Board Room on the Bellingham Technical College campus. The board of trustees will have a study session from 8:15 - 9:00 a.m. to discuss the presidential search process; the regular meeting will begin at approximately 9:00 a.m. Call 752-8334 for information.

WAC Title, Chapter or Section(s)	Purpose of Rule Being Developed or Amended	Current Activity		
		Preproposal (CR- 101)	Proposal (CR-102) Expedited (CR-105)	Permanent (CR-103)
420-12	Update sections including applications, deadlines, matching resources, project agreement, costs, repayment, and conversions.	February 4, 2015	April 1, 2015	May 8, 2015
286-04	(1) Update definitions and add new definitions; (2) Update board and agency goals; (3) Clarify federal program requirements; and (4) Repeal WAC 286-04-090 History of fund sources.	April 1, 2015	May 20, 2015	April 26, 2015
286-13	(1) Add new sections on grant compliance, planning requirements for grant eligibility, and grant matching requirements; (2) Update sections on projects agreement requirements, retroactive and increased costs, and income and income use; and (3) Repeal section on federal assistance.	April 1, 2015	May 20, 2015	April 26, 2015
286-42	Repeal unnecessary definitions.	April 1, 2015	May 20, 2015	April 26, 2015
286-26, 286-27, 286-35, and 286-42	Repeal sections on long-term compliance and matching requirements. (These sections will be addressed in chapter 286-13 WAC.)	April 1, 2015	May 20, 2015	April 26, 2015
286-30	Repeal section on matching requirements. (This section will be addressed in chapter 286-13 WAC.)	April 1, 2015	May 20, 2015	April 26, 2015
286-40	Repeal chapter. (This chapter will be addressed in chapter 286-04 WAC.)	April 1, 2015	May 20, 2015	April 26, 2015

**WSR 15-02-013**  
**NOTICE OF PUBLIC MEETINGS**  
**RECREATION AND CONSERVATION**  
**OFFICE**

(Invasive Species Council)  
 [Filed December 29, 2014, 10:28 a.m.]

Following is the schedule of regular meetings for the Washington invasive species council for 2015:

Date	Time	Location
March 12, 2015	9:00 a.m. to 3:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
June 18, 2015	9:00 a.m. to 3:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
September 24, 2015	9:00 a.m. to 3:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501

Date	Time	Location
December 3, 2015	9:00 a.m. to 3:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501

If you need further information, contact Raquel Crosier, 1111 Washington Avenue S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone (360) 902-3000, fax (360) 902-3026, raquel.crosier@rco.wa.gov, www.InvasiveSpecies.wa.gov.

**WSR 15-02-015**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**JUDICIAL CONDUCT**

[Filed December 29, 2014, 11:05 a.m.]

The commission on judicial conduct (CJC) will hold its 2015 business meetings at 11:00 a.m. on the following dates at the Radisson Gateway Hotel, 18118 International Boulevard, SeaTac, WA 98188. Additional information can be



**WSR 15-02-039**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF HEALTH**

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

[Filed January 2, 2015, 7:11 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, mental health counselors, marriage and family therapists, and social workers advisory committee for the year 2014 [2015]. The mental health counselors, marriage and family therapists, and social workers advisory committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person 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 mental health counselors, marriage and family therapists, and social workers advisory committee reserves the right to change or amend agendas at the meeting.

<b>Date</b>	<b>Time</b>	<b>Location</b>
February 27, 2015	9:00 a.m.	Department of Health Town Center 2 Room 145 111 Israel Road S.E. Tumwater, WA 98501

<b>Date</b>	<b>Time</b>	<b>Location</b>
June 12, 2015	9:00 a.m.	Department of Health Town Center 2 Room 145 111 Israel Road S.E. Tumwater, WA 98501
September 11, 2015	9:00 a.m.	Department of Health Town Center 2 Room 158 111 Israel Road S.E. Tumwater, WA 98501
December 11, 2015	9:00 a.m.	Department of Health Town Center 2 Room 158 111 Israel Road S.E. Tumwater, WA 98501

If you need further information, please contact Kim-Boi Shaddock, MBA, Health Service Consultant 4, Washington Department of Health, Mental Health Counselors, Marriage and Family Therapists, and Social Workers Advisory Committee, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2912, fax (360) 236-2901, e-mail kimboi.shaddock@doh.wa.gov, web www.doh.wa.gov.

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

**WSR 15-02-040**

**NOTICE OF PUBLIC MEETINGS  
CONSERVATION COMMISSION**

[Filed January 2, 2015, 8:29 a.m.]

Per WAC 135-04-020, the Washington state conservation commission shall hold regular bimonthly meetings on the third Thursday of the month at various locations in the state of Washington. The regular business conservation commission meetings are held on the third Thursday of every other month with the exception of the November/December meeting. Bolded dates are the meeting dates.

Please note that the dates are set and the times listed below are estimated and may vary. Every effort will be made, however, to adhere to the proposed timelines. Please check our web site for any changes or additions that may affect this schedule at www.scc.wa.gov.

If you are a person with a disability and need special accommodations, please contact the conservation commission at (360) 407-7417.

**2015 Meeting Schedule**

<b>Date</b>	<b>Event and Time</b>	<b>Host Location</b>
January 14, 2015	1:00 p.m.-5:00 p.m. Field Tour 6:00 p.m.-8:00 p.m. Interaction Dinner	Coordinated by: Clallam Conservation District Dinner Location: Cedars at Dungeness 1965 Woodcock Road Sequim, WA 98362

<b>Date</b>	<b>Event and Time</b>	<b>Host Location</b>
<b>January 15, 2015</b>	8:30 a.m.-4:30 p.m. WSCC Regular Business Meeting	Location: Olympic Lodge 140 Del Guzzi Drive Port Angeles, WA 98362
March 18, 2015	1:00 p.m.-5:00 p.m. Field Tour 6:00 p.m.-8:00 p.m. Interaction Dinner	Coordinated by: Thurston Conservation District Dinner Location: TBA
<b>March 19, 2015</b>	9:00 a.m.-4:30 p.m. WSCC Regular Business Meeting	Location: Best Western 8326 Quinault Drive N.E. Lacey, WA 98516
May 19, 2015	1:00 p.m.-5:00 p.m. Field Tour 6:00 p.m.-8:00 pm. Interaction Dinner	Coordinated by: Kittitas County Conservation District Dinner Location: TBA
May 20, 2015	9:00 a.m.-4:00 p.m. WSCC Planning Meeting	Location: Hal Holmes Center Teaway Room 209 North Ruby Street Ellensburg, WA 98926
<b>May 21, 2015</b>	8:30 a.m.-4:30 p.m. WSCC Regular Business Meeting	Location: Hal Holmes Center Teaway Room 209 North Ruby Street Ellensburg, WA 98926
July 15, 2015	1:00 p.m.-5:00 p.m. Field Tour 6:00 p.m.-8:00 pm. Interaction Dinner	Coordinated by: Clark Conservation District Dinner Location: TBA
<b>July 16, 2015</b>	8:30 a.m.-4:30 p.m. WSCC Regular Business Meeting	Location: Best Western Plus Vancouver Hotel 9420 N.E. Vancouver Mall Drive Vancouver, WA 98662
September 16, 2015	1:00 p.m.-5:00 p.m. Field Tour 6:00 p.m.-8:00 pm. Interaction Dinner	Coordinated by: South Yakima Conservation District Dinner Location: TBA Location: Best Western Plus Grapevine Inn
<b>September 17, 2015</b>	8:30 a.m.-4:30 p.m. WSCC Regular Business Meeting	1849 Quail Lane Sunnyside, WA 98944
<b>December 3, 2015</b>	9:00 a.m.-3:00 p.m. WSCC Regular Business Meeting	Location: Doubletree by Hilton 322 North Spokane Falls Court Spokane, WA 99201

**WSR 15-02-044**

**INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed January 2, 2015, 11:50 a.m.]

**Notice of Interpretive or Policy Statement**

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

**Aging and Long-Term Support Administration (AL TSA)  
Division of Home and Community Services (HCS)**

Document Title: Public Notice.

Subject: Public comments period on the New Freedom waiver transition plan for compliance with new federal rules.

Effective Date: January 21, 2015, through February 22, 2015.

A final federal rule, published in January 2014, created requirements for home and community-based settings in medicaid programs operated under sections 1915 (c), (i), and (k) of the Social Security Act. These regulatory requirements can be found at 42 C.F.R. Section 441.301 (c)(4)(5) and Section 441.710 (a)(1)(2). The requirements support opportunities to maximize access to the benefits of community living and to receive services in the most integrated setting for home and community-based service[s] (HCBS) program participants. States are required to submit a waiver specific transition plan to the Centers for Medicare and Medicaid Services (CMS) at the time of waiver renewal.

The state medicaid agency in conjunction with DSHS, will be submitting a waiver specific transition plan to CMS for DSHS's New Freedom waiver #0443. As outlined in guidance issued by CMS on September 5, 2014, the plan describes compliance with the regulation requirements for

home and community-based settings at 42 C.F.R. 441.301 (c)(4)(5) and 441.710 (a)(1)(2), and describes to CMS how DSHS will comply with the new requirements. The plan includes an assessment of the extent to which Washington's regulations, standards, policies, licensing requirements, and other provider requirements ensure settings that comport with the requirements outlined at 42 C.F.R. 441.301 (c)(4)(5) and 42 C.F.R. 441.710 (a)(1)(2). The plans also describe actions DSHS will take to assure full and ongoing compliance with the HCBS settings requirements, including specific timeframes for identified actions.

The transition plan is subject to public input, as required at 42 C.F.R. 441.301 (6)(B)(iii) and 42 C.F.R. 441.710 (3)(iii). This notice announces an additional review period for the waiver specific transition plan for DSHS's new freedom waiver #0443. The additional review period has been added due to modifications to the New Freedom waiver specific transition plan that are required by CMS. The new thirty day comment period for the New Freedom transition plan closes on February 22, 2015.

The New Freedom transition plan will be available on the DSHS web site on January 21, 2015. The web site address is <http://www.alsa.dshs.wa.gov/stakeholders/hcbs/>. Paper copies of the draft transition plans are available upon request by contacting Barbara Hanneman at the address listed below or calling 1-800-422-3263 and selecting option #6.

DSHS welcomes all comments on the New Freedom transition plan. Comments may be submitted to DSHS through the web site address listed above. Additionally, comments may be mailed to Barbara Hanneman, HCS Program Manager, P.O. Box 45600, phone (360) 725-2525, TDD/TTY (360) 438-2637, fax (360) 586-9727, e-mail [hannebj@dshs.wa.gov](mailto:hannebj@dshs.wa.gov), web site <http://www.alsa.dshs.wa.gov>. DSHS will receive comments on the draft transition plans through February 22, 2015.

### WSR 15-02-045

#### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed January 2, 2015, 11:53 a.m.]

#### Notice of Interpretive or Policy Statement

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

#### **Aging and Long-Term Support Administration (AL TSA) Division of Home and Community Services (HCS) and Developmental Disabilities Administration (DDA)**

Document Title: Public Notice.

Subject: Public comment period on the statewide transition plan for compliance with new federal rules.

Effective Date: January 21, 2015, through February 6, 2015.

A final federal rule, published in January 2014, created requirements for home and community-based settings in medicaid programs operated under sections 1915 (c), (i), and (k) of the Social Security Act. These regulatory requirements can be found at 42 C.F.R. Section 441.301 (c)(4)(5) and Section 441.710 (a)(1)(2). The requirements support opportunities to maximize access to the benefits of community living and to receive services in the most integrated setting for home and community-based service[s] (HCBS) program participants. States are required to submit a statewide transition plan to the Centers for Medicare and Medicaid Services (CMS) that covers all of the state's medicaid programs operated under sections 1915 (c), (i), and (k) of the Social Security Act.

The state medicaid agency in conjunction with DSHS, will be submitting a statewide transition plan to CMS. As outlined in guidance issued by CMS on September 5, 2014, the plan describes compliance with the regulation requirements for home and community-based settings at 42 C.F.R. 441.301 (c)(4)(5) and 441.710 (a)(1)(2), and describes to CMS how DSHS will comply with the new requirements. The plan includes an assessment of the extent to which Washington's regulations, standards, policies, licensing requirements, and other provider requirements ensure settings that comport with the requirements outlined at 42 C.F.R. 441.301 (c)(4)(5) and 42 C.F.R. 441.710 (a)(1)(2). The plans also describe actions DSHS will take to assure full and ongoing compliance with the HCBS settings requirements, including specific timeframes for identified actions.

The transition plan is subject to public input, as required at 42 C.F.R. 441.301 (6)(B)(iii) and 42 C.F.R. 441.710 (3)(iii). This notice announces the extension of the public review and comment period for the statewide transition plan for all HCS and DDA waivers. The public comment period for the statewide waiver transition plan will now close on February 6, 2015. The draft transition plan is available on the DSHS web site at <http://www.alsa.dshs.wa.gov/stakeholders/hcbs/>.

A paper copy of the draft transition plan is available upon request by contacting Barbara Hanneman at the address listed below or calling 1-800-422-3263 and selecting option #6.

DSHS welcomes all comments on the draft statewide transition plan. Comments may be submitted to DSHS through the web site address listed above. Additionally, comments may be mailed to Barbara Hanneman, HCS Program Manager, P.O. Box 45600, phone (360) 725-2525, TDD/TTY (360) 438-2637, fax (360) 586-9727, e-mail [hannebj@dshs.wa.gov](mailto:hannebj@dshs.wa.gov), web site <http://www.alsa.dshs.wa.gov>. DSHS will receive comments through February 6, 2015.

**WSR 15-02-046****NOTICE OF PUBLIC MEETINGS  
BELLINGHAM TECHNICAL COLLEGE**

[Filed January 5, 2015, 9:41 a.m.]

**Associated Students of Bellingham Technical College  
Executive Team Meeting Schedule**

Following is the schedule of regular meetings for the associated students of Bellingham Technical College executive team for January-March 2015. Meetings are held in Campus Center Room 300 unless otherwise designated:

Date	Time
January 8	3:10 - 5p.m.
January 15	3:10 - 5p.m.
January 22	3:10 - 5p.m.
January 29	3:10 - 5p.m.
February 5	3:10 - 5p.m.
February 12	3:10 - 5p.m.
February 19	3:10 - 5p.m.
February 26	3:10 - 5p.m.
March 5	3:10 - 5p.m.
March 12	3:10 - 5p.m.
March 19	3:10 - 5p.m.
March 26	3:10 - 5p.m.

If you need further information contact Melisa Nelson at (360) 752-8443 or e-mail [mnelson@btc.etc.edu](mailto:mnelson@btc.etc.edu).

**WSR 15-02-049****NOTICE OF PUBLIC MEETINGS  
BELLINGHAM TECHNICAL COLLEGE**

[Filed January 5, 2015, 10:41 a.m.]

**AMENDED NOTICE**

The Bellingham Technical College board of trustees will hold a **special meeting** on Friday, January 9, 2015, 9:00 – 12:00 p.m., in the College Services Board Room on the Bellingham Technical College campus to discuss the presidential search process. The board of trustees may convene into executive session to review the performance of a public employee. (RCW 42.30.110 (1)(g).) Call 752-8334 for information.

The **regularly scheduled** meeting of the board of trustees of Bellingham Technical College will be held on Thursday, January 15, 2015, from 9:00 – 12:00 p.m., in the College Services Board Room on the Bellingham Technical College campus. The board of trustees will have a study session from 8:15 – 9:00 a.m. to discuss the presidential search process; the regular meeting will begin at approximately 9:00 a.m. Call 752-8334 for information.

**WSR 15-02-050****NOTICE OF APPEAL  
OFFICE OF THE GOVERNOR**

[Filed January 5, 2015, 10:49 a.m.]

**NOTICE OF APPEAL  
RCW 34.05.330(3)**

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

On December 15, 2014, the Governor's Office received an appeal from Gregory Nelson, relating to the Office of Financial Management's denial of a petition to repeal or amend WAC 357-49-010 (3)(a), WAC 357-13-080, and WAC 357-52-010 (1)(c).

DATE: December 29, 2014

Taylor K. Wonhoff  
Assistant Legal Counsel  
to the Governor

**WSR 15-02-052****RULES COORDINATOR  
HEALTH CARE AUTHORITY**

[Filed January 5, 2015, 10:59 a.m.]

Pursuant to RCW 34.05.312, effective January 1, 2015, I have designated Jason R. P. Crabbe as the rules coordinator for the Health Care Authority. Jason's information is as follows: Health Care Authority, P.O. Box 42716, Olympia, WA 98504-2716, phone (360) 725-1346, fax (360) 586-9727, e-mail [jason.crabbe@hca.wa.gov](mailto:jason.crabbe@hca.wa.gov).

Should you need further information, please contact Annette Schuffenhauer, assistant director, (360) 725-1254 or e-mail [Annette.schuffenhauer@hca.wa.gov](mailto:Annette.schuffenhauer@hca.wa.gov).

Dorothy F. Teeter  
Director

**WSR 15-02-053****CLEMENCY AND PARDONS BOARD**

[Filed January 5, 2015, 11:57 a.m.]

**Notice of Quarterly Hearing**

The Washington state clemency and pardons board hereby gives notice of its quarterly hearing scheduled for March 6, 2015, at 10:00 a.m., in Senate Hearing Room 3, John A. Cherberg Building, Olympia, Washington<sup>1</sup>. The following petitions will be considered by the board<sup>2</sup>:

<b>Petitioner:</b>	<b>Relief Requested:</b>
Pringle, Theresa K.	Pardon
Cowgill, Jeffrey L.	Pardon
Clark, Marie D.	Pardon
Dallman, Marion R.	Pardon
Babcock, Timothy G.	Pardon

<b>Petitioner:</b>	<b>Relief Requested:</b>
Midgette, Kay Linda	Pardon
Shohan, Melissa L.	Pardon
Seim, Normandy L.	Pardon
Michell, Andrew D.	Pardon

If you need further information contact Linda Graham, Community Colleges of Spokane, 501 North Riverpoint Boulevard, Spokane, WA 99217, phone (509) 434-5006, fax (509) 434-5025, e-mail linda.graham@ccs.spokane.edu.

- <sup>1</sup> Please note that all board hearings are recorded by a court reporter, open to the public, and broadcast on the state public affairs network, TVW.
- <sup>2</sup> At the board's discretion, the order of the petitions to be called for hearing is subject to change.

**WSR 15-02-062**  
**NOTICE OF PUBLIC MEETINGS**  
**PUGET SOUND**  
**SALMON COMMISSION**  
 [Filed January 6, 2015, 9:52 a.m.]

Here is a list of the Puget Sound salmon commission meetings for 2015.

**WSR 15-02-058**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMUNITY COLLEGES**  
**OF SPOKANE**  
 [Filed January 5, 2015, 4:32 p.m.]

The board of trustees of Washington State Community College District 17 (Community Colleges of Spokane) has changed the following regular meeting:

From: Tuesday, January 20, 2015, 8:30 a.m. – 12:00 p.m., at the Apprenticeship and Journeyman Training Center, 2110 North Fancher Road, Spokane.

To: This meeting has been cancelled.

Saturday January 24	1:00 p.m.	Cornwall Conference Center 921 Cornwall Avenue Bellingham
Saturday March 28	9:30 a.m.	Mt. Vernon Senior Center Mt. Vernon
Saturday October 3	9:30 a.m.	Fishermen's Terminal Nordby Conference Center Seattle

For more information, contact the Puget Sound salmon commission at (206) 595-8734.

**WSR 15-02-065**  
**AGENDA**  
**LIQUOR CONTROL BOARD**  
 [Filed January 6, 2015, 11:25 a.m.]

**Semi-Annual Rule-Making Agenda**  
**January 1 through June 30, 2015**

Following is the liquor control board'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 conditions warrant.

If you have questions about this rule-making agenda, please contact Karen McCall, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, phone (360) 664-1631, e-mail rules@liq.wa.gov.

WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Add new section in chapter 314-23 WAC to address fair trade practices with spirits and wine.	Stakeholder request	WSR 13-07-026 Filed 3/13/13	WSR 13-22-095 Filed 11/6/13 Supp WSR 14-12-099 Filed 6/4/14 Supp WSR 15-01-093 Filed 12/17/14	

WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Create a new section in chapter 314-02 WAC to clarify the relocation of former state and contract liquor stores.	Stakeholder request/I-1183	WSR 13-08-088 Filed 4/3/13		
Create a new section in chapter 314-12 WAC regarding multiple licenses for an entity at a single location.	Agency direction	WSR 14-03-076 Filed 1/15/14 Withdrawn: WSR 15-02-064 Filed 1/6/15		
Revise WAC 314-02-130, for outside service area requirements for liquor licensees.	Stakeholder request	WSR 14-11-104 Filed 5/21/14		
Revise WAC 314-12-215, on alcohol impact areas.	Stakeholder request	WSR 14-21-182 Filed 10/22/14		
Revise WAC 314-02-106, regarding spirits tastings by spirits retail licensees.	Stakeholder request	WSR 14-21-183 Filed 10/22/14		
Review chapter 314-07 WAC, How to apply for a liquor license.	Review	WSR 14-21-186 Filed 10/22/14		
Revise WAC 314-02-056, 314-02-057, 314-02-058, and 314-02-059, regarding sports entertainment facility licenses.	Stakeholder request	WSR 15-01-092 Filed 12/17/14		
Revise rules in chapter 314-55 WAC for marijuana licenses and requirements.	Implement 2014 legislation and revisions to current rules	WSR 14-12-100 Filed 6/4/14	WSR 14-21-103 Filed 10/15/14	

**WSR 15-02-066****DEPARTMENT OF ECOLOGY**

[Filed January 6, 2015, 11:58 a.m.]

**Notice of Intent to Develop a New General Permit for Biosolids Management**

The department of ecology (ecology) intends to develop a new *general permit for biosolids management* (biosolids general permit) because the existing biosolids general permit will expire on August 20, 2015. The new biosolids general permit will apply to public and private entities that treat, store, transfer, apply, or dispose of biosolids in the state. This permit is the primary regulatory mechanism for approving the final use or disposal of biosolids in the state.

Ecology will use the standards for biosolids management adopted in chapter 173-308 WAC and accepted best management practices to assure that conditions in the biosolids general permit protect human health and the environment.

Ecology requests your response to the following questions:

(a) Should ecology develop a biosolids general permit to cover all facilities that use or dispose of biosolids? (Note: Each facility would still be required to individually apply for and obtain coverage under the biosolids general permit.)

**or**

(b) Should ecology require each facility that uses or disposes of biosolids to obtain an individual permit?

Please send your response, comments, questions, or requests to Rebecca Singer, Department of Ecology, Waste 2 Resources Program, P.O. Box 47600, Olympia, WA 98504-7600, [rebecca.singer@ecy.wa.gov](mailto:rebecca.singer@ecy.wa.gov), no later than February 20, 2015.

**WSR 15-02-067**  
**NOTICE OF PUBLIC MEETINGS**  
**HIGHLINE COLLEGE**  
 [Filed January 6, 2015, 12:19 p.m.]

Following is the meeting schedule for 2015 for the board of trustees of Highline College, District 9. All meetings will be held in Building 25 on the Highline campus in Des Moines, Washington and begin with a study session at 8:00 a.m., followed by the regular meeting at 10:00 a.m. The exceptions to this schedule will be during the months of March and October 2015. Due to impending schedule conflicts, the dates of those meetings will be forwarded upon confirmation. Please note the September 30 meeting date is a Wednesday. These meeting dates were approved by the board of trustees at the December 17, 2014, meeting.

DATE	STUDY SESSION	MEETING
January 15, 2015	8:00 a.m.	10:00 a.m.
February 19, 2015	8:00 a.m.	10:00 a.m.
<i>March, 2015</i>	Unconfirmed	Unconfirmed
April 9, 2015	8:00 a.m.	10:00 a.m.
May 7, 2015	8:00 a.m.	10:00 a.m.
June 11, 2015	8:00 a.m.	10:00 a.m.
July 16, 2015	8:00 a.m.	10:00 a.m.
<i>No August 2015 meeting</i>		
September 30, 2015 <i>(Wednesday)</i>	8:00 a.m.	10:00 a.m.
<i>October, 2015</i>	Unconfirmed	Unconfirmed
November 19, 2015	8:00 a.m.	10:00 a.m.
December 10, 2015	8:00 a.m.	10:00 a.m.

**WSR 15-02-071**  
**NOTICE OF PUBLIC MEETINGS**  
**WESTERN WASHINGTON UNIVERSITY**  
 [Filed January 6, 2015, 2:23 p.m.]

**Services and Activities Fees 2015 Meeting Schedule**

Pursuant to chapter 42.30 RCW, please publish the following 2015 schedule of regular meetings of Western Washington University's services and activities fees committee:

Meeting Date	Location	Time
January 14	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
January 21	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
January 28	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
February 4	516 High Street Viking Union 462A	12:00 – 1:00 p.m.

Meeting Date	Location	Time
February 11	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
February 18	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
February 25	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
March 4	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
March 11	516 High Street Viking Union 567	12:00 – 1:00 p.m.
April 1	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
April 8	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
April 15	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
April 22	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
April 29	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
May 6	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
May 13	516 High Street Viking Union 462A	12:00 – 1:00 p.m.
May 20	516 High Street Viking Union 462A	12:00 – 1:00 p.m.

For potential updates to the meeting date, time, or location, please refer to the following web link, <http://www.wvu.edu/vpress/fees.shtml>.

Any questions regarding the meeting schedule or the public comment period may be directed to Ashley Demko, secretary to the services and activities fees committee at (360) 650-3851 or e-mail [Ashley.Demko@wwu.edu](mailto:Ashley.Demko@wwu.edu).

**WSR 15-02-073**  
**AGENDA**  
**DEPARTMENT OF LICENSING**  
 [Filed January 6, 2015, 3:47 p.m.]

Following is the rule-making agenda for the department of licensing. This agenda is sent as a requirement of RCW 34.05.314.

For any additional information regarding rule making at the department of licensing please don't hesitate to contact Damon Monroe via e-mail at [dmonroe@dol.wa.gov](mailto:dmonroe@dol.wa.gov) or phone (360) 902-3843.

**DEPARTMENT OF LICENSING  
RULE-MAKING AGENDA FOR RULES UNDER DEVELOPMENT -  
JANUARY 2015**

CR-101	CR-102	PROGRAM	SUBJECT
10-23-088		PSD/Hearings	Chapter 308-103 WAC, Rules of procedure for hearings conducted under RCW 46.20.308.
11-15-059		PSD/Drivers	WAC 308-104-075, administrative sanctions re: ID application; DOL approval on file.
12-03-062		BPD/Real Estate	The director's authority for investigations, inspections and audits, time, place and manner.
12-14-072		PSD/Commercial driver license	WAC 308-100-033 Minimum training requirements.
12-20-055		BPD/Collections agencies	Chapter 308-29 WAC board's authority on conducting audits and investigations of business and profession licensees.
13-08-039		BPD/Cosmetology	WAC 308-20-210, cosmetology, barbering, manicuring, and esthetics profession fee suspension.
13-08-050		BPD/UCC	WAC 308-391-202 Grounds for refusal, 308-391-203 Procedure upon refusal, 308-391-101(1) Methods to deliver UCC records— Time of filing.
13-14-059		ASD/Public disclosure	WAC 308-93-087, 308-93-088, 308-93-089, disclosure of names and addresses of individual vessel owners. To incorporate recent legislative changes, SSB 5182 passed during the 2013 session.
13-19-052		PSD/Vehicle and vessel licensing	Chapter 308-94A WAC, amend the ORV rules to include restrictions/provisions for wheeled all-terrain vehicles. ESHB 1632 passed during 2013 legislative session.
13-20-011		BPD/Engineers and land surveyors	Chapter 196-29 WAC, Professional practices. Clarify terminology that has become unclear since the Engineer's Registration Act (RCW 18.43.020(9)) was first adopted in 1947.

CR-101	CR-102	PROGRAM	SUBJECT
13-20-012		BPD/Engineers and land surveyors	Chapter 196-29 WAC, Professional practices. Board adopted policy pertaining to when and under what circumstances a professional engineer could engage in practice that might be seen as within the scope of land surveying. The policy will be adopted as an amendment to Title 196 WAC.
13-23-085		BPD/Court reporters	Chapter 308-14 WAC amending chapter for effectiveness, clarity, intent and statutory authority.
14-03-051		BPD/Home inspectors	WAC 308-408-010, 308-408A-020, 308-408B-040, 308-408C-020(13), 308-408C-050(5), clarify existing rules to assist licensees regarding field training, continuing education, and marketing materials. (Rule needed in response to 2013 legislation for energy efficiency.)
14-02-066		ASD/Resources division	Repeal WAC 308-93-087, 308-93-088 and 308-93-089, disclosure of names and addresses of individual vessel owners etc.
14-07-027		BPD/Dealer and manufacturer services	WAC 308-66-152, Motor vehicle dealer and manufacturers unlawful practices.
14-05-042		BPD/Driver training school program	Chapters 308-108 and 308-110 WAC update rules for driver training schools who teach traffic safety education and administer knowledge and driving examinations.
14-11-041	15-01-077	BPD/Combative sports	Chapter 36-14 WAC, Professional and amateur martial arts.
14-16-101	14-24-120	PSD/CDL program	WAC 308-100-180 Third party testing fee, to allow third party testers to collect the skills test fees directly from the customer.

CR-101	CR-102	PROGRAM	SUBJECT
14-16-100		PSD/Vehicle and vessel licensing	Chapter 308-96A WAC, Vehicle licenses, the amendment will remove the requirement for mandatory plate replacement as required by ESSB [2ESSB] 5785 passed during the 2014 legislative session.
14-17-039		PSD/Programs and services, field and licensing support	WAC 308-104-050 Waiver of driver education requirement.
14-17-045		BPD/Real estate	WAC 308-125-180 Reciprocity.
14-21-061		PSD/Vehicle and vessel licensing	WAC 308-96A-026 Vehicle transit permit, HB [E2SHB] 1129 passed during the 2014 session which requires a five dollar service fee be charged by all offices for registration transactions.

CR-101	CR-102	PROGRAM	SUBJECT
14-21-130		BPD/BRS unit notary	WAC 308-100-130 and 308-30-155 Satisfactory evidence of identity.
14-23-023		BPD/Registered professional engineers	Chapter 196-12 WAC, Registered professional engineers. Repealing chapter 196-12 WAC not supported by chapter 18.43 RCW, WAC 196-12-010, delete any language regarding waiving the fundamental of engineering exam.
14-23-066		BPD/Cosmetology	Chapter 308-20 WAC regarding the practice of natural hair braiding.
14-23-067		BPD/Cosmetology	Chapter 308-20 WAC safety and sanitation requirements regarding public safety.
14-23-090		PSD/Contracts and initiatives management	WAC 308-104-019 Renewal of driver's license or identocard by electronic commerce—Eligibility.

Damon Monroe  
Rules Coordinator

**WSR 15-02-074**

**AGENDA**

**NOXIOUS WEED  
CONTROL BOARD**

[Filed January 6, 2015, 4:02 p.m.]

Following is the state noxious weed control board's semi-annual rules development agenda for the period of January 1 through June 30, 2015. This document is being sent in compliance with RCW 34.05.314.

The board may undertake additional rule-making activity as conditions warrant. If you have any questions, please contact Alison Halpern at (360) 902-2053 or e-mail ahalpern@agr.wa.gov.

**Semi-Annual Rules Agenda**

**January 1 - June 30, 2015**

**P.O. Box 42560**

**Olympia, WA 98504-2560**

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102	CR-103	
16-750	State noxious weed list and schedule of monetary penalties	Alison Halpern Executive Secretary Phone (360) 902-2053	June	September	November	Possible changes to noxious weed list and state weed board by-laws

Alison Halpern  
Executive Secretary

**WSR 15-02-078**  
**AGENDA**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**  
 [Filed January 7, 2015, 10:44 a.m.]

**Semi-Annual Rule-Making Agenda**  
**January through June 2015**

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

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

Please direct any questions about this agenda to Peggy Larson, Rules Coordinator, 2901 Third Avenue, Suite 500, Seattle, WA 98121, or e-mail Larsonp@wsdot.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102)	Permanent (CR-103P)
363-116-010	Time and place of meeting.	WSR 14-13-114 6/18/14		
363-116-078	Training program.	WSR 14-13-114 6/18/14		
363-116-080	Licensing of pilots.	WSR 14-13-114 6/18/14		
363-116-082	Limitations on new pilots.	WSR 14-13-114 6/18/14	WSR 14-16-087 Second continued hearing scheduled for 1/15/15	
363-116-084	Simulator evaluation review and appeal procedures.	WSR 14-13-114 6/18/14		
363-116-110	Details and requirements of annual license fee payment ... for licensed pilots.	WSR 14-13-114 6/18/14		
363-116-140	Limitations.	WSR 14-13-114 6/18/14		
363-116-200	Duties of pilots.	WSR 14-13-114 6/18/14		

**WSR 15-02-082**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 (Committee on Geographic Names)  
 [Filed January 7, 2015, 11:04 a.m.]

Below please find the schedule for the 2015 committee on geographic names meetings. If you have any questions, please feel free to call Caleb Maki at (360) 902-1280.

May 15, 2015                    10:00 a.m. to 4:00 p.m.

October 23, 2015              10:00 a.m. to 4:00 p.m.

**WSR 15-02-083**

**AGENDA**

**WASHINGTON STATE PATROL**

[Filed January 7, 2015, 11:32 a.m.]

**Semi-Annual Rule-Making Agenda  
January through June 2015**

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.

There may be additional rule-making activity not on the agenda as conditions warrant.

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/Approximate Filing Date		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Chapter 212-17 WAC	It is anticipated that there may need to be changes to this chapter which will include but may not be limited to cleaning up outdated language.	August 19, 2014 WSR 14-17-107	November 24, 2014 WSR 14-24-043	2015
Chapter 204-50 WAC	It is anticipated that there may need to be changes to this chapter to provide clean up to existing language and to coincide with legislative changes that may be brought forward during the 2015 legislative session.	Possibly late spring of 2015		
Chapter 212-10 WAC	It is anticipated that there may need to be changes to this chapter to coincide with legislative changes that may be brought forward during the 2015 legislative session.	Possibly late spring of 2015		
Chapter 212-50 WAC	It is anticipated that there may need to be changes to this chapter to coincide with legislative changes that may be brought forward during the 2015 legislative session.	Possibly late spring of 2015		
Chapter 212-51 WAC	It is anticipated that there may need to be changes to this chapter to coincide with legislative changes that may be brought forward during the 2015 legislative session.	Possibly late spring of 2015		

Melissa Van Gorkom  
Rules Coordinator

**WSR 15-02-084**  
**AGENDA**  
**DEPARTMENT OF COMMERCE**

[Filed January 7, 2015, 11:39 a.m.]

Following is the department of commerce's 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 the agenda as conditions warrant.

Please contact Nick Demerice if you have questions, nick.demerice@commerce.wa.gov or (360) 725-4010.

**Semi-Annual Rule-Making Agenda**  
**January through July 2015**

<b>WAC Citation</b>	<b>Subject Matter/Purpose of Rule</b>	<b>Current Activity/ Approximate Filing Date</b>
WAC 130-17-117	The proposed amendments update rules relating to process, timelines and documentation for consumer-owned electric utilities subject to the Washington renewable portfolio and energy efficiency standard, chapter 19.285 RCW. Amendments strengthen and clarify documentation requirements, increase transparency of utility performance, improve consistency with comparable rules of the utilities and transportation commission and provide additional flexibility for compliance. Unnecessary sections are repealed.	CR-102 filed, anticipated completion in late winter 2015.
Chapter 130-10 WAC	Update agency public disclosure rule to align with statutory law and current practices.	Anticipated completion in spring 2015.

Nick Demerice  
 Rules Coordinator