

Washington State Register, Issue 16-13

OFFICE OF THE CODE REVISER  
 Quarterly Rule-Making Report  
 Covering Registers 16-07 through 16-12

Type of Activity	New	Amended	Repealed
<b>ACCOUNTANCY, BOARD OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>AGRICULTURE, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	2	12	0
Number of Rules Adopted as Emergency Rules	1	9	0
Number of Rules Proposed for Permanent Adoption	6	49	14
Number of Rules Withdrawn	2	15	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	12	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	3	21	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	9	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>BELLINGHAM TECHNICAL COLLEGE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	33	0	27
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	43	0	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	43	0	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>BIG BEND COMMUNITY COLLEGE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	16	1
<b>BLIND, WASHINGTON STATE SCHOOL FOR THE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	9	23	53

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Type of Activity	New	Amended	Repealed
<b>BUILDING CODE COUNCIL</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	0	2
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Rules Proposed for Permanent Adoption	0	21	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CHILDHOOD DEAFNESS AND HEARING LOSS, CENTER FOR</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	5	28	15
Number of Rules Proposed for Permanent Adoption	5	28	15
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	19	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	2	8	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	5	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>COLUMBIA BASIN COLLEGE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	137	2	178
Number of Rules Proposed for Permanent Adoption	32	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	138	2	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>COMMERCE, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	10	0	0
Number of Rules Proposed for Permanent Adoption	8	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	10	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	10	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	4	0
Number of Rules Proposed for Permanent Adoption	0	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CORRECTIONS, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Withdrawn	1	6	2
<b>COUNTY ROAD ADMINISTRATION BOARD</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CRIMINAL JUSTICE TRAINING COMMISSION</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Withdrawn	0	0	1
<b>EARLY LEARNING, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	81	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	3	81	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>ECOLOGY, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	25	0
Number of Rules Proposed for Permanent Adoption	81	41	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	21	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	25	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>EMPLOYMENT SECURITY DEPARTMENT</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	0	0
<b>EVERETT COMMUNITY COLLEGE</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	6
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	0	3	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>EXECUTIVE ETHICS BOARD</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	9	6
<b>FINANCIAL INSTITUTIONS, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	18	73	1
Number of Rules Proposed for Permanent Adoption	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	16	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	8	3	1
Number of Sections Adopted in Order to Comply with Federal Statute	2	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	3	0
Number of Sections Adopted on the Agency's own Initiative	18	73	1
Number of Sections Adopted using Negotiated Rule Making	18	73	1
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>FINANCIAL MANAGEMENT, OFFICE OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	9	12	6
Number of Rules Proposed for Permanent Adoption	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	10	11	5
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	10	11	5
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	10	11	5
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
<b>FISH AND WILDLIFE, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	23	0
Number of Rules Adopted as Emergency Rules	97	0	90
Number of Rules Proposed for Permanent Adoption	1	16	0
Number of Sections Adopted at Request of a Nongovernmental Entity	6	0	7
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	15	0	16
Number of Sections Adopted in Order to Comply with Federal Statute	15	0	16
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	5	0	7
Number of Sections Adopted on the Agency's own Initiative	89	24	86
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>GAMBLING COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	10	1
Number of Rules Proposed for Permanent Adoption	1	16	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	10	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	10	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	10	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>HEALTH CARE AUTHORITY</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	26	0
Number of Rules Adopted as Emergency Rules	0	6	0
Number of Rules Proposed for Permanent Adoption	3	44	2
Number of Rules Withdrawn	1	11	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	32	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	4	0
Number of Sections Adopted using Other Alternative Rule Making	1	28	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>HEALTH, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	36	27	2
Number of Rules Adopted as Emergency Rules	39	0	0
Number of Rules Proposed for Permanent Adoption	104	117	24
Number of Rules Withdrawn	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	3	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	27	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	41	1	0
Number of Sections Adopted on the Agency's own Initiative	5	22	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	73	27	2
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>HORSE RACING COMMISSION</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	3	0
Number of Rules Withdrawn	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	1	3	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	3	0
Number of Sections Adopted using Negotiated Rule Making	1	3	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>INSURANCE COMMISSIONER, OFFICE OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	2	1
Number of Rules Proposed for Permanent Adoption	1	57	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	4	28	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	4	29	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>LABOR AND INDUSTRIES, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	402	11
Number of Rules Proposed for Permanent Adoption	4	29	4
Number of Sections Adopted at Request of a Nongovernmental Entity	0	310	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	13	400	11
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	12	56	8
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	13	403	11
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	307	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>LAKE WASHINGTON INSTITUTE OF TECHNOLOGY</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Statute	0	1	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LICENSING, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	4	0
Number of Rules Proposed for Permanent Adoption	3	33	24
Number of Rules Withdrawn	1	22	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	4	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LIQUOR AND CANNABIS BOARD**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	51	0
Number of Rules Adopted as Emergency Rules	6	6	0
Number of Rules Proposed for Permanent Adoption	14	54	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	13	55	0
Number of Sections Adopted on the Agency's own Initiative	6	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LOTTERY, WASHINGTON STATE**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

**NATURAL RESOURCES, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	11	0	0

**PARKS AND RECREATION COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	6	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PENINSULA COLLEGE</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	13	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PILOTAGE COMMISSIONERS, BOARD OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PROFESSIONAL EDUCATOR STANDARDS BOARD</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	7	2
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	1	7	2
Number of Rules Withdrawn	0	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	6	3
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	0
Number of Sections Adopted on the Agency's own Initiative	1	4	3
Number of Sections Adopted using Negotiated Rule Making	1	6	3
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PUBLIC DISCLOSURE COMMISSION</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0



Washington State Register, Issue 16-13

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	22	2
Number of Rules Adopted as Emergency Rules	15	3	2
Number of Rules Proposed for Permanent Adoption	14	34	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	10	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	9	0
Number of Sections Adopted on the Agency's own Initiative	0	5	0
Number of Sections Adopted using Negotiated Rule Making	0	14	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>RETIREMENT SYSTEMS, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	9	2
Number of Rules Proposed for Permanent Adoption	1	4	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	8	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	9	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>REVENUE, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	33	1
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Rules Proposed for Permanent Adoption	0	29	3
Number of Rules Withdrawn	0	0	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	14	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	11	1
Number of Sections Adopted on the Agency's own Initiative	0	34	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>SECRETARY OF STATE</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	6	19	0
Number of Rules Withdrawn	1	24	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

**Washington State Register, Issue 16-13**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	9	3	1
Number of Rules Adopted as Emergency Rules	116	187	53
Number of Rules Proposed for Permanent Adoption	85	203	52
Number of Rules Withdrawn	10	11	3
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	125	190	54
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	125	190	54
Number of Sections Adopted using Pilot Rule Making	0	0	0

**TRANSPORTATION, DEPARTMENT OF**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	8	0
Number of Rules Adopted as Emergency Rules	3	9	0
Number of Rules Proposed for Permanent Adoption	6	7	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	3	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	3	9	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	3	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**UNIVERSITY OF WASHINGTON**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**UTILITIES AND TRANSPORTATION COMMISSION**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	1	4	2

Washington State Register, Issue 16-13

Type of Activity	New	Amended	Repealed
<b>WASHINGTON STATE UNIVERSITY</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	2	14	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	14	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	14	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	14	2
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>WESTERN WASHINGTON UNIVERSITY</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>TOTALS FOR THE QUARTER:</b>			
	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	314	910	261
Number of Rules Adopted as Emergency Rules	277	225	145
Number of Rules Proposed for Permanent Adoption	400	869	207
Number of Rules Withdrawn	17	95	13
Number of Sections Adopted at Request of a Nongovernmental Entity	7	321	7
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	81	595	26
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	64	85	25
Number of Sections Adopted in Order to Comply with Federal Statute	19	9	16
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	212	301	67
Number of Sections Adopted on the Agency's own Initiative	332	759	112
Number of Sections Adopted using Negotiated Rule Making	30	111	4
Number of Sections Adopted using Other Alternative Rule Making	216	632	64
Number of Sections Adopted using Pilot Rule Making	0	0	0

**WSR 16-13-015**  
**NOTICE OF PUBLIC MEETINGS**  
**STUDENT ACHIEVEMENT COUNCIL**

[Filed June 3, 2016, 9:28 a.m.]

Following is the schedule of regular meetings for the Washington student achievement council for 2016:

Date	Time	Location
June 8, 2016	5:00-6:00 p.m. PST	Conference call, call-in instructions are located on our web site www.wsac.wa.gov
August 17, 2016	TBD - updated information available on our web site as the date approaches.	Eastern Washington University Cheney, Washington
October 12, 2016	TBD - updated information available on our web site as the date approaches.	State Board for Community and Technical Colleges Olympia, Washington
November 9, 2016	TBD - updated information available on our web site as the date approaches.	Pierce College Steilacoom, Washington

If you need further information contact Kristin Ritter, P.O. Box 43430, Olympia WA 98504, (360) 753-7800, (360) 753-7808, kristinr@wsac.wa.gov, www.wsac.wa.gov.

**WSR 16-13-018**  
**PUBLIC RECORDS OFFICER**  
**CENTRAL WASHINGTON UNIVERSITY**

[Filed June 3, 2016, 1:19 p.m.]

Pursuant to RCW 42.56.580, the public records officer for Central Washington University is Toni Burvee, Director, Business Services, 400 East University Way, Ellensburg, WA 98926-7474, phone (509) 963-2335, fax (509) 963-2336, e-mail Toni.Burvee@cwu.edu.

James L. Gaudino  
 President

**WSR 16-13-019**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**ENTERPRISE SERVICES**

(Capitol Campus Design Advisory Committee)

[Filed June 6, 2016, 10:33 a.m.]

The capitol campus design advisory committee meeting scheduled for Thursday, May 19, 2016, has been rescheduled to Monday, June 6, 2016, at 10:00 a.m. to 12:00 p.m., Legislative Building, Senate Rules Room 220, 416 Sid Snyder Avenue S.W., Olympia, WA 98501.

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

**WSR 16-13-020**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[June 2, 2016]

IN THE MATTER OF THE PROPOSED ) ORDER  
 AMENDMENTS TO APR 20-25.6— ) NO. 25700-A-1145  
 CHARACTER AND FITNESS BOARD )

The Washington State Bar Association, having recommended the adoption of the proposed amendments to APR 20-25.6—Character and Fitness Board, 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 in the Washington Reports and will become effective September 1, 2016.

DATED at Olympia, Washington this 2nd day of June, 2016.

	<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>Mary Yu, J.</u>

**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 16-14 issue of the Register.

**WSR 16-13-021**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[June 2, 2016]

IN THE MATTER OF THE PROPOSED ) ORDER  
 AMENDMENTS TO RULES OF PRO- ) NO. 25700-A-1146  
 FESSIONAL CONDUCT (RPC) I.OA— )  
 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— RESPONSIBILI- )  
 TIES REGARDING NONLAWYER )  
 ASSISTANTS, 5.5— UNAUTHORIZED )  
 PRACTICE OF LAW; MULTIJURISDIC- )  
 TIONAL PRACTICE OF LAW, 6.5— )  
 NONPROFIT AND COURT-ANNEXED )

LIMITED LEGAL SERVICE PRO- )
GRAMS, 7.1— COMMUNICATIONS )
CONCERNING A LAWYERS SER- )
VICES, 7.2—ADVERTISING, 7.3— )
DIRECT CONTACT WITH PROSPEC- )
TIVE CLIENTS, AND 8.5—DISCI- )
PLINARY AUTHORITY; CHOICE OF )
LAW )

The Washington State Bar Association, having recom-
mended the adoption of 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: Gen-
eral 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—Responsibili-
ties Regarding Nonlawyer Assistants, 5.5—Unauthorized
Practice of Law; Multijurisdictional Practice of Law, 6.5—
Nonprofit and Court-Annexed Limited Legal Service Pro-
grams, 7.1—Communications Concerning a Lawyers Ser-
vices, 7.2—Advertising, 7.3—Direct Contact with Prospec-
tive Clients, and 8.5—Disciplinary Authority; Choice of
Law, 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 in the Washing-
ton Reports and will become effective September 1, 2016.

DATED at Olympia, Washington this 2nd day of June,
2016.

Johnson, J. Madsen, C.J.
Owens, J. Wiggins, J.
Fairhurst, J. Gonzalez, J.
Stephens, J. Gordon McCloud, J.
Mary 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 16-14 issue of the Register.

WSR 16-13-022
RULES OF COURT
STATE SUPREME COURT
[June 2, 2016]

IN THE MATTER OF THE SUGGESTED ) ORDER
AMENDMENT TO CR 28(a)—PERSON ) NO. 25700-A-1147
BEFORE WHOM DEPOSITIONS MAY )
BE TAKEN )

The Washington Court Reporters Association, having
recommended the adoption of the suggested amendment to
CR 28(a)—Person Before Whom Depositions May Be

Taken, 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 in the Washing-
ton Reports and will become effective September 1, 2016.

DATED at Olympia, Washington this 2nd day of June,
2016.

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

CIVIL RULE 28(a)

(-) Within the State. Depositions within the state may be
taken before the following officers:

(1) Court Commissioners. (Reserved. See RCW
2.24.040 (9) and (10).)

(2) Superior Courts. (Reserved. See RCW 2.28.010(7).)

(3) Judicial Officers. (Reserved. See RCW 2.28.060.)

(4) Judges of Supreme and Superior Courts. (Reserved.
See RCW 2.28.080(3).)

(5) Inferior Judicial Officers. (Reserved. See RCW
2.28.090.)

(6) Notaries Public. (Reserved. See RCW 5.28.010 and
42.44.010.)

(7) Special Commissions. (Reserved. See RCW 11.20.-
030.)

(a) Within the United States. Within the United States
or within a territory or insular possession subject to the
dominion of the United States, depositions shall be taken
before (i) an officer authorized to administer oaths by the
laws of the United States or of the place where the examina-
tion is held, (ii) a certified court reporter, or (iii) a person
appointed by the court in which the action is pending. A per-
son so appointed has power to administer oaths and take tes-
timony. The term "officer" as used in rules 30, 31, and 32
includes a person appointed by the court or designated by the
parties under rule 29.

WSR 16-13-023
RULES OF COURT
STATE SUPREME COURT
[June 2, 2016]

IN THE MATTER OF PROPOSED RULE ) ORDER
AMENDMENT TO RAP 14.2—WHO IS ) NO. 25700-A-1148
ENTITLED TO COSTS )

The Appellate Costs Workgroup, having recommended
the proposed rule amendment to RAP 14.2—Who is Entitled

to Costs, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

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

(b) 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 August 20, 2016. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 2nd day of June, 2016.

For the Court

Madsen, C.J.

CHIEF JUSTICE

PROPOSED AMENDMENT  
RULES OF APPELLATE PROCEDURE  
RAP 14.2  
WHO IS ENTITLED TO COSTS

A commissioner or clerk of the appellate court will award costs to the party that substantially prevails on review, unless the appellate court directs otherwise in its decision terminating review, or unless the commissioner or clerk determines an adult offender for whom an order of indigency has been entered does not have the current or likely future ability to pay such costs. An indigent adult offender who objects to a cost bill pursuant to RAP 14.5 shall file a report as to continued indigency and likely future ability to pay an award of costs on a form prescribed by the office of public defense. The form need not reiterate information contained in the trial court indigency screening form, but shall include supplemental information necessary to provide a basis for making a determination with respect to the individual's current or likely future ability to pay such costs. The form shall include a certification that no significant improvement during review in the financial condition of the indigent adult offender has occurred or, if a significant improvement during review in the financial condition has occurred, shall describe such improvements. If there is no substantially prevailing party on review, the commissioner or clerk will not award costs to any party. An award of costs will specify the party who must pay the award. In a criminal case involving an indigent juvenile or adult offender, an award of costs will apportion the money owed between the county and the State. A party who is a nominal party only will not be awarded costs and will not be required to pay costs. A "nominal party" is one who is named but has no real interest in the controversy.

Unless the parties agree that a cost bill will not be filed under RAP 14.2, an adult offender for whom an order of indigency has been entered should include in the record on review clerk's papers, exhibits, and the report of proceedings

relating to the trial court's determination of the offender's current or likely future ability to pay discretionary legal financial obligations.

WSR 16-13-024  
RULES OF COURT  
STATE SUPREME COURT

[June 2, 2016]

IN THE MATTER OF SUGGESTED ) ORDER  
AMENDMENTS TO CR 28(d), AND ) NO. 25700-A-1149  
NEW SUBSECTION (e)—PERSONS )  
BEFORE WHOM DEPOSITIONS MAY )  
BE TAKEN, CR 30 (b)(1)—DEPOSI- )  
TIONS UPON ORAL EXAMINATION, )  
AND CR 80(d)—COURT REPORTERS )

The Washington Court Reporters Association, having recommended the suggested amendments to CR 28(d), and new subsection (e)—Persons Before Whom Depositions May Be Taken, CR 30 (b)(1)—Depositions Upon Oral Examination, and CR 80(d)—Court Reporters, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

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

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than August 20, 2016. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 2nd day of June, 2016.

For the Court

Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET  
Suggested Change to  
CIVIL RULE 28(d)

**A. Name of Proponent:** Washington Court Reporters Association

**B. Spokespersons:**

- Steve Crandall, Esq.  
WCRA Past President  
2200 Sixth Avenue, Suite 425  
Seattle, Washington 98136  
206.938.0348  
[steve@promotionarts.com](mailto:steve@promotionarts.com)

- Phyllis Craver Lykken, CCR  
WCRA Past President  
Legislative Chair  
NCRA Past Regional Representative, Western Region  
917 Triple Crown Way, Suite 200  
Yakima, Washington 98908  
509.457.3377  
phyllis@centralcourtreporting.com

### C. Purpose:

The purpose of amending CR 28(d) is to ensure that deposition transcripts are offered to all parties on equal terms and to maintain the impartiality and neutrality of court reporters.

Unlike attorneys, court reporters are intended to be neutral officers of the court in our judicial system. At its core, their job is to create an accurate record of testimony given during depositions and court or administrative proceedings. But court reporting is also a business. And like all businesses, competitors are constantly looking for a leg up. In recent years some reporting agencies — particularly national firms — have resorted to what is called "third party contracting" to achieve that advantage.

Third party contracting refers to the situation in which a court reporting firm enters into multi-case contracts that provide preferred pricing and create advocacy relationships. The contracts are typically with insurance companies, large corporations and law firms, and they provide discounted service in exchange for the former's promise to use the court reporting firm. National firms are very aggressive in marketing these multi-case contracts. One national reporting firm, the subject of a lawsuit in Arizona, has apparently offered 20% to 30% discounts off its regular rates for contracted parties. These agreements create a long-term contractual relationship between the reporting agency and party or counsel. Both WCRA and the National Court Reporters Association (NCRA) strongly oppose the practice, but it continues to grow.

WCRA believes this very common scenario effectively eviscerates the Court's mandates for fair dealing and equitable treatment, reduces and/or restricts the court reporter's accountability to the public and the courts, jeopardizes the security and confidentiality of the official record, and removes any meaningful avenue of redress, undermining the purpose of CR 28 in two critical ways.

A court reporting agency that has a long-term contract with one of the parties is not a disinterested person under CR 28(c). Second, there is no mechanism for ensuring that all parties are actually receiving the deposition transcript on equal terms as the current CR 28(d) envisions. Instead, whether parties are treated equally is left to the discretion of the court reporting agency that invoices each party. As a practical matter, lawyers rarely inquire whether the reporting firm they used for a deposition is actually offering the transcript to the other side on equal terms. Even more troubling, the court reporting agency may not be regulated by the Department of Licensing and may or may not be aware of Rule 28 (c) and (d). But it has a significant financial interest in not offering the same discounted terms to all parties.

**D. Hearing:** WCRA requests a hearing.

**E. Expedited Consideration:** WCRA requests expedited consideration.

### F. Supporting Materials:

- **Exhibit A**—A letter from the Arizona Trial Lawyers Association to the Administrative Office of the Courts in opposition to striking anticontracting language from Arizona's court rules. The letter outlines Magna Legal Services LLC's lawsuit against the State of Arizona Board of Certified Court Reporters and relays ATLA's views on contracting. Magna is a member of the Alliance of Deposition Firms. (*See Exhibit F*)
- **Exhibit B**—Exhibit B is a copy of the letter sent to attorneys representing Farmers Insurance Company (FIC). FIC also hired a lobbyist to oppose WCRA legislation in 2013. FIC developed an exclusive arrangement to contract with Veritext Corp. to cover all of their depositions across the entire country. Veritext is a member of the Alliance of Deposition Firms. (*See Exhibit F*)
- **Exhibit C**—This is an October 2013 from the Trial Lawyers Association of British Columbia to the Minister of Justice and Attorney General opposing an effort at third party contracting initiated by the Insurance Company of British Columbia.
- **Exhibit D**—This exhibit is a letter from attorney Michael Fisher to the Department of Licensing regarding the allegedly unequal terms charged by Esquire Deposition Solutions LLC, a member of the Alliance of Deposition Firms. (*See Exhibit F*)
- **Exhibit E**—This is a letter from attorney Steven Jager to the Department of Licensing regarding unequal terms.
- **Exhibit F**—This exhibit is the PDC registration for the lobbyist hired to represent the Alliance of Deposition Firms in opposing WCRA's third-party contracting legislation. The Alliance of Deposition Firms consists of Veritext Corporation, Magna Legal Services, Esquire Deposition Solutions, LegalLink, Inc., and U.S. Legal Support, Inc.
- **Exhibit G**—State legislation/rules or Board Actions Limiting Preferential Agreements Between Interested Party Litigants and Court Reporters. In June of 2000 there were 20 states with third-party contracting regulations. There are now 27 states.
- **Exhibit H**—This is the National Court Reporters Association's policy on Third-Party Contracting, which mirrors the Washington Court Reporters Association policy.
- **Exhibit I**—This exhibit is a letter from Senator Adam Kline outlining why House and Senate bills were introduced to combat third-party contracting. Both bills passed unanimously but failed to come to vote after opposition from (i) the Alliance of Deposition Firms, (ii) a lobbyist for Farmers Insurance, and (iii) lobbyists for other insurance companies.
- **Exhibit J**—This exhibit is a letter, dated May 15, 2015, from attorney David R. Hevel in support of the suggested rule change.
- **Exhibit K**—This exhibit is a request for vendor bid from Geico Companies, dated April 2014.
- **Exhibit L**—This exhibit from the Washington court Reporters Association, dated May 1, 2014, discusses the

Geico Companies' vendor bid as an example of a direct contractual relationship with court reporters.

**SUGGESTED CHANGE TO CIVIL RULE 28(d)**

**(d) Equal Terms Required.** Any arrangement concerning court reporting services or fees in a case shall be offered to all parties on equal terms. This rule applies to any arrangement or agreement between the person before whom a deposition is taken or a court reporting firm, consortium or other organization providing a court reporter, and any party or any person arranging or paying for court reporting services in the case, including any attorney, law firm, person or entity with a financial interest in the outcome of the litigation, or person or entity paying for court reporting services in the case. Any party or counsel of record for a party may request that the court reporter or court reporting firm providing or arranging for the court reporting services file an affidavit with the Court affirming that all such services have been provided to all parties on equal terms. The affidavit shall be filed within 10 days of any request. If the affidavit is not timely filed, the Court may sanction the court reporter and court reporting firm of whom the request was made. If court reporting services have not been provided on equal terms, the Court may sanction the court reporter, the court reporting firm, as well as the counsel or party who hired the reporter or firm to provide the court reporting services.

**GR 9 COVER SHEET  
Suggested Change to  
CIVIL RULE 28**

**A. Name of Proponent:** Washington Court Reporters Association

**B. Spokespersons:**

- Steve Crandall, Esq.  
WCRA Past President  
2200 Sixth Avenue, Suite 425  
Seattle, Washington 98136  
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steve@promotionarts.com
- Phyllis Craver Lykken, CCR  
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Legislative Chair  
NCRA Past Regional Representative, Western Region  
917 Triple Crown Way, Suite 200  
Yakima, Washington 98908  
509.457.3377  
phyllis@centralcourtreporting.com

**C. Purpose:**

The purpose of amending CR 28 to add a new subsection, (e), as proposed, is to prevent a court reporting firm, consortium, or other organization transmitting a court reporter's certified transcript from altering the format, layout, or content of the transcript after it has been certified.

In recent years some reporting agencies — particularly national firms — have altered the format, layout, and/or content of certified deposition transcripts in order to increase the total number of pages. The reason for this is that parties ordering deposition transcripts are typically charged a per-

page fee for transcription services. Thus, a court reporting agency that alters the format of a deposition transcript to increase the number of pages generates a higher fee from the ordering party. To facilitate this practice, court reporting agencies frequently request signed certification pages from local court reporters without first allowing the reporters to review and to approve the final formatted transcript.

This abusive practice has prompted the Washington State Department of Licensing to issue "standards of practice guidelines" for court reporters, which expressly advise court reporters to review the final version of a formatted transcript before signing the certification sheet and to avoid signing blank certification sheets. *See* Exhibit A. To add "teeth" to the State Department of Licensing's guidelines, WCRA proposes adding a new subsection to CR 28 that would clarify the local court reporter's duties in certifying a deposition transcript and prevent any court reporting firm, consortium, or other organization transmitting a court reporter's certified transcript from altering a deposition transcript in any way after it has been certified.

**D. Hearing:** WCRA requests a hearing.

**E. Expedited Consideration:** WCRA requests expedited consideration.

**F. Supporting Materials:**

- **Exhibit A**—Washington State Department of Licensing's Standards of practice guidelines: Court reporters.
- **Exhibit B**—Affiliate Transcript Production and Distribution Guidelines.
- **Exhibit C**—Letter, dated October 13, 2015, from Byers & Anderson regarding change to formatting after deposition transcript was certified.
- **Exhibit D**—Published opinion in *Candy Singleton v. Naegeli Reporting Corporation*, No. 35234-6-II, Washington State Court of Appeals, Division Two; Class Action Complaint.

**SUGGESTED CHANGE TO CIVIL RULE 28**

**(e) Final Certification of the Transcript.** The court reporter reporting a deposition shall not certify the deposition transcript until after he or she has reviewed the final version of the formatted transcript. A court reporting firm, consortium, or other organization transmitting a court reporter's certified transcript shall not alter the format, layout, or content of the transcript after it has been certified.

**GR 9 COVER SHEET  
Suggested Change to  
CIVIL RULE 30 (b)(1)**

**A. Name of Proponent:** Washington Court Reporters Association

**B. Spokespersons:**

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phyllis@centralcourtreporting.com

### C. Purpose:

The practice of cost shifting has become widespread in the court reporting industry, with court reporting companies increasingly entering into contractual relationships with parties, insurance companies, and law firms to provide court reporting services at a "volume discount." To offset the revenue lost from these discounts, the court reporting firms routinely charge non-contract parties higher than average rates for transcription services. For instance, a party that has contracted with the court reporting company for a volume discount receives the original transcript and one copy of the same at the agreed upon discounted price. The other party or parties, who do not have contractual relationships with the court reporting company, are then charged higher rates for the second or third copies of the transcript. Thus, court reporting firms are providing transcription services to parties involved in the same lawsuit on unequal terms. As a result, the contracting party receives more favorable treatment by the court reporting company. The party that has not noticed the deposition is usually unaware of the contract's existence, the terms involved, or the benefits that the party may be receiving at its expense.

The proposed amendment to CR 30(b)(1) would require the deposition notice to disclose the existence of any known contractual relationships between, on the one hand, the noticing party, its counsel, and any person paying for the court reporting services at issue and, on the other hand, the court reporter or court reporting firm providing the reporting services.

**D. Hearing:** WCRA requests a hearing.

**E. Expedited Consideration:** WCRA requests expedited consideration.

### F. Supporting Materials:

- Exhibit A**—AB 1197 (California Legislation).
- Exhibit B**—Memorandum and letters supporting the passage of AB 1197, dated August 12, 2015, and May 31, 2015, respectively.

### Suggested Change to Civil Rule 30 (b)(1)

**(b) Notice of Examination: General Requirements; Special Notice; Nonstenographic Recording; Production of Documents and Things; Deposition of Organization; Video Tape Recording.**

(1) A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing of not less than 5 days (exclusive of the day of service, Saturdays, Sundays and court holidays) to every other party to the action and to the deponent, if not a party or a managing agent of a party. Notice to a deponent who is not a party or a managing agent of a party may be given by mail or by any means

reasonably likely to provide actual notice. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify the deponent or the particular class or group to which the deponent belongs. The notice also shall state the existence of any contract between the noticing party, its counsel, or a third party paying to record the noticed deposition and the person, court reporting firm, consortium, or other organization providing a court reporter for the noticed deposition, and the notice will state whether the noticing party or a third party directed his or her attorney to use a particular court reporting firm, consortium, or other organization to provide deposition services. If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena shall be attached to or included in the notice. A party seeking to compel the attendance of a deponent who is not a party or a managing agent of a party must serve a subpoena on a deponent in accordance with rule 45. Failure to give 5 days' notice to a deponent who is not a party or a managing agent of a party may be grounds for the imposition of sanctions in favor of the deponent, but shall not constitute grounds for quashing the subpoena.

### GR 9 COVER SHEET Suggested Changes to CIVIL RULE 80

**A. Name of Proponent:** Washington Court Reporters Association

### B. Spokespersons:

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### C. Purpose:

The purpose of adding a new subsection, (d), to Rule 80 is to allow a party to choose a court reporter at its expense in the event the superior court elects to use only an electronic recording device.

WCRA recommends that Civil Rule 80 be changed to allow parties to engage certified court reporters where a superior court has elected to use only an electronic recording. WCRA appreciates that electronic recordings can be a less expensive method of recording oral proceedings in the first instance. However, electronic recordings have several significant drawbacks. First, the recording system can fail, which in the worst case may require a new trial, a hugely expensive

risk for litigants. Second, even if the system functions properly, an appellant will often have to pay more for a verbatim report of proceedings based on an electronic recording than one derived from stenographic notes. The reason is that a court reporter or transcriptionist must spend significantly more time transcribing recorded testimony than live testimony. Third, in multiday trials, litigants often want same day transcripts in order to prepare for subsequent days. If a proceeding is only recorded electronically, that recording must be obtained and then be transcribed by the court reporter after the trial day has ended, doubling the time required for a party to receive a transcript. Thus, while electronic recordings may reduce court costs they can significantly increase costs for litigants.

Therefore, if a party is willing to bear the cost of engaging a court reporter, Rule 80 should not prevent that party from doing so.

**D. Hearing:** WCRA does not request a hearing.

**E. Expedited Consideration:** WCRA does not request expedited consideration.

**SUGGESTED CHANGE TO CIVIL RULE 80**

**(d) Supplemental Stenographic Record.** If the superior court elects to record a proceeding solely by means of an electronic recording device, any party may, at its own expense, engage a certified court reporter to record the proceeding stenographically. Where a proceeding has been recorded both electronically and by a certified court reporter, either form of record, or both, may be used to create the verbatim report of proceedings for appellate review under RAP 9.2.

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the state supreme court and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 16-13-025  
RULES OF COURT  
STATE SUPREME COURT**

[June 2, 2016]

IN THE MATTER OF THE PROPOSED ) ORDER  
AMENDMENT TO GR 14.1—CITATION ) NO. 25700-A-1150  
TO UNPUBLISHED OPINIONS—AND )  
PROPOSED AMENDMENT TO RAP )  
13.4(B)—CONSIDERATIONS GOV- )  
ERNING ACCEPTANCE OF REVIEW )

The Court having considered the proposed amendment to GR 14.1—Citation to Unpublished Opinions—and proposed amendment to RAP 13.4(b)—Considerations Governing Acceptance of Review, 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 in the Washington Reports and will become effective September 1, 2016.

DATED at Olympia, Washington this 2nd day of June, 2016.

Johnson, J. \_\_\_\_\_  
Fairhurst, J. \_\_\_\_\_  
Madsen, C.J. \_\_\_\_\_  
Gonzalez, J. \_\_\_\_\_  
Gordon McCloud, J. \_\_\_\_\_  
Yu, J. \_\_\_\_\_

I dissent  
Wiggins, J.  
Stephens, J.  
Owens, J.

**PROPOSED AMENDMENT TO GR 14.1  
CITATION TO UNPUBLISHED OPINIONS**

(a) ~~Washington Court of Appeals. A party may not cite as an authority an unpublished opinion of the Court of Appeals.~~ Unpublished opinions of the Court of Appeals are those opinions not published in the Washington Appellate Reports.

Unpublished opinions of the Court of Appeals have no precedential value and are not binding upon any court. However, unpublished opinions of the Court of Appeals filed on or after March 1, 2013, may be cited as non-binding authorities, if identified as such by the citing party, and may be accorded such persuasive value as the court deems appropriate.

(b) Other Jurisdictions. A party may cite as an authority an opinion designated "unpublished," "not for publication," "non-precedential," "not precedent," or the like that has been issued by any court from a jurisdiction other than Washington state, only if citation to that opinion is permitted under the law of the jurisdiction of the issuing court. ~~The party citing the opinion shall file and serve a copy of the opinion with the brief or other paper in which the opinion is cited.~~

**(c) Citation of Unpublished Opinions in Subsequent Opinions.** Washington appellate courts should not, unless necessary for a reasoned decision, cite or discuss unpublished opinions in their opinions.

**(d) Copies of Unpublished Opinions.** The party citing an unpublished opinion from a jurisdiction other than Washington shall file and serve a copy of the opinion as an appendix to the pleading in which the authority is cited.

[Adopted effective September 1, 2007.]

COMMENT

RCW 2.06.040 provides that all cases having precedential value shall be published as opinions of the court. The statute further provides that each panel shall determine whether a decision has sufficient precedential value to be published, and those which do not shall not be published.

**PROPOSED AMENDMENT TO RAP 13.4(b)  
Considerations Governing Acceptance of Review**

....  
(2) If the decision of the Court of Appeals is in conflict with another a published decision of the Court of Appeals; or  
....

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 16-13-026
RULES OF COURT
STATE SUPREME COURT
[June 2, 2016]

IN THE MATTER OF THE PROPOSED ) ORDER
AMENDMENTS TO CRLJ 26—DIS- ) NO. 25700-A-1151
COVERY, CRLJ 56—SUMMARY JUDG- )
MENT )

The District and Municipal Court Judges' Association, having recommended the adoption of the proposed amendments to CRLJ 26—Discovery, CRLJ 56—Summary Judgment, 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 in the Washington Reports and will become effective September 1, 2016.

DATED at Olympia, Washington this 2nd day of June, 2016.

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

CRLJ 26
DISCOVERY

Discovery in courts of limited jurisdiction shall be permitted as follows:

- (a) Specification of Damages. A party may demand a specification of damages under RCW 4.28.360.
(b) Interrogatories and Requests for Production.
(1) The following interrogatories may be submitted by any party:
(A) State the amount of general damages being claimed.
(B) State each item of special damages being claimed and the amount thereof.
(C) List the name, address and telephone number of each person having any knowledge of facts regarding liability.
(D) List the name, address and telephone number of each person having any knowledge of facts regarding the damages claimed.
(E) List the name, address and telephone number of each expert you intend to call as a witness at trial. For each expert, state the subject matter on which the expert is expected to testify. State the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

(2) In addition to section (b)(1), any party may serve upon any other party not more than two sets of written interrogatories containing not more than 20 questions per set without prior permission of the court. Separate sections, paragraphs or categories contained within one interrogatory shall be considered separate questions for the purpose of this rule. The interrogatories shall conform to the provisions of CR 33.

(3) The following requests for production may be submitted by any party:

(A) Produce a copy of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of any judgment which may be entered in this action, or to indemnify or reimburse the payments made to satisfy the judgment.

(B) Produce a copy of any agreement, contract or other document upon which this claim is being made.

(C) Produce a copy of any bill or estimate for items for which special damage is being claimed.

(4) In addition to section (b)(3), any party may submit to any other party a request for production of up to five separate sets of groups of documents or things without prior permission of the court. The requests for production shall conform to the provisions of CR 34.

(c) Depositions.

(1) A party may take the deposition of any other party, unless the court orders otherwise.

(2) Each party may take the deposition of two additional persons without prior permission of the court. The deposition shall conform to the provisions of CR 30.

(d) Requests for Admission.

(1) A party may serve upon any other party up to 15 written requests for admission without prior permission of the court. Separate sections, paragraphs or categories contained within one request for admission shall be considered separate requests for purposes of this rule.

(2) The requests for admission shall conform to the provisions of CR 36.

(e) Other Discovery at Discretion of Court. No additional discovery shall be allowed, except as the court may order. The court shall have discretion to decide whether to permit any additional discovery. In exercising such discretion the court shall consider (1) whether all parties are represented by counsel, (2) whether undue expense or delay in bringing the case to trial will result and (3) whether the interests of justice will be promoted.

(f) How Discovery to Be Conducted. Any discovery authorized pursuant to this rule shall be conducted in accordance with Superior Court Civil Rules 26 through 37, as governed by CRLJ 26.

(g) Time for Discovery. Twenty-one days after the service of the summons and complaint, or counterclaim, or cross complaint, the served party may demand the discovery set forth in sections (a) - (d) of this rule, or request additional discovery pursuant to section (e) of this rule. Unless agreed by the parties and with the permission of the court, all discovery shall be completed within 60 days of the demand, or 90 days of service of the summons and complaint, or counterclaim, or cross complaint, whichever is longer.

CRLJ 56  
SUMMARY JUDGMENT

(a) For Claimant. A party seeking to recover upon a claim, counterclaim, or cross claim, or to obtain a declaratory judgment may, at any time after the expiration of the period within which the defendant is required to appear, or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in his favor upon all or any part thereof.

(b) For Defending Party. A party against whom a claim, counterclaim, or cross claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in his favor as to all or any part thereof.

(c) Motion and Proceedings. The motion and any supporting affidavits, memoranda of law, or other documentation shall be filed and served at least 10 not later than 15 days before the time fixed for the hearing. The adverse party, prior to the day of hearing, may file and serve opposing affidavits, memoranda of law and other documentation not later than 3 days before the hearing. The moving party may file and serve any rebuttal documents not later than the day prior to the hearing. Summary judgment motions shall be heard more than 14 days before the date set for trial unless leave of the court is granted to allow otherwise. The judgment sought shall be rendered forthwith if the pleadings, answers to interrogatories, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

(d) Case Not Fully Adjudicated on Motion. If on motion under the rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action, the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

(e) Form of Affidavits; Further Testimony; Defense Required. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as other-

wise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.

(f) When Affidavits Are Unavailable. Should it appear from the affidavits of a party opposing the motion that he cannot, for reasons stated, present by affidavit facts essential to justify his opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

(g) Affidavits Made in Bad Faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney fees, and any offending party or attorney may be adjudged guilty of contempt.

(h) Rulings by Court. In granting or denying the motion for summary judgment, the court shall designate the documents and other evidence considered in its rulings.

**WSR 16-13-027**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[June 3, 2016]

IN THE MATTER OF THE PROPOSED ) ORDER  
AMENDMENTS TO ADMISSION TO ) NO. 25700-A-1152  
PRACTICE RULES (apr) 28(C)—LIM- )  
ITED LICENSE LEGAL TECHNICIAN )  
BOARD, APR 28(D)—REQUIRE- )  
MENTS FOR APPLICANTS, AND )  
APPENDIX APR 28 REGULATION 3— )  
EDUCATION REQUIREMENTS FOR )  
APPLICANTS )

The Washington State Bar Association's Limited License Legal Technician Board, having recommended the adoption of the proposed amendments to Admission to Practice Rules (APR) 28(C)—Limited License Legal Technician Board, APR 28(D)—Requirements for Applicants, and Appendix APR 28 Regulation 3—Education Requirements for Applicants, 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 in the Washington Reports and will become effective immediately.

DATED at Olympia, Washington this 3rd day of June, 2016.

Madsen, C.J.

Wiggins, J.

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

## AMENDMENTS TO APR 28 C AND D

## TITLE

## ADMISSION AND PRACTICE RULES (APR)

## RULE 28. LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS

**A.-B.**

[Unchanged.]

**C. Limited License Legal Technician Board**

(1)

[Unchanged.]

(2) *Board Responsibilities.* The Board shall be responsible for the following:

(a) Recommending practice areas of law for LLLTs, subject to approval by the Supreme Court;

(b) Processing applications and fees, and screening applicants;

(c) Administering the examinations required under this rule which shall, at a minimum, cover the rules of professional conduct applicable to ~~LLLTs Limited License Legal Technicians~~, rules relating to the attorney-client privilege, procedural rules, and substantive law issues related to one or more approved practice areas;

(d) Determining LLLT Continuing Legal Education (LLLT CLE) requirements and approval of LLLT CLE programs;

(e) Approving education and experience requirements for licensure in approved practice areas;

(f) Establishing and overseeing committees and tenure of members;

(g) Establishing and collecting examination fees, LLLT CLE fees, annual license fees, and other fees in such amounts approved by the Supreme Court as are necessary to carry out the duties and responsibilities of the Board; ~~and~~

(h) Establishing and maintaining criteria for approval of educational programs that offer LLLT core curriculum; and

~~(hi)~~ Such other activities and functions as are expressly provided for in this rule.

(3) *Rules and Regulations.* The Board shall propose rules and regulations for adoption by the Supreme Court that:

(a) Establish procedures for grievances and disciplinary proceedings;

(b) Establish trust account requirements and procedures;

(c) Establish rules of professional and ethical conduct; and

(d) Implement the other provisions of this rule.

(4) *Administration and Expenses of the Board.* The Washington State Bar Association shall provide reasonably necessary administrative support for the Board. Members of the Board shall not be compensated for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties according to the Washington State Bar Association's expense policies. Funds accumulated from examination fees, annual fees, and other revenues shall be used to defray the expenses of the Board. All anticipated expenses and anticipated revenues

shall be submitted on a proposed budget for approval by the Washington State Bar Association's Board of Governors.

**D. Requirements for Applicants.** An applicant for licensure as an ~~an LLLT Limited License Legal Technician~~ shall:

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

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

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

(a) An associate level degree or higher;

(b) 45 credit hours of core curriculum instruction in paralegal studies as approved by the Board with instruction to occur at:

~~(i) an ABA approved law school; or~~

(ii) an educational institution with an ABA approved paralegal education program; or and

(iii) an educational institution with an LLLT core curriculum program approved by the Board.

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

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

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

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

**E.-L.**

[Unchanged.]

## SUGGESTED AMENDMENTS TO APPENDIX APR 28 REGULATION 3

## TITLE

## APPENDIX ADMISSION AND PRACTICE RULE (APR) 28

## REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD

## REGULATIONS 1-2.

[Unchanged.]

**REGULATION 3. EDUCATION REQUIREMENTS FOR APPLICANTS AND APPROVAL OF EDUCATIONAL PROGRAMS**

An applicant for licensure shall satisfy the following education requirements:

**A. Core Curriculum.**

1. Credit Requirements. An applicant for licensure shall have earned 45 credit hours as required by APR 28 (D)(3)(b). The core curriculum must include the following required subject matters with minimum credits hours earned as indicated: the following course credits at an ABA approved law school or ABA approved paralegal program:

- 1. Civil Procedure, minimum 8 credits hours;
- 2. Contracts, minimum 3 credits hours;
- 3. Interviewing and Investigation Technique, minimum 3 credits hours;
- 4. Introduction to Law and Legal Process, minimum 3 credits hours;
- 5. Law Office Procedures and Technology, minimum 3 credits hours;
- 6. Legal Research, Writing and Analysis, minimum 8 credits hours; and
- 7. Professional responsibility, minimum 3 credits hours;

The core curriculum courses in which credit for the foregoing subject matters is earned shall satisfy the curricular requirements approved by the Board and published by the Association. If the required ~~core curriculum~~ courses completed by the applicant do not total 45 credits hours as required by APR 28 (D)(3)(b), then the applicant may earn the remaining credits hours by taking legal or paralegal elective courses, ~~at an ABA approved law school or ABA approved paralegal program.~~ All core curriculum course credit hours must be earned at an ABA approved law school, an educational institution with an ABA approved paralegal program, or at an educational institution with an LLLT core curriculum program approved by the Board under the Washington State LLLT Educational Program Approval Standards.

2. LLLT Educational Program Approval Requirements for Programs Not Approved by the ABA. The Board shall be responsible for establishing and maintaining standards, to be published by the Association, for approving LLLT educational programs that are not otherwise approved by the ABA. Educational programs complying with the Board's standards shall be approved by the Board and qualified to teach the LLLT core curriculum.

**B. Practice Area Curriculum.**

[Unchanged.]

**REGULATIONS 4-20**

[Unchanged.]

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

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the state supreme court and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 16-13-028**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [June 3, 2016]

IN THE MATTER OF THE PROPOSED ) ORDER  
 AMENDMENTS TO ADMISSION TO ) NO. 25700-A-1153  
 PRACTICE RULES (APR) 28(F)— )  
 SCOPE OF PRACTICE AUTHORIZED )  
 BY LIMITED PRACTICE RULE, )  
 APPENDIX APR 28 REGULATION 2— )  
 PRACTICE AREAS—SCOPE OF PRAC- )  
 TICE AUTHORIZED BY LIMITED )  
 LICENSE LEGAL TECHNICIAN RULE )

The Washington State Bar Association's Limited License Legal Technician Board, having recommended the adoption of the proposed amendments to Admission to Practice Rules (APR) 28(F)—Scope of Practice Authorized by Limited Practice Rule, Appendix APR 28 Regulation 2—Practice Areas—Scope of Practice Authorized by Limited License Legal Technician Rule, 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 in the Washington Reports and will become effective immediately.

DATED at Olympia, Washington this 3rd day of June, 2016.

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

**AMENDMENTS TO APR 28 F**

**TITLE**

ADMISSION AND PRACTICE RULES (APR)  
**RULE 28. LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS**

**A.-E.**

[Unchanged.]

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

- (1) Obtain relevant facts, and explain the relevancy of such information to the client;
- (2) Inform the client of applicable procedures, including deadlines, documents which must be filed, and the anticipated course of the legal proceeding;
- (3) Inform the client of applicable procedures for proper service of process and filing of legal documents;
- (4) Provide the client with self-help materials prepared by a Washington lawyer or approved by the Board that contain information about relevant legal requirements, case law basis for the client's claim, and venue and jurisdiction requirements;
- (5) Review documents or exhibits that the client has received from the opposing party, and explain them to the client;
- (6) Select, complete, file, and effect service of forms that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts or the content of which is specified by statute; federal forms; forms prepared by a Washington law-

yer; or forms approved by the Board; and advise the client of the significance of the selected forms to the client's case;

(7) Perform legal research;

(8) Draft legal letters setting forth legal opinions that are intended to be read by persons other than the client, and draft documents beyond what is permitted in paragraph (6), if the work is reviewed and approved by a Washington lawyer;

(9) Advise a client as to other documents that may be necessary to the client's case, and explain how such additional documents or pleadings may affect the client's case;

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

**G.-L.**

[Unchanged.]

**AMENDMENTS TO APPENDIX APR 28 REGULATION 2A**

**TITLE**

APPENDIX ADMISSION AND PRACTICE RULE (APR) 28  
REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNI-  
CIAN BOARD

**REGULATIONS 1: IN GENERAL**

[Unchanged.]

**REGULATION 2. PRACTICE AREAS-SCOPE OF PRACTICE  
AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICAL  
RULE**

In each practice area in which an LLLT is licensed, the LLLT shall comply with the provisions defining the scope of practice as found in APR 28 and as described herein.

**A. Issues Beyond the Scope of Authorized Practice.**

An LLLT has an affirmative duty under APR 28(F) to inform clients when issues arise that are beyond the authorized scope of the LLLT's practice. When an affirmative duty under APR 28(F) arises, then the LLLT shall inform the client in writing that:

1. the issue may exist, describing in general terms the nature of the issue;
2. the LLLT is not authorized to advise or assist on this issue;
3. the failure to obtain a lawyer's advice could be adverse to the client's interests; and,
4. the client should consult with a lawyer to obtain appropriate advice and documents necessary to protect the client's interests.

After an issue beyond the LLLT's scope of practice has been identified, if the client engages a lawyer with respect to the issue, then an LLLT may prepare a document related to the issue only if a lawyer acting on behalf of the client has provided appropriate documents and written instructions for the LLLT as to whether and how to proceed with respect to the issue. If the client does not engage a lawyer with respect to the issue, then the LLLT may prepare documents that relate to the issue if:

1. The client informs the LLLT how the issue is to be determined and instructs the LLLT how to complete the relevant portions of the document, and
2. Above the LLLT's signature at the end of the document, the LLLT inserts a statement to the effect that the LLLT did not advise the client with respect to any issue outside of the LLLT's scope of practice and completed any por-

tions of the document with respect to any such issues at the direction of the client.

The LLLT may proceed in the manner described above ~~this manner~~ only if no other defined prohibitions apply.

**B. Domestic Relations.**

[Unchanged.]

**REGULATIONS 3-20**

[Unchanged.]

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

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The 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.

**WSR 16-13-035**

**AGENDA**

**DEPARTMENT OF COMMERCE**

[Filed June 7, 2016, 7:44 a.m.]

Following is the department of commerce's semi-annual rules development agenda for publication in the Washington State Register, pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

Please contact Jaime Rossman if you have questions, [jaime.rossman@commerce.wa.gov](mailto:jaime.rossman@commerce.wa.gov) or (360) 725-2717.

**Semi-Annual Rule-Making Agenda  
July through December 2016**

<b>WAC/RCW Citation</b>	<b>Subject Matter/ Purpose of Rule</b>	<b>Current Activity/ Approximate Filing Date</b>
Chapters 365-190 and 365-196 WAC	Addressing agricultural activities where critical areas are present, per RCW 36.70A.172; incorporating reference to voluntary stewardship program, per RCW 36.70A.700.	CR-101 anticipated in summer 2016 CR-102 anticipated in winter 2017
New chapter 194-29 WAC	Practicable use of electricity and biofuels to fuel local government vehicles, vessels, and construction equipment, per RCW 43.325.080.	CR-102 filed as WSR 16-12-085 CR-103 anticipated in late summer/early fall 2016
WAC 194-26-020 RCW 80.80.050	Updating the state greenhouse emission performance standard (the average greenhouse gas emission	CR-101 anticipated in summer or fall 2016

WAC/RCW Citation	Subject Matter/ Purpose of Rule	Current Activity/ Approximate Filing Date
	rate) of new, commercially-available, combined-cycle natural gas thermal electric generation turbines.	
Chapter 194-37 WAC	Energy Independence Act - update rules to reflect adoption of the NW Power Council's 7th Power Plan.	CR-101 anticipated in summer 2016
Chapters 365-04 and 365-08 WAC	Updating rules pertaining to agency purpose, organization, and procedure to reflect statutory and other changes.	CR-105 anticipated in summer 2016
Chapter 130-10 WAC	Updating rules for public records requests.	CR-105 anticipated in summer 2016

Jaime Rossman  
Rules Coordinator

**WSR 16-13-037**

**NOTICE OF PUBLIC MEETINGS  
BOARD FOR VOLUNTEER  
FIREFIGHTERS AND RESERVE OFFICERS**

[Filed June 7, 2016, 9:50 a.m.]

The state board for volunteer firefighters and reserve officers has changed the time of the July 8, 2016, meeting to 7:30 a.m.

**WSR 16-13-041**

**HEALTH CARE AUTHORITY**

[Filed June 7, 2016, 3:22 p.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 16-0025.

Effective Date: July 6, 2016.

Description: The health care authority (the agency) intends to submit medicaid SPA 16-0025 in order to update the definition of "uninsured patient" as it relates to the disproportionate share hospital (DSH) program, to align with the Centers for Medicare and Medicaid Services' (CMS) final rule effective December 3, 2014. Prior to December 3, 2014, "uninsured patient" meant an individual who received hospital services and did not have health insurance or other creditable third party coverage. This definition was "individual-specific," meaning individuals who had coverage but had exhausted that coverage or reached their lifetime limits could not be counted as "uninsured" for the purposes of the DSH program.

Effective December 4, 2014, the definition includes not only those individuals who received hospital services and did not have health insurance or other creditable third party coverage, but includes those who have private insurance coverage and have exhausted those benefits or reached their lifetime limits, as well as medicaid clients who have exhausted applicable state coverage limits. The amended definition is "service-specific," meaning these individuals may now be counted as uninsured for the purposes of the DSH program.

The agency anticipates this SPA will have little, if any, effect on annual aggregate expenditures. CMS notes the final rule should not have a significant financial effect on state medicaid programs. The amended definition does not modify the specific, overall DSH allotment amount paid annually to a state. The definition change should affect those hospitals that are now able to count this "service-specific" population, thereby increasing their DSH eligibility costs, resulting in an increase in the hospital-specific DSH limit. That limit is subtracted from the overall, allotted DSH amount and does not affect that overall allotment.

The SPA s [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, DSH Program, 626 8th Avenue S.E., Olympia, WA 98501, phone (360) 725-1973, TDD/TTY 1-800-848-5429, fax (253) 350-6512, e-mail jean.bui@hca.wa.gov.

**WSR 16-13-042**

**NOTICE OF PUBLIC MEETINGS  
CHARTER SCHOOL COMMISSION**

[Filed June 8, 2016, 9:36 a.m.]

The Washington state charter school commission has cancelled the following meeting: Thursday, June 16, 2016, at 10:00 a.m. - 5:00 p.m., Puget Sound Educational Service District, Blackriver Training and Conference Center, 800 Oakesdale Avenue S.W., Renton, WA 98057.

If you need further information contact Sandy Green, 1068 Washington Street, Olympia, WA 98501, P.O. Box 40996, Olympia, WA 98504-0996, (360) 725-5511, sandy.green@charterschool.wa.gov, www.charterschool.wa.gov.

**WSR 16-13-046**

**NOTICE OF PUBLIC MEETINGS  
BATES TECHNICAL COLLEGE**

[Filed June 8, 2016, 3:03 p.m.]

**Proposed Schedule for Board of Trustee Meetings  
Fiscal Year 2016-17**

Date	Time	Location
July 26, 2016 Retreat	10 a.m. - 3 p.m.	Bates South Campus 2201 South 78th Street Tacoma, WA 98409
August 23, 2016 Regular Meeting	3:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405



Date	Time	Location
September 27, 2016 Work Session Regular Meeting	2:30 p.m. 4:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405
October 25, 2016 Regular Meeting	3:00 p.m.	Bates Central/ Mohler Campus 2320 South 19th Street Tacoma, WA 98405
November 15, 2016 Work Session Regular Meeting	2:30 p.m. 4:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405
December 20, 2016 Regular Meeting	3:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405
January 24, 2017 Regular Meeting	3:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405
February 28, 2017 Regular Meeting	3:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405
March 28, 2017 Work Session Regular Meeting	2:30 p.m. 4:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405
April 25, 2017 Regular Meeting	3:00 p.m.	Bates South Campus 2201 South 78th Street Tacoma, WA 98409
May 23, 2017 Work Session Regular Meeting	2:30 p.m. 4:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405
June 27, 2017 Regular Meeting	3:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405

**WSR 16-13-061**

**AGENDA**

**WESTERN WASHINGTON UNIVERSITY**

[Filed June 13, 2016, 11:36 a.m.]

**Notice of Semi-Annual Agenda for  
Rules Under Development**

Pursuant to RCW 34.05.314, the following is Western Washington University's semi-annual agenda for Washington Administrative Code (WAC) rules under development for the term of July 1 through December 31, 2016:

**1. Chapter 516-26 WAC, Student records.** University review of chapter 516-26 WAC, Student records with possible amendments, including but not limited to WAC 516-26-040 Right to copy education records, 516-26-090(2) Directory information, and housekeeping changes. Preproposal to be filed in 2016.

**2. Chapter 516-21 WAC, Student rights and responsibilities code.** Review and reorganization of the university's student code of conduct and appeals process. Preproposal CR-101 was filed April 12, 2016 (WSR 16-09-026) and CR-102 anticipated to be filed in 2016.

**3. Chapter 516-52 WAC, Health and safety.** Amendments to WAC 516-52-001 Smoking on campus, to comply with a state initiative that prohibits smoking in public places and workplaces and to address electronic cigarettes and other

smoking devices. Preproposal CR-101 was filed February 2010 (WSR 10-05-049) and CR-102 anticipated to be filed in 2016.

Additional rule-making activity not on the agenda may occur as conditions warrant. For more information concerning the semi-annual agenda, please contact Jennifer Sloan, Rules Coordinator, Western Washington University, 516 High Street, Bellingham, WA 98225-9015, phone (360) 650-3117, e-mail Jennifer.Sloan@wwu.edu.

Jennifer L. Sloan  
Rules Coordinator

**WSR 16-13-062**

**POLICY STATEMENT**

**DEPARTMENT OF HEALTH**

[Filed June 13, 2016, 12:11 p.m.]

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title: Waterworks Operator-in-Training Designation.

Issuing Entity: Department of health.

Subject Matter: Operator-in-training designation.

Effective Date: June 1, 2016.

Contact Person: Deni Gray, (360) 236-3140, Deni.Gray@doh.wa.gov.

**WSR 16-13-080**

**NOTICE OF PUBLIC MEETINGS**

**EDMONDS COMMUNITY COLLEGE**

[Filed June 14, 2016, 4:43 p.m.]

Following is a revision to the 2016 regular meeting schedule of the Edmonds Community College board of trustees.

A special meeting and executive session will be held on June 29, 2016, at 3:00 - 4:30 p.m. The meeting will be held in the Office of the President, Gateway Hall 301, 6600 196th Street S.W., Lynnwood, WA.

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

**WSR 16-13-081**

**RULES COORDINATOR**

**EASTERN WASHINGTON  
STATE HISTORICAL SOCIETY**

[Filed June 15, 2016, 10:57 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Eastern Washington State Historical Society is Linda Queen, 2316 West 1st Avenue, Spokane, WA 99201, phone (509) 363-5336, fax (509) 363-5303, e-mail Linda.Queen@northwestmuseum.org.

Linda L. Queen  
Confidential Secretary

**WSR 16-13-086**  
**NOTICE OF PUBLIC MEETINGS**  
**WESTERN WASHINGTON UNIVERSITY**

[Filed June 15, 2016, 1:51 p.m.]

Western Washington University's board of trustees at its June 10, 2016, regular meeting approved a motion to amend the dates of the August board of trustees meeting.

The August 18, 19, 2016, regular meeting has been changed to meet on one day only, August 18, 2016, from 11:30 a.m. to 5 p.m., in the Board of Trustees Room 340, Old Main Building, 516 High Street, Bellingham, WA.

A public comment period will be held from 1:05 p.m. to 1:15 p.m. A sign-up period will be offered 12:45 p.m. to 12:55 p.m.

Any questions regarding the meeting schedule or the public comment period may be directed to Elissa Hicks, Assistant Secretary to the Board of Trustees, at (360) 650-3998 or [Elissa.Hicks@wwu.edu](mailto:Elissa.Hicks@wwu.edu). Updated information is also posted on the university's web site <https://trustees.wwu.edu/default.aspx>.

**WSR 16-13-094**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**

[Filed June 15, 2016, 4:40 p.m.]

The Skagit Valley College board of trustees, at their June 14, 2016, meeting, approved the following meeting dates for 2016-2017. Unless otherwise noted, all meetings will be held the second Tuesday of the month, at the Mount Vernon Campus (Board Room), 2405 East College Way, Mount Vernon, WA 98273, and will begin at 4:30 p.m.

**2016-2017 Board Meeting Dates**

<b>Dates</b>	<b>Location</b>
July 2016	No regular meeting is scheduled
August 2016	No regular meeting is scheduled
September 2016	No regular meeting is scheduled
October 11, 2016	Mount Vernon Campus
<b>November 8, 2016</b>	<b>Whidbey Island Campus</b> <b>Oak Hall 306</b> <b>1900 S.E. Pioneer Way</b> <b>Oak Harbor, WA 98277</b>
December 13, 2016	Mount Vernon Campus
January 2017	No regular meeting is scheduled
February 14, 2017	Mount Vernon Campus
<b>March 14, 2017</b>	<b>Whidbey Island Campus</b> <b>Oak Hall 306</b> <b>1900 S.E. Pioneer Way</b> <b>Oak Harbor, WA 98277</b>
April	No regular meeting is scheduled
May 9, 2017	Mount Vernon Campus
June 13, 2017	Mount Vernon Campus

**WSR 16-13-095**  
**NOTICE OF APPEAL**  
**OFFICE OF THE GOVERNOR**

[Filed June 16, 2016, 9:12 a.m.]

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

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

On May 4, 2016, the Governor's Office received an appeal from Senator Joyce Mulliken, retired, relating to the Human Rights Commission's denial of a petition to repeal or amend WAC 162-32. The Governor's Office denied the Petition on June 15, 2016.

DATE: June 16, 2016.

Taylor Wonhoff  
 Deputy General Counsel  
 to the Governor

**WSR 16-13-096**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed June 16, 2016, 9:34 a.m.]

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

**Developmental Disabilities Administration (DDA)**

Document Title: Public Comment Notice for Proposed Developmental Disabilities Administration Core Waiver Amendment.

Subject: Core waiver amendment is available for thirty days of public comment.

Effective Date: July 6, 2016.

Document Description: DDA within DSHS, in cooperation with the health care authority (agency), is posting an amendment of DDA's Medicaid 1915(c) core waiver for public comment. Comments will be accepted July 6 through August 6, 2016. The waiver amendment is available at <http://dshs.wa.gov/dda>. Print copy is available from the contact below. Please send comments to the contact person. The waiver amendment will increase capacity, remove a fourteen day limit on respite, remove one performance measure and increase the dollar limit for the Single Audit Act.

To receive a copy of the interpretive or policy statements, contact Bob Beckman, DDA Waiver Requirements Program Manager, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-343451 [725-3445], TDD/TTY 800-833-6388, fax (360) 407-0955, e-mail [bob.beckman@dshs.wa.gov](mailto:bob.beckman@dshs.wa.gov), web site [www.dshs.wa.gov/dda](http://www.dshs.wa.gov/dda).

**WSR 16-13-100**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**

[Filed June 17, 2016, 10:18 a.m.]

On Thursday, September 8, 2016, the University of Washington board of regents will hold its meetings in the Hemingson Center Room 314, on the campus of Gonzaga University, in Spokane, Washington, beginning at 8:30 a.m.

The prior published notice of this meeting was dated November 16, 2015.

Date	Location and Time	Meeting
Thursday September 8, 2016	Hemingson Center Room 314 Gonzaga University Spokane, WA at 8:30 a.m.	Standing Committee and Board Meetings
	<a href="http://www.gonzaga.edu/About/campus-map.asp">http://www.gonzaga.edu/About/campus-map.asp</a>	

**WSR 16-13-105**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**

[Filed June 17, 2016, 2:47 p.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for Thursday, August 18, 2016, has been cancelled. Call 752-8334 for information.

**WSR 16-13-107**  
**HEALTH CARE AUTHORITY**

[Filed June 20, 2016, 10:02 a.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 16-0024.

Effective Date: August 1, 2016.

Description: The health care authority (the agency) in conjunction with the aging and long-term services administration (AL TSA) within the department of social and health services (DSHS) intend to submit medicaid SPA 16-0024 regarding intermediate care facilities for individuals with developmental disabilities (ICF/IID).

Facilities must meet the conditions of participation described in Title 42 C.F.R. 442 in order to be certified as an ICF/IID. ICFs/IID that do not meet the applicable conditions of participation are subject to termination or nonrenewal of their provider contract. Under 42 C.F.R. 442.118, the state medicaid agency may deny payment for new admissions as an alternate remedy.

SPA 16-0022 will establish alternative sanctions for ICF/IID that have deficiencies in meeting the applicable conditions of participation, but those deficiencies do not pose immediate jeopardy to residents' health and safety. The alternative will sanctions [will] include:

1. Directed plan of correction.
2. Directed in-service training.

3. State monitoring.

SPA 16-0022 is anticipated to have no effect on annual aggregate expenditures; the alternative sanctions do not include financial penalties.

The SPA is in the development process; therefore a copy is not yet available for review. To contact DSHS for additional information and a copy of the SPA when it becomes available, please contact Loida Baniqued, AL TSA Residential Care Services, 4500 10th Avenue S.E., Olympia, WA 98504, phone (360) 725-2405, TDD/TTY 1-800-833-6388, fax 800-725-8208, e-mail [baniqlc@dshs.wa.gov](mailto:baniqlc@dshs.wa.gov).

**WSR 16-13-108**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**

(Dental Hygiene Examining Committee)

[Filed June 20, 2016, 11:22 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (Chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, dental hygiene examining committee, for the year 2016. The dental hygiene examining committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

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

Date	Time	Location
July 21, 2016	9:00 a.m.	Department of Health Town Center 2 Room 145 Tumwater
October 14, 2016	9:00 a.m.	TBD - Bellevue

If you need further information, please contact Bruce Bronoske, Jr., Program Manager, Dental Hygiene Examining Committee, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4843, fax (360) 236-2901, [bruce.bronoske@doh.wa.gov](mailto:bruce.bronoske@doh.wa.gov), [www.doh.wa.gov](http://www.doh.wa.gov).

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

**WSR 16-13-112**  
**NOTICE OF PUBLIC MEETINGS**  
**CASCADIA COLLEGE**  
 [Filed June 21, 2016, 8:39 a.m.]

**Approved June 15, 2016**  
**2016-2017 Board of Trustees - Meeting Dates**  
**Third Wednesday of Each Month**

All meetings will begin at 4:00 p.m. and will take place in Room 260 at Cascadia College, 18345 Campus Way N.E., Bothell, WA 98011.

2016-17 Board Meeting Dates

Wednesday, September 21, 2016, approved June 17, 2015

Wednesday, October 19, 2016

Wednesday, November 16, 2016

\*Wednesday, December 14, 2016

Wednesday, January 18, 2017

Wednesday, February 15, 2017

Wednesday, March 15, 2017

Wednesday, April 19, 2017

Wednesday, May 17, 2017

\*Wednesday, June 14, 2017

No regular meeting scheduled for July 2017

No regular meeting scheduled for August 2017

Wednesday, September 20, 2017

\*This meeting will take place on the second Wednesday.

**WSR 16-13-115**  
**AGENDA**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed June 21, 2016, 10:43 a.m.]

The Washington utilities and transportation commission (UTC) submits its semi-annual rule development agenda report for publication in the Washington State Register pursuant to RCW 34.05.314. This report also includes the rule development agenda for the energy facility site evaluation council (EFSEC).

Please direct any questions to Paige Doyle at (360) 664-1140 or pdoyle@utc.wa.gov.

**UTC**  
**Semi-Annual Rules Development Agenda**  
**(July 1 - December 31, 2016)**

This report is UTC's semi-annual report rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

Additional rule-making activity not on the agenda may be undertaken to meet conditions not now anticipated.

Dates that are in "bold" print, indicate that filing has occurred. All other dates are projected. The commission maintains a schedule of rule-making activity that is updated several times per month. See www.utc.wa.gov.

WAC CHAPTER	DOCKET	TITLE	AGENCY CONTACT	PROPOSED TIMELINE AND STATUS			DESCRIPTION OF POSSIBLE CHANGES
				CR-101	CR-102 or CR-105	CR-103 HEARING	
CURRENT:							
480-07	A-130355	Procedural rules	Greg Kopta (360) 664-1355	<b>3/20/13</b>	To be determined	To be determined	Examine the need to revise and clarify rules in chapter 480-07 WAC, Procedural rules. This may be split into three separate dockets in the near future.

WAC CHAPTER	DOCKET	TITLE	AGENCY CONTACT	PROPOSED TIMELINE AND STATUS			DESCRIPTION OF POSSIBLE CHANGES
				CR-101	CR-102 or CR-105	CR-103 HEARING	
480-70	TG-131255	Solid waste and/or refuse collection companies	Danny Kermod (360) 664-1253	7/17/13	To be determined	To be determined	Consider whether to adopt rules governing the methodology for establishing the rate of return for solid waste collection companies (Lurito-Gallagher).
480-110	UW-143295	Water companies rule making	Danny Kermod (360) 664-1253	9/17/14	To be determined	To be determined	Consider whether to adopt rules within chapter 480-110 WAC to improve the financial and management capacity of water companies, provide incentives for companies to make appropriate investments and for viable companies or public entities to acquire struggling water systems. This rule making will be closed with no action.
480-120	UT-160196	Telephone companies	John Cupp (360) 664-1113	3/2/16	5/18/16	7/12/16	Consider the need to modify existing rules in chapter 480-120 WAC to reestablish rules relating to telecommunications repair standards that were removed inadvertently, remove reference to the Washington telephone assistance program (WTAP), and remove references to rules that were repealed.
480-75-240 480-93-240	PG-160121 PL-160122	Pipeline safety fee methodology rule making	Alan Rathbun (260) [(360)] 664-1219	2/17/16	10/5/16	12/8/16	Consider addressing changes in the type of regulated pipeline facilities and significant changes in Washington's dig laws (chapter 19.122 RCW) in how fees are calculated for regulated compa-

WAC CHAPTER	DOCKET	TITLE	AGENCY CONTACT	PROPOSED TIMELINE AND STATUS			DESCRIPTION OF POSSIBLE CHANGES
				CR-101	CR-102 or CR-105	CR-103 HEARING	
							nies. Also consider clarifying existing rule language that has led to some confusion among companies.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE AND STATUS			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102 or CR-105	CR-103 HEARING	
PROPOSED:						
480-100-238 480-90-238	Integrated resource planning (IRP)	Deborah Reynolds (360) 664-1255	To be determined	To be determined	To be determined	Consider modifying current electric IRP rules to reflect statutory changes adopted in 2013 in EHB 1826. Further consider modifying gas IRP rules to match electric IRP rules.
480-15	Household goods	Bridgit Feeser (360) 664-1111	To be determined	To be determined	To be determined	Consider whether a rule making should occur to allow regulation of brokers in the household goods industry.
480-15	Household goods	Bridgit Feeser (360) 664-1111	To be determined	To be determined	To be determined	Consider whether a rule making should occur to address emerging technologies (e.g. allowing the use of household goods estimate applications in place of in-person estimates).
480-15-181	Household goods	Bridgit Feeser (360) 664-1111	To be determined	To be determined	To be determined	Revise WAC 480-15-181(3) to clarify that this exemption pertains to moving pods. This clarification is to address emerging small scale transportation business models.
480-XX (proposed new chapter)	Pipeline safety - LNG	Alan Rathbun (360) 664-1219 Joe Subsits (360) 664-1322	To be determined	To be determined	To be determined	With a proposed intrastate LNG liquefaction facility proposed in Tacoma, consider adoption of a new rule chapter covering LNG facilities designed to cover elements not contained in federal regulations (49 C.F.R. Part 193).

**EFSEC  
Semi-Annual Rules Development Agenda  
(July 1 - December 31, 2016)**

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE AND STATUS			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102 or CR-105	CR-103 HEARING	
CURRENT:						
None						
PROPOSED:						
463	Administrative updates	Stephen Posner (360) 664-1903		(CR-105) To be determined	N/A	Amend multiple chapters of Title 463 WAC to reflect EFSEC's administrative incorporation into UTC, such as EFSEC's street address, and other changes specifically dictated by statutory revisions.
463	Process updates	Stephen Posner (360) 664-1903	To be determined	To be determined	To be determined	Inquiry to examine whether EFSEC should adopt new or modify existing rules to address process changes related to siting and compliance monitoring.
463-78	Air quality permitting	Jim La Spina (360) 664-1362	To be determined	To be determined	To be determined	Amend existing rule: 1. In response to EPA rule revisions in 40 C.F.R. Parts 51, 52, including startup, shutdown and malfunction, as necessary. 2. To be consistent with department of ecology rule revisions addressing new source review and additional prevention of significant deterioration issues in chapters 173-400 and 173-401 WAC including applicable provisions of the governor's proposed clean air rule, as necessary. 3. To support submittal of EFSEC's state implementation plan update to U.S. EPA.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE AND STATUS			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102 or CR-105	CR-103 HEARING	
463-76	Water quality permitting	Jim La Spina (360) 664-1362	To be determined	To be determined	To be determined	Adopt ecology water quality rules and additional revisions to ensure consistency with EFSEC statutory authorities, ecology rules, and federal regulations to support EPA's renewal of EFSEC's NPDES delegation.
463-76	Enforcement and appeals	Bill Lynch (360) 664-1361	To be determined	To be determined	To be determined	Creates a new chapter of rules and amends multiple chapters of Title 463 to incorporate statutory changes made in 2015 (SB 5310), and to clarify EFSEC's enforcement and appeals process.

Steven V. King  
Executive Director  
and Secretary

**WSR 16-13-126  
HEALTH CARE AUTHORITY**

[Filed June 21, 2016, 12:09 p.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 16-0024.

Effective Date: August 1, 2016.

Description: The health care authority (the agency) in conjunction with the aging and long-term services administration (AL TSA) within the department of social and health services (DSHS) intend to submit medicaid SPA 16-0024 regarding intermediate care facilities for individuals with developmental disabilities (ICF/IID).

Facilities must meet the conditions of participation described in Title 42 C.F.R. 442 in order to be certified as an ICF/IID. ICF/IID that do not meet the applicable conditions of participation are subject to termination or nonrenewal of their provider contract. Under 42 C.F.R. 442.118, the state medicaid agency may deny payment for new admissions as an alternate remedy.

SPA 16-0022 will establish alternative sanctions for ICF/IID that have deficiencies in meeting the applicable conditions of participation, but those deficiencies do not pose immediate jeopardy to residents' health and safety. The alternative will sanctions [will] include:

1. Directed plan of correction.
2. Directed in-service training.
3. State monitoring.

SPA 16-0022 is anticipated to have no effect on annual aggregate expenditures; the alternative sanctions do not include financial penalties.

The SPA is in the development process; therefore a copy is not yet available for review. To contact DSHS for additional information and a copy of the SPA when it becomes available, please contact Loida Baniqued, AL TSA Residential Care Services, 4500 10th Avenue S.E., Olympia, WA 98504, phone (360) 725-2405, TDD/TTY 1-800-833-6388, fax 800-725-8208, e-mail baniqlc@dshs.wa.gov.

**WSR 16-13-128  
RULES COORDINATOR  
DEPARTMENT OF CORRECTIONS**

[Filed June 21, 2016, 2:02 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the department of corrections is Maria Puccio, Senior Contracts Attorney, P.O. Box 41114, Olympia, WA 98504-1114, (360) 725-8362, e-mail maria.puccio@doc.wa.gov.

John R. Nispel  
Contracts Administrator



**WSR 16-13-129**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMUNITY COLLEGES**  
**OF SPOKANE**

[Filed June 21, 2016, 2:31 p.m.]

**CHANGE OF REGULAR MEETING**

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

From: Tuesday, August 16, 2016.

To: This meeting has been cancelled.

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

**WSR 16-13-131**  
**AGENDA**  
**DEPARTMENT OF CORRECTIONS**

[Filed June 21, 2016, 3:37 p.m.]

Following is the department of corrections' semi-annual rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

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

**RULE DEVELOPMENT CALENDAR**  
**JULY 1 - DECEMBER 31, 2016**

WAC Chapter or Section	Purpose
137-04-020	Structure of the department.
137-08	Public disclosure.
137-104	Community custody violation hearings.

Maria Puccio  
 Rules Coordinator

**WSR 16-13-135**  
**AGENDA**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

[Filed June 22, 2016, 8:20 a.m.]

**Semi-Annual Agenda for Rules Under Development**  
**July 1 - December 31, 2016**

**DIVISION OF BANKS**

- Amend chapter 208-536 WAC for technical cleanup and compatibility with the enabling provisions of Title 30B RCW, Washington Trust Institutions Act, which became effective on January 5, 2015. Contemplated revisions include additional clarification on:
  - o Frequency of trust company examinations.
  - o Insurance requirements.

- o Background checks requirements for officers, directors, and principal shareholders.
- o Additional "outside" director requirements.
- o Call report definitions and submission requirements.
- o Capital requirements.
- o Dividends.
- o Pledging prohibitions and exceptions.
- o Patriot Act, Bank Secrecy Act, and antimoney laundering requirements.

These rules are required by state law.

- Amend chapter 208-512 WAC to modernize securities investment standards rules. Section 939A of the Dodd-Frank Act authorized federal banking regulators to eliminate statutory protections for national credit rating agencies associated with investments (i.e., Standard & Poor's, Moody's, and Fitch) and to establish new standards of creditworthiness. In reviewing its compliance with Section 939A of the Dodd-Frank Act, the division of banks identified one or more sections of chapter 208-512 WAC which need modernization to conform to the Dodd-Frank Act and to also assure "parity" for Washington state-chartered banks and savings banks with national banks in relation to securities investment standards. Accordingly, the division of banks is anticipating repealing WAC 208-512-110 through 208-512-117 inclusive, and to propose and adopt a modern, comprehensive set of rules on bank investment standards set forth in a new chapter 208-512B WAC. These rules are beneficial to or requested or supported by regulated entities, and are either required by federal law, or to eliminate rule provisions superseded by more recent state statute.
- "Lending limits" rule re: Derivatives and securities lending. Decide whether Office of the Comptroller of the Currency (OCC) revisions in this area are necessary to be adopted for Titles 30A and 32 RCW banks, and if so, propose and make amendments to chapter 208-512A WAC. This would be necessary to bring Titles 30A and 32 RCW banks into parity with national banks unless existing state rules would benefit Titles 30A and 32 RCW banks more. These rules are beneficial to or requested or supported by regulated entities.
- Propose and adopt rules for a technical cleanup of the existing chapter 208-512 WAC consistent with the rule making to be proposed and adopted above. These rules are beneficial to or requested or supported by regulated entities.

**DIVISION OF CONSUMER SERVICES**

- Consumer Loan Act - adopt rules under chapter 208-620 WAC to implement chapter 229, Laws of 2015. The amended rules will be based on changes to the law implementing liquidity, operating reserves and tangible net worth requirements for residential loan servicers. These rules are required by federal or state law.

**DIVISION OF CREDIT UNIONS**

- Amendments to modernize chapter 208-460 WAC, Member business loans, and provide similar authority as

authorized for federal chartered credit unions (FCU). The rule for FCUs was amended in 2016 with an effective date of January 1, 2017, eliminated many requirements, and will provide more flexibility to make member business loans. The state rule was last updated in 2001 and contains requirements that have been removed for FCUs. Modernizing the state rule will provide parity between state and FCUs. This rule making is by request of the credit union industry and is beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects.

#### DIVISION OF SECURITIES

- Amendments to the crowdfunding rules contained in chapter 460-99C WAC and the limited offering exemption under WAC 460-44A-504. On October 30, 2015, the Securities and Exchange Commission (SEC) proposed amendments to federal Rule 147 and federal Rule 504. The Washington crowdfunding rules contained in chapter 460-99C WAC are currently only available to offerings that are exempt federally under Section 3 (a)(11) of the Securities Act of 1933 and Rule 147 adopted thereunder. In addition, the limited offering exemption under WAC 460-44A-504 is premised on the offering being exempt under federal Rule 504 of Regulation D. The SEC has proposed a number of amendments to Rule 147 to modernize it. Further, the SEC has proposed to increase the offering amount limit under federal Rule 504 from \$1 million to \$5 million. Should the SEC adopt any of the proposed amendments to either Rule 147 or Rule 504, the division plans to amend its own related rules in the interest of facilitating capital formation. Rules are beneficial to or requested or supported by regulated entities, local governments or affected small businesses.
- Amendments to WAC 460-10A-160 and 460-44A-100 to update the exemption from securities registration for transactions in securities of an issuer that has a class of securities listed in a nationally recognized securities manual. The securities division plans to update the manual exemption in light of the fact that the publisher of one of the securities manuals referenced in this exemption, Standard & Poor's, has announced that it will cease publishing its securities manual. Rules are beneficial to or requested or supported by regulated entities, local governments or affected small businesses.

#### WSR 16-13-145

#### DEPARTMENT OF ECOLOGY

[Filed June 22, 2016, 9:56 a.m.]

#### PUBLIC NOTICE

#### Announcing the Issuance of the Boatyard General Permit and Fact Sheet

The department of ecology (ecology) is reissuing the boatyard national pollutant discharge elimination system and state waste discharge general permit (permit). The previous permit was last issued in March 2011, was scheduled to

expire on May 31, 2016, and was administratively continued until the new permit goes into effect. The new permit and fact sheet, which explains the technical basis for the permit, will be published on the ecology web site on **July 6, 2016**, and is available as described below. The new permit will be in effect from August 8, 2016, through July 31, 2021.

**Purpose of the Permit:** The permit provides coverage for discharges of treated pressure-wash wastewater and stormwater runoff from certain boatyards to waters of the state. Under federal and state water quality law (Federal Clean Water Act and State Water Pollution Control Act), a permit is required for the discharge of wastewater and stormwater runoff from certain specified industries, including boatyards. Boatyards must obtain permit authorization for their discharge if they: (1) Engage in the construction, repair, or maintenance of small vessels (boats or ships) where eighty-five percent of those vessels are sixty-five feet in length or less; or (2) generate more than eighty-five percent of their gross receipts from revenues returned from the construction, repair, or maintenance of those small vessels; and (3) discharge wastewater or stormwater runoff either directly or indirectly to surface water or groundwater.

**Summary of Public Involvement:** On March 16, 2016, ecology published the proposed permit and fact sheet on its web site, and announced in the state register and via more than two thousand five hundred e-mails to interested parties, the forty-five day public review and comment period (from March 16 through April 29, 2016). Ecology held two public workshops and hearings - at Everett Community College on April 19, 2016, and at ecology headquarters in Lacey, Washington, on April 20, 2016 - to discuss the draft documents and to receive oral and written comments. Ecology also accepted e-mailed and written comments during that forty-five day period.

Ecology responded to all of the comments, as described in the fact sheet.

**Copies of the Permit and Fact Sheet:** The new permit and fact sheet are available online at <http://www.ecy.wa.gov/programs/wq/permits/boatyard/index.html>. You may also request copies from Dena Jaskar at (360) 407-6401 or by e-mail [dena.jaskar@ecy.wa.gov](mailto:dena.jaskar@ecy.wa.gov).

**Applying for Coverage under the Permit:** Facilities that are covered under the existing permit and applied for coverage under the new permit will also be covered under the new permit. New or unpermitted facilities may obtain coverage under the new permit by submitting a complete permit application to ecology and satisfying all applicable public notice and State Environmental Policy Act requirements (WAC 173-226-200). Application for coverage may be accomplished online through the "Water Quality Permitting Portal" located at <http://www.ecy.wa.gov/programs/wq/permits/paris/portal.html>.

**Appeal Procedures:** In accordance with chapter 43.21B RCW, the terms and conditions of this permit may be appealed within thirty days of the *issuance* of the permit. An appeal must be filed in writing to both the pollution control hearings board and ecology at the addresses provided below. Appeals may not be delivered by e-mail.

The terms and conditions of this permit, *as they apply to an individual discharger*, may be appealed within thirty days

of the *effective* date of coverage of that discharger, in accordance with chapter 43.21B RCW. This type of appeal is limited to the permit's applicability or nonapplicability to a specific discharger.

**Street Address:** Pollution Control Hearings Board, 1111 Israel Road S.W., Suite 301, Tumwater, WA 98501; or Department of Ecology, Attn: Appeals Processing Desk, 300 Desmond Drive S.E., Lacey, WA 98503.

**Mailing Address:** Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903; or Department of Ecology, Attn: Appeals Processing Desk, P.O. Box 47608, Olympia, WA 98504-7608.

**Questions:** If you have questions, contact James M. Maroncelli, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, james.maroncelli@ecy.wa.gov.

**WSR 16-13-146**  
**NOTICE OF PUBLIC MEETINGS**  
**BIG BEND**  
**COMMUNITY COLLEGE**

[Filed June 22, 2016, 10:09 a.m.]

During the board of trustees meeting on June 10, 2016, the trustees scheduled a study session on August 11, 2016, from 1:00 to 1:30 p.m. The meeting is scheduled in the BBCC campus in the ATEC Building in the Hardin Community Room.