

WSR 15-23-001**HEALTH CARE AUTHORITY**

[Filed November 4, 2015, 1:37 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 16-0002.

Effective Date: January 1, 2016.

Description: The health care authority (the agency) intends to submit medicaid SPA 16-0002 to maintain standards for medicaid programs that are based on the federal benefit rate (FBR). The annual FBR amount is based in part on cost-of-living adjustment, and did not increase for calendar year 2016. Due to no increase in the FBR, income and resource eligibility standards for medicaid programs that are based on the FBR will remain the same in accordance with federal requirements.

This SPA is expected to have no impact on annual aggregate expenditures.

The SPA is in the development process; therefore a copy is not yet available for review. To contact the agency for additional information and a copy of the SPA when it becomes available, please contact Stephen Kozak, Eligibility Policy and Service Delivery, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1343, TDD/TTY 800-848-6529, fax (360) 664-2186, e-mail Stephen.kozak@hca.wa.gov.

WSR 15-23-003**HEALTH CARE AUTHORITY**

[Filed November 5, 2015, 8:19 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 16-0003.

Effective Date: January 1, 2016.

Description: The health care authority (the agency) intends to submit medicaid SPA 16-0003 to update the effective date of the dental services fee schedule. Fee schedules are updated on a regular basis, usually quarterly, based on coding and coverage information from the Centers for Medicare and Medicaid Services (CMS), medicare, and other sources. The medicaid state plan must be amended as necessary to reflect new effective dates.

The agency anticipates that updating the effective date of the fee schedule will have no effect on annual aggregate expenditures.

The SPA is in the development process; therefore a copy is not yet available for review. To contact the agency for additional information and a copy of the SPA when it becomes available, please contact Jean Bui, Rates Development, 626 [8th] Avenue S.E., Olympia, WA 98501, phone (360) 725-1973, TDD/TTY 800-848-5429, fax (253) 350-6512, e-mail jean.bui@hca.wa.gov, web site <http://www.hca.wa.gov/medicaid/rbrvs/Pages/index.aspx>.

WSR 15-23-006**INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed November 5, 2015, 12:34 p.m.]

Under RCW 34.05.230, enclosed is a policy and interpretive statement issued by the department of labor and industries regarding the employment standards program.

If you have any questions or need additional information, please call Maggie Leland at (360) 902-4504.

Title: ES.C.6.2 Meal and Rest Periods for Agriculture Workers.

Date Issued: October 19, 2015.

Description: A recent Washington Supreme Court opinion, *Demetrio v. Sakuma Brothers Farms*, confirmed the obligation to pay agricultural piece-rate workers for their rest periods. This policy provides guidance related to this opinion.

Contact: Jennifer Cervantes, P.O. Box 44510, Olympia, WA 98504-4510, (360) 902-5315, cerj235@lni.wa.gov.

Maggie Leland
Rules Coordinator
Senior Policy Advisor

WSR 15-23-010**NOTICE OF PUBLIC MEETINGS
COLUMBIA BASIN COLLEGE**

[Filed November 6, 2015, 11:35 a.m.]

The Columbia Basin board of trustees' December 14, 2015, meeting has been moved to December 8, 2015. It will begin at 4:00 p.m. and will be held in the CBC Beers Board Room.

If you have any questions, please contact Lupe Perez at (509) 542-4802.

WSR 15-23-011**NOTICE OF PUBLIC MEETINGS
COLUMBIA RIVER
GORGE COMMISSION**

[Filed November 6, 2015, 11:36 a.m.]

Regular Meetings 2016

Date	Day	Location
January 12	Tuesday	Port of Skamania Tichenor Building Stevenson, Washington
February 9	Tuesday	Best Western - Hood River Inn Riverview Room Hood River, Oregon
March 8	Tuesday	Fort Dalles Readiness Center The Dalles, Oregon

Date	Day	Location
April 12	Tuesday	Maryhill Museum Goldendale, Washington
May 10	Tuesday	Gresham City Hall Portland, Oregon
June 14	Tuesday	Camas Library Camas, Washington
July 12	Tuesday	Pavilion Cascade Locks, Oregon
August 9	Tuesday	Bonneville Event Center North Bonneville, Washington
September 13	Tuesday	Discovery Center The Dalles, Oregon
October 11	Tuesday	Skamania Lodge Stevenson, Washington
November 8	Tuesday	White Salmon Fire Hall White Salmon, Washington
December 13	Tuesday	Best Western - Hood River Inn Riverview Room Hood River, Oregon

On occasion, the commission cancels a regular meeting or must meet in a different location. Please check prior to each meeting for updates to this calendar.

WSR 15-23-012

NOTICE OF PUBLIC MEETINGS

WASHINGTON STATE UNIVERSITY

[Filed November 6, 2015, 11:36 a.m.]

In accordance with RCW 42.30.075, the board of regents of Washington State University established the following meeting schedule for the first half of 2016 at its meeting held October 30, 2015:

Thursday and Friday	January 28-29	Vancouver
Thursday and Friday	March 24-25	Tri-Cities
Thursday and Friday	May 5-6	Pullman
Thursday and Friday	June 2-3	Woodinville (Retreat)

Thursday's meetings will begin with lunch or a series of committee meetings, followed by dinner. Friday's meetings will begin with breakfast, followed by the board of regents meeting. All meetings may be attended by some or all of the regents.

Thursday's meetings will begin at 10:00 a.m. and Friday's meetings will begin at 7:15 a.m., or at such later time as may be announced on the regents' web page at www.regents.wsu.edu. Such announcements will occur the week prior to the dates listed above, along with room locations for all meetings.

Inquires [Inquiries] about this schedule or board of regents meetings, in general, may be directed to the WSU board of regents office at (509) 335-4200.

WSR 15-23-017

HEALTH CARE AUTHORITY

[Filed November 6, 2015, 12:49 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 16-0003.

Effective Date: January 1, 2016.

Description: The agency regularly submits medicaid SPAs to the Centers for Medicare and Medicaid Services to update the alternative benefit plan section of the medicaid state plan so it reflects recently approved changes made to other sections of the state plan. Agency anticipates submitting [SPA] 16-0001 to reflect the approval of SPA 15-0016, which added the state's policy of not paying for elective deliveries that are less than thirty-nine weeks gestation unless they are medically necessary.

This SPA is expected to have no impact on annual aggregate expenditures.

The SPA is in the development process; therefore a copy is not yet available for review. To contact the agency for additional information and a copy of the SPA when it becomes available, please contact Gail Kreiger, Medicaid Monitoring, P.O. Box 45506, Olympia, WA 98504-5506, phone (360) 725-1681, TDD/TTY 800-848-6529, fax (360) 725-1328, e-mail gail.kreiger@hca.wa.gov.

WSR 15-23-023

PUBLIC RECORDS OFFICER

BATES TECHNICAL COLLEGE

[Filed November 9, 2015, 12:31 p.m.]

Pursuant to RCW 42.56.580, the public records officer for Bates Technical College is Holly Woodmansee, 1101 South Yakima Avenue, Tacoma, WA 98405, phone (253) 680-7123, fax (253) 680-7121, e-mail hwoodmansee@bates.ctc.edu.

Pamela Carter
Executive Assistant
to Holly Woodmansee
VP of Administrative Services

WSR 15-23-026

HEALTH CARE AUTHORITY

[Filed November 10, 2015, 7:47 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 16-0001.

Effective Date: January 1, 2016.

Description: The agency regularly submits medicaid SPAs to the Centers for Medicare and Medicaid Services to update the alternative benefit plan section of the medicaid state plan so it reflects recently approved changes made to other sections of the state plan. Agency anticipates submitting [SPA] 16-0001 to reflect the approval of SPA 15-0016, which added the state's policy of not paying for elective deliveries that are less than thirty-nine weeks gestation unless they are medically necessary. Notice of this SPA appeared under WSR 15-23-017 with the incorrect SPA number 16-0003.

This SPA is expected to have no impact on annual aggregate expenditures.

The SPA is in the development process; therefore a copy is not yet available for review. To contact the agency for additional information and a copy of the SPA when it becomes available, please contact Gail Kreiger, Medicaid Monitoring, P.O. Box 45506, Olympia, WA 98504-5506, phone (360) 725-1681, TDD/TTY 800-848-6529, fax (360) 725-1328, e-mail gail.kreiger@hca.wa.gov.

WSR 15-23-027

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING**

(Motorcycle Safety Education Advisory Board)

[Filed November 10, 2015, 9:01 a.m.]

The motorcycle safety education advisory board was created by law (RCW 46.20.520) to help our motorcycle safety program develop motorcycle operator training programs, safety education, and outreach. They meet four times a year, and make recommendations for the administration, application, and substance of the motorcycle education and training program as necessary:

- March 29, 2016 (6:00 p.m.) The MotoShed
3208 Queen Anne Avenue North
Seattle, WA 98109
- June 23, 2016 (6:00 p.m.) Central Washington Motorcycle
Training
3306 5th Street S.E.
East Wenatchee, WA 98802
- September 6, 2016 (6:00 p.m.) Motorcycle Training, Inc.
2125 Robertson Drive
Richland, WA 99354
- December 6, 2016 (6:00 p.m.) Department of Licensing
405 Black Lake Boulevard
Building 2, Room 2209
Olympia, WA 98502

WSR 15-23-028

**NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE**

[Filed November 10, 2015, 10:11 a.m.]

Pursuant to RCW 42.30.075, the regular meeting of the board of trustees of Olympic College (OC), District Three, will be held on the third Tuesday of the month, beginning at 5:00 p.m. in Humanities Student Services Building, Room 119/121, Olympic College Campus, 1600 Chester Avenue, Bremerton, WA. The board will meet on the following dates for calendar year 2016:

- January 19, 2016
- February 16, 2016
- March 15, 2016
- April 19, 2016 (held annually at the
OC Poulsbo Campus
1000 Olympic College Place N.W.
Poulsbo, WA)
- May 17, 2016
- June 21, 2016
- No meeting in July
- August 16, 2016 (held annually at the
OC Shelton Campus
937 Alpine Way
Shelton, WA)
- September 20, 2016
- October 18, 2016
- November 15, 2016
- No meeting in
December

In the event it is necessary to change any of these meeting dates, the appropriate notification will be made.

WSR 15-23-029

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
ENTERPRISE SERVICES**

(State Capitol Committee)

[Filed November 10, 2015, 10:11 a.m.]

The state capitol committee meeting scheduled for Thursday, December 10, 2015, has been rescheduled [rescheduled] to Wednesday, December 16, 2015.

If you have any questions, please contact Nouk Leap at (360) 407-9256 or Kim Buccarelli at (360) 407-9312.

WSR 15-23-030
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
ENTERPRISE SERVICES
(Capitol Campus Design Advisory Committee)
[Filed November 10, 2015, 10:11 a.m.]

The capitol campus design advisory committee meeting scheduled for Thursday, November 19, 2015, has been rescheduled [rescheduled] to Monday, November 30, 2015. If you have any questions, please contact Nouk Leap at (360) 407-9256 or Kim Buccarelli at (360) 407-9312.

WSR 15-23-031
RULES OF COURT
STATE SUPREME COURT
[November 4, 2015]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO CR 33—INTERROG-) NO. 25700-A-1117
ATORIES TO PARTIES)

The Washington State Bar Association, having recommended the expeditious adoption of the Proposed Amendment to CR 33—Interrogatories to Parties, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby ORDERED:

- (a) That the new rules as shown below are adopted.
(b) That the new rules will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of November, 2015.

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

Civil Rule 33

(a)-(b) [Unchanged.]

(c) Option To Produce Business Records. Where the answer to an interrogatory may be derived or ascertained from the business records, including electronically stored information, of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity

to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries. A specification shall be in sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party served, the records from which the answer may be ascertained.

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 15-23-032
RULES OF COURT
STATE SUPREME COURT
[November 4, 2015]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO CrRLJ 3.2(o)—) NO. 25700-A-1118
RELEASE OF ACCUSED)

The District and Municipal Court Judges' Association, having recommended the expeditious adoption of the Proposed Amendment to CrRLJ 3.2(o)—Release of Accused, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby ORDERED:

- (a) That the new rules as shown below are adopted.
(b) That the new rules will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of November, 2015.

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

Proposed Amendment
CrRLJ 3.2
RELEASE OF ACCUSED

If the court does not find, or a court has not previously found, probable cause, the accused shall be released without conditions.

(a) Presumption of Release in Noncapital Cases. Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:

- (1) The court determines that such recognizance will not reasonably assure the accused's appearance, when required, or
(2) There is shown a likely danger that the accused:
(a) will commit a violent crime, or

(b) will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice.

For the purpose of this rule, "violent crimes" may include misdemeanors and gross misdemeanors and are not limited to crimes defined as violent offenses in RCW 9.94A.030.

In making the determination herein, the court shall, on the available information, consider the relevant facts including, but not limited to, those in subsections (c) and (e) of this rule.

(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

(1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(3) Require the execution of an unsecured bond in a specified amount;

(4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;

(5) Require the execution of a bond with sufficient solvent sureties or the deposit of cash in lieu thereof;

(6) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

A court of limited jurisdiction may adopt a bail schedule for persons who have been arrested on probable cause but have not yet made a preliminary appearance before a judicial officer. The adoption of such a schedule or whether to adopt a schedule, is in the discretion of each court of limited jurisdiction, and may be adopted by majority vote. Bail schedules are not subject to GR 7. The supreme court may adopt a uniform bail schedule as an appendix to these rules.

If the court determines that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.

(c) Relevant Factors—Future Appearance. In determining which conditions of release will reasonably assure the accused's appearance, the court shall, on the available information, consider the relevant facts including but not limited to:

(1) The accused's history of response to legal process, particularly court orders to personally appear;

(2) The accused's employment status and history, enrollment in an educational institution or training program, participation in a counseling or treatment program, performance of

volunteer work in the community, participation in school or cultural activities or receipt of financial assistance from the government;

(3) The accused's family ties and relationships;

(4) The accused's reputation, character and mental condition;

(5) The length of the accused's residence in the community;

(6) The accused's criminal record;

(7) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;

(8) The nature of the charge, if relevant to the risk of nonappearance;

(9) Any other factors indicating the accused's ties to the community.

(d) Showing of Substantial Danger—Conditions of Release. Upon a showing that there exists a substantial danger that the accused will commit a violent crime or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court may impose one or more of the following nonexclusive conditions:

(1) Prohibit the accused from approaching or communicating in any manner with particular persons or classes of persons;

(2) Prohibit the accused from going to certain geographical areas or premises;

(3) Prohibit the accused from possessing any dangerous weapons or firearms, or engaging in certain described activities or possessing or consuming any intoxicating liquors or drugs not prescribed to the accused;

(4) Require the accused to report regularly to and remain under the supervision of an officer of the court or other person or agency;

(5) Prohibit the accused from committing any violations of criminal law;

(6) Require the accused to post a secured or unsecured bond or deposit cash in lieu thereof, conditioned on compliance with all conditions of release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community. If the court determines under this section that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused financial resources for the purposes of setting a bond that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully interfering with the administration of justice.

(7) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(8) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(9) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(10) Impose any condition other than detention to assure noninterference with the administration of justice and reduce danger to others or the community.

(e) Relevant Factors—Showing of Substantial Danger. In determining which conditions of release will reasonably assure the accused's noninterference with the administration of justice, and reduce danger to others or the community, the court shall, on the available information, consider the relevant facts including but not limited to:

- (1) The accused's criminal record;
- (2) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;
- (3) The nature of the charge;
- (4) The accused's reputation, character and mental condition;
- (5) The accused's past record of threats to victims or witnesses or interference with witnesses or the administration of justice;
- (6) Whether or not there is evidence of present threats or intimidation directed to witnesses;
- (7) The accused's past record of committing offenses while on pretrial release, probation or parole; and
- (8) The accused's past record of use of or threatened use of deadly weapons or firearms, especially to victim's or witnesses.

(f) Delay of Release. The court may delay release of a person in the following circumstances:

- (1) If the person is intoxicated and release will jeopardize the person's safety or that of others, the court may delay release of the person or have the person transferred to the custody and care of a treatment center.
- (2) If the person's mental condition is such that the court believes the person should be interviewed by a mental health professional for possible commitment to a mental treatment facility pursuant to RCW 71.05, the court may delay release of the person.
- (3) Unless other grounds exist for continued detention, a person detained pursuant to this section must be released from detention not later than 24 hours after the preliminary appearance.

(g) Release in Capital Cases. Any person charged with a capital offense shall not be released in accordance with this rule unless the court finds that release on conditions will reasonably assure that the accused will appear for later hearings, will not significantly interfere with the administration of justice and will not pose a substantial danger to another or the community. If a risk of flight, interference or danger is believed to exist, the person may be ordered detained without bail.

(h) Release After Finding or Plea of Guilty. After a person has been found or pleaded guilty, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

(i) Order for Release. A court authorizing the release of the accused under this rule shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the accused of the penalties applicable to violations of the conditions of the accused's release and shall advise the accused that a warrant for the accused's arrest may be issued upon any such violation.

(j) Amendment or Revocation of Order.

(1) The court ordering the release of an accused on any condition specified in this rule may at any time on change of circumstances, new information or showing of good cause amend its order to impose additional or different conditions for release.

(2) Upon a showing that the accused has willfully violated a condition of release, the court may revoke release and may order forfeiture of any bond. Before entering an order revoking release or forfeiting bail, the court shall hold a hearing. Release may be revoked only if the violation is proved by clear and convincing evidence.

(k) Arrest for Violation of Conditions.

(1) Arrest with Warrant. Upon the court's own motion or a verified application by the prosecuting authority alleging with specificity that an accused has willfully violated a condition of the accused's release, a court shall order the accused to appear for immediate hearing or issue a warrant directing the arrest of the accused for immediate hearing for reconsideration of conditions of release pursuant to section (j).

(2) Arrest without Warrant. A law enforcement officer having probable cause to believe that an accused released pending trial for a felony is about to leave the state or has violated a condition of such release under circumstances rendering the securing of a warrant impracticable may arrest the accused and take him forthwith before the court for reconsideration of conditions of release pursuant to section (j).

(l) Evidence. Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(m) (Reserved.)

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

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

(1) Except as provided in subsection (2) or (3) below, when required to reasonably assure appearance in court, bail for a person arrested for a misdemeanor shall be \$500 and for a gross misdemeanor shall be \$1,000. In an individual case and after hearing the court for good cause recited in a written order may set a different bail amount.

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

(3) Pursuant to RCW 10.31.100, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 (Driving Under the Influence) or RCW 46.61.504 (Physical Control of a Vehicle Under the Influence) or an equivalent local ordinance and the police officer has knowledge that the person

has a prior offense as defined in RCW 46.61.5055 within ten years.

- (p) (Reserved.)
- (q) (Reserved.)

[Amended effective September 1, 2002; April 1, 2003; September 1, 2005; amended June 2, 2010 effective July 1, 2012]

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 15-23-033
RULES OF COURT
STATE SUPREME COURT

[November 4, 2015]

IN THE MATTER OF THE PROPOSED)	ORDER
AMENDMENT TO ELC TITLE 15—)	NO. 25700-A-1119
IOLTA, AUDITS AND TRUST)	
ACCOUNT DRAFT NOTIFICATION—)	
ELC 3.6—MAINTENANCE OF)	
RECORDS AND ELC 7.2—INTERIM)	
SUSPENSION IN OTHER CIRCUM-)	
STANCES—REGULATIONS 101-106)	

The Washington State Bar Association Disciplinary Board, having recommended the expeditious adoption of the Proposed Amendment to ELC Title 15—IOLTA, Audits and Trust Account Draft Notification—ELC 3.6—Maintenance of Records and ELC 7.2—Interim Suspension in Other Circumstances—Regulations 101-106, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the new rules as shown below are adopted.
- (b) That the new rules will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of November, 2015.

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

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 16-01 issue of the Register.

WSR 15-23-034
RULES OF COURT
STATE SUPREME COURT
 [November 4, 2015]

IN THE MATTER OF THE PROPOSED)	ORDER
AMENDMENT TO RAP 13.4(f), RAP)	NO. 25700-A-1120
13.5(c)—DISCRETIONARY REVIEW)	
OF INTERLOCUTORY DECISION, RAP)	
17.4—FILING AND SERVICE OF)	
MOTION—ANSWER TO MOTION)	

Justice Sheryl Gordon McCloud, having recommended the expeditious adoption of the Proposed Amendment to RAP 13.4(f), RAP 13.5(c)—Discretionary Review of Interlocutory Decision, RAP 17.4—Filing and Service of Motion—Answer to Motion, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the new rules as shown below are adopted.
- (b) That the new rules will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of November, 2015.

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

RULE 13.4

DISCRETIONARY REVIEW OF DECISION TERMINATING REVIEW

- (a) Unchanged
- (b) Unchanged
- (c) Unchanged
- (d) Unchanged
- (e) Unchanged
- (f) Length. The petition for review, answer, or reply should not exceed 20 pages double spaced, excluding appendices, title sheet, table of contents and table of authorities.
- (g) Unchanged
- (h) Unchanged
- (i) Unchanged

RULE 13.5

DISCRETIONARY REVIEW OF INTERLOCUTORY DECISION

- (a) Unchanged.
- (b) Unchanged.
- (c) Motion Procedure. The procedure for and the form of the motion for discretionary review is as provided in Title 17. A motion for discretionary review under this rule, and any response, should not exceed 20 pages double spaced, excluding appendices, title sheet, table of contents and table of authorities.
- (d) Unchanged.

RULE 17.4
FILING AND SERVICE OF MOTION—ANSWER TO MOTION

- (a) Unchanged
(b) Unchanged
(c) Unchanged
(d) Unchanged
(e) Unchanged
(f) Unchanged

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

(1) A motion and answer should not exceed 20 pages, not including supporting papers, title sheet, table of contents and table of authorities. A reply should not exceed 10 pages, not including supporting papers, title sheet, table of contents and table of authorities. For compelling reasons, the court may grant a motion to file an over-length motion, answer, or reply.

(2) All papers relating to motions or answers should be filed in the form provided for briefs in rule 10.4(a), provided an original only and no copy should be filed. The appellate court commissioner or clerk will reproduce additional copies that may be necessary for the appellate court and charge the appropriate party as provided in rule 10.5(a).

References

Form 19, Notice of Motion; Rule 12.4, Motion for Reconsideration of Decision Terminating Review, (d) Answer and reply, (f) No oral argument.

WSR 15-23-035
RULES OF COURT
STATE SUPREME COURT

[November 4, 2015]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO GR 18 APPENDIX—) NO. 25700-A-1121
JURY SOURCE LIST)

The Administrative Office of the Courts, having recommended the expeditious adoption of the Proposed Amendment to GR 18 Appendix—Jury Source List, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the new rules as shown below are adopted.

(b) That the new rules will be published expeditiously in the Washington Reports and will become effective on January 1, 2016.

DATED at Olympia, Washington this 4th day of November, 2015.

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

Fairhurst, J.
Stephens, J.
Gordon McCloud, J.
Yu, J.

GR 18
JURY SOURCE LIST

(a) Effective Date. Effective September 1, 1994, all prospective jurors shall be identified using the jury source list as herein provided.

(b) Jury Source List. "Jury source list" means the list of all registered voters of a county, merged with a list of licensed drivers and identicard holders who reside in that county. The list shall specify each person's first and last name, middle initial, date of birth, gender, mailing address, and residence address. When legally available for jury selection use, each such list shall also specify each person's Social Security number.

(c) Order of the Supreme Court. The jury source list shall be created utilizing the methodology and standards set forth by Supreme Court order and by Laws of 1993, ch. 408, subsection 1.

(d) Juror Qualification Confirmation. Each court, after consultation with the county auditor and county clerk of its jurisdiction, shall establish a means to preliminarily determine by written declaration signed under penalty of perjury by each person summoned, the qualifications set forth in RCW 2.36.070 of each person summoned for jury duty prior to the person's appearance at the court to which the person is summoned to serve. Information so provided to the court for preliminary determination of qualification for jury duty may only be used for the term such person is summoned and may not be used for any other purpose. Provided, that the court, or its designee, may report a change of address or nondelivery of summons of persons summoned for jury duty to the county auditor.

THE SUPREME COURT OF WASHINGTON

In the Matter of the Jury Source List) No.
Pursuant to General Rule 18 of the)
Washington Rules of Court) ORDER

General Rule 18 of the Washington Court Rules provides that the Supreme Court of the State of Washington should designate by order the creation of the jury source list.

Now, Therefore, It is hereby ordered:

That the jury source list shall be created according to the attached appendix describing the methodology and standards for creating the jury source list by merging the list of registered voters for a county with the list of licensed drivers and identicard holders who reside in that county.

That Washington Technology Solutions shall make available by May 1, 2016, and annually thereafter, via secure file transfer, a jury source list created by Washington Technology Solutions according to the methodology and standards set forth in the attached appendix, and a separate list of licensed drivers and identicard holders residing in each county, and a separate list of registered voters residing in each county.

That each superior court shall receive may access a jury source list from Washington Technology Solutions the Department of Information Services by May 1, 1994 2016,

and annually thereafter, via secure file transfer protocol, a list which shall be created according to the methodology and standards set forth in the attached appendix. Provided, that the jury source list may be created, at the direction of the presiding judge of each superior court after consultation with the county auditor and the county clerk of that jurisdiction, by the county, according to the methodology and standards set forth in the attached appendix. If a superior court elects to have the jury source list created by the county the superior court shall may access, via secure file transfer protocol, by May 1, 2016, and annually thereafter, so notify the Department of Information Services annually by March 1, 1994, and that superior court shall thereafter receive a separate list of licensed drivers and identicard holders residing in that county from Washington Technology Services from the Department of Information Services by April 1, 1994, and annually thereafter. and a separate list of registered voters residing in that county from Washington Technology Solutions the Department of Enterprise Services. Each superior court may choose annually which files to transfer to their local secure server.

That in the event, for any reason, the jury source list is not created and available for use as set forth above, the most recent previously compiled jury source list shall be used by the courts on an emergency basis only for the shortest period of time until a current jury source list is created and available for use as provided for herein.

Dated at Olympia, Washington, this ____ day of _____, 1920.

Chief Justice

APPENDIX

This appendix describes the methodology for merging the list of registered voters and the list of licensed drivers and identicard holders to form a jury source list pursuant to GR 18 and the Supreme Court of Washington order to which this appendix is attached. Records of persons from the list of licensed drivers and identicard holders shall not be used in creating a jury source list if their license or identicard has been expired longer than 90 days. Records of persons from the registered voter list shall not be used in creating a jury source list if they are in an inactive status.

Persons on the list of registered voters and on the list of licensed drivers and identicard holders shall be identified based on the following data: date of birth, last name, first name, middle initial, gender and county code to reflect residence address. Upon notification by the Supreme Court of Washington of the legal availability of the Social Security number for jury selection purposes, the persons on each list shall also be identified by Social Security number.

The list of registered voters and the list of licensed drivers and identicard holders shall be merged to form a jury source list.

Using the identifying information on each person, known duplicate names shall be eliminated during the merging process so that the jury source list shall contain, to the extent reasonably possible, each prospective juror's name only once.

~~Suspected duplication of prospective jurors' names on the jury source list which cannot be clearly confirmed at the time that the jury source list is created shall be identified on the jury source list for further investigation at the county level. For that purpose only, the jury source list shall identify each person as having been originally listed on the list of registered voters, or the list of licensed drivers and identicard holders, or both. Conflicts of addresses shall be resolved by using the address most currently provided for the lists from which the names originated.~~

If suspected duplication of names on the jury source list cannot be resolved after reasonable efforts at the county level, the suspected duplicate names shall be stricken from that jury source list.

Selection of persons for the master jury list from the jury source list, and the designation of persons on the master jury list to be summoned, shall be random and totally without regard to whether a person's name originally appeared on the list of registered voters, or on the list of licensed drivers and identicard holders, or both.

Adopted effective September 1, 1994; amended September 1, 2009.

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 15-23-036

RULES OF COURT

STATE SUPREME COURT

[November 4, 2015]

IN THE MATTER OF PROPOSED) ORDER
AMENDMENTS TO APR 20-25.6—) NO. 25700-A-1122
CHARACTER AND FITNESS BOARD)

The Washington State Bar Association, having recommended the Proposed Amendments to APR 20-25.6—Character and Fitness Board, 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, 2016. 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 4th day of November, 2015.

For the Court

Madsen, C.J.

CHIEF JUSTICE

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 16-01 issue of the Register.

WSR 15-23-037
RULES OF COURT
STATE SUPREME COURT

[November 4, 2015]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO APPENDIX GR 14) NO. 25700-A-1123
OFFICE OF REPORTER OF DECISIONS)
STYLE SHEET)

The Office of Reporter of Decisions, having recommended the expeditious adoption of the Proposed Amendment to Appendix GR 14 Office of Reporter of Decisions Style Sheet, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the new rules as shown below are adopted.

(b) That the new rules will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of November, 2015.

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

SUGGESTED AMENDMENT

GR 14—Appendix 1

OFFICE OF REPORTER OF DECISIONS STYLE SHEET

Effective December 28, 2010, _____, 2015, and Subject to Revision

GENERAL PRINCIPLES

1. The Nineteenth Twentieth Edition of The Bluebook: A Uniform System of Citation is the basic citation resource for Washington appellate court opinions except as noted below.

2. The latest edition of The Chicago Manual of Style is the authority for punctuation and style matters.

3. Webster's Third New International Dictionary of the English Language (as updated by the online version, Mer-

riam-Webster Unabridged) is the authority for spelling, including spacing and hyphens between nouns (e.g., boyfriend, girl friend, day care, baby-sitter website, seat belt decision-maker). Where two or more spellings are listed, use Webster's preferred spelling rather than the variant.

4. For matters not covered by the Bluebook, The Chicago Manual of Style, or Webster's, the Office of Reporter of Decisions applies formal, traditional, noncolloquial English.

5. Use and cite to official sources, which in most instances are printed publications. Do not cite to an unofficial source unless the official source is unavailable.

ABBREVIATIONS

The following abbreviations are used for citing to primary Washington legal materials. The list replaces the list of abbreviations for Washington materials found in Bluebook table T1.3, at 272 300.

Table with 2 columns: TITLE and ABBREVIATION. Includes entries for Washington Constitution, Revised Code of Washington, Annotated Revised Code of Washington, Session Laws, Washington Reports, etc.

Early Statutes

Table with 2 columns: TITLE and ABBREVIATION. Includes entries for Ballinger Code, Code of 1881, Hill's Code of Procedure, etc.

Note: In citations, "Const.," "Laws of," and the names of codes and statutes (e.g., "Code of 1881," "Rem. Rev. Stat.")

are printed in the official reports in large and small caps, but ordinary typeface is acceptable in manuscript opinions. In text, both the official reports and manuscript opinions use ordinary typeface.

EXCEPTIONS TO *BLUEBOOK*

1. Exception to *Bluebook* rules 2.1 & 2.2, at ~~62-65~~ 67-70: Ignore rules about using roman type for case names. Case names should be in italics no matter where or how they are used.

2. Exception to *Bluebook* rule 5.3 (b)(iv) at ~~79~~ 86: The deletion of matter after the final punctuation of a sentence may be indicated by a three-dot ellipsis.

3. Exception to *Bluebook* rule 6.1(b) at ~~84~~ 88: Do not use abbreviations for entities with widely recognized initials in text (unless previously set out in a parenthetical), in case citations (unless abbreviated in source) (this is also an exception to *Bluebook* rule 10.2.1(c) at ~~94~~ 98), or as institutional authors.

4. Exceptions to *Bluebook* rule 6.2(a) at ~~81-82~~ 88-89: In text, spell out numbers zero to nine. Use arabic numerals for higher numbers. Use commas in numbers 1,000 and higher (e.g., 9,876) except when citing a page number in a case or court document.

5. Exception to *Bluebook* rule 6.2(d) at ~~82~~ 89: In text, always write out "percent" rather than using a percentage sign (%).

6. Exception to *Bluebook* rule 8, at ~~84-86~~ 91-93: Ignore this section. The Reporter's Office generally follows *The Chicago Manual of Style* to resolve capitalization issues although, other than capitalizing proper nouns and maintaining consistency throughout the opinion, the judicial author's preference governs.

7. Exception to *Bluebook* rule 9(a) at ~~87~~ 94: When a judge is named in text, the use of the judge's first and middle names/initials is discretionary with the author.

8. Exception to *Bluebook* rule 10.2.1(a) at ~~90~~ 97: When a case has both an adversary and a nonadversary name, cite to only the first case name in the official reports caption.

9. Exception to *Bluebook* rule 10.3.1, at ~~95~~ 102-03 and Table T1: Cite official reports and regional reporters for all cases for which official reports are published. Include public domain citations when available. For California, Illinois, and New York, include the state specific reporter (Cal. Rptr. 3d, Ill. Dec., N.Y.S.2d) in addition to the official reports and regional reporters. For Washington cases, pinpoint citations are made to Wn.2d or Wn. App. pages, paragraph numbers, or both; pinpoint citations to P., P.2d, or P.3d pages are optional; pinpoint citations should not be made to P.3d paragraph numbers. For non-Washington cases, pinpoint citations are made to the official report or the unofficial report. Maintain consistency throughout the opinion.

10. Exception to *Bluebook* rule 10.7, at ~~401-03~~ 109-11: *Review denied* and *review granted*: for Washington cases, cite to Wash. or Wn.2d; citing P., P.2d, or P.3d in addition to Wash. or Wn.2d is optional; for non-Washington cases: cite to the regional reporter; citing the official reporter in addition to the regional reporter is optional. *Cert. granted* or *cert. denied* in the United States Supreme Court: cite only to U.S. if therein; otherwise, cite to one of the following: S. Ct., L.

Ed. or L. Ed. 2d, or U.S.L.W. in that order of preference. When subsequent history results in an opinion (such as *aff'd*, *rev'd*, *vacated*, *overruled by*, and *abrogated by*), use a full case citation.

11. Exception to *Bluebook* rule 10.7.1(c) at ~~402-03~~ 110: "Overruled by" (or "abrogated by") is appropriate when a case explicitly repudiates (or effectively overrules or departs from) an earlier decision of a lower court as well as an earlier decision of the same court. Do not use "superseded by statute" or "superseded by constitutional amendment" subsequent history.

12. Exception to *Bluebook* rule 12.3.1(d) at ~~445~~ 124: When citing to a current or former, official or unofficial, version of a statute that is published by a private publisher, do not add the name of the publisher and year of publication, e.g., "(West)" or "(LexisNexis 2003)," unless the volume is being cited for something other than the text of the statute, in which case include the publisher name and year.

13. Exception to *Bluebook* rule 12.3.2, at ~~445-46~~ 124-25: Do not add the year in parentheses after a citation to a presently effective version of a statute or code.

14. Exception to *Bluebook* rule 12.9.2, at ~~420-24~~ 130: Do not add "Wash." for codes and ordinances of Washington local governments. Do not add the year in parentheses after a citation to a presently effective version of a local code or ordinance.

15. Exception to *Bluebook* rule 12.10(c) at ~~425~~ 134: "Section" may be spelled out in text when referring to U.S.C. sections.

16. Exception to *Bluebook* table T1.1, at ~~245~~ 233: Cite United States Supreme Court cases as follows: __ U.S. __, __ S. Ct. __, __ L. Ed. or L. Ed. 2d __ (year).

17. Exception to *Bluebook* table T1.3, at ~~263~~ 289: For Pennsylvania Superior Court cases, omit the public domain citation after the A.~~24~~ 3d citation becomes available.

WSR 15-23-038

RULES OF COURT

STATE SUPREME COURT

[November 4, 2015]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO IRLJ 2.5—FAILURE) NO. 25700-A-1124
TO RESPOND)

The Washington State Bar Association Court Rules and Procedures Committee, having recommended the expeditious adoption of the Proposed Amendment to IRLJ 2.5—Failure to Respond, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the new rules as shown below are adopted.

(b) That the new rules will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of November, 2015.

	<u>Madsen, C.J.</u>
<u>Johnson, J.</u>	<u>Wiggins, J.</u>
<u>Owens, J.</u>	<u>Gonzalez, J.</u>
<u>Fairhurst, J.</u>	<u>Gordon McCloud, J.</u>
<u>Stephens, J.</u>	<u>Yu, J.</u>

**SUGGESTED AMENDMENT
INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION
(IRLJ)
RULE 2.5—FAILURE TO RESPOND**

IRLJ 2.5
FAILURE TO RESPOND

If the defendant fails to respond to a notice of infraction, the court shall enter an order finding that the defendant has committed the infraction, shall assess any monetary penalties provided for by law, and, in the case of a traffic infraction, shall notify the Department of the ~~defendants~~ defendant's failure to respond in accordance with RCW 46.20.270.

**WSR 15-23-039
RULES OF COURT
STATE SUPREME COURT
[November 4, 2015]**

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO IRLJ 3.1—CON-) NO. 25700-A-1125
TESTED HEARINGS—PRELIMINARY)
PROCEEDINGS)

The Washington State Bar Association Court Rules and Procedures Committee, having recommended the expeditious adoption of the Proposed Amendment to IRLJ 3.1—Contested Hearings—Preliminary Proceedings, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the new rules as shown below are adopted.

(b) That the new rules will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of November, 2015.

	<u>Madsen, C.J.</u>
<u>Johnson, J.</u>	<u>Wiggins, J.</u>

<u>Owens, J.</u>	<u>Gonzalez, J.</u>
<u>Fairhurst, J.</u>	<u>Gordon McCloud, J.</u>
<u>Stephens, J.</u>	<u>Yu, J.</u>

**SUGGESTED AMENDMENT
INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION
(IRLJ)
RULE 3.1—CONTESTED HEARINGS—PRELIMINARY PRO-
CEEDINGS**

IRLJ 3.1
CONTESTED HEARINGS—PRELIMINARY PROCEEDINGS

(a) Subpoena. The defendant and the prosecuting attorney may subpoena witnesses necessary for the presentation of their respective cases. Witnesses should be served at least 7 days before the hearing. The subpoena may be issued by a judge, court commissioner, or clerk of the court or by a party's lawyer. If a party's lawyer issues a subpoena, a copy shall be filed with the court and with the office of the prosecuting authority assigned to the court in which the infraction is filed on the same day it is sent out for service. A request that an officer appear at a contested hearing pursuant to rule 3.3(c) shall be filed on a separate pleading. A subpoena may be directed for service within their jurisdiction to the sheriff of any county or any peace officer of any municipality in the state in which the witness may be or it may be served as provided in CR 45 ~~(e)~~ (b), or it may be served by first-class mail, postage prepaid, sent to the witnesses' last known address. Service by mail shall be deemed complete upon the third day following the day upon which the subpoena was placed in the mail. If the subpoena is for a witness outside the county, a judge must approve of the subpoena.

**WSR 15-23-040
RULES OF COURT
STATE SUPREME COURT
[November 4, 2015]**

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO ER 1101(c)—APPLI-) NO. 25700-A-1126
CABILITY OF RULES)

The Washington State Bar Association Court Rules and Procedures Committee, having recommended the expeditious adoption of the Proposed Amendment to ER 1101(c)—Applicability of Rules, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the new rules as shown below are adopted.

(b) That the new rules will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of November, 2015.

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

**SUGGESTED AMENDMENT
RULES OF EVIDENCE (ER)
RULE 1101—Applicability of Rules**

ER 1101
Applicability of Rules

- (a) **Courts Generally.** [no change]
- (b) **Law With Respect to Privilege.** [no change]
- (c) **When Rules Need Not Be Applied.** The rules (other than with respect to privileges, the rape shield statute and ER 412) need not be applied in the following situations:
 - (1) *Preliminary Questions of Fact.* [no change]
 - (2) *Grand Jury.* [no change]
 - (3) *Miscellaneous Proceedings.* Proceedings for extradition or rendition; detainer proceedings under RCW 9.100; preliminary determinations in criminal cases; sentencing, or granting or revoking probation; issuance of warrants for arrest, criminal summonses, and search warrants; proceedings with respect to release on bail or otherwise; contempt proceedings in which the court may act summarily; habeas corpus proceedings; small claims court; supplemental proceedings under RCW 6.32; coroners' inquests; preliminary determinations in juvenile court; juvenile court hearings on declining jurisdiction; disposition, review, and permanency planning hearings in juvenile court; dispositional determinations related to treatment for alcoholism, intoxication, or drug addiction under RCW 70.96A; and dispositional determinations under the Civil Commitment Act, RCW 71.05 and 71.34.
- (d) **Arbitration Hearings.** [no change]

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

**WSR 15-23-041
RULES OF COURT
STATE SUPREME COURT
[November 4, 2015]**

IN THE MATTER OF THE PROPOSED) ORDER
 AMENDMENT TO GR 26—MANDA-) NO. 25700-A-1127
 TORY CONTINUING JUDICIAL EDU-)
 CATION AND GR 26 STANDARDS—)
 WASHINGTON STATE JUDICIAL EDU-)
 CATION MANDATORY CONTINUING)
 JUDICIAL EDUCATION STANDARDS)

The Board for Judicial Administration's Court Education Committee, having recommended the expeditious adoption of the Proposed Amendment to GR 26—Mandatory Continuing Judicial Education and GR 26 Standards—Washington

State Judicial Education Mandatory Continuing Judicial Education Standards, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the new rules as shown below are adopted.
- (b) That the new rules will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of November, 2015.

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

GR 26
MANDATORY CONTINUING JUDICIAL EDUCATION

Preamble. The protection of the rights of free citizens depends upon the existence of an independent and competent judiciary. The challenge of maintaining judicial competence requires ongoing education of judges in the application of legal principles and the art of judging in order to meet the needs of a changing society. This rule establishes the minimum requirements for continuing judicial education of judicial officers.

(a) **Minimum Requirement.** Each judicial officer shall complete a minimum of 45 credit hours of continuing judicial education approved by the Board for Judicial Administration's Court Education Committee (CEC) ~~Board for Court Education (BCE)~~ every three years, commencing January 1 of the calendar year following the adoption of this rule. If a judicial officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of the excess credit may be carried forward and applied to the judicial officer's education requirement for the following three-year reporting period. At least six credit hours for each three-year reporting period shall be earned by completing programs in judicial ethics approved by the ~~BCE~~ CEC. The fifteen credit hours that may be carried forward may include two credit hours toward the judicial ethics requirement.

(b) **Judicial College Attendance.**

1) A judicial officer shall attend and complete the Washington Judicial College program within twelve months of the initial appointment or election to the judicial office.

2) A judicial officer who attended the Washington Judicial College during his or her term of office in a court of limited jurisdiction shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election to the Superior Court. A judicial officer who attended the Washington Judicial College during his or her term of office in the Superior Court shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election as a judicial officer in a court of limited jurisdiction. A judicial officer

who attended the Washington Judicial College during his or her term of office in a superior court or court of limited jurisdiction and is subsequently appointed or elected to an appellate court position is not required to attend the Washington Judicial College.

3) A judicial officer of a District Court, Municipal Court, Superior Court, or an appellate court, who has been a judicial officer at the time of the adoption of this rule for less than four years but has not attended the Washington Judicial College, shall attend and complete the Washington Judicial College program within twelve months of the adoption of this rule.

(c) Accreditation. ~~The BCE CEC~~ shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of continuing judicial education programs and may choose to award continuing judicial education credits for self-study or teaching. Continuing judicial education credit shall be given for programs the BCE CEC determines enhance the knowledge and skills that are relevant to the judicial office.

(d) Compliance Report. Each judicial officer shall file a report with the Administrative Office of the Courts (AOC) on or before January 31 each year in such form as the Administrative Office of the Courts shall prescribe concerning the judicial officer's progress toward the continuing judicial education requirements of sections (a) and (b) of this rule during the previous calendar year. If a judicial officer does not respond by January 31, their credits will be confirmed by default. Judicial officers who do not have the requisite number of hours at the end of their three-year reporting period will have until March 1 to make up the credits for the previous three-year reporting period. These credits will not count toward their current three-year reporting period. AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of this rule. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet web site, publishing the information as part of any voter's guide produced by or under the direction of the Administrative Office of the Courts, and releasing the information in electronic or printed form to media organizations throughout the Washington State.

(e) Delinquency. Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

(f) Definition. The term "judicial officer" as used in this rule shall not include judges pro tempore but shall otherwise include all full or part time appointed or elected justices, judges, court commissioners, and magistrates.

[Adopted effective July 1, 2002; December 31, 2003; amended November 7, 2002; December 31, 2007.]

**WASHINGTON STATE JUDICIAL EDUCATION
MANDATORY CONTINUING JUDICIAL EDUCATION STANDARDS**

Section 1: Organization and Administration

1. Supreme Court

The Supreme Court is the rule-making authority for the integrated judicial branch of government in Washington.

2. Board for Judicial Administration (BJA)

The Board for Judicial Administration provides policy review and program leadership for the courts at large, including recommending rules to the Supreme Court that improve the judicial branch of government in our state.

3. Board for Court Education (BCE)

~~The Board for Court Education assists the Supreme Court and BJA in developing educational policies and standards for the court system, and monitors the quality of educational programs, coordinates in-state, out-of-state education programs and services, recommends changes in policies and standards, and approves guidelines for accrediting training programs.~~

Court Education Committee (CEC)

The Court Education Committee is a standing committee of the BJA and assists the Supreme Court and the BJA in developing educational policies and standards for the court system. The CEC provides budget and appropriation support, monitors the quality of educational programs, coordinates in-state and out-of-state educational programs and services, recommends changes in policies and standards, and approves guidelines for accrediting training programs.

4. Mandatory Continuing Judicial Education Committee (MCJEC)

~~The BCE shall appoint a seven-member advisory committee, the Mandatory Continuing Judicial Education Committee (MCJEC), consisting of two members from the appellate courts, two members from the general jurisdiction courts, two members from the courts of limited jurisdiction, and one judicial officer such as a commissioner or magistrate from any of those jurisdictions. The responsibilities of the CEC this Committee will be to:~~

- a) Administer General Rule (GR) 26;
- b) Establish operating procedures consistent with this rule;
- c) Report annually to the Supreme Court and publicly release names of judicial officers who have not complied with the rule.

5. Administrative Office of the Courts (AOC)

a) **Administrative Office the Courts.** Under the direction of the Supreme Court and ~~BCE CEC~~, the Administrative Office of the Courts (AOC) shall develop guidelines for the implementation of the standards, and shall develop, administer, and coordinate judicial education programs throughout the state. AOC will also track and monitor attendance at continuing judicial education programs accredited by the ~~MCJEC CEC~~.

b) **Judicial Education Unit Office of Trial Court Services and Judicial Education.** ~~The Judicial Services Division—~~ Judicial Education Unit of AOC shall work with the ~~BCE CEC~~ educational committees of the judicial associations and other ad hoc groups to prepare and implement judicial education programs. The unit shall coordinate all ~~BCE CEC~~ judicial education programs, provide staff for the ~~Board for Court Education CEC~~, and evaluate educational programs. Further, the Judicial Education Unit staff shall provide support and assistance to judicial advisory committees in the planning, development, implementation, and evaluation.

tion of education programs consistent with established standards and requirements for judicial education.

The unit AOC shall maintain the official transcript for each judicial officer based on: 1) attendance records at all ~~BCE~~ CEC accredited education programs; 2) the attendance records of accredited sponsors based on their submissions; and 3) the individual education reports. Based on that official record, AOC will report annually to the Supreme Court.

Section 2: General Standards for Continuing Judicial Education

1. Credit for Continuing Judicial Education (CJE)

During his or her three-year reporting cycle, each judicial officer must complete forty-five (45) hours of CJE credits, six (6) of which are in the area of judicial ethics. This requirement may be met either by attending approved courses or completing other continuing judicial or legal education activity approved for credit by the ~~MCJEC~~ CEC, as described below.

a) At least thirty (30) hours, of which at least four (4) hours in the area of judicial ethics, must be completed by attending accredited courses. "Attending" is defined as (1) presenting for, or being present in the audience at an accredited CJE course when and where the course is being presented; (2) presenting for, or participating through an electronic medium in, an accredited CJE course at the time the course is being presented; or (3) participating through an electronic medium in an accredited CJE course that has been pre-recorded but for which faculty are available to answer questions while the course is being presented.

*b) Up to fifteen hours, of which up to two (2) hours are in the area of judicial ethics, may be completed through self-study by listening to, or watching, pre-recorded accredited CJE courses. Judicial officers completing credits by self-study must report them to the ~~Administrative Office of the Court Education Services unit~~ AOC.

c) Up to fifteen (15) hours, of which up to two (2) hours are in the area of judicial ethics, may be completed through teaching at accredited CJE courses and/or publishing legal writing. A judicial officer may complete up to three (3) hours of teaching credits for each hour of presentation. Credits for publishing legal writing must be approved by the ~~MCJEC~~ CEC. Judicial officers completing credits by teaching or writing must report them to the ~~Administrative Office of the Courts Court Education Services unit~~ AOC.

d) Up to three (3) hours may be completed by visits to correctional and similar institutions. Judicial officers completing credits by institutional visits must report them to the ~~Administrative Office of the Courts Court Education Services unit~~ AOC.

e) Judicial officers may attend a combination of approved local, state, or national programs.

f) A judicial officer may complete credits through other courses that directly aid the judicial officer in performing his or her specific duties and are approved by the ~~MCJEC~~ CEC.

2. Carry-Over

If a judicial officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of excess credits may be carried forward and applied to the judicial officer's education requirement for the following three-

year reporting period. The 15 credit hours that may be carried forward may include two credit hours toward the ethics requirement.

3. Judicial College Attendance

Each judicial officer shall attend and complete the Washington Judicial College program within 12 months of initial appointment or election to the judicial office.

4. Credit Calculation

Credit is calculated on the basis of 1 credit for each 60 minutes of actual subject presentation/participation, not including introductions, overviews, closing remarks, presentation during meals, or keynote addresses unless clearly identified in the agenda as a substantive legal presentation.

Section 3: Program Accreditation

1. Washington State Judicial Branch Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) Washington State Supreme Court
- b) Administrative Office of the Courts
- c) Judicial education programs of the ~~Board for Court Education (BCE)~~ Court Education Committee (CEC)
- d) Court of Appeals (COA)
- e) Superior Court Judges' Association (SCJA)
- f) District and Municipal Court Judges Association (DMCJA)
- g) Minority and Justice Commission
- h) Commission on Gender and Justice

2. Other Judicial Education Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) The National Judicial College in Reno, including the University of Nevada Masters and Ph.D. in Judicial Studies and Web-based programs.
- b) American Academy of Judicial Education
- c) New York University's Appellate Judges Seminar
- d) University of Virginia's Master of Laws in the Judicial Process (LLM)
- e) The National Center for State Courts (NCSC) programs such as those sponsored by the American Judges Association, the Institute for Court Management, National Council of Probate Judges, and the National Association of Women Judges
- f) Programs approved for Tuition Assistance by ~~BCE~~ CEC
- g) The Judicial Division of the American Bar Association (ABA)
- h) The Judicial Divisions of all National Bar Associations

1. National Asian Pacific Bar Association

2. National Bar Association

3. Hispanic National Bar Association.

3. Other Continuing Professional Education Programs

To receive credit for attending or serving as faculty at a program sponsored by an organization other than those listed above, a judicial officer may file with the ~~Administrative Office of the Courts Judicial Education Unit~~ AOC an agenda

of the program, which will be submitted to the MCJEC CEC for possible accreditation. Courses approved by the Washington State Bar Association for continuing legal education credits that deal with substantive legal topics, statutory, constitutional, or procedural issues that come before the judicial officer will usually qualify for CJE.

4. Basis for Accreditation of Courses

Courses will be approved based upon their content. An approved course shall have significant intellectual or practical content relating to the duties of the judicial officer.

Definitions. The course shall constitute an organized program of learning dealing with matters directly relating to the judicial officer's duties, including but not limited to substantive legal topics, statutory, constitutional and procedural issues that come before

a) the judicial officer, judicial ethics or professionalism, anti-bias and diversity training, and substance abuse prevention training.

b) **Factors in Evaluating.** Factors which should be considered in evaluating a course include:

1) The topic, depth, and skill level of the material.

2) The level of practical and/or academic experience or expertise of the presenters or faculty.

3) The intended audience.

4) The quality of the written, electronic, or presentation materials, which should be of high quality, readable, carefully prepared and distributed to all attendees at or before the course is presented.

5. Programs That Do Not Qualify

The following activities will not qualify for CJE credit:

a) Continuing Professional Education courses that do **not** relate to substantive legal topics, statutory, constitutional or procedural issues that come before the judicial officer when performing his or her specific judicial duties.

b) Teaching a legal subject to non-lawyers in an activity or course that would not qualify those attending for CJE/CLE credit.

c) Jury duty.

d) Judging or participating in law school or mock trial competitions.

e) Serving on professional (judicial or legal) committees/associations.

6. Appeals

A judicial officer may appeal the denial of program accreditation by the MCJEC CEC ~~to the full BCE~~. The appeal may be in the form of a letter addressed to the Chair of the BCE BJA that outlines the basis for the judicial officer's request. ~~BCE~~ The Chair of the BJA shall notify the judicial officer in writing of its decision to sustain or overrule the decision of the ~~Mandatory Continuing Judicial Education Committee~~. CEC.

Section 4: Responsibilities

1. Sponsors of Accredited Programs

It is the responsibility of the Washington State judicial branch sponsors of a judicial education program to report judicial officer attendance and credits for all approved CJE courses to the ~~Judicial Education Unit~~ of AOC.

2. Individuals

a) It is the responsibility of **individual judicial officers** to file a report of their attendance when it is less than the full program provided, for programs sponsored by Washington State Judicial Branch entities.

b) It is the responsibility of the judicial officer to request accreditation for attendance for programs of other judicial educational sponsors (see Section 4.2. list of sponsors).

c) It is the responsibility of the **individual judicial officers** to submit requests for accreditation for other continuing professional education programs, credit for teaching, published judicial legal writing, or self-study to the ~~Judicial Education Unit~~ of AOC who shall present those to the MCJEC CEC for review and determination.

3. Deadline

Absent exigent circumstances, sponsors and individual judicial officers must report attendance within 30 days after completion of a CJE activity.

Section 5: Certification

1. Compliance

The ~~Judicial Education Unit~~ of the AOC will send out a reminder of the end-of-the-year reporting requirement via judicial officers Listservs each year in August. The ~~Judicial Education Unit~~ of AOC will provide a progress report to every judicial officer of the programs they have attended during the previous calendar year by January 1. After reviewing that progress report, judicial officers must either:

a) Confirm it as an accurate record of their progress toward compliance with the rule, or;

b) Provide additional information on programs attended with accompanying documentation and;

c) File that report with the ~~Administrative Office of the Courts~~ (AOC) on or before January 31 each year. If a judicial officer does not respond by January 31, their credits will be confirmed by default.

AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of GR 26. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet Web site, publishing the information as part of any voter's guide produced by or under the direction of the ~~Administrative Office of the Courts~~ AOC, and releasing the information in electronic or printed form to media organizations throughout Washington State.

The report will include the names of all judicial officers who fail to obtain the requisite number of education credits during their three-year reporting period, or the requirements of Judicial College attendance.

2. Three-Year Reporting Periods

Three-year reporting periods will be created as follows:

a) Group 1 are those judicial officers present as of January 1, 2003, and those who begin service every subsequent third year: 2006, 2009, 2012, 2015, 2018, 2021, 2024, 2027, 2030, etc.;

b) Group 2 are those judicial officers who begin service in 2004, 2007, 2010, 2013, 2016, 2019, 2022, 2025, 2028, 2031, etc.;

c) Group 3 are those judicial officers who begin service in 2005 and every subsequent third year: 2008, 2011, 2014, 2017, 2020, 2023, 2026, 2029, 2032, etc.

The three-year reporting period for each new judicial officer begins on January 1 nearest their appointment or election.

3. Delinquency

Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

Section 6: Approval

These standards were approved by the Board for Court Education on August 25, 2003, and by Washington Supreme Court in Court Order 786 on December 4, 2003.

Comments or suggestions regarding the application of the standards or revisions of the standards can be sent to the Manager of ~~Judicial Education~~ The Office of Trial Court Services and Judicial Education or the Chair of the ~~BCE CEC~~.

These Standards were last reviewed by the Board for Court Education on September 11, 2006.

These Standards were last modified and approved by the Washington State Supreme Court on December 31, 2003

These Standards were last modified and approved by the Washington State Supreme Court on November 7, 2002

These Standards were adopted by the Washington State Supreme Court on July 1, 2002

These Standards were last modified and approved by the Washington State Supreme Court on December 31, 2007

These Standards were last modified and approved by the Washington State Supreme Court on June 7, 2012. Court Order NO. 25700-A-997. Effective January 1, 2013.

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 15-23-042
RULES OF COURT
STATE SUPREME COURT
[November 4, 2015]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO RAP 15.4—CLAIM) NO. 25700-A-1128
FOR PAYMENT OF EXPENSE FOR)
INDIGENT PARTY)

The Office of Public Defense, having recommended the expeditious adoption of the proposed amendment to RAP 15.4—Claim for Payment of Expense for Indigent Party, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the new rules as shown below are adopted.

(b) That the new rules will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of November, 2015.

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

RAP 15.4

CLAIM FOR PAYMENT OF EXPENSE FOR INDIGENT PARTY

...

(d) Invoice of Court Reporter or Typist.

(1) An invoice submitted by the court reporter should be titled "Invoice of Court Reporter or Typist—Indigent Case." The invoice must state the number of pages transcribed and the billing rate per page. The billing rate must be at the rate per page or line page equivalent set by the Supreme Court for the original and one copy of that portion of the report of proceedings ordered by the superior court. Additional copies which have been authorized and ordered from the reporter must be charged for as though reproduced by the most economical method available to the reporter. The superior court clerk shall certify the reporter's invoice as follows:

I hereby certify that the amount claimed in this invoice is for that portion of the verbatim report of proceedings ordered by the trial court; that the typing of the report is in accordance with appellate rule 9.2 (e) and (g); and that the bill is computed at the current rate per page set by the Supreme Court for the original and one copy, namely \$_____ per page.

WSR 15-23-043
RULES OF COURT
STATE SUPREME COURT
[November 4, 2015]

IN THE MATTER OF PROPOSED) ORDER
AMENDMENTS TO RULES OF PRO-) NO. 25700-A-1129
FESSIONAL CONDUCT (RPC) 1.0A—)
TERMINOLOGY, 1.1—COMPETENCE,)
1.2—SCOPE OF REPRESENTATION)
AND ALLOCATION, 1.4—COMMUNI-)
CATION, 1.5—FEES, 1.6—CONFIDEN-)
TIALITY OF INFORMATION, 1.10—)
IMPUTATION OF CONFLICTS OF)
INTEREST: GENERAL RULE, 1.14—)
CLIENT WITH DIMINISHED CAPAC-)
ITY, 1.17—SALE OF LAW PRACTICE,)
1.18—DUTIES TO PROSPECTIVE CLI-)
ENT, 4.4—RESPECT FOR RIGHTS OF)
THIRD PERSON, 5.3—PROFESSIONAL)
INDEPENDENCE OF A LAWYER, 5.5—)
UNAUTHORIZED PRACTICE OF LAW;)
MULTIJURISDICTIONAL PRACTICE)

OF LAW, 6.5—NONPROFIT AND)
 COURT-ANNEXED LIMITED LEGAL)
 SERVICE PROGRAMS, 7.1—COMMU-)
 NICATIONS CONCERNING A LAW-)
 YERS SERVICES, 7.2—ADVERTISING,)
 7.3—DIRECT CONTACT WITH PRO-)
 SPECTIVE CLIENTS, AND 8.5—DISCI-)
 PLINARY AUTHORITY; CHOICE OF)
 LAW)

WSR 15-23-044
RULES OF COURT
STATE SUPREME COURT
 [November 4, 2015]

IN THE MATTER OF PROPOSED) ORDER
 AMENDMENTS TO APR 11—CON-) NO. 25700-A-1130
 TINUING LEGAL EDUCATION)

The Washington State Bar Association, having recommended the Proposed Amendments to Rules of Professional Conduct (RPC) 1.0A—Terminology, 1.1—Competence, 1.2—Scope of Representation and Allocation, 1.4—Communication, 1.5—Fees, 1.6—Confidentiality of Information, 1.10—Imputation of Conflicts of Interest: General Rule, 1.14—Client with Diminished Capacity, 1.17—Sale of Law Practice, 1.18—Duties to Prospective Client, 4.4—Respect for Rights of Third Person, 5.3—Professional Independence of a Lawyer, 5.5—Unauthorized Practice of Law; Multijurisdictional Practice of Law, 6.5—Nonprofit and Court-Annexed Limited Legal Service Programs, 7.1—Communications Concerning a Lawyers Services, 7.2—Advertising, 7.3—Direct Contact with Prospective Clients, and 8.5—Disciplinary Authority; Choice of Law, 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, 2016. 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 4th day of November, 2015.

For the Court

Madsen, C.J.

 CHIEF JUSTICE

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 16-01 issue of the Register.

The Superior Court Judges' Association, having recommended the Proposed Amendments to APR 11—Continuing Legal Education, 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, 2016. 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 4th day of November, 2015.

For the Court

Madsen, C.J.

 CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments APR 11

Submitted by the Superior Court Judges' Association

A. Name of Proponent: Superior Court Judges' Association

B. Spokesperson: Honorable Sam Cozza, Spokane County Superior Court, 1116 W Broadway Ave., Spokane, WA 99260-0350, 509-477-4795, scozza@spokanecounty.org.

C. Purpose: Historically judges re-entering the private or governmental practice of law after leaving the Bench have had some challenges getting their judicial education credits quickly and cost-reasonably converted to CLE credits. The suggested amendment to APR 11 permits this transition to occur smoothly and without cost to the former judicial officer. The amendments will:

- Give full carryover credit to judges who have excess Continuing Judicial Education Credits (up to 15).
- Exempt former judges from having to comply with specific category CLE credits for the first year of Active Practice.

- Assure that WSBA will not be able to charge a fee to former judges for the transfer of their carryover CJE credits.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is requested. APR 11 is scheduled to take effect January 1, 2016.

F. Supporting Material: None.

APR 11

MANDATORY CONTINUING LEGAL EDUCATION (MCLE)

(a) Purpose. Mandatory continuing legal education (MCLE) is intended to enhance lawyers' legal services to their clients and protect the public by assisting lawyers in maintaining and developing their competence as defined in RPC 1.1, fitness to practice as defined in APR 22, and character as defined in APR 21. These rules set forth the minimum continuing legal education requirements for lawyers to accomplish this purpose.

(b) Definitions.

(1) "Activity" means any method by which a lawyer may earn MCLE credits.

(2) "Association" means the Washington State Bar Association.

(3) "Attending" means participating in an approved activity or course.

(4) "Calendar year" means a time period beginning January 1 and ending December 31.

(5) "Identical activity" means any prior course or other activity that has not undergone any substantial or substantive changes since last offered, provided, or undertaken.

(6) "Lawyer" means an active member of the Association, a judicial member of the Association classified as an administrative law judge, and any other lawyer admitted to the limited practice of law in Washington who is required by the Admission and Practice Rules (APR) to comply with this rule.

(7) "Reporting period" means a three-year time period as assigned by the Association in which a lawyer must meet the education requirements of this rule.

(8) "Sponsor" means a provider of continuing legal education activities.

(c) Education Requirements.

(1) Minimum Requirement. Each lawyer must complete 45 credits of approved continuing legal education by December 31 of the last year of the reporting period with the following requirements:

(i) at least 15 credits must be from attending approved courses in the subject of law and legal procedure, as defined in section (f)(1); and

(ii) at least six credits must be in ethics and professional responsibility, as defined in section (f)(2).

(2) Earning Credits. A lawyer earns one credit for each 60 minutes of attending an approved activity. Credits are rounded to the nearest quarter hour. A lawyer may earn no more than eight credits per calendar day. A lawyer cannot receive credit more than once for an identical activity within the same reporting period.

(3) New Lawyers. Newly admitted lawyers are exempt for the calendar year of admission.

(4) Military Personnel. Military personnel in the United States Armed Forces may be granted an exemption, waiver or modification upon proof of undue hardship, which includes deployment outside the United States. A petition shall be filed in accordance with subsection (i)(5) of these rules.

(5) Exemptions. The following are exempt from the requirements of this rule for the reporting period(s) during which the exemption applies:

(i) Judicial Exemption. Judicial members of the Association, except for administrative law judges;

(ii) Supreme Court Clerks. The Washington State Supreme Court clerk and assistant clerk(s) who are prohibited by court rule from practicing law;

(iii) Legislative Exemption. Members of the Washington State Congressional Delegation or the Washington State Legislature; and

(iv) Gubernatorial Exemption. The Governor of Washington State.

(6) Comity. The education requirements in Oregon, Idaho and Utah substantially meet Washington's education requirements. These states are designated as comity states. A lawyer may certify compliance with these rules in lieu of meeting the education requirement by paying a comity fee and filing a Comity Certificate of MCLE Compliance from a comity state certifying to the lawyer's subjection to and compliance with that state's MCLE requirements during the lawyer's most recent reporting period.

(7) Carryover Credits. If a member completes more than the required number of credits for any one reporting period, up to 15 of the excess credits, 2 of which may be ethics and professional responsibility credits, may be carried forward to the next reporting period.

(8) Former Judges. Persons who have served as Judges as defined by GR 26 and who are becoming active members of the Association are to be given full credit for carryover Continuing Judicial Education Credits. Former judges in this category shall not be charged a fee related to the transfer of carryover credits. A former judge who is in compliance with GR 26 shall not be required to comply with APR (c)(1)(i) for the first year in which he or she serves as an active member of the Association.

Sections (d)-(k). No change.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 15-23-045

NOTICE OF PUBLIC MEETINGS UTILITIES AND TRANSPORTATION COMMISSION

[Filed November 10, 2015, 12:29 p.m.]

The following is the schedule for the 2016 regular public meetings of the Washington utilities and transportation commission:

January 14, 2016

January 28, 2016

- February 11, 2016
- February 25, 2016
- March 10, 2016
- March 24, 2016
- April 7, 2016
- April 28, 2016
- May 12, 2016
- May 27, 2016
- June 9, 2016
- June 23, 2016
- July 7, 2016
- July 21, 2016
- August 4, 2016
- August 18, 2016
- September 8, 2016
- September 22, 2016
- October 6, 2016
- October 27, 2016
- November 10, 2016
- November 30, 2016
- December 8, 2016
- December 22, 2016

All commission meetings will commence at 9:30 a.m. on the scheduled day. The meetings will be held in the Commission's Main Hearing Room, Second Floor, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA.

Assistance with sign language interpreters or information in alternate formats will be provided when requested ten days prior to the meeting date, by contacting the ADA coordinator at (360) 664-1132 or TTY 800-416-5289.

WSR 15-23-046
NOTICE OF PUBLIC MEETINGS
STATE INDEPENDENT
LIVING COUNCIL
 [Filed November 10, 2015, 1:58 p.m.]

The following is the schedule of regular meetings for the Washington state independent living council (SILC) for 2015 [2016].

Once specific locations have been determined, an updated notice will be sent.

Date	Time	Location
January 7, 2016	9 a.m. - 4 p.m.	SILC Headquarters Lacey, Washington
January 8, 2016	9 a.m. - 2 p.m.	SILC Headquarters Lacey, Washington

Date	Time	Location
April 7, 2016	9 a.m. - 4 p.m.	Spokane, Washington
April 8, 2016	9 a.m. - 2 p.m.	Spokane, Washington
July 7, 2016	9 a.m. - 4 p.m.	Bellingham, Washington
July 8, 2016	9 a.m. - 2 p.m.	Bellingham, Washington
October 6, 2016	12 p.m. - 4 p.m.	Wenatchee, Washington
October 7, 2016	9 a.m. - 2 p.m.	Wenatchee, Washington

ASL interpreters and real time captioning (CART) will be available upon request. For other accommodation requests, please contact Washington SILC at 800-624-4105.

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

If you need further information contact Washington SILC, 800-624-4105.

WSR 15-23-047
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF HEALTH
 [Filed November 10, 2015, 2:38 p.m.]

NOTICE OF ADOPTION OF AN INTERPRETIVE OR POLICY STATEMENT

Title of Interpretive or Policy Statement: Licensed Veterinary Technicians - Independent Practice.

Issuing Entity: Veterinary board of governors.

Subject Matter: Clarification that licensed veterinary technicians are not authorized to practice independently under state statute and board rules.

Effective Date: December 15, 2015.

Contact Person: Lorelei Walker.

WSR 15-23-049
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Health Technology Clinical Committee)
 [Filed November 12, 2015, 9:14 a.m.]

Following is the schedule of regular meetings for the health technology clinical committee in 2016.

Date	Time	Location
January 15, 2016	8:00 a.m. - 5:00 p.m.	The Conference Center Seattle-Tacoma International Airport 17801 International Boulevard Seattle, WA 98158
March 18, 2016	8:00 a.m. - 5:00 p.m.	Same
May 20, 2016	8:00 a.m. - 5:00 p.m.	Same
July 8, 2016	9:00 a.m. - 10:00 a.m.	Webinar and by phone Health Care Authority Cherry Street Plaza 626 8th Avenue S.E. Olympia, WA 98504-2712
September 16, 2016	8:00 a.m. - 5:00 p.m.	The Conference Center Seattle-Tacoma International Airport 17801 International Boulevard Seattle, WA 98158
November 18, 2016	8:00 a.m. - 5:00 p.m.	Same

WSR 15-23-051
NOTICE OF PUBLIC MEETINGS
MILITARY DEPARTMENT
 (Emergency Management Council)

[Filed November 12, 2015, 9:14 a.m.]

2016 Meetings

The following is the schedule of regular meetings for the Washington state military department, emergency management council (EMC) for 2016:

Date	Time	Location
January 7, 2016	9:00 a.m. - 12:00 p.m.	Building 92
March 3, 2016	9:00 a.m. - 12:00 p.m.	Building 91
May 5, 2016	9:00 a.m. - 12:00 p.m.	Building 91
July 7, 2016	9:00 a.m. - 12:00 p.m.	Building 91
September 1, 2016	9:00 a.m. - 12:00 p.m.	Building 91
November 3, 2016	9:00 a.m. - 12:00 p.m.	Building 91

Please refer to the <http://mil.wa.gov/> web site. Calendar information and agendas will be posted to the EMC section.

Facilities are handicapped accessible. If you require further information or need special assistance at the meeting, please contact Tirzah Kincheloe at (253) 512-7456 or tirzah.kincheloe@mil.wa.gov.

WSR 15-23-053
NOTICE OF PUBLIC MEETINGS
MILITARY DEPARTMENT
 (Emergency Response Commission)
 [Filed November 12, 2015, 9:22 a.m.]

The following is the schedule of regular meetings for the state emergency response commission (SERC) during 2016:

Date	Time	Location
March 2, 2016	10:00 a.m. - 12:00 p.m.	Camp Murray Building #20B
May 17, 2016	10:00 a.m. - 12:00 p.m.	Campbell's Resort Chelan

**In conjunction with the Local Emergency Planning Committee (LEPC) and Tribal Conference*

September 19, 2016	10:00 a.m. - 12:00 p.m.	NorthernQuest Spokane
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**In conjunction with the Washington State Emergency Management Association (WSEMA) Conference*

November 2, 2016	10:00 a.m. - 12:00 p.m.	Camp Murray Building #20B
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Please refer to the <http://mil.wa.gov/> web site. Calendar information and agendas will be posted to the SERC section.

Facilities are handicapped accessible. If you require further information or need special assistance at the meeting, please contact Tirzah Kincheloe at (253) 512-7456 or tirzah.kincheloe@mil.wa.gov.

WSR 15-23-054
NOTICE OF PUBLIC MEETINGS
CLOVER PARK
TECHNICAL COLLEGE

[Filed November 12, 2015, 10:28 a.m.]

The board of trustees of Clover Park Technical College, at their regularly scheduled meeting on November 4, 2015, identified the dates on the list shown below for their monthly meetings in the year 2016, in compliance with RCW 42.30.075.

Most meetings will begin at 3 p.m. in the Rotunda, Building 3, Clover Park Technical College Campus, 4500 Steilacoom Boulevard S.W., Lakewood, WA 98499-4098. The April meeting will begin at 3 p.m. at the South Hill Campus, 17214 110th Avenue East, Puyallup, WA 98374.

Board of Trustees Meetings
2016 Meeting Calendar

January 20, 2016	Study Session	3 p.m.	Rotunda Bldg. 3
	Business Agenda	4 p.m.	Rotunda Bldg. 3
February 17, 2016	Study Session	3 p.m.	Rotunda Bldg. 3
	Business Agenda	4 p.m.	Rotunda Bldg. 3
March 9, 2016	Study Session	3 p.m.	Rotunda Bldg. 3
	Business Agenda	4 p.m.	Rotunda Bldg. 3
April 13, 2016	Study Session	3 p.m.	South Hill Campus
	Business Agenda	4 p.m.	South Hill Campus
May 18, 2016	Study Session	3 p.m.	Rotunda Bldg. 3
	Business Agenda	4 p.m.	Rotunda Bldg. 3
June 8, 2016	Study Session	3 p.m.	Rotunda Bldg. 3
	Business Agenda	4 p.m.	Rotunda Bldg. 3
July 13, 2016	Study Session	3 p.m.	Rotunda Bldg. 3
	Business Agenda	4 p.m.	Rotunda Bldg. 3
August 10, 2016	Study Session	3 p.m.	Rotunda Bldg. 3
	Business Agenda	4 p.m.	Rotunda Bldg. 3
September 2016	<i>No Meeting</i>		
October 12, 2016	Study Session	3 p.m.	Rotunda Bldg. 3
	Business Agenda	4 p.m.	Rotunda Bldg. 3
November 9, 2016	Study Session	3 p.m.	Rotunda Bldg. 3
	Business Agenda	4 p.m.	Rotunda Bldg. 3
December 14, 2016	Study Session	3 p.m.	Rotunda Bldg. 3
	Business Agenda	4 p.m.	Rotunda Bldg. 3

WSR 15-23-057
NOTICE OF PUBLIC MEETINGS
INDETERMINATE SENTENCE
REVIEW BOARD

[Filed November 12, 2015, 3:45 p.m.]

The indeterminate sentence review board (ISRB) will meet twice each month in 2016 with the exception of November and December. Our board meetings are open public meetings and are held at 4317 6th Avenue S.E., Lacey, WA. This building complies with the Americans with Disabilities Act. The board's upcoming meetings are scheduled as follows:

January 11	(Monday)	9:00 a.m.
January 25	(Monday)	9:00 a.m.
February 8	(Monday)	9:00 a.m.
February 22	(Monday)	9:00 a.m.
March 14	(Monday)	9:00 a.m.
March 28	(Monday)	9:00 a.m.
April 11	(Monday)	9:00 a.m.
April 25	(Monday)	9:00 a.m.
May 9	(Monday)	9:00 a.m.
May 23	(Monday)	9:00 a.m.
June 13	(Monday)	9:00 a.m.
June 27	(Monday)	9:00 a.m.
July 11	(Monday)	9:00 a.m.
July 25	(Monday)	9:00 a.m.
August 8	(Monday)	9:00 a.m.
August 22	(Monday)	9:00 a.m.
September 12	(Monday)	9:00 a.m.
September 26	(Monday)	9:00 a.m.
October 10	(Monday)	9:00 a.m.
October 24	(Monday)	9:00 a.m.
November 14	(Monday)	9:00 a.m.
December 12	(Monday)	9:00 a.m.

Persons interested in attending the ISRB meeting can call our office at (360) 407-2400 for directions and meeting agendas. Directions can also be found at www.doc.wa.gov (ISRB link).

WSR 15-23-061
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Board of Massage)

[Filed November 13, 2015, 1:29 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of massage, for the year 2015 [2016]. The board of massage meetings are

open to the public and access for persons with disabilities may be arranged with advance notice. Please contact the staff person below for more information.

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

Date	Time	Location
January 15, 2016	9:00 a.m.	Tumwater
March 11, 2016	9:00 a.m.	Tumwater
May 13, 2016	9:00 a.m.	Kent
July 8, 2016	9:00 a.m.	Tumwater
September 9, 2016	9:00 a.m.	Spokane
November 4, 2015 [2016]	9:00 a.m.	Tumwater

If you need further information, please contact Megan Brown, Program Manager, Board of Massage, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4945, (360) 236-2901, Megan.brown@doh.wa.gov, www.doh.wa.gov.

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

WSR 15-23-067

**NOTICE OF PUBLIC MEETINGS
ATTORNEY GENERAL'S OFFICE**

(Public Records Exemptions Accountability Committee)
[Filed November 16, 2015, 8:09 a.m.]

The following is the 2016 regular meeting schedule for the public records exemptions accountability committee (sunshine committee):

February 16, 2016	9 a.m. - 1 p.m.	John A. Cherberg Building Conference Room ABC Olympia, Washington
May 17, 2016	9 a.m. - 1 p.m.	John A. Cherberg Building Conference Room ABC Olympia, Washington
August 16, 2016	9 a.m. - 1 p.m.	John A. Cherberg Building Conference Room ABC Olympia, Washington
October 25, 2016	9 a.m. - 1 p.m.	John A. Cherberg Building Conference Room ABC Olympia, Washington

The meeting location, agenda, and other information will be available five to seven days prior to each meeting at <http://www.atg.wa.gov/sunshine-committee>.

Please visit this web site to join the sunshine committee listserv to receive notices about when materials are posted.

Please contact Melinda Brown, Paralegal 2, Sunshine Committee Staff, Washington State Attorney General's Office, (360) 586-1295, Melindab1@atg.wa.gov, if you have any questions regarding the schedule or meeting agendas.

WSR 15-23-074

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed November 16, 2015, 2:38 p.m.]

**NOTICE OF PUBLIC HEARING
WAC 392-125-010**

ACCOUNTING MANUAL FOR EDUCATIONAL SERVICE DISTRICTS

Public Hearing/Written Comments: A public hearing regarding proposed changes to the publication of the 2015-2016 Accounting Manual for Educational Service Districts in accordance with WAC 392-125-010 will be held on December 22, 2015, at 10:00 a.m., at the Office of Superintendent of Public Instruction, Policy Conference Room, 600 Washington Street, Olympia, WA 98504-7200.

Written comments may be submitted on or before **December 22, 2015**, to Paul Stone, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, or via e-mail Paul.Stone@k12.wa.us.

Randy Dorn
State Superintendent
of Public Instruction

WSR 15-23-076

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH**

(Board of Naturopathy)

[Filed November 16, 2015, 3:40 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of naturopathy, for the year 2016. The board of naturopathy meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

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

Date	Time	Locations		
February 12, 2016	8:30 a.m.	<p style="text-align: center;">Videoconference between:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><u>Primary Site</u> Department of Health Creekside 2 at Center Point Suite 310 Room 307 20425 72nd Avenue South Kent, WA 98032</td> <td style="width: 50%; border: none;"><u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216</td> </tr> </table>	<u>Primary Site</u> Department of Health Creekside 2 at Center Point Suite 310 Room 307 20425 72nd Avenue South Kent, WA 98032	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216
<u>Primary Site</u> Department of Health Creekside 2 at Center Point Suite 310 Room 307 20425 72nd Avenue South Kent, WA 98032	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216			
May 13, 2016	8:30 a.m.	Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501		
August 12, 2016	8:30 a.m.	<p style="text-align: center;">Videoconference between:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><u>Primary Site</u> Department of Health Point Plaza East (PPE) Room 152/153 310 Israel Road S.E. Tumwater, WA 98501</td> <td style="width: 50%; border: none;"><u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216</td> </tr> </table>	<u>Primary Site</u> Department of Health Point Plaza East (PPE) Room 152/153 310 Israel Road S.E. Tumwater, WA 98501	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216
<u>Primary Site</u> Department of Health Point Plaza East (PPE) Room 152/153 310 Israel Road S.E. Tumwater, WA 98501	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216			
November 18, 2016	8:30 a.m.	To be determined Everett, Washington		

If you need further information, please contact Susan Gragg, Program Manager, Washington Department of Health, Board of Naturopathy, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2901, e-mail susan.gragg@doh.wa.gov, web www.doh.wa.gov.

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

Date	Time	Location
July 13-14	8:00-5:00	ESD 101 Spokane
September 13-15	8:00-5:00	Skamania Lodge Stevenson
November 9-10	8:00-5:00	ESD 112 Vancouver

WSR 15-23-077
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
 [Filed November 16, 2015, 4:35 p.m.]

Following is the revised schedule of meetings of the state board of education for 2016. Additional meetings may be scheduled as circumstances warrant.

Date	Time	Location
January 13-14	8:00-5:00	ESD 113 Olympia
March 9-10	8:00-5:00	ESD 121 Renton
May 11-12	8:00-5:00	ESD 105 Yakima

WSR 15-23-078
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Filed November 16, 2015, 4:49 p.m.]

In accordance with RCW 42.30.075, 28B.20.105, and 28B.20.130, and WAC 478-04-030, the board of regents of the University of Washington established the following meeting schedule for 2016 at its meeting held on November 12, 2015.

Meeting Time of Regular Meetings: The board will meet on the dates noted below, beginning at 8:30 a.m., or such later time as may be announced on the board's web page (<http://www.washington.edu/regents/>) and posted at the board office in Gerberding Hall. A portion of each day's meetings will be allocated to meetings of the board's standing committees. The detailed schedule of the day's meetings will be posted in advance on the board's web page and at the board office in Gerberding Hall.

Except as otherwise indicated, the meetings listed below are held at the University of Washington Seattle Campus, Seattle, Washington, at the locations noted, unless a different location is established and public notice given in accordance with chapter 42.30 RCW.

Date	Meeting Location
Thursday, January 14	UW - Petersen Room Allen Library Standing Committee Meetings* and Board Meeting
Thursday, February 11	UW - Intellectual House Standing Committee Meetings* and Board Meeting
Thursday, March 10	UW Bothell Standing Committee Meetings* and Board Meeting
Thursday, April 14	UW - Petersen Room Allen Library Standing Committee Meetings* and Board Meeting
Thursday, May 12	UW - Petersen Room Allen Library Standing Committee Meetings* and Board Meeting
Thursday, June 9	UW - Petersen Room Allen Library Standing Committee Meetings* and Board Meeting
Thursday, July 14	UW - Allen Center Room CSE 691 Standing Committee Meetings* and Board Meeting
Thursday, August 11**	UW - Petersen Room Allen Library Standing Committee Meetings* and Board Meeting
Thursday, September 8	UW Spokane Center Standing Committee Meetings* and Board Meeting
Thursday, October 13	UW Tacoma Standing Committee Meetings* and Board Meeting
Thursday, November 10	UW - Husky Union Building Room 334 Standing Committee Meetings* and Board Meeting
Thursday, December 8**	UW - Petersen Room Allen Library Standing Committee Meetings* and Board Meeting

*Standing committees noted here include the academic and student affairs committee and the finance and asset management committee; see separate dates, times, and locations for the governance standing committee.

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

The **governance standing committee** will meet at 3:00 p.m. on the following dates:

Date	Location
Wednesday, February 10	UW - Gerberding Hall Room 142
Wednesday, May 11	UW - Gerberding Hall Room 142
Wednesday, July 13	UW - Gerberding Hall Room 142
Wednesday, October 12	UW - Gerberding Hall Room 142

Requests for Disability Accommodation: To request disability accommodation, contact the disability services office at (206) 543-6450 (voice), (206) 543-6452 (TTY), (206) 685-7264 (fax), or e-mail dso@uw.edu. The University of Washington makes every effort to honor disability accommodation requests. Requests can be responded to most effectively if received as far in advance of the event as possible, preferably at least ten days.

WSR 15-23-080

DEPARTMENT OF COMMERCE

[Filed November 17, 2015, 8:44 a.m.]

Notice of Joint Public Hearing
Department of Commerce and Ferry County

In accordance with WAC 365-199-030, Ferry County has provided notice to the department of commerce of its intent to apply for a determination of compliance with chapter 36.70A RCW. This constitutes one of the initial steps for reverting to partially planning under the Washington State Growth Management Act (GMA) as authorized by RCW 36.70A.040. Jurisdictions who are eligible to revert to partially planning, but who are not in compliance with the GMA, must address any outstanding issues identified by the growth management hearings board or the Washington state courts, and seek a determination of compliance from the department of commerce. Ferry County and the department of commerce will hold a joint public hearing regarding the statement of issues on which the county is out of compliance. The hearing will take place at the Ferry County planning department on December 16, 2015, at 290 147 North Clark, Suite 7, Republic, WA 99166, at 6:00 p.m.

Ferry County provided the proposed statement of issues on which the county is out of compliance:

- Failure to designate and protect bull trout and common loon, including their associated habitats, or

provide a reasoned justification for a departure from the best available science (BAS).

- Habitat and species of local importance: The county must consider BAS when making decisions on species and habitats of local importance. Ferry County's critical area protections must designate and protect the associated habitats for species which require protection based on the BAS and the local planning process. The county should use the priority habitats and species list as a starting point when including BAS in the designation and protection of habitats and species of local importance consistent with WAC 365-190-130 (4)(b).

Applicable growth management hearings board or court final orders include:

- Growth Management Hearings Board Case #97-1-0018c (February 5, 2014)
- Ferry County Superior Court No. 12200001
- Court of Appeals Case No. 31331-0-111

If you are unable to attend the hearing and wish to comment, please provide written comments by December 16, 2015, to Dave Andersen at dave.andersen@commerce.wa.gov or Dave Andersen, Department of Commerce, 10 North Post Street, Suite 445, Spokane, WA 99201.

For persons with disabilities needing reasonable accommodation, contact Dave Andersen by December 1, 2015, at (509) 434-4491, TTY (360) 586-0772.

WSR 15-23-082

**NOTICE OF PUBLIC MEETINGS
TURFGRASS SEED COMMISSION**

[Filed November 17, 2015, 9:55 a.m.]

Following is a meeting date change for the Washington turfgrass seed commission December board meeting.

The Washington mint [turfgrass seed] commission has changed the location of the December 9, 2015, meeting [meeting]:

From: Kennewick, Washington
To: Washington State University, Pullman

If you need further information contact Shane Johnson, 100 North Fruitland Street, Suite B, Kennewick, WA 99336, (509) 585-5460, (509) 585-2671, shanej@agmgt.com.

WSR 15-23-083

**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON
STATE HISTORICAL SOCIETY**

[Filed November 17, 2015, 9:56 a.m.]

Following is the schedule for the board of trustees for the Eastern Washington State Historical Society for calendar year 2016. We are agency number 395 and our board is a volunteer board.

**Eastern Washington State Historical Society
(Northwest Museum of Arts & Culture)
Board of Trustees Meeting Schedule**

2:00 p.m. to 5:00 p.m.

Gilkey Community Room
(unless otherwise noted)

All meetings take place in the Gilkey Community Room, Northwest Museum of Arts & Culture, 2316 West First Avenue, Spokane, WA 99201-5906, (509) 363-5336.

**Full Board of Trustees
Ten Meetings Per Year**

Wednesday, January 6, 2016	2 p.m. - 5 p.m.
Wednesday, February 10, 2016	2 p.m. - 5 p.m.
Wednesday, March 2, 2016	2 p.m. - 5 p.m.
Wednesday, April 6, 2016	2 p.m. - 5 p.m.
Wednesday, May 4, 2016	2 p.m. - 5 p.m.
Wednesday, June 1, 2016	2 p.m. - 5 p.m.
Wednesday, July 6, 2016	2 p.m. - 5 p.m.
No meeting in August	
Wednesday, September 7, 2016	2 p.m. - 5 p.m.
Wednesday, October 5, 2016	2 p.m. - 5 p.m.
Wednesday, November 2, 2016	2 p.m. - 5 p.m.
No meeting in December	

Finance Committee meets at 3:30 p.m. on the **last** Wednesday of the month.

Executive Committee meets **eight days prior to the board meeting** from 2 p.m. - 4 p.m. The following are dates for executive committee meetings for 2016:

- February 2, 2016
- February 23, 2016
- March 29, 2016
- April 26, 2016
- May 24, 2016
- June 28, 2016
- July 26, 2016
- August 30, 2016
- September 27, 2016
- October 25, 2016
- November 29, 2016
- December 27, 2016

Approved by the board of trustees at their November 4, 2015, meeting.

WSR 15-23-107
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY

(Natural Resource Damage Assessment Committee)

[Filed November 18, 2015, 10:10 a.m.]

January - December 2016 Meeting Schedule

The Washington state natural resource damage assessment (NRDA) committee, which is chaired by the department of ecology, includes representatives of the state departments of fish and wildlife, natural resources, health, archaeology and historic preservation, and the parks and recreation commission. The committee makes decisions regarding the most appropriate damage assessment to pursue for oil spills in state waters, and evaluates restoration projects proposed by responsible parties in lieu of monetary claims.

Meetings for January through December 2016 will be held on the second Wednesday of each month in Room ROA-09, with the exception of the May meeting, which will be held on the third Wednesday of the month (May 18, 2016) in Room ROA-05.

Meetings start at 9:00 a.m. at the Department of Ecology, Headquarters Building, 300 Desmond Drive S.E., Lacey, WA.

For more information, contact Dale Davis at (360) 407-6972, dale.davis@ecy.wa.gov.

WSR 15-23-109
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Filed November 18, 2015, 10:46 a.m.]

Board of Trustees
Regular Board Meeting Schedule
2016

Pursuant to RCW 42.30.075, the Bellingham Technical College board of trustees' regular meetings during 2016 will be held on the third Thursday of each month except July and August. All meetings will begin at 9:00 a.m. in the College Services Building Board Room, Bellingham Technical College, 3028 Lindbergh Avenue, Bellingham, WA 98225.

January 21, 2016
 February 18, 2016
 March 17, 2016
 April 21, 2016
 May 19, 2016
 June 16, 2016
 August 18, 2016
 September 15, 2016
 October 20, 2016
 November 17, 2016
 December 15, 2016