

WSR 23-03-001

AGENDA

MILITARY DEPARTMENT

[Filed January 4, 2023, 2:13 p.m.]

**Semi-Annual Rule-Making Agenda
(January 1 to July 31, 2023)**

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

If you have questions about the agenda, please contact Cynthia Whaley, Military Department Rules Coordinator, Building 1, Camp Murray, WA 98430, phone 253-512-8110, email cynthia.whaley@mil.wa.gov.

WAC Citation	Subject Matter	Agency Contact	Current Activity		
			CR-101	CR-102	CR-103
118-04	Updating the rules to the emergency worker program.	Amy Albritton 253-921-3502 amy.albritton@mil.wa.gov	To be determined	To be determined	To be determined
118-30	Updating the rules to the local emergency management/services organizations, plans, and programs.	Michael Roberson 253-512-7065 michael.roberson@mil.wa.gov	To be determined	To be determined	To be determined
118-40	Updating the rules to the hazardous chemical emergency response planning and community right-to-know reporting.	Stephen (Troy) Newman 253-512-7041 stephen.newman@mil.wa.gov	To be determined	To be determined	To be determined
323-10	To establish the procedures the military department will follow in order to provide full access to public records.	Cynthia Whaley 253-512-8110 cynthia.whaley@mil.wa.gov	2/23/2022	4/14/2022	6/21/2022
118-66	Updating the rules concerning 911 account moneys.	Adam Wasserman 253-512-7468 adam.wasserman@mil.wa.gov	To be determined	To be determined	To be determined

**WSR 23-03-003
NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed January 5, 2023, 10:00 a.m.]

Following is the revised schedule of the 2023 meeting dates for the Washington state criminal justice training commission (WSCJTC).

The meetings will be held at WSCJTC, 19010 1st Avenue South, Burien, WA 98148. The agendas posted prior to each meeting will indicate whether in-person attendance is authorized and, if so, detail the room number.

Date	Time	Location
Wednesday, March 8, 2023	10:00 a.m.	WSCJTC
Wednesday, June 14, 2023	10:00 a.m.	WSCJTC
Wednesday, September 13, 2023	10:00 a.m.	WSCJTC
Wednesday, December 13, 2023	10:00 a.m.	WSCJTC

If you have questions, please call Monica Alexander at 206-835-7372.

WSR 23-03-004
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Midwifery Advisory Committee)
[Filed January 5, 2023, 11:21 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the revised schedule of regular meetings for the department of health (DOH), midwifery advisory committee (committee), for the year 2023. The 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 GovDelivery and the DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the committee reserves the right to change or amend agendas at the meeting.

Date	Time	Location
March 8, 2023	10 a.m.	Lacey Community Center 6729 Pacific Avenue S.E. Olympia, WA 98503 Webinar
June 14, 2023	10 a.m.	Lacey Community Center 6729 Pacific Avenue S.E. Olympia, WA 98503 Webinar
September 13, 2023	10 a.m.	Lacey Community Center 6729 Pacific Avenue S.E. Olympia, WA 98503 Webinar
December 13, 2023	10 a.m.	Lacey Community Center 6729 Pacific Avenue S.E. Olympia, WA 98503 Webinar

If you need further information, please contact Kathy Weed, Program Manager, DOH, Midwifery Advisory Committee, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4883, fax 360-236-2901, email kathy.weed@doh.wa.gov, web www.doh.wa.gov.

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

WSR 23-03-005

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed January 5, 2023, 12:27 p.m.]

NOTICE

Subject: COPES Waiver Amendment - Community Choice Guide (CCG) Qualifications.

Proposed Effective Date: July 1, 2023.

Description: The health care authority and department of social and health services intend to submit an amendment to the community options program entry system (COPES) waiver to amend the CCG qualifications. The amended qualifications for the CCG service will:

- Clarify current qualifications.
- Add a CCG purchaser subsection for providers who focus on assisting clients by purchasing and being reimbursed for authorized goods and services when necessary for transition or stabilization.
- Reduce experience and educational requirements for specific providers to relieve provider shortages and align with stakeholder requests and feedback.

CONTACT: Grace Brower, Waiver Program Manager, 4450 10th Avenue S.E., Lacey, WA 98503, phone 360-725-3293, TTY 711, email grace.brower1@dshs.wa.gov.

WSR 23-03-006

NOTICE OF PUBLIC MEETINGS

EMPLOYMENT SECURITY DEPARTMENT

(Unemployment Insurance Advisory Committee)

[Filed January 5, 2023, 2:01 p.m.]

Meeting Dates - 2023

Date	Location	Host	Notes
January 27, 2023, 2:00 p.m.	Zoom	Employment security department (ESD)	^Recorded meeting
February 24, 2023, 2:00 p.m.	Zoom	ESD	^Recorded meeting
March 31, 2023, 2:00 p.m.	Zoom	ESD	^Recorded meeting
April 28, 2023, 2:00 p.m.	Zoom	ESD	^Recorded meeting
May 26, 2023, 10:00 a.m.	Zoom	ESD	^Recorded meeting
June 30, 2023, 10:00 a.m.	Zoom	ESD	^Recorded meeting

NOTE: Hosts may have the opportunity to present to the committee and bring invited guests as part of our meeting agenda.

Per vote of unemployment insurance advisory committee (UIAC) members, meetings are being recorded as of the August 3, 2020, meeting.

^RECORDING DISCLAIMER: This meeting is being recorded and may be broadcast by TVW. Please be advised that your image and voice will be captured, recorded, and broadcast during the videoconference. Your participation in this videoconference equals consent to be recorded and broadcast, as required by law.

For more information, please visit the UIAC website at <https://esd.wa.gov/newsroom/UIAC>.

WSR 23-03-007

NOTICE OF PUBLIC MEETINGS

TURFGRASS SEED COMMISSION

[Filed January 5, 2023, 2:18 p.m.]

The Washington turfgrass seed commission amended its 2023 meeting schedule at its December 15 commission meeting. The commission canceled its March 2, 2023, meeting and designated the June 8 meeting as the annual meeting. The new schedule is noted below.

1st Quarter	Tuesday, February 7	Spokane, Washington
2nd Quarter	Thursday, June 8 Annual meeting	WSU Grass Seed Research Farm Pullman, Washington
3rd Quarter	Thursday, September 7	Moses Lake, Washington
4th Quarter	Thursday, December 14	Kennewick, Washington

If you need further information, contact Shane Johnson, 6601 West Deschutes Avenue, Suite C-2, Kennewick, WA 99336, 509-585-5460, 509-585-2671, shanej@agmgt.com.

WSR 23-03-008

NOTICE OF PUBLIC MEETINGS

WASHINGTON STATE LOTTERY

(Lottery Commission)

[Filed January 6, 2023, 8:51 a.m.]

Washington's lottery commission has changed the following regular meeting:

From: June 15, 2023, Lottery Headquarters and Microsoft Teams meeting.

To: June 22, 2023, Lottery Headquarters and Microsoft Teams meeting.

If you require additional information, please contact Stephanie Porter at 360-480-5385 or email SPorter@walottery.com.

WSR 23-03-012

HEALTH CARE AUTHORITY

[Filed January 6, 2023, 11:13 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 23-0011
Provider and Facility January Rates - Supplemental Notice.

Effective Date: January 1, 2023.

Description: On December 29, 2022, the health care authority (HCA), in conjunction with the aging and long-term support administration (AL TSA) of the department of social and health services (DSHS), filed notice under WSR 23-02-039 of the intent to submit medicaid SPA 23-0011 to adjust agency providers and consumer directed employer rates based on negotiated increases and an estimated decrease in the Internal Revenue Service (IRS) mileage reimbursement rate. At that time, the IRS has [had] not released the 2023 mileage reimbursement and the proposed rates were based on an estimated decrease from \$0.625 to \$0.59 per mile. Additional information has since been received. IRS mileage reimbursement for 2023 is increasing by 4.8 percent, or \$0.03 per mile.

In addition, the hourly rates specified in the previous notice are changing as noted below:

- Increase the hourly rate of agency providers by 1.6 percent (changed from 1.5 percent in the previous notice), an expected weighted average increase of \$0.56 (changed from \$0.26 in the previous notice); and
- Decrease the hourly rate of consumer-directed employers by 0.1 percent (changed from 0.3 percent in the previous notice), an expected weighted average decrease of \$0.04 (changed from \$0.12 in the previous notice).

SPA 23-0011 is in the development process; therefore, a copy is not yet available for review. HCA and DSHS would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Interested parties may submit comments and concerns about the rates or the effects the changes may have on beneficiary access to care or continued service access. Please submit comments and concerns to the person named below. Please note that all comments are subject to public review and disclosure, as are the names of those who comment.

CONTACT: Elizabeth Pashley, Office of Rates Management, AL TSA, DSHS, P.O. Box 45600, phone 360-995-2807, TRS 711, fax 360-725-2641, email Elizabeth.Pashley@gmail.com, website <https://www.dshs.wa.gov/altsa/management-services-division/office-rates-management>.

WSR 23-03-015
RULES COORDINATOR
PARAEDUCATOR BOARD

[Filed January 6, 2023, 1:01 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Paraeducator Board is Alicia Erezim, P.O. Box 47236, 600 Washington Street S.E., Olympia, WA 98504-7236, 360-725-6275, 360-586-4548, rulespesb@k12.wa.us.

Alicia Erezim
Policy Associate
Educator Workforce

WSR 23-03-017

AGENDA

DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed January 6, 2023, 2:10 p.m.]

Following is the department of children, youth, and families (DCYF) semi-annual rule-making agenda for July 1 through December 31, 2022 [January 1 through June 30, 2023]. This agenda will be published in the Washington State Register as required in RCW 34.05.314 and distributed to interested parties. It is also available on the DCYF rule-making web page.

This agenda represents DCYF rule making that is anticipated or under development at this time. There may be additional rule-making activities needed to implement legislative actions, comply with federal mandates, or meet unforeseen circumstances.

Semi-Annual Rule-Making Agenda
January 1 - June 30, 2023

WAC Sections	Subject Matter	CR-101 Filings	CR-102 or CR-105 Filings	CR-103E Filings
Chapter 110-15	Working Connections and Seasonal Child Care: Developing rules to implement trauma-informed care supports as authorized for child care providers by chapter 199, Laws of 2021.	Exempt		
Chapter 110-15	Working Connections and Seasonal Child Care: DCYF expects to codify in rules collective bargaining agreements between DCYF and SEIU Local 925 representing child cares, provided the collective bargaining agreement is ratified and funded by the 2023 legislature.	Exempt		
110-15-0210	Working Connections and Seasonal Child Care: Amending rules for the dual-language rate enhancements for eligible child care providers.	Exempt	WSR 22-22-099 Filed 11/2/22	
Chapter 110-50	Child Welfare: Amending the types of cases referred to division of child support to revise conditions under which child support is not collected.	WSR 22-04-056 Filed 1/27/22	WSR 22-03-093 Filed 11/16/22	WSR 22-18-061 Filed 9/1/22
Chapter 110-110	Indian Child Welfare Services: Amending rules to align with the state and federal Indian Child Welfare Acts codified at chapter 13.38 RCW and 25 U.S.C. Chapter 21 respectively. This rule making addresses issues identified in the court's opinion in the Matter of Dependency of Z.J.G., 196 Wn.2d 152, 471 P.3d 853 (2020).	Anticipated		
110-145-1850	Licensing - Foster Care: Amendments to medication storage requirements are anticipated.	Anticipated		

WAC Sections	Subject Matter	CR-101 Filings	CR-102 or CR-105 Filings	CR-103E Filings
Chapter 110-300	Licensing - Early Learning Child Care: Amending rules to better clarify emergency exit requirements, update immunization requirements necessary to align chapter 110-300 WAC with the department of health's rules, and make other technical corrections.	WSR 21-15-060 Filed 2/16/21	WSR 22-24-069 Filed 12/2/22	
Chapters 110-300 and 110-16	Licensing - Early Learning Child Care and Working Connections and Seasonal Child Care Programs: Amending rules to expand the viability of dual licenses to provide foster care and child care in a family home.	WSR 22-09-054 Filed 4/8/22		
Chapter 110-302	Licensing - Outdoor Nature-Based Programs: Developing rules to set foundational standards for licensed outdoor nature-based early learning programs.	WSR 21-12-013 Filed 5/20/21	WSR 22-23-072 Filed 11/10/22	
Chapter 110-425	Early Childhood Education and Assistance Program (ECEAP): Amending rules to implement section 204, chapter 199, Laws of 2021, (eligibility for three- to five-year-old children who are not age eligible for kindergarten); section 205 (early ECEAP entry), section 206 (enrollment), and section 403 (eligibility for birth to three ECEAP).	WSR 22-10-040 Filed 4/27/22		

Brenda Villarreal
Rules Coordinator

WSR 23-03-019

AGENDA

DEPARTMENT OF LICENSING

[Filed January 6, 2023, 4:20 p.m.]

**Semi-Annual Rule-Making Agenda
January through June 2023**

This report details current and anticipated rule-making activities for the department of licensing (DOL). This agenda is sent as a requirement of RCW 34.05.314. If you have any questions regarding this report or DOL rule-making activities, please contact Ellis Starrett at 360-902-3846 or rulescoordinator@dol.wa.gov.

This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. Any errors in this agenda do not affect the rules and rule-making notices filed with the office of the code reviser and published in the Washington State Register. There may be additional DOL rule-making activities that cannot be forecasted as the department initiates rule making to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the "Key" below for explanations of terms and acronyms.

Key:

CR means "code reviser" on notice forms created by the office of the code reviser for use by all state agencies.

CR-101 is a preproposal statement of inquiry filed under RCW 34.05.310.

CR-102 is a proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

Proposal is exempt under RCW 34.05.310(4) means a rule that does not require the filing of a CR-101 notice under RCW 34.05.310(4).

CR-105 is an expedited rule-making notice filed under RCW 34.05.353. This is an accelerated rule adoption process with no public hearing required.

CR-103P is a rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

CR-103E Emergency rules are temporary rules filed under RCW 34.05.350 and 34.05.380 by using a CR-103E rule-making order. Emergency rules may be used to meet certain urgent circumstances. These rules are effective for 120 days after the filing date and may be extended in certain circumstances.

Blank cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

RCW is the Revised Code of Washington.

WSR number is the Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

Proposed Rule Making				
Rule	Scope	Agency Contact	Deadline	Legislation Effective Date
Transportation network companies	Create rules for transportation network companies related to the passage of HB [ESHB] 2076.	Kelsey Stone kstone@dol.wa.gov	N/A	N/A
Motorcycle safety permits	Clarify permit requirements in rule.	Colton Myers cmyers@dol.wa.gov	N/A	N/A

Proposed Rule Making				
Rule	Scope	Agency Contact	Deadline	Legislation Effective Date
Temporary license plates	Clarify procedures related to the issuance of temporary license plates and clean up outdated references.	Carl Backen cbacken@dol.wa.gov	July 1, 2023	July 1, 2023

Ongoing Rule Making				
Rule	Scope	Agency Contact	CR-101	CR-102
Data privacy WSR 21-10-098	Implementing SSB 5152, Enhancing data stewardship and privacy protections for vehicle and driver data	Ellis Starrett estarrett@dol.wa.gov	May 5, 2021	N/A
Public records fees, WAC 308-10-055 WSR 22-20-113	Adopts standard language to allow DOL to collect fees for qualifying records requests.	Ellis Starrett estarrett@dol.wa.gov	October 5, 2022	N/A
Appraisers PAREA standards WSR 22-23-163	This rule making would align state rule with recognized national industry guidance that created alternative pathways to licensure.	Kelsey Stone kstone@dol.wa.gov	November 23, 2022	
Limos rule making WSR 22-23-164	Modifies rules to allow for more modern vehicles to be authorized for limo services.	Kelsey Stone kstone@dol.wa.gov	November 23, 2022	N/A
Administrative hearings clean up WSR 22-16-102 and 23-01-144	Updates chapter 308-101 WAC to clarify language and reflect current business practices and guidelines.	Colton Myers cmyers@dol.wa.gov	August 2, 2022	December 21, 2022
Financial responsibility hearings WSR 22-16-103 and 23-01-143	Updating chapter 308-102 WAC to clarify business practices, procedures, and guidelines pertaining to financial responsibility hearings.	Colton Myers cmeyers@dol.wa.gov	August 2, 2022	December 21, 2022
Abandoned recreational vehicles clarity update WSR 22-20-115	Updates WAC for clarity and to address stakeholder workgroup requests.	Carl Backen cbacken@dol.wa.gov	October 5, 2022	N/A
Emblem for "prevent veteran suicide["] WSR 22-17-152	Amending WAC 308-96A-530 to add reference to the ["Prevent Veteran Suicide["] emblem, per HB [E2SHB] 1181.	Carl Backen cbacken@dol.wa.gov	August 23, 2022	N/A

Ellis Starrett
Rules Coordinator

WSR 23-03-020
RULES COORDINATOR
GAMBLING COMMISSION

[Filed January 9, 2023, 10:30 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington State Gambling Commission is Lisa C. McLean, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-878-1903, email rules.coordinator@wsgc.wa.gov.

Lisa C. McLean
Legislative and Policy Manager

WSR 23-03-022
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO) NO. 25700-A-1483
CrRLJ 2.1—COMPLAINT—CITATION)
AND NOTICE)

The District and Municipal Court Judges' Association, having recommended the adoption of the suggested amendment to CrRLJ 2.1—Complaint—Citation and Notice, and the Court having considered the suggested amendment, and having determined that the suggested amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendment as shown below is adopted.

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

DATED at Olympia, Washington this 5th day of January, 2023.

Table with 2 columns of names: Johnson, J., Madsen, J., Owens, J., Stephens, J., Gonzalez, C.J., Gordon McCloud, J., Yu, J., Montoya-Lewis, J., Whitener, J.

GENERAL RULE 9

RULE AMENDMENT COVER SHEET

PROPOSED AMENDMENT TO CRIMINAL RULE

FOR COURTS OF LIMITED JURISDICTION 2.1 (CrRLJ 2.1)

1. Proponent Organization: District and Municipal Court Judges' Association

2. Spokesperson: Judge Kevin Ringus, Fife Municipal Court; kringus@cityoffife.org

3. Purpose of Proposed Rule Amendment: CrRLJ 2.1 (a) (3) (ii) refers to a "state process control number (PCN)," which is an outdated term. The correct reference is to a "fingerprint transaction control number (TCN)." The proposed amendment reflects this change.

4. Is Expedited Consideration Requested? Yes, because this is a technical amendment reflecting a term that is already in effect.

5. Is a Public Hearing Recommended? No, because the change is not of general public interest.

CrRLJ 2.1

COMPLAINT—CITATION AND NOTICE

(a) Complaint.

(1) Initiation. Except as otherwise provided in this rule, all criminal proceedings shall be initiated by a complaint.

(2) Nature. The complaint shall be a plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting authority. Allegations

made in one count may be incorporated by reference in another count. It may be alleged that the means by which the defendant committed the offense are unknown or that he or she committed it by one or more specified means. The complaint shall state for each count the official or customary citation of the statute, rule, regulation or other provision of law which the defendant is alleged therein to have violated. Error in the citation or its omission shall not be ground for dismissal of the complaint or for reversal of a conviction if the error or omission did not mislead the defendant to his or her prejudice.

(3) *Contents.* The complaint shall contain or have attached to it the following information when filed with the court:

(i) the name, address, date of birth, and sex of the defendant;

(ii) all known personal identification numbers for the defendant, including the Washington driver's operating license (DOL) number, the state criminal identification (SID) number, the ~~state criminal process control number (PCN)~~ fingerprint transaction control number (TCN), the JUVIS control number, and the Washington Department of Corrections (DOC) number.

(b) - (c) [Unchanged.]

WSR 23-03-023
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED MANDATORY) NO. 25700-A-1484
CONTINUING EDUCATION)
STANDARDS [NEW ARLJ 14])

The Board of Judicial Administration's Court Education Committee, having recommended the adoption of the suggested Mandatory Continuing Education Standards [New ARLJ 14], and the Court having considered the suggested standards, and having determined that the suggested standards will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed standards as shown below are adopted.

(b) That the proposed standards will be published in the Washington Reports and will become effective January 1, 2023.

DATED at Olympia, Washington this 5th day of January, 2023.

Johnson, J.
Madsen, J.
Owens, J.
Stephens, J.
Gonzalez, C.J.
Gordon McCloud, J.
Yu, J.
Montoya-Lewis, J.
Whitener, J.

GR 9 COVER SHEET

WASHINGTON STATE DISTRICT AND MUNICIPAL COURT ADMINISTRATOR
MANDATORY CONTINUING EDUCATION STANDARDS

Supreme Court Order NO. 25700-A-1450

Submitted by the Board of Judicial Administration's
Court Education Committee

A. Name of Proponent: The Board of Judicial Administration (BJA), Court Education Committee (CEC).

B. Spokespersons:

- The Honorable Tam Bui, Chair, CEC, Snohomish County District Court, 3000 Rockefeller Ave, MS 508, Everett, WA 98201 (telephone (425) 388-3331)
The Honorable Douglas J. Fair, Vice-Chair, CEC, Snohomish District Court, 20520 68th Ave W, Lynnwood, WA 98036-7406 (telephone (425) 774-8803)

C. Purpose: The Board for Judicial Administration's Court Education Committee (CEC) shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of the Washington State District and Municipal Court Administrator mandatory continuing education. The CEC and members of the District and Municipal Court Management Association (DMCMA) drafted the attached standards to provide guidance to District and Municipal Court Presiding Judges and Administrators and the Administrative Office of the Courts (AOC) on the implementation of this new rule and the roles and responsibilities of the CEC, AOC, Presiding Judges and Administrators. The Court Educa-

tion Committee approved the standards on October 14, 2022, and submitted them to the BJA who approved them on November 18, 2022.

D. Hearing: A public hearing is not requested for the review and approval of these ARLJ 14 standards.

E. Expedited Consideration: An expedited process is requested since the rule goes into effect January 1, 2023.

If you need further information on the ARLJ 14 standards, please contact Ms. Judith M. Anderson at Judith.anderson@courts.wa.gov or (360) 705-5231.

WASHINGTON STATE DISTRICT AND MUNICIPAL COURT ADMINISTRATOR
MANDATORY CONTINUING EDUCATION STANDARDS
Supreme Court Order NO. 25700-A-1450

Section 1: Organization and Administration

1. Supreme Court

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

2. Board for Judicial Administration (BJA)

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

3. Court Education Committee (CEC)

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

4. Designee

The Designee is the Court Administrator or equivalent employee designated by the presiding judge.

5. Court Education Committee

The responsibilities of the CEC will be to:

- a) Administer the Administrative Rule for Limited Jurisdiction (ARLJ) 14;
- b) Obtain the name of the "designee" from the presiding judge of each court of limited jurisdiction annually;
- c) Establish operating procedures consistent with this rule; and,
- d) Report and release names of the "designees" who have not complied with the rule to their presiding judge.

6. Administrative Office of the Courts (AOC)

a) Under the direction of the Supreme Court and CEC, the Administrative Office of the Courts (AOC) shall develop guidelines for implementing the standards and develop, administer, and coordinate education programs throughout the state.

b) The AOC shall coordinate all CEC education programs and provide support, guidance, and assistance. AOC shall provide support, guidance, and assistance to DMCMA education committees in planning, developing, implementing, and evaluating education programs consistent with established continuing education standards and requirements.

c) The AOC shall maintain the official transcript for each Designee based on:

- (i) attendance records at CEC accredited education programs;

(ii) approved non-CEC authorized or sponsor-accredited education programs submitted by the individual.

d) Based on the official record, the AOC will report noncompliance annually to the CEC and the presiding judge of the appropriate court of limited jurisdiction.

Section 2: General Standards for Continuing District and Municipal Court Administrator Education

1. Continuing District and Municipal Court Administrator Education (CAE)

During their three (3)-year reporting cycle, each Designee must complete fifteen (15) hours of CAE credits, two (2) of which are in the area of ethics, and one and a half (1.5) are in the area of diversity, equity, and inclusion (DEI).

a) At least nine (9) hours, of which at least one and a half (1.5) hours are in the area of ethics and (1) hour in the area of DEI, must be completed by attending accredited courses. "Attending" is defined as (1) presenting for, or being present in the audience at, an accredited CAE course; (2) presenting for, or participating through an electronic medium in, an accredited CAE course; or (3) participating through an electronic medium in an accredited CAE course pre-recorded where faculty are available to answer questions.

b) Up to five (5) hours, of which up to one (1) hour are in the area of ethics and one (1) hour in the area of DEI, may be completed through self-study by listening to, or watching, pre-recorded accredited CAE courses. Designees completing credits by self-study must report them to the AOC.

c) Up to five (5) hours, of which up to one (1) hour are in the area of ethics, and one (1) hour in the area of DEI, may be completed through teaching at accredited CAE courses and/or publishing administrative writing. A designee may complete up to three (3) hours of teaching credits for each hour of presentation. The CEC must approve credits for published administrative writing. Designees completing credits by teaching or writing must report them to the AOC.

d) Designees may attend a combination of approved local, state, or national programs.

e) A designee may complete credits through other courses that directly aid the Designee in performing their specific administrative duties and are approved by the CEC.

2. Carry-Over

a) If a designee completes more than 15 such credit hours in a three-year reporting period, up to 5 hours of excess credits may be carried forward and applied to the Designee's education requirement for the following three-year reporting period. Carry-over credits do not apply to ethics or DEI requirements.

3. Court Administrator Academy Attendance

a) Each Designee shall attend and complete the Court Administrator Academy program within 12 months of initial appointment.

b) Each Designee holding this position for fewer than four years at the time this rule becomes effective shall attend and complete the Academy within 24 months.

4. Credit Calculation

Credit is calculated based on one credit for every 60 minutes of actual subject presentation/participation, not including introductions, overviews, and closing remarks.

Section 3: Program Accreditation

1. Washington State Judicial Branch Sponsors

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

- a) District and Municipal Court Management Association (DMCMA)
- b) District and Municipal Court Judges Association (DMCJA)
- c) Administrative Office of the Courts (AOC)
- d) Association of Washington Superior Court Administrators (AWS-CA)
- e) Court Education Committee (CEC)
- f) Court of Appeals (COA)
- g) Misdemeanant Probation Association (MPA)
- h) Superior Court Judges' Association (SCJA)
- i) Washington Association of Juvenile Court Administrators (WAJ-CA)
- j) Washington State Association of County Clerks (WSACC)
- k) Washington State Bar Association (WSBA)
- l) Washington State Supreme Court (WSSC)
- m) Washington State Supreme Court Commissions

2. Other Education Sponsors

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

- a) National Association for Court Management (NACM)
- b) Conference of State Court Administrators (COSCA)
- c) Hispanic National Bar Association. (HNBA)
- d) International Association for Court Administration (IACA)
- e) National Asian Pacific Bar Association (NAPBA)
- f) National Association of Women Lawyers (NAWL)
- g) National Association for Presiding Judges and Court Executive Officers (NAPCO)
- h) National Bar Association (NBA)
- i) National Conference of Women's Bar Associations (NCWBA)
- j) National Consortium on Racial and Ethnic Fairness in the Courts (NCREF)
- k) National Lesbian and Gay Lawyer Association (LGBTQ+BAR)
- l) National Native American Bar Association (NABA)
- m) North American South Asian Bar Association (NASABA)
- n) Programs approved for Scholarships by CEC
- o) The Judicial Division of the American Bar Association (ABA)
- p) The Judicial Divisions of all National Bar Associations
- q) The National Judicial College in Reno (NJC)
- r) The National Center for State Courts (NCSC)
- s) Tribal Courts in Washington State and Washington Cities Insurance Authority
- t) Washington State Association of Municipal Attorneys (WSAMA)
- u) Washington State Risk Pool (WCRP)

3. Other Continuing Professional Education Programs

For all other Continuing Professional Education Programs, please submit form Judith M. Anderson to judith.anderson@courts.wa.gov for possible credit.

4. Basis for Accreditation of Courses

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

- a) **Factors in Evaluating.** Factors to consider in evaluating a course include:
 - 1) The topic, depth, and skill level of the material;
 - 2) The level of practical and/or academic experience or expertise of the presenters or faculty;

3) The intended audience; and

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

5. Programs That Do Not Qualify

The following activities will not qualify for CAE credit:

- a) Presenting to an internal organization. (cities, counties);
- b) Jury duty;
- c) Judging or participating in law school or mock trial competitions; and
- d) Serving on professional committees/associations.

6. Appeals

A designee may appeal to the CEC's denial of program/course accreditation. The appeal should be in the form of a letter addressed to the Chair of the BJA that outlines the basis for the Designee's request. The BJA Chair shall notify the Designee in writing of its decision to sustain or overrule the decision of the CEC.

Section 4: Responsibilities

1. Sponsors of Accredited Programs

It is the responsibility of the Washington State judicial branch sponsors of a district and municipal court administrator's education program to report designee attendance and credits for all approved CAE courses to the AOC.

2. Individuals

a) Individual Designee's responsibility is to file a report of their attendance, whether total or partial, for programs sponsored by Washington State Judicial Branch entities or other administrative and educational sponsors, as noted in Section 3 (1)(2).

b) The individual Designee must submit requests for accreditation for other continuing professional education programs, credit for teaching, published administrative, legal writing, or self-study to the AOC.

3. Deadline

Absent exigent circumstances, sponsors and individual designees must report attendance within 30 days after completion of a CAE activity.

Section 5: Certification

1. Compliance

In August each year, the AOC will send out a reminder of the end-of-the-year reporting requirement via district and municipal court administrator listservs. By December 31, the AOC will provide a progress report to every Designee of the programs they have attended during the previous calendar year. After reviewing that progress report, designees must either:

- a) Confirm it as an accurate record of their progress toward compliance with the rule; or
- b) Provide additional information on programs attended with accompanying documentation; and,
- c) File the report with the AOC on or before January 31 each year. If a designee does not respond by January 31, defaults will determine credits.

Based on the official record, the AOC will report the non-compliant to the CEC and the presiding judge of the appropriate court of limited jurisdiction.

2. Three-Year Reporting Periods

Three-year reporting periods are as follows:

a) Group 1 are those designees present as of January 1, 2023, and those who begin service every subsequent third year: 2026, 2029, 2032, 2035, 2038, 2041, 2044, 2047, 2050, etc.;

b) Group 2 are those designees who begin service in 2024, 2027, 2030, 2033, 2036, 2039, 2042, 2045, 2048, 2051, etc.;

c) Group 3 are those designees who begin service in 2025 and every subsequent third year: 2028, 2031, 2034, 2037, 2040, 2043, 2046, 2049, 2052, etc.

The three-year reporting period for each new Designee begins on January 1 or is closest to their appointment.

3. Delinquency

Failure to comply with this rule's requirements may violate the Code of Judicial Conduct.

Section 6: Approval

The Court Education Committee on October 14, 2022 approved these standards by Washington Supreme Court in Court Order **NO. 25700-A-1450**.

Comments or suggestions regarding the standards or revisions can be sent to the Court Education Services unit supervisor at the AOC or the Chair of the CEC.

Approved by the CEC 10/14/2022

Approved by the BJA 11/18/22

[Adopted effective;]

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 23-03-024
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1485
CrRLJ 7.4—ARREST OF JUDGMENT)

Judge Steele, having recommended the suggested amendments to CrRLJ 7.4—Arrest of Judgment, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested 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 in January 2023.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov.

Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of January, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
PROPOSED AMENDMENT TO CrRLJ 7.4 and CrRLJ 7.5

- 1. Mason County District Court
2. George A. Steele (360) 427-9670 Ex. 339
GSteele@masoncountywa.gov
3. To give Courts of Limited Jurisdiction have the same flexibility as Superior Courts, when motions under CrRLJ 7.4 and CrRLJ 7.5 are brought.
4. The Superior Court has the ability to waive the deadlines to file motions under CrR 7.4 and CrR 7.5; Courts of Limited Jurisdiction do not. This can be unfair to defendants who might have meritorious motions for the relief sought under CrRLJ 7.4 and CrRLJ 7.5. I view this suggested rule as a fairly minor adjustment to the current rules. The time frames have also been extended from five days to ten days to match the superior court rule and create a more realistic time period.
5. Is Expedited Consideration Requested? No.
6. Is a Public Hearing Recommended? Probably.

CrRLJ 7.4
ARREST OF JUDGMENT

(a) Arrest of Judgment. Judgment may be arrested on the motion of the defendant for the following causes: (1) lack of jurisdiction of the person or offense; (2) the complaint or citation and notice does not charge a crime; or (3) insufficiency of the proof of a material element of the crime.

(b) Time for Motion; Contents of Motion. A motion for arrest of judgment must be served and filed within 5 10 days after the verdict or decision. The court on application of the defendant or on its own motion may in its discretion extend the time until such time as judgment is entered. The motion for arrest of judgment shall identify the specific reasons in fact and law for each ground on which the motion is based.

(c) New Charges After Arrest of Judgment. When judgment is arrested and there is reasonable ground to believe that the defendant can be convicted of an offense properly charged, the court may order the defendant to be recommitted or released to answer a new complaint or citation and notice. If judgment was arrested because there was no proof of a material element of the crime the defendant shall be discharged.

(d) Rulings on Alternative Motions in Arrest of Judgment or for a New Trial. Whenever a motion in arrest of a judgment and, in the alternative, for a new trial is filed and submitted in any criminal cause tried before a jury, and the court enters an order granting the motion in arrest of judgment, the court shall, at the same time, in the alternative, pass upon and decide in the same order the motion for a new trial. The ruling upon the motion for a new trial shall not become effective unless and until the order granting the motion in arrest of judgment is reversed, vacated, or set aside in the manner provided by law.

[Adopted effective September 1, 1987; Amended effective September 1, 1991.]

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 23-03-025
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1486
CrRLJ 7.5—NEW TRIAL)

Judge Steele, having recommended the suggested amendments to CrRLJ 7.5—New Trial, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested 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 in January 2023.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov.

Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of January, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
PROPOSED AMENDMENT TO CrRLJ 7.4 and CrRLJ 7.5

- 1. Mason County District Court
2. George A. Steele (360) 427-9670 Ex. 339
GSteele@masoncountywa.gov
3. To give Courts of Limited Jurisdiction have the same flexibility as Superior Courts, when motions under CrRLJ 7.4 and CrRLJ 7.5 are brought.
4. The Superior Court has the ability to waive the deadlines to file motions under CrR 7.4 and CrR 7.5; Courts of Limited Jurisdiction do not. This can be unfair to defendants who might have meritorious motions for the relief sought under CrRLJ 7.4 and CrRLJ 7.5. I view this suggested rule as a fairly minor adjustment to the current rules. The time frames have also been extended from five days to ten days to match the superior court rule and create a more realistic time period.
5. Is Expedited Consideration Requested? No.
6. Is a Public Hearing Recommended? Probably.

CrRLJ 7.5
NEW TRIAL

(a) Grounds for New Trial. The court may, on its own motion or on motion of the defendant, grant a new trial for any one of the following causes when it affirmatively appears that a substantial right of the defendant was materially affected: (1) Receipt by the jury of any evidence, paper, document or book not allowed by the court; (2) Misconduct of the prosecution or jury; (3) Newly discovered evidence material for the defendant, which the defendant could not have discovered with reasonable diligence and produced at the trial; (4) Accident or surprise; (5) Irregularity in the proceedings of the court, jury or prosecution, or any order of court, or abuse of discretion, by which the defendant was prevented from having a fair trial; (6) Error of law occurring at the trial and objected to at the time by the defendant; (7) That the verdict or decision is contrary to law and the evidence; (8) That substantial justice has not been done. When the motion is based on matters outside the record, the facts shall be shown by affidavit.

(b) Time for Motion; Contents of Motion. A motion for new trial must be served and filed within 5 10 days after the verdict or decision. The court on application of the defendant or on its own motion may in its discretion extend the time until such time as judgment is entered. The motion for a new trial shall identify the specific reasons in fact and law for each ground on which the motion is based.

(c) Time for Affidavits. When a motion for a new trial is based upon affidavits they shall be served with the motion. The prosecuting authority has 5 10 days after such service within which to serve opposing affidavits. The court may extend the period for submitting affidavits to a time certain for good cause shown or upon stipulation.

(d) Statement of Reasons. In all cases where the court grants a motion for a new trial, it shall, in the order granting the motion, state whether the order is based upon the record or upon facts and circumstances outside the record which cannot be made a part thereof. If the order is based upon the record, the court shall give definite reasons of law and fact for its order. If the order is based upon matters outside the record, the court shall state the facts and circumstances upon which it relied.

[Adopted effective September 1, 1987; Amended effective September 1, 1991.]

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 23-03-026
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1487
RAP 14.3—EXPENSES ALLOWED AS)
COSTS)

The Washington State Court of Appeals Rules Committee, having recommended the suggested amendments to RAP 14.3—Expenses Allowed as Costs, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested 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 in January 2023.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of January, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment
Rules of Appellate Procedure
Rule 14.3 - Expenses Allowed as Costs

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: RAP 14.3 provides for a list of certain allowed costs that a substantially prevailing party on review may recover. This list includes the cost of "preparation of a brief or other original document to be reproduced by the clerk," which is an amount per page fixed by the Supreme Court. The list also includes as cost the lesser of the clerk's charges for reproduction of briefs, petitions, and motions "or the costs incurred by the party reproducing briefs as authorized under rule 10.5(a)," which allows appellate court commissioner or clerk to permit a governmental party to reproduce and directly supply copies of briefs required by the court in lieu of the clerk's reproduction.

In light of the current status of electronic filings, reproduction of briefs or other original documents may not be necessary, and the cost of preparing a brief or other original document as measured by an amount per page appears outdated. The proposed change to RAP

14.3(a) will thus eliminate these costs, while maintaining the cost of the clerk's reproduction charges. Separate proposed changes to RAP 10.5 and RAP 17.4 will make the court's reproduction of briefs and other documents relating to motions discretionary. Additionally, as the court has not utilized the practice of allowing a governmental party to directly supply copies of briefs in lieu of reproduction by the court, a separate proposed change to RAP 10.5 will eliminate this separate practice for a governmental party. Accordingly, the proposed change to RAP 14.3 will also remove the language referring to this practice.

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

RAP 14.3 EXPENSES ALLOWED AS COSTS

(a) Generally. Only statutory attorney fees and the reasonable expenses actually incurred by a party for the following items which were reasonably necessary for review may be awarded to a party as costs: (1) preparation of the original and one copy of the report of proceedings, (2) copies of the clerk's papers, (3) ~~preparation of a brief or other original document to be reproduced by the clerk, as provided in rule 14.3(b),~~ (4) transmittal of the record on review, (4) expenses incurred in superseding the decision of the trial court, but not ordinarily greater than the usual cost of a commercial surety bond, (5) ~~the lesser of the charges of the clerk for reproduction of briefs, petitions, and motions, or the costs incurred by the party reproducing briefs as authorized under rule 10.5(a),~~ (6) the filing fee, and (7) such other sums as provided by statute. If a party has incurred an expense for one of the designated items, the item is presumed to have been reasonably necessary for review, which presumption is rebuttable. The amount paid by a party for the designated item is presumed reasonable, which presumption is rebuttable.

~~(b) Special Rule for Cost of Preparing Brief or Other Original Document. The costs awarded for preparing a brief or other original document is an amount per page fixed from time to time by the Supreme Court. The cost for preparing a brief or other original document will only be awarded for a brief or document which substantially complies with these rules and only for the actual number of pages of the brief or document including the front cover and appendix. If a brief or document is unreasonably long, costs will be awarded only for a reasonable number of pages.~~

~~(b) Special Rule for Indigent Review. An indigent may not recover costs from the State for expenses paid with public funds as provided in Title 15. The clerk or commissioner will claim costs due from other parties which reimburse the State for expenses paid with public funds as provided in Title 15.~~

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 23-03-027
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO RAP) NO. 25700-A-1488
17.4—FILING AND SERVICE OF)
MOTION—ANSWER TO MOTION)

The Washington State Court of Appeals Rules Committee, having recommended the suggested amendment to RAP 17.4—Filing and Service of Motion—Answer to Motion, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2023.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of January, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment

Rules of Appellate Procedure

Rule 17.4—Filing and Service of Motion—Answer to Motion

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: RAP 17.4 provides that appellate court commissioner or clerk "will" reproduce additional copies of all papers relating to motions or answers that may be necessary for the appellate court and charge the appropriate party as provided in RAP 10.5(a), which provides for the clerk's reproduction of briefs and reproduction charges.

In light of the current status of electronic filings, the proposed amendment to the rule will make the commissioner or clerk's reproduction discretionary by changing the word "will" to "may" and will thus eliminate unnecessary copying of paper documents and reproduction charges. A separate proposed change to RAP 10.5(a) will make the clerk's reproduction of briefs discretionary.

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

RAP 17.4 FILING AND SERVICE OF MOTION—ANSWER TO MOTION

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

(1) A motion, and answer, or reply should not exceed the length limitations in RAP 18.17. For compelling reasons, the court may grant a motion to file an over-length motion, answer, or reply.

(2) All papers relating to motions or answers should comply with the formatting requirements of RAP 18.17, provided and original only and no copy should be filed. The appellate court commissioner or clerk ~~will~~ may reproduce additional copies that may be necessary for the appellate court and charge the appropriate party as provided in rule 10.5(a).

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 23-03-028
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO RAP) NO. 25700-A-1489
16.8—PERSONAL RESTRAINT)
PETITION—FILING AND SERVICE)

Attorney Kelly Vomacka, having recommended the suggested amendment to RAP 16.8—Personal Restraint Petition—Filing and Service, and the Court having approved the suggested amendment for publication; Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2023.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of January, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

REQUEST TO AMEND RAP 16.8

Date: September 4, 2022
Proponent: Kelly Vomacka, WSBA #20090
Law Office of Kelly Vomacka
14900 Interurban Ave. S., Suite 271
Tukwila, WA 98168
Spokesperson: Kelly Vomacka
206-856-2500
kelly@vomackalaw.com
Purpose: The purpose of the amendment is to relieve defendants from paying a filing fee if their motion for relief from judgment under CrR 7.8 is transferred from Superior Court to the Court of Appeals. Currently, defendants must pay a filing a fee of \$250 even though they did not file a case in either court and even if they objected to the transfer.
Public Hearing: Not requested.
Expedited Consideration: Not requested.

SUGGESTED RULE

RAP 16.8

PERSONAL RESTRAINT PETITION—FILING AND SERVICE

(a) Filing Fee. A personal restraint petition will be filed by the clerk of the appellate court only if the statutory filing fee is

paid, unless the appellate court determines that the petitioner is indigent or the case is transferred from Superior Court under CrR 7.8. The statute governing payment of a fee for filing a petition for writ of habeas corpus is controlling.

(b) Filing in Court of Appeals. A personal restraint petition filed in the Court of Appeals must be filed in the division that includes the superior court entering the decision on the basis of which petitioner is held in custody or, if petitioner is not being held in custody on the basis of a decision, in the division in which the petitioner is located.

(c) Deficient Petitions. If the clerk of the appellate court determines that a petition submitted does not conform with this rule or with rule 16.7 (a)(1), (3), (4), (5), (6), or (7), the petition should be filed and the clerk will direct the petitioner to correct the deficiency within 60 days.

(d) Service of Petition. If petitioner's restraint is imposed by the state or local government, the clerk of the appellate court will reproduce a copy of the petition and serve the petition on the officer or agency under a duty to respond to the petition. If petitioner's restraint is imposed by a person or agency other than the state or local government, the petitioner must prepare and serve a copy of the petition on the proper respondent.

(e) Amendment of Petition. The appellate court may allow a petition to be amended. All amendments raising new grounds are subject to the time limitation provided in RCW 10.73.090 and 10.73.100.

SUPPLEMENTAL MATERIAL

I. Introduction

A criminal defendant may move the Superior Court for relief from judgment under CrR 7.8, such as to withdraw a guilty plea or to be re-sentenced. In some circumstances, the Superior Court may transfer the motion to the Court of Appeals for consideration as a Personal Restraint Petition. If it does, the defendant then has to pay a filing fee in the Court of Appeals, even though he never filed any case in any court. The filing fee is currently \$250. This amendment would remove the unfair requirement that a party pay a filing fee for a case he did not file.

II. Support

After conviction, defendants' lives go on. Whether they serve a prison sentence or not, they grow older, start families, get jobs, heal from addiction and trauma, and move away from their earlier errors. At the same time, the law itself continues to evolve, sometimes correcting past injustices and making new relief available for previous defendants. In recent years, for example, courts and legislators have changed sentencing laws for juveniles and young adults. *In re Pers. Restraint of Monschke*, 197 Wn.2d 305, 482 P.3d 276 (2021); *State v. Houston-Sconiers*, 188 Wn.2d 1, 391 P.3d 409 (2017); *State v. Bassett*, 192 Wn.2d 67, 428 P.3d 343 (2018); *In re Pers. Restraint of Forcha-Williams*, 18 Wn. App. 2d 167, 490 P.3d 255 (2021). They have abolished drug possession convictions and the offender points that come with them. *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021). They have limited which crimes are "most serious offenses," commonly called "strikes." Laws 2019, ch. 187, sec. 1. They have recognized that defense attorneys must advise their clients of the immigration consequences of guilty pleas. *Padilla v. Kentucky*, 559 U.S. 356, 130 S. Ct. 1473, 176 L.Ed.2d 284 (2010). They have changed the requirements for restitution and other legal financial obligations. Laws 2018, ch. 269;

Laws 2022, ch. 260. And the list goes on. As a result, defendants have many reasons to challenge their convictions and sentences.

Defendants can generally use one of two procedures to seek a new trial or a new sentence. They can file a Personal Restraint Petition (PRP) in the Court of Appeals, or they can file a motion for relief from judgment under CrR 7.8 in Superior Court. In deciding which to file, defendants and their attorneys consider many factors. For example, CrR 7.8 motions are usually decided within a few weeks, and PRPs can take years. CrR 7.8 motions are heard by the same judge who heard the original case, and PRPs go to a panel of appellate judges who have no prior connection to the case. If the motion requires that testimony be taken, the testimony can be taken only in Superior Court. CrR 7.8 motions require less briefing and easier argument than PRPs. Because they are easier, CrR 7.8 motions generally carry lower legal fees. For these reasons and more, deciding which type of procedure to use is often a strategic consideration.

If the defendant files a CrR 7.8 motion, he files it into the original criminal case. If he files a PRP, he must pay a filing fee of \$250 to the Court of Appeals, because he is initiating a new case. RAP 16.8(a); RCW 2.32.070. (Note that RCW 2.32.070 refers to this as a "docket fee," but the court itself refers to it as a "filing fee." See attached letter from the Court of Appeals.)

However, one rule lets the courts treat CrR 7.8 motions differently than all other criminal motions. Under certain conditions, the Superior Court can transfer the CrR 7.8 motion to the Court of Appeals for consideration as a PRP. CrR 7.8 (c)(2). If the case is transferred, the Court of Appeals then has a new case to consider and seeks its usual \$250 filing fee. It cannot seek this fee from the State, because RCW 2.32.070 says, "No fees shall be required to be advanced by the state or any municipal corporation, or any public officer prosecuting or defending [in the appellate courts] on behalf of such state or municipal corporation." Therefore, the court seeks the filing fee from the defendant.

The court seeks the filing fee even though the defendant did not file the case in the Court of Appeals and in fact may have objected to transfer. The defendant also did not file the original criminal case in Superior Court. And yet in order to access the relief that may be available to him—for example, a lawyer who tells him up front that he will lose his green card if he pleads guilty, or a sentence that considers the particular qualities of youth, or that is not based on a void law—he must pay \$250. If the defendant is indigent or incarcerated, the fee can be waived. RAP 16.8(a); RCW 4.24.430. But if he is not indigent—if he is living his life, raising his family, working his job, all many years after conviction—then he must pay.

Other kinds of cases can be transferred from Superior Court to the Court of Appeals, with no filing fee. If a party in an administrative or land-use proceeding appeals to Superior Court, the Superior Court can transfer the case to the Court of Appeals as a direct appeal. In both of those situations, the filing fee is waived. RCW 34.05.518 (administrative); RCW 36.18.018(2) (land use).

The proponent of the amendment is an attorney whose practice includes post-conviction relief, often for immigrants. Her clients are almost never incarcerated or indigent and are seeking relief from conviction many years—sometimes decades—after conviction. Two of her clients have been required to pay the fee. For the second client, counsel moved the Court of Appeals to waive the fee, which it declined

to do. Counsel then moved to modify that ruling, which the court also declined to do. Counsel believes the only way to relieve defendants from paying the fee is to amend RAP 16.8.

A defendant should not have to pay a filing fee for a case he never filed. He should not have to pay a fee for a transfer he neither sought nor agreed to, and that he might have resisted. Although many defendants are indigent and eligible for a waiver, the fee lands on people who have been rehabilitated, who are stable and have left their past behind them, who are not indigent but are seeking relief they never should have been denied in the first place. To require them to also pay a filing fee for a case they did not file is unfair.

III. Conclusion

RAP 16.8(a) should be amended to relieve defendants from paying a filing fee for a case they never filed.

WSR 23-03-029
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1490
RPC 1.15A AND ELC 15.7 AND NEW)
COMMENT TO RPC 1.15B)

The Legal Foundation of Washington, having recommended the suggested amendments to RPC 1.15A and ELC 15.7 and new comment to RPC 1.15B, and the Court having approved the suggested amendments and new comment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments and new comment 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 in January 2023.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of January, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

General Rule 9 Cover Sheet

Suggested Amendments to RPC 1.15A and ELC 15.7 and Add Comment to RPC 1.15B

Proponent: Legal Foundation of Washington (LFW)

Spokesperson: Caitlin Davis, Executive Director, Legal Foundation of Washington

Purpose: The purpose of the suggested amendments to RPC 1.15A and ELC 15.7 and a new related Comment to RPC 1.15B is to instruct lawyers on how to handle unidentified property in their trust accounts and requiring transmission of unidentified property in lawyers' client trust accounts to the Legal Foundation of Washington.

The suggested amendments to RPC 1.15A to add two new sections (k) and (l) will expressly require unidentified funds held in client trust accounts to be remitted to the Legal Foundation. Suggested new section (l) expressly defines "unidentified funds" as amounts accumulated in a trust account that cannot be documented as belonging to a client, third person, or lawyer or law firm.

Suggested section (k) would require a lawyer to take periodic and diligent steps to identify the owner of unidentified funds in their

client trust account. If after a period of twelve months, the lawyer is unable to identify the owner, the lawyer must promptly remit the funds to LFW. The rule provides a safe harbor for the lawyer's exercise of reasonable judgment in good faith about whether to remit the funds, even if in error. The suggested rule further requires the lawyer to re-claim the funds from LFW if the owner subsequently becomes known.

The suggested amendment to Comment [6] adds unidentified funds to the general guidance provided by Comment [6]. It reiterates the twelve month time frame of suggested section (k) and vests LFW with responsibility to verify ownership of claimed funds. The suggested Comment further clarifies that a lawyer's duties terminate upon remittance of the funds to the Legal Foundation, unless the lawyer subsequently discovers an error or learns the identity of the client or third person to which the funds belong.

The suggested Comment also reiterates the lawyer's obligation to maintain current and accurate records of client funds, and notifies that compliance with suggested RPC 1.15A(k) is not a defense to a charge of recordkeeping violations under the Rule. The lawyer must also keep records of funds remitted to the Legal Foundation or any submission of a claim for return of funds.

Finally, suggested ELC 15.7(f) is addressed to the Legal Foundation and establishes the obligation of the Legal Foundation to treat attorney-client and other confidential client information as privileged and confidential and to maintain confidentiality of client information. It further requires the Legal Foundation to establish procedures to implement the remittance and claims process and to appropriately inform the public and bar through publishing those procedures.

The underlying goal of the suggested amendments is to increase resources for activities that provide access to justice for low-income persons in Washington. The suggested amendments are necessary to fill a gap in definitions and instructions on how to handle trust account funds that cannot be distributed to or claimed by a rightful owner because the owner is unknown and cannot be identified. The suggested amendments will, if adopted, authorize the Legal Foundation of Washington (LFW or Legal Foundation) to capture unidentified funds in client trust accounts and to use them in accordance with the purposes for which the LFW was established. Further explanation of the rationale for the suggested amendments and related Comment and how the suggested amendments will resolve gaps in existing statutes and rules is set out below.

Hearing: The proponent believes that a hearing is unnecessary. However, the proponent also believes that a period of comment is appropriate to ensure that potential competing interests are known and resolved by the Court prior to adopting the suggested rules. Even though the governance and authority over lawyers' client trust accounts in Washington is solely within the province of the Supreme Court, the Washington Department of Revenue has expressed competing interests in the suggested changes. The Department of Revenue currently receives distributions of client trust account funds when the owner is unidentified. Should the Court adopt the suggested rules to require lawyers to distribute unidentified client trust account funds to LFW, the funds will no longer go to the Department of Revenue or to the State. Although the LFW disagrees with this interpretation, the Department of Revenue has asserted that the Unclaimed Property Act (RCW 63.29, *et. seq.*) includes unidentified property within the definition

of "unclaimed property" and that unidentified property must therefore be delivered to the Department as "abandoned property." The proponent has the better interpretation under the law.

Expedited Consideration: Notwithstanding the schedule for consideration of rules set out in GR 9(i), the proponents ask for expedited consideration and allow unidentified client trust funds to begin flowing into LFW for immediate use in grants that support access to justice in Washington. However, the proponents support a reasonable period for comment.

Discussion:

Over the last five years, Interest on Lawyer Trust Account (IOLTA) programs in several states (Pennsylvania, Texas, Louisiana, Vermont, Oregon, Oklahoma, Arkansas and Illinois) have benefitted from amended court rules and/or legislation that include changes regarding unidentified property in lawyers' client trust accounts. These changes have proven to be a new source of revenue for civil legal aid, as well as a tool that helps lawyers properly dispose of unidentified funds in their trust accounts. The proponents seek to add provisions to RPC 1.15A and ELC 17.7, and add a related Comment to RPC 1.15B, to include instructions on how lawyers must handle unidentified property in their trust accounts.

Unidentified vs Unclaimed Property:

- Unidentified property is funds or assets that cannot be traced to a specific owner.
- Unclaimed property is funds or assets that can be traced to a specific owner who cannot be located or who has affirmatively abandoned the property by failure to claim it.

See discussion of Illinois RPC 1.15 (amended 2015) pertaining to Lawyers Trust Fund of Illinois at [Unidentified Funds Information for Financial Institutions | The Lawyers Trust Fund of Illinois \(ltf.org\)](http://www.ltf.org)

Currently in Washington State, under RCW 63.29.190, all unclaimed "abandoned" property must be turned over to the State Department of Revenue after a period of due diligence in which the holder of the property attempts to locate the owner. Washington law is silent on how unidentified property should be disposed of.

The current version of Washington RPC 1.15A(i) contemplates that client trust account funds must be placed in an interest-bearing account, and if the funds will not produce a positive net return to the client or third persons, they must be placed in a pooled interest bearing account for which the pooled interest is paid to the Legal Foundation of Washington to administer in accordance with ELC 15.4 and 15.7(e). RPC 1.15B sets out the recordkeeping requirements that lawyers must establish and adhere to for client trust funds, all of which assume the clients or third persons for whom the funds are received are identified and that transactions related to the funds are clearly documented. However, notwithstanding the bar's substantial compliance, best intentions, practices, and good faith, there are many circumstances in which unidentified property in client trust accounts is discovered. These include the death of a lawyer, the dissolution of a law firm, the merger of law offices or law firms, retirement, and other situations in which records are lost or become obsolete, or were not maintained consistent with the rules. The proposed rule changes would ensure that these unidentified funds are directed to the Legal Foundation of Washington consistent with the purposes of the IOLTA program.

Experiences in Other States

Virtually every state in the country has some version of the IOLTA rules similar to Washington's. In the past few years, several states have amended their IOLTA rules to expressly include unidentified property within their IOLTA mandates. While some states include both unidentified and "unclaimed" property, due to the requirements of the Washington Unclaimed Property Act (repealed and re-enacted as the Revised Uniform Unclaimed Property Act, Ch 225, Laws 2022, eff. January 1, 2023), the suggested amendments are limited to "unidentified property" in client trust accounts.

The most comparable relevant experiences with implementation related only to unidentified property are presented by Illinois and Louisiana.

- **Illinois:** In March 2015, the Illinois Supreme Court adopted amendments to its IOLTA rule to direct unidentified property to the Lawyers Trust Fund of Illinois (the state's IOLTA program). The Court was persuaded that the rule change would be a law-of-office-management tool to provide clearer guidance on how lawyers could dispose of unidentified funds in their trust accounts, as well as providing a new revenue source for civil legal aid. In the first two years of the rule amendment, \$1,007,000 was generated. Washington is similar to Illinois in that the practice of law is under the supervision of the state Supreme Court and participation in the IOLTA program is mandatory for all lawyers who handle client funds. See Illinois RPC 1.15(i) at [Illinois Rule of Professional Conduct 1.15 | The Lawyers Trust Fund of Illinois \(lrf.org\)](#) and [040715.pdf \(windows.net\)](#)
- **Louisiana:** On March 23, 2016, the Louisiana Supreme Court amended Louisiana Rule of Professional Conduct 1.15 instructing lawyers and law firms on how to handle unidentified funds accumulated in their IOLTA accounts. The Louisiana rule directs lawyers who discover unidentified funds to remit those funds to the Louisiana Bar Foundation. The rule defines "unidentified funds" as funds in an IOLTA account for at least one year that after reasonable due diligence cannot be documented as belonging to a client, a third person or the lawyer or law firm. See LA RPC 1.15(h) and Supreme Court Order of Nov. 27, 2018 at [file \(raisingthebar.org\)](#)

Rationale for Proposed Rules in Washington

The Legal Foundation of Washington was established by the Washington Supreme Court over thirty-five years ago to administer the IOLTA program and other available funds to provide increased resources for civil legal aid. The Legal Foundation has long and deep experience of working with lawyers, financial institutions and the WSBA on issues related to IOLTA accounts and on reporting the use of those funds. It is and has been the policy of the Legal Foundation that whenever funds may have been in good faith, but mistakenly, directed to it, the Legal Foundation refunds the monies claimed. The Legal Foundation anticipates doing nothing less with respect to client trust funds for which the rightful owner is not able to be identified.

Amending RPC 1.15A and ELC 15.7 and adding the suggested Comment to RPC 1.15B to transfer unidentified property in client trust accounts to the management of the Legal Foundation of Washington is a reasonable and easy clarification. The Legal Foundation has simple remittance and refund procedures that could easily be expanded to include unidentified property in lawyer trust accounts.

Legal Framework Underlying Proposed Rules

RCW 63.29 codifies Washington's Unclaimed Property Act.¹ RCW 63.29.010(1) sets out the general rule for the treatment of "unclaimed" property as follows:

¹ Effective January 1, 2023, Title 63 RCW will be repealed and replaced in toto by Engrossed Substitute Senate Bill 5531, Ch 225, Laws 2022. The new Revised Uniform Unclaimed Property Act is to be codified in a new chapter in Title 63 RCW. See Ch 225, Laws 2022, Section 1506. Importantly, the substantive provisions related to this discussion and the suggested rule and Comment are effectively unchanged.

Except as otherwise provided by this chapter, all intangible property, including any income or increment derived therefrom, less any lawful charges, that is held, issued, or owing in the ordinary course of the holder's business and has remained *unclaimed by the owner* for more than three years after it became payable or distributable is presumed abandoned.

(Emphasis added.) The basic requirement for intangible property (e.g., money or other non-tangible assets) to be deemed presumptively abandoned is that a specific and identifiable owner of the property has not sought to claim it for more than three years.

Current RCW 63.29.030 sets out the general rules for taking custody of intangible, unclaimed property. It provides, in relevant part, that "[u]nless otherwise provided in this chapter or by other statute of this state, intangible property is subject to the custody of this state as unclaimed property *if the conditions raising a presumption of abandonment* under RCW 63.29.020 and 63.29.050 through 63.29.160 are satisfied" and the last known address, as shown on the records of the holder, of the apparent owner or person entitled to the property is in Washington state. (Emphasis added.) This is true even if the "the records of the holder do not reflect the identity of the person entitled to the property" so long as it is established that the "last known address of the person entitled to the property is in this state; ..."

There is no specific reference to or definition of "unidentified property" in the Act. In the new Revised Uniform Unclaimed Property Act, the focus on the apparent owner of property is stronger and the language makes it even clearer that the lack of an identifying record of the apparent owner does not make the abandoned property "unidentified". See below discussion of Section 302, Ch 255, Laws 2022, effective January 1, 2023.

RCW 63.29.070 specifically governs bank deposits in financial institutions, including interest, and, such funds are presumed abandoned unless the owner communicates with the financial institution in writing or otherwise indicates an interest in the funds within three years after receiving notice of the funds. Similarly, intangible property or interest derived therefrom "held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner, within three years after it has become payable or distributable, has increased or decreased the principal, accepted payment of principal or income, communicated concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by the fiduciary." RCW 63.29.120(1). Again, the statutes refer specifically to *the owner* or *apparent owner* of the property, and make no provision for circumstances in which the owner is unknown or unidentifiable. This is similarly true for property held by courts and public agencies. See RCW 63.29.130.

The Department of Revenue has notified the Washington State Bar Association of its belief that "unclaimed" property includes "unidentified" property. However, the Department's analysis relies on a strained reading of the statute that governs the reporting requirement for holders of abandoned property, without regard to the actual definition of abandoned property or notice requirements. RCW 63.29.170 de-

scribes the contents for the required report of presumed abandoned property by the holder. RCW 63.29.170 subsection (2) (a) reads:

The report must be verified and must include:

(a) Except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of property with a value of more than fifty dollars presumed abandoned under this chapter;

The Department asserts that the phrase "the name, if known" is a clear statutory statement that unclaimed property may include property for which the apparent owner is unknown. However, the Department ignores the definition of "abandoned property" - the only property governed by the Unclaimed Property Act (and as Revised) and the only property that can be claimed by the State. "Abandoned property" by definition is "property that has remained unclaimed by the owner for more than three years after it became payable or distributable ..." RCW 63.29.020(1). See also, Section 201(14) of Revised Uniform Unclaimed Property Act, Ch 225, Laws 2022, eff. January 1, 2023.

The fact that the owner must be known or traceable, with or without an identifiable last known address, before property can be deemed abandoned under the Act, is necessary because of the Notice and Publication requirements under RCW 63.29.180. The property cannot be claimed by the Department until after the apparent owner receives notice of the potential claim to property contained in the holder's required report, either through direct mail "to each person whose last known address is listed in the report and who appears to be entitled to property with the value of more than seventy-five dollars" (RCW 63.29.180(3)), or by publication "in the printed or on-line version of a newspaper of general circulation within this state, which the department determines is most likely to give notice to the apparent owner of the property." RCW 63.29.180(1). Absent notice and opportunity for the owner to claim reported abandoned property, the Department cannot proceed to claim the property for the State. See Section 501, et. seq. of Revised Uniform Unclaimed Property Act, Ch 255, Laws 2022, eff. January 1, 2022 re revised notice requirements.

New Section 302 of Ch. 225, Laws 2022, effective January 1, 2023 provides expressly for the situation in which the holder's records do not reflect the identity of the apparent owner. In such a case, the new section provides as follows:

NEW SECTION. Sec. 302. ADDRESS OF APPARENT OWNER IN THIS STATE. The administrator may take custody of property that is presumed abandoned, whether located in this state, another state, or a foreign country if:

- (1) The last known address of the apparent owner in the records of the holder is in this state; or
- (2) The records of the holder do not reflect the identity or last known address of the apparent owner, but the administrator has determined that the last known address of the apparent owner is in this state.

Under new section 302, the property is presumed abandoned only when the apparent owner is either known because their identity is in the records of the holder or neither the identity of the apparent owner nor their last known address is in the record but the "administrator [i.e. the Department of Revenue] has determined that the apparent owner's last known address is in the state. There is no way for either the holder or the Department of Revenue to notify or have a last known address for an owner or apparent owner who is not identifiable. The new Revised Unclaimed Property Act, like the existing one, makes no

reference whatsoever to property for which the owner or apparent owner is unknown and unidentifiable from the holder's records. Thus, the Department and the state have no lawful claim to take custody of such property.

The whole statutory scheme assumes the identity of the owner of property subject to the Act is either known or is potentially locatable through a last known address. The Act does not address or govern property, for which the owner is unidentifiable, and thus, no notice can be given either by direct mail or publication, and no apparent failure to claim the property can be attributed. In such cases, the property simply is not abandoned. Much like the interest on small, short-term deposits in client trust accounts that cannot be reasonably apportioned among individual clients, and/or would not produce a positive net return on their own, funds not assignable to a specific identifiable client or third person should be remitted to the Legal Foundation. The Legal Foundation's desire that such funds are used to provide access to justice is not inconsistent with any statute or rule and is wholly consistent with LFW's mission and stated purposes as established by this Court. The Suggested Rule changes and Comment will effectuate those purposes.

Suggested Amendments to RPC 1.15A and Comment [6]

New subsections (k) and (l) to RPC 1.15A

(k) If a lawyer knows of the existence of unidentified funds in a trust account established under this Rule, the lawyer must take periodic and reasonably diligent steps to identify the person entitled to receive the funds and return the funds to that person. If, after learning of the existence of unidentified funds, the lawyer is unable to ascertain the identity of the person entitled to receive the funds, after a period of twelve months the lawyer must promptly remit the funds to the Legal Foundation of Washington. A lawyer's reasonable judgment, made in good faith, about whether to remit the funds to the Legal Foundation of Washington, does not constitute a violation of this paragraph, even if subsequently determined to have been erroneous. If unidentified funds subject to this paragraph are remitted in error or if the person entitled to receive the funds is subsequently ascertained, the lawyer shall submit a claim to the Legal Foundation of Washington, unless the person entitled to receive the funds has already done so. After verification of the claim, the Legal Foundation of Washington will return the funds.

(l) "Unidentified funds" are amounts accumulated in a trust account that cannot be documented as belonging to a client, a third person, or the lawyer or law firm.

Amendment to Comment [6] to RPC 1.15A

[6] If a lawyer is holding fund or property for an identifiable client or third person, the lawyer has a duty to take reasonable steps to locate the client or third person for whom the lawyer is holding funds or property. If after taking reasonable steps, the lawyer is still unable to locate the client or third person, the lawyer should treat the funds as unclaimed property under the Uniform Unclaimed Property Act, RCW 63.29. If, after twelve months of reasonably diligent effort, the lawyer cannot identify the client or third person entitled to receive funds held in a trust account, the lawyer must promptly remit the funds to the Legal Foundation of Washington. Verification of the ownership of remitted funds under paragraph (k) of this Rule, as well as the processes under which claims are submitted and decided, is reserved solely to the Legal Foundation of Washington.

The Legal Foundation of Washington may also consider claims submitted by the lawyer, lawyer's client, lawyer's former client, or a third party seeking a return of funds from the Legal Foundation of Washington, provided the claimant can verify the claim of entitlement to receive the funds remitted by a lawyer. A lawyer's duty concerning unidentified funds terminates on remittance of the funds to the Legal Foundation of Washington, except that if it is determined that funds were remitted in error or if the person entitled to receive the funds is subsequently ascertained, the lawyer shall take reasonably prompt and practicable steps to assure that the funds are returned to the lawyer or directly to the person entitled to receive them, which may include submission of a claim to the Legal Foundation of Washington or assistance in the verification of such a claim. Paragraph (k) of this Rule shall also apply to the actions of a custodian appointed under Rule 7.7 of the Rules for Enforcement of Lawyer Conduct.

Suggested New Section to RPC 1.15B

[4] This Rule requires a lawyer to maintain current and accurate records that identify the client and matter for which trust funds were received, disbursed or transferred, the payor or payee, as well as other information set forth in the Rule. Rule 1.15B(a). If there are unidentified funds in a lawyer's trust account, the lawyer is required to comply with Rule 1.15A(k), but remittance of the unidentified funds to the Legal Foundation of Washington is not a defense to a charge of recordkeeping violations under this Rule. If a lawyer remits funds to, or submits a claim for return of funds to, the Legal Foundation of Washington under Rule 1.15A(k), records relating to the remittance or claim are subject to the recordkeeping requirements of this Rule.

Suggested New Section to ELC 15.7

(f) Duties Governing Unidentified Funds. As the recipient of unidentified funds under the authority of RPC 1.15A(k), the Legal Foundation is governed by the provisions set forth in this section. (1) Privileged Information. The Legal Foundation receives and holds attorney-client privileged and other confidential client information under and in furtherance of the Supreme Court's authority to regulate the practice of law. Disclosure of information to the Legal Foundation is not prohibited by RPC 1.6 or 1.9, and such disclosure does not waive any attorney-client privilege. If a lawyer or a claimant identifies specific information that is privileged or confidential and requests that it be treated as confidential, the Legal Foundation must maintain the confidentiality of information the information provided. (2) Procedures. The Legal Foundation must promulgate procedures to implement the remittance and claim processes governed by RPC 1.15A(k) and ensure compliance with section (1) of this rule. The Legal Foundation shall publish those procedures, along with sufficient information to adequately inform the public and members of the Association about the process of remitting unidentified funds and submitting claims for return of funds.

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 23-03-030
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

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 [23-04](#) issue of the Register.

WSR 23-03-031
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1492
GENERAL RULES (GR) 1, 12.4, AND)
24)

The Washington State Bar Association, having recommended the suggested amendments to General Rules (GR) 1, 12.4, and 24, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested 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 in January 2023.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of January, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET
Suggested Amendments
GENERAL RULES (GR)
Rules 1, 12.4, 24

Submitted by the Washington State Bar Association

A. Name of Proponent:

Washington State Bar Association
Daniel D. Clark, President
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

B. Spokesperson:

Robert W. Henry, Associate Director for Regulatory Services
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539
roberth@wsba.org • 206-727-8227

C. Purpose:

The primary purposes of the suggested amendments to the General Rules (GR) are to update the classification of the rules of general application, formally adopt and remove temporary status of the Rules for Enforcement of Limited License Legal Technician Conduct (ELLLTC), and to update rule citations as needed due to prior rule amendments.

The suggested amendments were presented at the September 2022 WSBA Board of Governors meeting where the Board of Governors voted unanimously to approve the suggested amendments and to submit them to the Washington Supreme Court.

Formal Adoption of LLLT Disciplinary Procedural Rules

The Rules for Enforcement of Limited License Legal Technician Conduct (ELLLTC) were implemented as an interim solution until new disciplinary procedural rules could be drafted for either LLLTs only or all licensed legal professionals combined. The ELLLTC are not published on the Court's website as they are currently classified as a temporary solution. As there are now no plans to draft new disciplinary procedural rules for LLLTs to replace the ELLLTC, the ELLLTC should be formally adopted and published for clarity and transparency and to promote consistency with the other disciplinary procedural rules (i.e., ELC and ELPOC). See Attachment No. 1 for the Court's order approving the interim adoption of the ELLLTC.

GR 1 Part I: Listing New Bodies of Rules in Rules of General Application.

GR 1 provides the classification system for court rules. Part I of GR 1 lists the bodies of rules included in the Rules of General Application. The suggested amendments to GR 1 Part I, would add to the Rules of General Application, the following bodies of rules:

- Limited Practice Officer Rules of Professional Conduct LPORPC
- Limited License Legal Technician Rules of Professional Conduct LLLT RPC
- Rules for Enforcement of Limited Practice Officer Conduct ELPOC
- Rules for Enforcement of Limited License Legal Technician Conduct ELLLTC

Currently, these bodies of rules are under APR 12, in the cases of the LPORPC and ELPOC, or, under APR 28 in the case of the LLLT RPC. As discussed above, the Court is not publishing the ELLLTC.

Updating GR 12.4 and 24.

The remaining suggested amendments to the GR correct and update rule citations which are needed due to prior rule amendments.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

F. Supporting Material:

1. Order Approving Interim Adoption of ELLLTC, Dated January 17, 2016 [NOTE: This document could not be reproduced by Rules Committee Staff and is available upon request.]

WSR 23-03-032
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO) NO. 25700-A-1493
LIMITED PRACTICE OFFICER)
RULES OF PROFESSIONAL)
CONDUCT (LPORPC) RULE 1.12—)
SAFEGUARDING PROPERTY)

The Washington State Bar Association, having recommended the suggested amendment to Limited Practice Officer Rules of Professional Conduct (LPORPC) Rule 1.12—Safeguarding Property, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2023.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of January, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments

LIMITED PRACTICE OFFICER RULES OF PROFESSIONAL CONDUCT (LPORPC)

Rule 1.12A (h) (5)

Submitted by the Washington State Bar Association

A. Name of Proponent:

Washington State Bar Association
Daniel D. Clark, President
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

B. Spokesperson:

Robert W. Henry, Associate Director for Regulatory Services
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539
roberth@wsba.org • 206-727-8227

C. Purpose:

The primary purpose of the suggested amendments to the Limited Practice Officer Rules of Professional Conduct (LPORPC) is to update the term "bank transfer" to "electronic transfer". Not only does this incorporate modern terminology into the rule, but it is consistent

with the lawyer Rules of Professional Conduct (RPC) and the Limited License Legal Technician Rules of Professional Conduct (LLLT RPC). See RPC 1.15A (h) (5) and LLLT RPC 1.15A (h) (5).

The suggested amendments were presented at the September 2022 WSBA Board of Governors meeting where the Board of Governors voted unanimously to approve the suggested amendments and to submit them to the Washington Supreme Court.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

F. Supporting Material: None.

SUGGESTED AMENDMENTS TO THE
LIMITED PRACTICE OFFICER RULES OF PROFESSIONAL CONDUCT (LPORPC)

LPORPC 1.12A SAFEGUARDING PROPERTY

(a) - (g) Unchanged.

(h) An LPO or Closing Firm must comply with the following for all trust accounts:

(1) - (4) Unchanged.

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

(6) - (8) Unchanged.

WSR 23-03-033
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

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 [23-04](#) issue of the Register.

WSR 23-03-034
RULES OF COURT
STATE SUPREME COURT
[January 5, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1495
APR 28 AND THE APPENDIX APR 28)
REGULATIONS)

The Limited License Legal Technician Board, having recommended the suggested amendments to APR 28 and the Appendix APR 28 Regulations, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested 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 in January 2023.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of January, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments to

ADMISSION AND PRACTICE RULES

RULE 28 AND THE APPENDIX APR 28 REGULATIONS

Submitted by the Limited License Legal Technician Board

A. Name of Proponent:

Limited License Legal Technician (LLLT) Board
Staff Liaison/Contact:
Jonathan Burke, Innovative Licensing Programs Manager
Washington State Bar Association (WSBA)
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539 (Phone: 206-733-5916)

B. Spokespersons:

Stephen Crossland
Chair of the LLLT Board
PO Box 566
Cashmere, WA 98815-0566 (Phone: 509 782-4418)

Nancy Ivarinen
Vice Chair of the LLLT Board
1504 Broadway St.

Bellingham, WA 98225-3038 (Phone: 360-527-3525)

C. Purposes:

SUMMARY OF PURPOSES

In general, the four primary purposes of the suggested amendments to Admission and Practice Rule (APR) 28 the APR 28 Appendix of Regulations (Reg.) are to (1) reflect changes to the Limited License Legal Technician (LLLT) Program following the entry of the Washington State Supreme Court's (Court's) July 1, 2021, order to sunset the LLLT Program (Sunset Order); (2) remove provisions in the APR that became moot following the Sunset Order and clarify the role of the LLLT Board following the Sunset Order; (3) update and clarify provisions in APR 28 relating to "nonparental and third party custody" due to recent changes in the law; and (4) clarify a LLLT's authority to accompany clients to pretrial conferences and settlement conferences. A more specific list of the purposes of the suggested amendments are as follows:

1. To reduce the LLLT Board from 15 to 11 members and to update the LLLT Board duties in APR 28C to reflect the evolution of the LLLT Program following the Sunset Order.
 2. To delete responsibilities of the LLLT Board set forth in APR 28C(2) that have become moot because of the Sunset Order.
 3. To amend and update APR 28C(2) to more fully and accurately describe the duties and powers of the LLLT Board following the Sunset Order, including duties to process and administer LLLT disciplinary grievances, approve standard forms for LLLTs, propose rules for governing LLLTs, and establish committees to carry out the LLLT Board's proposed new powers to provide continuing legal education to LLLTs, assess changes in the law that affect a LLLT's scope of practice, and collaborate with other boards and entities regarding the delivery of law related services.
 4. To add a provision to APR 28 that accurately acknowledges and describes the LLLT Board's power and authority to adopt regulations provided that the proposed regulations are approved by the Court. See suggested APR 28P.
 5. To update the provisions in the APR 28 Regulations by deleting references to "nonparental and third party custody" because the Washington state legislature repealed the underlying statutes for "nonparental and third party custody." See suggested amendments to APR 28 Reg. 2B.1.(i), APR 28 Reg. 2B.2.(h)vi, and suggested APR 28 Reg. 2B.3.(b)ix.
 6. To replace the references in APR 28 Reg 2B to "nonparental and third party custody" with references to the guardianship proceedings for the statute that replaced the repealed statutes for "nonparental and third party custody." See suggested amendments to APR 28 Reg. 2B.1.(i) and suggested APR Reg. 2B.2.(h)ix.
 7. To clarify and describe the scope of practice for LLLTs in connection with pretrial calendar proceedings. See suggested amendments to APR 28 Reg 2B.2.(h)viii.
 8. To clarify that LLLTs may accompany their clients in settlement conference proceedings. See suggested APR 28 Reg. 2B.2.(h)x.
- The LLLT Board's suggested amendments seek to clarify, not expand, the prior authority granted by this Court to the LLLT Board and LLLTs.

BACKGROUND AND EXPLANATION OF PROPOSED AMENDMENTS:

A. COURT ENTERS ORDER SUNSETTING LLLT PROGRAM

On July 1, 2021, the Court entered an order sunseting the LLLT Program, effective July 31, 2022. After July 31, 2023, the Washington State Bar Association (WSBA) will no longer be admitting LLLTs.¹ Consequently, the LLLT Board will no longer be involved in preparing and grading LLLT examinations or reviewing additional areas of practice for LLLTs. There are currently 75 active LLLTs in Washington.

¹ On June 9, 2022, the Court entered an order extending by one year the deadline for LLLT applicants who passed the LLLT examination to complete the pre-admission requirements in APR 5 (e)(2). The Court's order did not authorize WSBA or the LLLT Board to administer additional LLLT examinations.

B. PROPOSALS TO CHANGE LLLT BOARD'S SIZE AND COMPOSITION AND UPDATE THE LIST OF THE LLLT BOARD'S DUTIES

APR 28C(1) provides for the establishment of a LLLT Board that is comprised of 15 members. APR 28C(1) requires the composition of the LLLT Board to include a legal educator and one ex officio member who is a representative of the Washington State Board of Community and Technical Colleges. The Sunset Order eliminates the need for educators on the LLLT Board because it will no longer be involved in education requirements for licensing LLLTs and licensing exams for LLLTs. The final LLLT examination was administered on May 3-4, 2022.

APR 28C(2) lists six responsibilities of the LLLT Board. The Sunset Order has effectively made moot the following four of the six listed responsibilities in APR 28C(2):

- "Recommending practice areas for LLLTs subject to approval by the Supreme Court." APR 28C (2) (a);
- "Working with the Bar ... to select, create, maintain, and grade the examinations required under this rule ..." APR 28C (2) (b);
- "Approving education and experience requirements for licensure in approved practice areas." APR 28C (2) (c); and
- "Establishing and maintaining criteria for approval of educational programs that offer LLLT core curriculum." APR 28C (2) (e).

The LLLT Board's suggested amendments to APR 28 seek to remove these four responsibilities from APR 28C(2) because they have been effectively eliminated by the Sunset Order. The suggested amendments also delete the provision making WSBA responsible for notices and filings "including applications for admission as a LLLT" in APR 28C(4) because this responsibility is also now moot for the same reason.

The Sunset Order has effectively changed the focus of the LLLT Board from developing the LLLT Program and licensing LLLTs to improving and sustaining the current LLLT Program. The suggested amendments refer to the LLLT Board's "duties and powers" instead of "responsibilities." APR 28C(2). This suggested change makes the terminology in APR 28 consistent with the terminology contained in the rules governing the Limited Practice Board. See APR 12 (b) (2). Following the Sunset Order, the LLLT Board's duties and powers now focus on administering LLLT disciplinary complaints; developing forms for LLLT practice; improving the LLLT Program by proposing amendments to APR 28, the LLLT Rules of Professional Conduct (LLLT RPC), and procedural rules for LLLT disciplinary matters (ELLLTC); and overseeing committees to carry out the LLLT Board's duties to the LLLT Program.

The LLLT Board's suggested amendments seek to clarify and more accurately reflect its evolved role to sustain and improve the LLLT Program by adding the following duties and powers in APR 28C(2):

- Administering grievances and discipline. APR 28C (2) (a);
- Approving standard LLLT forms. APR 28C (2) (b);
- Proposing amendments to LLLT rules. APR 28C (2) (c);

- Overseeing the provision of continuing legal education to LLLTs. APR 28C (2)(d)i;
- Overseeing the assessment of changes in the law that affect the practice of LLLTs. APR 28C (2)(d)ii; and
- Overseeing collaborations with other boards and entities regarding the delivery of law related services. APR 28C (2)(d)iii.

The suggested amendments do not expand the current authority of the LLLT Board. Rather, the suggested amendments reflect the tasks currently performed by the LLLT Board to sustain the LLLT Program. For example, the Rules for Enforcement of Limited License Legal Technician Conduct (ELLLTC), including but not limited to ELLLTC 2.3, 2.4, 5.3, and 6.9, currently establish the authority of the LLLT Board and LLLT Disciplinary Committee to administer grievances and discipline. APR 28F(6) implies that the LLLT Board has authority to approve standard forms as it provides that LLLTs may provide legal assistance to a *pro se* client, including to "select, complete, file, and effect service of ... forms approved by the LLLT Board." APR 28C (2)(c).

APR 28C(3) currently provides the LLLT Board with the responsibility to propose rules, regulations, and amendments to APR 28 and other court rules:

Rules and Regulations. The LLLT Board shall propose rules, regulations and amendments to these rules and regulations, to implement and carry out the provisions of this rule, for adoption by the Supreme Court.

The other suggested amendments include tasks that could or would fit under the current catchall provision in APR 28C (2)(f) that the Board is responsible for "[s]uch other activities and functions as are expressly provided for in this rule." The LLLT Board's suggested amendments recommend deleting the catchall provision and replacing it with more specific provisions stated above to avoid confusion.

The evolution of LLLT Board duties makes the current size and composition of the Board in APR 28C(2) superfluous for several reasons. First, the Sunset Order effectively eliminated all educational programs needed for qualifying for a LLLT license and, therefore, the need for educators on the LLLT Board. Second, the evolution of the LLLT Board duties from the development of the LLLT Program to sustaining the LLLT Program makes the need for 15 Board members unnecessary.

The description of the LLLT Board's duties and powers in the suggested amendments is sufficient that there is no longer a need for the catchall provision in APR 28C (2)(f) for "[s]uch other activities and functions as are expressly provided for in this rule." Consequently, the suggested amendments delete the catchall provision.

A 15-member LLLT Board is not practical given the small pool of LLLTs in the state (currently 75 active LLLTs) and the scaled back duties of the LLLT Board. Other similarly situated Supreme Court Boards have less members. For example, the Limited Practice Board, which has over 800 active members, is comprised of nine members. APR 12 (b)(1). For these reasons, the LLLT Board's suggested amendment to APR 28C(1) reduces the LLLT Board from 15 to 11 members and propose that the LLLT Board be composed of at least four active lawyers, three active LLLTs, and two members who are not licensed to practice law. The LLLT Board's specific proposed amendments in APR 28C(1) regarding the size and composition of the board are contained in the attached redlined version of the proposed amendments.

C. SUGGESTED AMENDMENT FOR LLLT BOARD'S ROLE TO ADOPT REGULATIONS

The LLLT Board's suggested amendments seek to add a provision to APR 28 clarifying its existing authority, currently in APR 28C(3), to adopt regulations pertinent to its duties and powers subject to the approval of the Court. This provision is essentially the same provision governing regulations that the Court adopted for the Practice of Law Board in General Rule (GR) 25(h). This suggested amendment underscores that, as a Supreme Court Board, the LLLT Board regulations are subject to approval by the Court. Moreover, the suggested amendment acknowledges and recognizes that although the LLLT regulations are not governed by the WSBA Board of Governors (BOG), proposed regulations "should" be provided to the BOG for informational purposes. See Suggested amendment APR 28P. To avoid possible confusion or duplication, the LLLT Board's suggested amendments propose to strike the provision on "rules and regulation" in APR 28C(3).

D. AMENDMENTS RELATED TO LLLT SCOPE OF PRACTICE IN MINOR GUARDIANSHIPS F/K/A NONPARENTAL CUSTODY ACTIONS

The Appendix to APR 28 is comprised of regulations covering the scope of approved practice areas for LLLTs. Domestic Relations is the only approved LLLT practice area. APR 28 Reg. 2B authorizes LLLTs to provide services to clients related to "nonparental and third party custody," but this provision is confusing because later provisions provide that LLLTs are prohibited from providing legal services in "nonparental custody actions beyond the adequate cause hearing unless the terms are agreed to by the parties or one party defaults." APR 28 Reg. 2B.3.(b)ix.

Effective January 1, 2021, the Washington state legislature repealed the nonparental custody statute for minors (RCW 26.10 *et seq.*) and replaced it with RCW 11.130.185 *et seq.* (Article 2), the Uniform Guardianship Act - minors. Guardianships for incapacitated adult children arising out of a familial relationship are now covered by RCW 11.130 Article 3.

To accommodate the change in law, the LLLT Board's suggested amendments propose to strike the provisions in APR 28 Reg. 2B referencing "nonparental and third party custody" and replace these terms with provisions authorizing LLLTs to provide services under the new statute, RCW 11.130 *et seq.*, for "agreed or default minor guardianships or guardianships arising out of a familial relationship." See suggested amendment APR 28 Reg. 2B.1.(i). This suggested amendment is intended to ameliorate confusion that may exist regarding the extent of the services that LLLTs are authorized to provide to clients. The suggested amendments to the provisions in APR 28 Reg 2B include the following:

- Replace "nonparental and third party custody" in APR 28 Reg. 2B.1.(i) with "agreed or default minor guardianships arising out of a familial relationship."
- Delete "nonparental custody" in APR 28 Reg. 2B.2.(h)vi.
- Add a new subsection for hearings related to "agreed or default minor guardianships or guardianships arising out of a familial relationship" to APR 28 Reg. 2B.2.(h)ix.
- Delete "nonparental custody actions" in APR 28 Reg. 2B.3.b.ix.

The suggested amendments seek to provide LLLTs with the same authority in dealing with "nonparental and third party custody" that they had prior to January 1, 2021, the date that RCW 26.10 was repealed. The suggested amendments do not expand LLLT's authority. Moreover, *pro se* parties are able to use LLLTs to ensure that nonparental

and third party custody issues are dealt with under the most current law.²

² The new guardianship statute is a topic that the LLLT Board has been monitoring. It intends to provide mandatory continuing legal education classes to update LLLTs if and when the Court adopts the suggested amendment.

E. AMENDMENTS RELATED TO ATTENDING PRETRIAL CALENDAR PROCEEDINGS AND SETTLEMENT CONFERENCES

The LLLT Board has discovered that there was some confusion regarding the provision authorizing LLLTs to assist clients in "trial setting calendar proceedings." See APR 28 Reg. 2B.2.(h)viii. To ameliorate potential confusion, the LLLT Board's suggested amendments seek to clarify this provision by striking "trial setting" and replacing it with more specificity regarding the nature of proceedings in which LLLTs may assist clients: "pretrial calendar proceedings such as trial setting, pretrial conferences, and status conferences." See suggested amendment to APR 28 Reg. 2B.2.(h)viii.

The LLLT Board's suggested amendments also seek to clarify LLLTs' authority to attend settlement conference proceedings with clients in APR 28 Reg. 2B by adding more specificity that LLLTs are authorized to attend "settlement conference proceedings" with their clients. See proposed APR 28 Reg. 2B.2.(h)x. The current rules provide that LLLTs may "accompany and assist clients in dispute resolution proceedings including ... settlement conferences where not prohibited by the rules and procedures of the forum." APR 28 Reg. 2B.2.(e).

F. BOG MEETING ON LLLT BOARD'S SUGGESTED ADMENTS

On September 23, 2022, the WSBA Board of Governors (BOG) met to consider the LLLT Board's suggested amendments. Prior to the BOG meeting, the WSBA fiscal analysis opined that the adoption of the suggested amendments would result in estimated costs savings to the LLLT budget of \$4,952. The LLLT Board requested the BOG to support the suggested amendments. Instead, the BOG voted 5-4 to oppose the suggested amendments, with a number of governors absent for the vote. The BOG did not recommend changes to the suggested amendments. Nor did the BOG provide any specific reason for opposing the suggested amendments.

Conclusion

The LLLT Board believes that its suggested amendments will improve and clarify APR 28 and assist in effectuating the Court's Sunset Order.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

F. Supporting Materials: Suggested Amendments to APR 28 and the APR 28

Appendix of Regulations Redlined and Clean Version.

SUGGESTED AMENDMENTS TO ADMISSION AND PRACTICE RULES

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) *Establishment.* There is hereby established a Limited License Legal Technician Board (LLLT Board). The LLLT Board shall consist of 11 ~~15~~ voting members appointed by the Supreme Court. Nine members of the LLLT Board shall be active members of the WSBA with at least four active lawyer members, one of whom must have experience practicing in family law, and three active LLLT members. Two members of the LLLT

~~Board shall be Washington residents who do not have a license to practice law. And one non-voting ex-officio member who is a representative of the Washington State Board of Community and Technical Colleges. At least one member shall be a legal educator. At least 11 members shall be Washington lawyers, LLLTs or LPOs. Of those 11 members, at least nine shall be active lawyers or LLLTs, and no more than two may be LPOs, or judicial or emeritus pro bono lawyers or LLLTs. Four members of the LLLT Board shall be Washington residents who do not have a license to practice law. Appointments shall be for staggered three year terms. No member may serve more than two consecutive full three year terms. The validity of the Board's actions is not affected if the Board's makeup differs from the stated constitution due to a temporary vacancy in any of the specified positions.~~

~~(2) LLLT Board Duties and Powers. Responsibilities. The LLLT Board shall be responsible for the following:~~

~~(a) Grievances and discipline. The LLLT Board's involvement in the investigation, hearing and appeal procedures for handling complaints of persons aggrieved by the failure of LLLTs to comply with the requirements of this rule and of the LLLT RPC shall be as established in the Rules for Enforcement of LLLT Conduct (ELLLTC). Recommending practice areas of law for LLLTs, subject to approval by the Supreme Court;~~

~~(b) Approval of Forms. The LLLT Board shall approve standard forms for use by LLLTs in the performance of legal services authorized by this rule. Working with the Bar and other appropriate entities to select, create, maintain, and grade the examinations required under this rule which shall, at a minimum, cover the rules of professional conduct applicable to LLLTs, rules relating to the attorney-client privilege, procedural rules, and substantive law issues related to approved practice areas;~~

~~(c) Rules. The LLLT Board shall propose to the Supreme Court amendments to APR 28, LLLT Rules of Professional Conduct, the Rules for Enforcement of LLLT Conduct, and these rules as may appear necessary to implement and carry out the provisions of this rule. Approving education and experience requirements for licensure in approved practice areas;~~

~~(d) Establishing and overseeing committees and tenure of members on such committees to carry out the LLLT Board's duties and powers; including~~

~~i. providing continuing legal education to LLLTs;~~

~~ii. assessing changes in the law that effect the scope of practice by LLLTs; and~~

~~iii. collaborating with other boards and entities regarding the delivery of law related services.~~

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

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

~~(3)-(4) Administration. The Bar shall provide reasonably necessary administrative support for the LLLT Board. All notices and filings required by these Rules, including applications for admission as a LLLT, shall be sent to the headquarters of the Bar.~~

~~(3) Rules and Regulations. The LLLT Board shall propose rules, regulations and amendments to these rules and regulations, to implement and carry out the provisions of this rule, for adoption by the Supreme Court.~~

~~(4)-(5)~~ *Expenses of the LLLT Board.* Members of the LLLT Board shall not be compensated for their services but shall be reimbursed for actual reasonable and necessary expenses incurred in the performance of their duties according to the Bar's expense policies.

D. - O. Unchanged

P. Regulations. The LLLT Board may adopt regulations pertinent to its duties and powers subject to the approval of the Supreme Court. Proposed regulations should be provided to the Washington State Bar Association Board of Governors for informational purposes.

APPENDIX APR 28. REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD

REGULATION 1 Unchanged.

REGULATION 2A Unchanged.

B. Domestic Relations

1. *Domestic Relations, Defined.* For the purposes of these Regulations, domestic relations shall include only the following actions:

(a) - (h) Unchanged.

(i) agreed or default minor guardianships or guardianships arising out of a familial relationship nonparental and third party custody,

(j) - (k) Unchanged.

2. *Scope of Practice for Limited License Legal Technicians—Domestic Relations.* LLLTs licensed in domestic relations may render legal services to clients as provided in APR 28F and this regulation, except as prohibited by APR 28H and Regulation 2B.

(a) - (g) Unchanged.

(h) LLLTs, when accompanying their client, may assist and confer with their pro se clients and respond to direct questions from the court or tribunal regarding factual and procedural issues at the hearings listed below:

i. - v. Unchanged.

vi. adequate cause hearings for ~~nonparental custody or parenting plan modifications;~~

vii. Unchanged.

viii. pretrial trial setting calendar proceedings such as trial setting, pretrial conferences, and status conferences with or without the client when the LLLT has confirmed the available dates of the client in writing in advance of the proceeding;

ix. agreed or default minor guardianships or guardianships arising out of a familial relationship; and

x. settlement conference proceedings.

3. *Prohibited Acts.* In addition to the prohibitions set forth in APR 28H, in the course of rendering legal services to clients or prospective clients, LLLTs licensed to practice in domestic relations:

a. Unchanged;

b. shall not render legal services in:

i. - viii. Unchanged.

ix. major parenting plan modifications ~~and nonparental custody actions~~ beyond the adequate cause hearing unless the terms are agreed to by the parties or one party defaults;

x. - xii. Unchanged.

REGULATIONS 3 - 20 Unchanged.

Reviser's note: The spelling 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.

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 23-03-037

NOTICE OF PUBLIC MEETINGS

RED RASPBERRY COMMISSION

[Filed January 9, 2023, 1:12 p.m.]

2023 MEETING SCHEDULE

The Washington red raspberry commission will hold the following meetings in 2023. Each meeting begins at 1:00 p.m. with the exception of the annual meeting, which begins at 8:00 a.m. There will be a virtual option for all but the annual meeting.

January 18	Washington Red Raspberry Commission Office 204 Hawley Street Lynden, WA
April 12	Washington Red Raspberry Commission Office 204 Hawley Street Lynden, WA
September 6	Washington Red Raspberry Commission Office 204 Hawley Street Lynden, WA
October 25	Washington Red Raspberry Commission Office 204 Hawley Street Lynden, WA
November 29 Annual meeting	N.W. Washington Fairgrounds Lynden, Washington

For more information, please contact Henry Bierlink at 360-354-8767 or henry@red-raspberry.org.

WSR 23-03-038
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
FISH AND WILDLIFE
 (Fish and Wildlife Commission)
 [Filed January 9, 2023, 1:14 p.m.]

FISH AND WILDLIFE COMMISSION 2023 MEETING CALENDAR

The bold location below has been changed for the 2023 calendar.

Date	Meeting Type
January 13	Web conference
January 26-28	Webinar
February 17	Web conference
March 16-18	Hybrid - Wenatchee
April 6-8	Hybrid - Anacortes
May 12	Web conference
June 22-24	Hybrid - Seattle
July 14	Web conference
August 10-12	Hybrid - Olympia
September 28-30	Hybrid - Ephrata
October 26-28	Hybrid - Olympia
November 17	Web conference
December 14-16	Webinar

Commission meetings are open to the public. Meeting agendas, minutes, and recordings are available on the commission's website. Under meeting type, hybrid means both in person and virtual.

WSR 23-03-039

NOTICE OF PUBLIC MEETINGS

SEED POTATO COMMISSION

[Filed January 9, 2023, 1:16 p.m.]

The Washington seed potato commission will hold the following meetings in fiscal year 2023.

- September 1, 2023 Ag Central
204 Hawley Street
Lynden, WA
- December 8, 2023 Ag Central
204 Hawley Street
Lynden, WA
- March 2, 2024 Ag Central
204 Hawley Street
Lynden, WA
- June 1, 2024 Ag Central
204 Hawley Street
Lynden, WA

For more information, please contact Henry Bierlink at 360-354-1337 or henry@waseedpotato.com.

WSR 23-03-040
NOTICE OF PUBLIC MEETINGS
PUGET SOUND
SALMON COMMISSION

[Filed January 9, 2023, 2:45 p.m.]

2023 Meeting Schedule

On Saturday, February 4, 2023, at 10 a.m., at Ag Association Management, 6601 West Deschutes Avenue, Suite C-2, Kennewick, WA 99336; or virtually <https://us02web.zoom.us/j/84855581680?pwd=aGdNeXVwV2hsQ0dTRnl0Q0dBS21XZz09>.

On Saturday, September 30, [2023,] at 10 a.m., at Ag Association Management, 6601 West Deschutes Avenue, Suite C-2, Kennewick, WA 99336; or virtually <https://us02web.zoom.us/j/82220725199?pwd=THZlbn9RSjFoaElSdHkxSW16M0hiQT09>.

For more information, please call 509-585-5460 or email mjohnson@agmgt.com.

WSR 23-03-041
NOTICE OF PUBLIC MEETINGS
BEEF COMMISSION
[Filed January 9, 2023, 2:52 p.m.]

2023 Meeting Schedule

The Washington state beef commission will meet in 2023 as indicated below.

January 19, 2023	Regular meeting	Virtual
March 29 - 30, 2023	Strategic planning meeting	Location TBD
May 4, 2023	Budget meeting	Ellensburg
June 1, 2023	Annual meeting	Ellensburg
September 7, 2023	Regular meeting	Ellensburg
November 10, 2023	Regular meeting	Washington Cattlemen's Association convention

If you have any questions or need more information, please contact 206-444-2902.

WSR 23-03-042

NOTICE OF PUBLIC MEETINGS

EMPLOYMENT SECURITY DEPARTMENT

(Unemployment Insurance Advisory Committee)

[Filed January 9, 2023, 3:54 p.m.]

Meeting Dates - 2023

Date	Location	Host	Notes
January 27, 2023 2:00 p.m.	*Zoom	ESD	^Recorded meeting
February 24, 2023 2:00 p.m.	*Zoom	ESD	^Recorded meeting
March 31, 2023 2:00 p.m.	*Zoom	ESD	^Recorded meeting
April 28, 2023 2:00 p.m.	*Zoom	ESD	^Recorded meeting
May 10, 2023 10:00 a.m.	*Zoom	ESD	^Recorded meeting
June 14, 2023 10:00 a.m.	*Zoom	ESD	^Recorded meeting

NOTE: Hosts may have the opportunity to present to the committee and bring invited guests as part of our meeting agenda.

** Extra meetings added.

*** Meeting dates moved.

Per vote of the unemployment insurance advisory committee (UIAC) members, meetings are being recorded as of the August 3, 2020, meeting.

^RECORDING DISCLAIMER: This meeting is being recorded and may be broadcast by TVW. Please be advised that your image and voice will be captured, recorded, and broadcast during the videoconference. Your participation in this videoconference equals consent to be recorded and broadcast as required by law.

For more information, please visit the UIAC website at <https://esd.wa.gov/newsroom/UIAC>.

WSR 23-03-043

**NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY**
[Filed January 10, 2023, 8:08 a.m.]

**Associated Students (AS) Executive Board
Winter 2023 Meeting Schedule**

Pursuant to chapter 42.30 RCW, following is the 2023 winter quarter schedule of regular meetings of Western Washington University AS executive board:

Meetings of Western Washington University AS executive board will occur every Thursday beginning January 5 through March 9, 2023. Meetings will begin at 4:00 p.m. and conclude at 6:00 p.m. All meetings will be held at Western Washington University, 516 High Street, Viking Union 567 and virtually via Microsoft Teams.

Public comment periods are scheduled for all meetings. Questions regarding the meeting schedule or the public comment period may be directed to Annie Byers, AS executive board program coordinator, at 360-650-3460 or email Annie.Byers@wwu.edu.

For potential updates to the meeting date, time, or location, please visit the ASWWU executive board website.

WSR 23-03-044

**NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY**

[Filed January 10, 2023, 8:09 a.m.]

**Associated Students of Western Washington University (ASWWU)
Student Senate Winter 2023 Meeting Schedule**

Pursuant to chapter 42.30 RCW, please publish following is the 2023 winter quarter schedule of regular meetings of ASWWU student senate:

Meetings of ASWWU student senate will be held biweekly on Wednesdays between January 11 and March 8, 2023. All meetings will be held in person at Western Washington University, 516 High Street, Viking Union 567, with a virtual option on Microsoft Teams. Meetings will begin at 6:00 p.m. and conclude at 7:30 p.m.

Public comment periods are scheduled for all meetings. Questions regarding the meeting schedule or the public comment period may be directed to Annie Byers, associative students executive board program coordinator, at 360-650-3460 or email Annie.Byers@wwu.edu.

For potential updates to the meeting date, time, or location, please visit the ASWWU student senate website at <https://as.wwu.edu/gov/senate/>.

WSR 23-03-047

PUBLIC RECORDS OFFICER

POTATO COMMISSION

[Filed January 10, 2023, 10:26 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington state potato commission is Suzanne Johnson, 108 South Interlake Road, Moses Lake, WA 98837, phone 509-765-8845, fax 509-765-4853, email sjohnson@potatoes.com.

Brandy Tucker
Director of Marketing and Industry Affairs

WSR 23-03-055

AGENDA

OFFICE OF THE
INSURANCE COMMISSIONER

[Filed January 10, 2023, 2:00 p.m.]

Semi-Annual Rule Development Agenda
January 2023

This agenda is current as of January 4, 2023. There may be additional rule-making activity not included on this agenda and all information referenced is subject to change.

For general information on office of the insurance commissioner's (OIC) rule making, please visit <https://www.insurance.wa.gov/legislation-and-rulemaking>.

For the most up-to-date information on proposed rules, please visit <https://www.insurance.wa.gov/proposed-rules>.

To sign up for email or text alerts from OIC about rule changes, legislation, industry information, and consumer news, please visit <https://public.govdelivery.com/accounts/WAOIC/subscriber/new>.

For questions, please contact OIC policy and rules manager, Ariele Page Landstrom, rulescoordinator@oic.wa.gov, or 360-725-7056.

The commissioner has initiated rule making on the following rules:

Summary	Statutory Authority	Potentially Impacted WAC	Current Status
Premium change transparency (Insurance Commissioner Matter R 2022-01)	RCW 48.02.060, 48.01.030, 48.18.180, 48.18.2901, 48.18.292, 48.18.480, 48.18.545, 48.19.020, 48.19.035, and 48.30.010	New sections are being added to chapter 284-30A WAC.	CR-101 filed 2/1/22 WSR 22-04-091 Third prepublication draft issued 10/27/22 Fourth interested party meeting held 11/10/22
Removing language concerning prohibiting use of credit history (Insurance Commissioner Matter R 2022-08)	RCW 48.02.060(3)	Amendments to WAC 284-24A-050. Repeal WAC 284-24A-090.	CR-105 filed 10/27/22 WSR 22-22-050

Other Possible Rule-Makings Topics: In addition to the rules referenced above, the commissioner continues his effort to update and clarify code, as well as implement recent legislation. A potential list of subjects that may be considered for future rule making include or may include:

- Adjuster issues.
- Annuity marketing and disclosure requirements.
- Balance billing.
- Barriers to patient care access resulting from contracting practices.
- Breast cancer health issues.
- Coordination of benefits.
- Data security and cybersecurity.
- Dental insurance practices.
- Discontinuation and renewal of health plan coverage.
- Discrimination in health care plan design.
- Electronic filing of state specific reporting.
- Electronic notices and document delivery of insurance products.
- Essential health benefits.
- Fixing outdated references.
- Health care coverage.

Health care benefit managers.
Holding company regulations.
Implementation of state or federal legislation or reform.
Licensing requirements.
Life and disability issues.
Guaranty funds.
Long-term care insurance.
Market stabilization.
Medical parity.
Minimum valuation standards.
NAIC Model Act and regulation implementation.
Network access.
Pharmacy formulary tiers.
Pharmacy exceptions, substitutions, and appeals process.
Pharmacy benefit managers.
Pediatric dental.
Prelicensing insurance education.
Producer issues, including commissioner and education requirements.
Property and casualty issues.
Ride-sharing insurance coverage.
Summary of health insurance benefits coverage.
Telemedicine.
Rating variables.
Reproductive health issues.
In addition to the above-mentioned topics, any person may petition OIC under RCW 34.05.330 requesting the adoption, amendment, or repeal of any rule.

Mike Kreidler
Insurance Commissioner

WSR 23-03-065

AGENDA

WASHINGTON STATE LOTTERY

[Filed January 12, 2023, 11:54 a.m.]

Pursuant to RCW 34.05.314, Washington's lottery is submitting its semi-annual agenda of rules under development for publishing in the Washington State Register.

The following report describes current lottery rules under development. Additional rule making may be deemed necessary to meet legal requirements, unforeseen circumstances, or evolving agency needs.

Semi-Annual Rule-Making Agenda

January 1 - June 30, 2023

WAC	Purpose for Rule Making	CR-101 Filing	Next Step
Lottery is proposing to add a new chapter to Title 315 WAC.	Lottery is proposing to add a chapter to Title 315 WAC to create rules for a new draw game known as "Cash Pop."	CR-101 filed as WSR 22-17-146 on 8/23/22	CR-102 to be filed 4/20/23 (estimated)

Kristi Weeks
Director of Legal Services

WSR 23-03-068

NOTICE OF APPEAL

OFFICE OF THE GOVERNOR

[Filed January 12, 2023, 4:41 p.m.]

NOTICE OF APPEAL

RCW 34.05.330(3)

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

On December 5, 2022, the Governor's Office received an appeal from Conner Edwards, relating to the Public Disclosure Commission's denial of a petition to amend WAC 390-16-037 (Purpose of campaign expenditures - How to report). The Governor's Office denied the appeal on January 12, 2023.

DATE: January 12, 2023

Taylor K. Wonhoff
Deputy General Counsel
to the Governor

WSR 23-03-070

NOTICE OF PUBLIC MEETINGS

BEEF COMMISSION

[Filed January 13, 2023, 8:34 a.m.]

2023 Meeting Schedule

The Washington state beef commission will meet in 2023 as indicated below.

January 19, 2023	Regular meeting	Virtual
March 29-30, 2023	Strategic planning meeting	Location TBD
April 27, 2023	Budget meeting	Ellensburg
June 1, 2023	Annual meeting	Ellensburg
September 7, 2023	Regular meeting	Ellensburg
November 10, 2023	Regular meeting	Washington Cattlemen's Association convention

If you have any questions or need more information, please contact the beef commission at 206-444-2902.

WSR 23-03-072

HEALTH CARE AUTHORITY

[Filed January 13, 2023, 8:44 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 23-0008
Foster Care Alumni Expansion.

Effective Date: January 1, 2023.

Description: The health care authority (HCA) intends to submit medicaid SPA 23-0008 in order to extend apple health (medicaid) coverage to the former foster care (alumni) youth who aged out of foster care at the age of 18 in any state and are now living in Washington through age 26. These changes are mandatory under Section 1002(a) of the SUPPORT Act that amends section 1902 (a)(10)(A)(i)(IX) of the Social Security Act.

SPA 23-0008 is expected to have no effect on the annual aggregate expenditures/reimbursement/payment for services.

SPA 23-[0]008 is in the development process; therefore, a copy is not yet available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

CONTACT: Amy Dobbins, Office of Medicaid Eligibility Policy, 626 8th Avenue [S.E.], Olympia, WA 98501, phone 360-725-1329, TRS 711, email amy.dobbins@hca.wa.gov, website hca.wa.gov.

WSR 23-03-073
NOTICE OF PUBLIC MEETINGS
PUGET SOUND PARTNERSHIP
 [Filed January 13, 2023, 10:13 a.m.]

2023 Meeting Schedules

Following is the schedule of regular meetings for the Puget Sound partnership, leadership council for 2023:

Date	Time	Location
March 15	9:00 a.m. - 4:00 p.m.	Thurston County
June 7	9:00 a.m. - 4:00 p.m.	TBD
June 8	9:00 a.m. - 4:00 p.m.	TBD
September 12	9:00 a.m. - 4:00 p.m.	TBD
September 13	9:00 a.m. - 4:00 p.m.	TBD
December 14	9:00 a.m. - 4:00 p.m.	TBD

Following is the schedule of regular meetings for the Puget Sound partnership, ecosystem coordination board for 2023:

Date	Time	Location
February 9	9:30 a.m. - 3:00 p.m.	Virtual Zoom meeting
May 18	9:30 a.m. - 3:00 p.m.	TBD
August 9	9:30 a.m. - 3:00 p.m.	TBD
October 26	9:30 a.m. - 3:00 p.m.	TBD

Following is the schedule of regular meetings for the Puget Sound partnership, science panel for 2023:

Date	Time	Location
February 1	9:00 a.m. - 4:00 p.m.	Virtual Zoom meeting
March 23	9:00 a.m. - 4:00 p.m.	TBD
July 19-20	9:00 a.m. - 4:00 p.m. and 9:00 a.m. - 4:00 p.m.	TBD
October 11-12	9:00 a.m. - 4:00 p.m. and 9:00 a.m. - 4:00 p.m.	TBD
December 6	9:00 a.m. - 4:00 p.m.	TBD

Following is the schedule of regular meetings for the Puget Sound partnership, salmon recovery council for 2023:

Date	Time	Location
January 26	9:30 a.m. - 3:00 p.m.	Virtual Zoom meeting
March 23	9:30 a.m. - 3:00 p.m.	TBD
May 25	9:30 a.m. - 3:00 p.m.	TBD
July 27	9:30 a.m. - 3:00 p.m.	TBD
September 28	9:30 a.m. - 3:00 p.m.	TBD
November 16	9:30 a.m. - 3:00 p.m.	TBD

If you need further information, contact Anna Petersen, P.O. Box 40900, Olympia, WA 98504, 360-338-2384, anna.petersen@psp.wa.gov, https://www.psp.wa.gov/board_meetings.php.

**WSR 23-03-075
RULES COORDINATOR
OLYMPIC REGION
CLEAN AIR AGENCY**

[Filed January 13, 2023, 12:38 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Olympic Region Clean Air Agency is Lauren Whybrew, 2940 Limited Lane N.W., Olympia, WA 98502, phone 360-539-7610, fax 360-491-6308, email lauren.whybrew@orcaa.org.

Jeff. C. Johnston, Ph.D.
Executive Director

WSR 23-03-079

OFFICE OF THE

INSURANCE COMMISSIONER

[Filed January 13, 2023, 2:58 p.m.]

Technical Assistance Advisory 2023-01

TO: Insurance Producers, Title Insurance Agents, Adjusters, or Other Persons Licensed Chapter 48.17 RCW

FROM: Insurance Commissioner, Mike Kreidler

DATE: January 13, 2023

SUBJECT: RCW 48.17.475 Guidance for Electronic Mail Communications

The purpose of this technical assistance advisory is to summarize expectations for individuals and entities licensed under chapter 48.17 RCW when it comes to handling electronic mail communications sent from the office of the insurance commissioner (commissioner).

RCW 48.17.475 requires "[e]very insurance producer, title insurance agent, adjuster, or other person licensed under [chapter 48.17 RCW] shall promptly reply in writing to **an inquiry** of the commissioner relative to the business of insurance. A timely response is one that is received by the commissioner within fifteen business days from receipt of the inquiry. Failure to make a timely response constitutes a violation of this section."

WAC 284-17-005 (1)(b) expressly provides that for all communications that are not disciplinary matters, the commissioner will use "the last email address provided by the person or business entity to the commissioner," as the "address of record" in sending notices and inquiries to those who are licensed under chapter 48.17 RCW. In addition, WAC 284-17-065(2) requires that licensees provide updated email addresses to the commissioner.

Electronic mail communications (i.e., inquiries and notices) sent from the commissioner to chapter 48.17 RCW licensed individuals and entities are treated by the commissioner as received upon being sent to the email address of record on file with the commissioner. It is a licensee's responsibility to ensure that any settings or filters placed on the email account that serves as the address of record, by either the licensee or vendors a licensee may contract with, do not impede inquiries and notices delivered by the commissioner. Be advised that to ensure receipt of electronic mail communications from the commissioner to your inbox in time to allow you to comply with your statutory obligations to respond in a timely manner to inquiries provided by the commissioner, you may need to add the commissioner's domain (@oic.wa.gov) to your trusted sender list (e.g., *Safe Sender list* or *Whitelist*) in your electronic mail client software (e.g., Microsoft Outlook, Apple Mail, or Gmail). Additionally, you should also regularly check your quarantined electronic mail where you have an antivirus software application that may inadvertently quarantine official communications from the commissioner. The commissioner will not excuse a failure to respond in a timely manner to an inquiry on the grounds that a third-party system or filter prevented the complete transmission of electronic mail communications to your inbox.

Please direct any questions about this advisory to Jeff Baughman, who may be contacted at Jeff.Baughman@oic.wa.gov and 360-725-7156.

WSR 23-03-080

OFFICE OF THE

INSURANCE COMMISSIONER

[Filed January 13, 2023, 2:58 p.m.]

Technical Assistance Advisory 2023-02

TO: Insurance Producers, Title Insurance Agents, Adjusters, or Other Persons Licensed Chapter 48

FROM: Insurance Commissioner, Mike Kreidler

DATE: January 13, 2023

SUBJECT: Revised Agency Inquiry Process

Purpose: The purpose of this technical assistance advisory is to inform individuals and entities licensed under chapter 48.17 RCW that the office of the insurance commissioner (commissioner) has updated our process for agency inquiries to licensees to help licensees fully comply with their obligations to provide a prompt response. The standard subject line on our emails has been revised to always begin with "OIC official inquiry, response required, ..." We will also send a certified letter to the licensee before referring licensees to OIC's legal affairs division for potential administrative actions. *These revisions are the result of industry feedback.*

Background: RCW 48.17.475 requires "[e]very insurance producer, title insurance agent, adjuster, or other person licensed under [chapter 48.17 RCW] to promptly reply in writing to **an inquiry** of the commissioner relative to the business of insurance. A timely response is one that is received by the commissioner within fifteen business days from receipt of the inquiry. Failure to make a timely response constitutes a violation of this section."

WAC 284-17-005 (1)(b) expressly provides that for all communications that are not disciplinary matters, the commissioner will use "the last email address provided by the person or business entity to the commissioner," as the "address of record" in sending notices and inquiries to those who are licensed under chapter 48.17 RCW. In addition, WAC 284-17-065(2) requires that licensees provide updated email and mailing addresses to the commissioner.

OIC Process: When OIC sends an inquiry to a licensee, it will use the steps below to give licensees ample opportunity to comply with their obligations to promptly respond before taking enforcement action.

Step 1 - An initial email is sent to the licensees' registered email account which has been provided to OIC by the licensee. The subject line will read "OIC official inquiry, response required," followed by the subject matter. The email will include the information requested, the due date of 15 business days after delivery by OIC, and a notation that failing to respond to the inquiry could result in an administrative action including, but not limited to, fines, probation, suspension, or revocation.

Step 2 - If the licensee does not respond to the initial email by the provided due date, a second email will be sent with the same subject line and message, clearly noting that this is a second attempt and a revised due date of an additional 15 business days.

Step 3 - If the licensee does not respond to the first two emails, a third and final request will be sent via **certified mail** to the mailing address the licensee has provided to OIC. **This is a revised and new step.** This notice will include an annotation that this is "third and final request for information" requesting the same information as the first two emails and notifying the licensee that

failure to respond within 15 business days of the date the letter was sent may result in immediate referral for administrative action.

Step 4 - If no response is received, a referral will be made to the OIC legal affairs division which could lead to a potential administrative action including, but not limited to, fines, probation, suspension, or revocation.

Please note, it is at all times the licensee's responsibility to ensure that updated contact information is on file with OIC, and that all necessary steps have been taken to ensure that electronic and hard copy inquiries can be promptly received and reviewed. In addition, it is OIC's expectation that all licensees will promptly respond to the first inquiry received from OIC, unless there is some reasonable basis for the failure to promptly respond. The additional notice provided in this process should not be treated as an automatic extension of the deadline to promptly respond to OIC. Further, failure to timely respond to an initial email inquiry, without a reasonable explanation, may still be considered the basis for administrative action.

Please direct any questions about this advisory to Jeff Baughman, who may be contacted at Jeff.Baughman@oic.wa.gov and 360-725-7156.

WSR 23-03-082

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed January 14, 2023, 6:06 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the policy statement for Dental Hygiene Temporary Practice Permit, Scope of Practice Limitations during the COVID-19 Response, Policy Number: HSQA OAS E04, which was filed on November 3, 2020, and published under WSR 20-22-082.

The department is withdrawing this policy statement because effective October 31, 2022, Governor Inslee rescinded the declared state of emergency issued under Proclamation 20-05¹ due to the coronavirus disease 2019 pandemic. As a result, we are respectfully withdrawing the policy statement.

¹ 20-05 Coronavirus (final).pdf (wa.gov)

Individuals requiring information should contact Bruce Bronoske, Jr., dental hygiene program manager, at bruce.bronoske@doh.wa.gov or 360-236-4843.

Tami M. Thompson
Regulatory Affairs Manager

WSR 23-03-083

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed January 14, 2023, 6:15 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the policy statement for Dental Hygiene Initial Limited License Expiration Date Extension during the COVID-19 Response. Policy Number: HSQA OAS E03.1, which was filed on September 27, 2021, and published under WSR 21-20-043.

The department is withdrawing this policy statement because the extended initial limited license expiration date of September 30, 2022, has passed. Effective October 31, 2022, Governor Inslee rescinded the declared state of emergency issued under Proclamation 20-05¹ due to the coronavirus disease 2019 (COVID-19) pandemic. Proclamation 20-32² upon which the policy was based no longer applies. As a result, we are respectfully withdrawing the policy statement.

¹ 20-05 Coronavirus (final).pdf (wa.gov)

² proc_20-32.7.pdf (wa.gov)

Individuals requiring information should contact Bruce Bronoske, Jr., dental hygiene program manager, at bruce.bronoske@doh.wa.gov or 360-236-4843.

Tami M. Thompson
Regulatory Affairs Manager

WSR 23-03-084

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed January 14, 2023, 6:22 p.m.]

This memo serves as notice that the pharmacy quality assurance commission (commission) is withdrawing the policy statement titled: New WAC Supersedes Old WAC: Clarification of Rules Enforcement, which was filed on August 6, 2020, and published under WSR 20-17-017.

The commission is withdrawing this policy statement because the continuing education rules contained within WAC 246-945-178 and 246-945-220 went into effect on December 1, 2021. Policy statement P002 states that the commission will not require licensees to comply with its "old rules" while they are being repealed due to a rules consolidation project resulting in the formation of chapter 246-945 WAC. Continuing education requirements were exempt from this statement as they had a delayed effective date under the new chapter. With the continuing education rules and all elements of chapter 246-945 WAC now in effect, the policy statement is no longer necessary.

Individuals requiring information should contact Joshua Munroe, rules and legislative consultant, email PharmacyRules@doh.wa.gov or phone 360-236-2987.

Tami M. Thompson
Regulatory Affairs Manager

WSR 23-03-085

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed January 14, 2023, 6:35 p.m.]

This memo serves as notice that the dental quality assurance commission (commission) is withdrawing the policy statement for enforcement of AIDS education and training rules, which was filed on July 14, 2020, and published under WSR 20-15-080.

The commission is withdrawing this policy statement because it is no longer needed. The commission repealed all AIDS training and education requirements from dental rules, chapter 246-817 WAC, in compliance with ESHB 1551 (chapter 76, Laws of 2020) on December 23, 2020, under WSR 21-01-215.

Individuals requiring information should contact Amber Freeberg, program manager, at 360-236-4893.

Tami M. Thompson
Regulatory Affairs Manager

WSR 23-03-086

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed January 14, 2023, 6:43 p.m.]

This memo serves as notice that the Washington medical commission (commission) is withdrawing the interpretive statement for exempting patients in nursing homes and long-term acute care hospitals from the opioid prescribing rules, which was filed August 28, 2019, and published in WSR 19-18-028.

The commission is withdrawing this policy statement because the elements of the interpretive statement have been included in WAC 246-919-851.

Individuals requiring information should contact Amelia Boyd, program manager for the Washington medical commission, at amelia.boyd@wmc.wa.gov or 360-918-6336.

Tami M. Thompson
Regulatory Affairs Manager

WSR 23-03-087

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed January 14, 2023, 6:51 p.m.]

This memo serves as notice that the Washington medical commission (commission) is withdrawing the interpretive statement for establishing approval criteria for defining appropriate medical practices for IMG nomination, which was filed April 15, 2022, and published in WSR 22-09-050.

The commission is withdrawing this interpretive statement because the elements of the interpretive statement have been included in WAC 246-919-345(2).

Individuals requiring information should contact Amelia Boyd, program manager for the Washington medical commission, at amelia.boyd@wmc.wa.gov or 360-918-6336.

Tami M. Thompson
Regulatory Affairs Manager

WSR 23-03-088

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed January 14, 2023, 6:56 p.m.]

This memo serves as notice that the Washington medical commission (commission) is withdrawing the interpretive statement for requiring the filing of a practice agreement before beginning to practice under an IMG limited license, which was filed January 18, 2022, and published in WSR 22-03-82 [22-03-082].

The commission is withdrawing this policy statement because the elements of the interpretive statement have been included in WAC 246-919-345(3).

Individuals requiring information should contact Amelia Boyd, program manager for the Washington medical commission, at amelia.boyd@wmc.wa.gov or 360-918-6336.

Tami M. Thompson
Regulatory Affairs Manager

WSR 23-03-089

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF CORRECTIONS

(Correctional Industries Advisory Board)

[Filed January 17, 2023, 5:35 a.m.]

Following are the upcoming correctional industries advisory board meetings for 2023:

<p>March 2, 2023 9 - 11 a.m.</p>	<p>Correctional Industries Headquarters 801 88th Avenue S.E. Tumwater, WA 98501 Microsoft Teams meeting. Join on computer, mobile app, or room device. Click here to join the meeting [contact agency for links], Meeting ID 221 976 856 536, Passcode gH8uk9; or call in (audio only) +1 253-372-2181,,872223908# United States, Tacoma, Phone Conference ID 872 223 908#.</p>
<p>June 1, 2023 9 - 11 a.m.</p>	<p>Correctional Industries Headquarters 801 88th Avenue S.E. Tumwater, WA 98501 Microsoft Teams meeting. Join on computer, mobile app, or room device. Click here to join the meeting [contact agency for links], Meeting ID 276 030 352 964, Passcode FpjDpG; or call in (audio only) +1 253-372-2181,,53187575# United States, Tacoma, Phone Conference ID 531 875 75#.</p>
<p>September 7, 2023 9 - 11 a.m.</p>	<p>Correctional Industries Headquarters 801 88th Avenue S.E. Tumwater, WA 98501 Microsoft Teams meeting. Join on computer, mobile app, or room device. Click here to join the meeting [contact agency for links], Meeting ID 263 344 701 966, Passcode FPmnpU; or call in (audio only), +1 253-372-2181,,975310930# United States, Tacoma, Phone Conference ID 975 310 930#.</p>
<p>December 7, 2023 9 - 11 a.m.</p>	<p>Correctional Industries Headquarters 801 88th Avenue S.E. Tumwater, WA 98501 Microsoft Teams meeting. Join on computer, mobile app, or room device. Click here to join the meeting [contact agency for links], Meeting ID 258 736 660 457, Passcode ucU2gX; or call in (audio only) +1 253-372-2181,,126760828# United States, Tacoma, Phone Conference ID 126 760 828#.</p>

WSR 23-03-090

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF ECOLOGY

(Agricultural Burning Practices and Research Task Force)

[Filed January 17, 2023, 7:55 a.m.]

Following is the 2023 schedule of regular meetings for the agricultural burning practices and research task force.

Date	Time	Location
Wednesday, June 7, 2023	10 a.m. - 2 p.m.	Online and to be determined
Wednesday, November 1, 2023	10 a.m. - 2 p.m.	Online and to be determined

The link for each meeting will be posted at <https://www.ezview.wa.gov/DesktopDefault.aspx?alias=1962&pageid=37051> several weeks before each meeting.

If you need further information, contact Paul Rossow, Washington Department of Ecology, 4601 North Monroe Street, Spokane, WA 99205-1295, 509-329-3574, paul.rossow@ecy.wa.gov, <https://ecology.wa.gov/About-us/Our-role-in-the-community/Partnerships-committees/Boards-Councils/Agricultural-Burning-Research-Task-Force>.

WSR 23-03-099

POLICY STATEMENT

UNIVERSITY OF WASHINGTON

[Filed January 17, 2023, 1:00 p.m.]

The University of Washington recently has created or revised the following bylaws, orders, policy statements, scholastic regulations, and faculty code:

- "Scholarly and Professional Qualifications of Faculty Members," revised January 11, 2023 (FCG, Chapter 24, Section 24-32)
- "University Organization Chart," revised January 9, 2023 (APS 1.1)
- "University Leadership List," revised January 9, 2023 (APS 1.2)
- "Officers of the Board," revised September 8, 2022 (BRG, Bylaws, Article II)
- "Committees of the Board," revised September 8, 2022 (BRG, Bylaws, Article IV)
- "Officers of the University," revised September 8, 2022 (BRG, Bylaws, Article V)
- "Exercise of Powers," revised September 8, 2022 (BRG, Bylaws, Article VII)
- "Advisory Committees and Boards of the Board of Regents," revised September 8, 2022 (BRG, Standing Orders, Chapter 4)
- "Executive Committee and Senate Consideration of Amendments," revised July 20, 2022 (FCG, Chapter 29, Section 29-34)
- "Gift Acceptance," new June 27, 2022 (APS 36.3)

For more information regarding University of Washington policy, please visit washington.edu/admin/rules/policies/.

For more information regarding these materials, contact Barbara Lechtanski, Director of University Policy and Rules Office, University of Washington, Box 351210, Seattle, WA 98195-1210, or by email at rules@uw.edu.

WSR 23-03-100

AGENDA

UNIVERSITY OF WASHINGTON

[Filed January 17, 2023, 1:14 p.m.]

**Semi-Annual Agenda for Rules Under Development
(Per RCW 34.05.314)
January 2023**

Rule-making activity not currently anticipated may be added if conditions warrant between semi-annual agendas.

1. Rule making is anticipated for chapter 478-04 WAC, Organization, during the first half of 2023.

2. Rule making is anticipated for chapter 478-140 WAC, Rules and regulations for the University of Washington governing student education records, during the first half of 2023.

3. Rule making is anticipated for chapter 478-156 WAC, Rules for the University of Washington, Seattle campus residence halls, single student and family housing apartments, during the first half of 2023.

4. Rule making is anticipated for chapter 478-276 WAC, Governing access to public records, during the first half of 2023.

For more information concerning the above rules, please contact Barbara Lechtanski, Director of University Policy and Rules Office, Rules Coordinator, University of Washington, Box 351210, Seattle, WA 98195-1210, phone 206-543-9219, email rules@uw.edu, web washington.edu/rules.

WSR 23-03-107

NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE

(Habitat and Recreation Lands Coordinating Group)

[Filed January 17, 2023, 6:04 p.m.]

The habitat and recreation lands coordinating group is **cancelling** the regularly scheduled meeting on February 22, 2023:

FROM: Habitat and recreation lands coordinating group regular meeting, on February 22, 2023, from 9:00 a.m. to 11:00 a.m., at Room 172, Natural Resource Building, 1111 Washington Street S.E., Olympia, WA 98501.

TO: CANCELLED.

For further information, please contact Julia McNamara, Board Liaison, 1111 Washington Avenue S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone 360-819-3345, fax 360-902-3026, Julia.McNamara@rco.wa.gov, www.rco.wa.gov.

The recreation and conservation office schedules all public meetings at barrier-free sites. Persons who need special assistance may contact Leslie Frank at 360-902-0220 or email Leslie.Frank@rco.wa.gov.

WSR 23-03-108

NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE

(Invasive Species Council)

[Filed January 17, 2023, 6:42 p.m.]

The Washington invasive species council (WISC) is changing the **location** of the regular quarterly meeting scheduled for March 23, 2023:

FROM: March 23, 2023, from 9:00 a.m. to 3:00 p.m., at Room 172, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98501.

TO: March 23, 2023, from 9:00 a.m. to 3:00 p.m., at Room 172, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98501, and online via Zoom [contact agency for link].

For further information, please contact Justin Bush, WISC, at 360-902-3088, justin.bush@rco.wa.gov, or at the WISC website www.InvasiveSpecies.wa.gov.

WISC schedules all public meetings at barrier-free sites. Persons who need special assistance may contact Leslie Frank at 360-902-0220 or email Leslie.Frank@rco.wa.gov.

WSR 23-03-111

AGENDA

OFFICE OF

ADMINISTRATIVE HEARINGS

[Filed January 18, 2023, 8:20 a.m.]

Our state legislature requires each state agency to prepare a semi-annual agenda of any rules that may be under development (see RCW 34.05.314). The office of administrative hearings (OAH) is a state agency that hears and independently resolves disputes between the public and other state agencies. At OAH, we encourage the public to be involved in shaping the rules that govern our society. You can get involved by attending public hearings, submitting written comments, or both.

The agenda below briefly describes changes that we anticipate making to OAH rules. This agenda is filed with the office of the code reviser for publication in the Washington State Register. The agenda is also available on our website at <https://oah.wa.gov/Content-Area-Management/Rule-Making-Hub/Rulemaking-Activities>.

If you have any questions regarding rules or rule making, please contact our rules coordinator, Barb Cleveland, at 360-407-2700 or at rulemaking@oah.wa.gov.

ACRONYM KEY

CR: "Code reviser" on the rule-making forms, which are produced by the office of the code reviser for use by all state agencies.

CR-101: Prenotice statement of inquiry filed under RCW 34.05.310.

CR-102: Proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

CR-103: Rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

CR-105: Expedited rule-making proposal filed under RCW 34.05.353.

RCW: Revised Code of Washington.

WAC: Washington Administrative Code.

WSR: Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

**Semi-Annual Rules Development Agenda
January 1 - June 30, 2023**

WAC	Rule Subject	Purpose of Potential Rule Development	Estimated Filing Date—Prenotice Statement of Inquiry (CR-101)	Estimated Filing Date—Proposed Rule (CR-102 or CR-105)	Estimated Filing Date—Permanent Rule (CR-103)
10-24	Access to OAH facilities and services	To ensure that OAH's accommodation procedures for people with disabilities are "clearly and simply stated, so that [they] can be understood by those required to comply." RCW 34.05.220(5). CR-101 was filed. Agency study is ongoing.		3/1/23	5/31/23
10-08	Model rules of procedure	To ensure that the model rules comply with RCW 34.05.220(5), that the rules are "clearly and simply stated, so that [they] can be understood by those required to comply." To ensure that the model rules comply with RCW 34.05.250, that the rules are "appropriate for use by as many agencies as possible" and that the rules "deal with all general functions and duties performed in common by the various agencies." CR-101 was filed. Agency study is ongoing.		To be determined	To be determined

WAC	Rule Subject	Purpose of Potential Rule Development	Estimated Filing Date— Prenotice Statement of Inquiry (CR-101)	Estimated Filing Date— Proposed Rule (CR-102 or CR-105)	Estimated Filing Date— Permanent Rule (CR-103)
10-04	Agency organization—Public records	To clarify organization structure and methods of requesting public records.	2/1/23	To be determined	To be determined
10-16-010	Complaint procedures	To add electronic communication methods, to revise complaint page limits, and to clarify and simplify language.	1/18/23	To be determined	To be determined

WSR 23-03-117
NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED
CONTROL BOARD

[Filed January 18, 2023, 9:33 a.m.]

The meeting schedule of the Washington state noxious weed control board for January - December 2023 is as follows:

Due to the mandated social distancing requirements in place during the current COVID-19 pandemic, the public meetings and public hearings will be held over video and teleconference unless otherwise specified below. For WebEx login information for each meeting please contact Mary Fee at MFee@agr.wa.gov.

Washington State Noxious Weed Control Board Meeting		
Thursday, January 19, 2023	9:00 a.m.	Teleconference/online meeting via WebEx and hosted in Room 259 at the Natural Resources Building (NRB) if allowed, 1111 Washington Street S.E., Olympia, WA 98504
Wednesday, March 15, 2023	1:00 p.m.	Teleconference/online meeting via WebEx and hosted at Campbell's Resort, 104 West Woodin Avenue, Chelan, WA 98816
Thursday, May 25, 2023	9:00 a.m.	Teleconference/online meeting via WebEx and hosted in Room 259 at the NRB if allowed, 1111 Washington Street S.E., Olympia, WA 98504
Thursday, July 20, 2023	9:00 a.m.	Teleconference/online meeting via WebEx and hosted in Room 259 at the NRB if allowed, 1111 Washington Street S.E., Olympia, WA 98504
Thursday, September 7, 2023	9:00 a.m.	Teleconference/online meeting via WebEx and hosted in Room 259 at the NRB if allowed, 1111 Washington Street S.E., Olympia, WA 98504
Thursday, November 1, 2023	9:00 a.m.	Teleconference/online meeting via WebEx and hosted at the Coast Wenatchee Center Hotel, 201 North Wenatchee Avenue, Wenatchee, WA 98801
Washington State Noxious Weed Control Board Meeting - Public Hearing		
Wednesday, October 31, 2023	1:00 p.m.	Teleconference/online meeting via WebEx and hosted at the Coast Wenatchee Center Hotel, 201 North Wenatchee Avenue, Wenatchee, WA 98801

WSR 23-03-118

AGENDA

DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 18, 2023, 9:38 a.m.]

SEMI-ANNUAL RULES DEVELOPMENT AGENDA

January - June 2023

WAC	Rule Title or Subject	Agency Contact	Tentative Timeline			Short Description
			CR-101	CR-102 CR-105	CR-103	
220-500	Collection of wildlife parts	Scott Bird Scott.bird@dfw.wa.gov	August 1, 2021			Amend rules to prohibit the collection of shed animal parts on Washington department of fish and wildlife (WDFW) lands or public lands.
Title 220	Consolidating hearing rules into one chapter	Scott Bird Scott.bird@dfw.wa.gov	January 23, 2019			To better inform the public and satisfy the requirements of the Administrative Procedure Act under chapter 34.05 RCW, WDFW needs to consolidate and clarify its administrative hearing rules into one chapter.
220-200-100 and 220-610-010	Periodic status review: Columbia white tailed deer and Cascade red fox	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	August 30, 2022	December 20, 2022	~February 2023	Reclassify the Columbian white-tailed deer to sensitive or threatened. Classify the Cascade red fox as endangered.
220-200-100 and 220-610-010	Periodic status review: White Pelican	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	January 2023	~March 2023		Reclassify the white pelican to sensitive.
220-415	2023 Hunting season	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	November 29, 2022	February 15, 2023	April 2023	WDFW is considering rule changes for annual hunting regulations. This year's rule-making decision has been delegated to the director.
Title 220	Fish passage	Gabrielle Stilwater Gabrielle.stilwater@dfw.wa.gov	June 17, 2020	~April 2023	~June 2023	Implement the Fishways, flow, and screening statute (chapter 77.57 RCW), and 2019 ESHB 1109 (chapter 415, Laws of 2019).
220-220-010, 220-220-020, 220-310-020, 220-413-020, 220-413-100, 220-416-060	WDFW mobile licensing and catch cards	Kelly Henderson Kelly.Henderson@dfw.wa.gov	January 12, 2023	~March 2023	April 2023	Revisions will clarify the process for possession and compliance with licensing and harvest reporting requirements through the use of both paper or electronic mobile documentation.
220-660-050	Fish habitat enhancement project hydraulic project approvals (HPA)	Theresa Nation theresa.nation@dfw.wa.gov		February 2023	April 2023	Amendments to incorporate SSB 5381 regarding HPA permitting of fish habitat enhancement projects.
220-358-060	Commercial eulachon fishing	Kelly Henderson Kelly.Henderson@dfw.wa.gov	August 2, 2022	October 19, 2022	February 2023	Amend commercial eulachon fishing regulations.

WAC	Rule Title or Subject	Agency Contact	Tentative Timeline			Short Description
			CR-101	CR-102 CR-105	CR-103	
220-330-110, 220-330-140, 220-340-130, 220-340-170	Recreational clam and oyster seasons (2023); updates to oyster drill and European green crab restricted areas	Camille Speck Camille.Speck@dfw.wa.gov Chris Eardley Christopher.Eardley@dfw.wa.gov	October or early November 2022	January 18, 2023	~March 2023	Amend recreational clam and oyster seasons and oyster drill and European green crab restricted areas (both delegated for director's approval).
220-352-245	Guide logbook	Kelly Henderson Kelly.Henderson@dfw.wa.gov	August 2, 2022	October 19, 2022	February 2023	Amend rules regarding reporting requirements for freshwater game fish guide.
220-314-020	Coastal recreational bottomfish 2023	Lorna Wargo Lorna.Wargo@dfw.wa.gov		~January 2023	~March 2023	Amend rules affecting the coastal recreational bottomfish fishery so that it is consistent with regulations adopted by the Pacific Fishery Management Council.
220-340-430 and 220-330-020	Coastal Dungeness crab line marking and electronic monitoring	Heather Hall heather.hall@dfw.wa.gov	May 3, 2023	June 21, 2023	October 9, 2023	Amend rules regarding line marking requirements for the coastal commercial Dungeness crab fishery and require electronic monitoring components be operational on all coastal commercial crab vessels. Amend rules to allow experimental gear testing in the coastal recreational Dungeness crab fishery when authorized under a permit issued by the director.
220-353-050	Commercial fixed gear rockfish landings condition	Whitney Roberts Whitney.Roberts@dfw.wa.gov	December 7, 2022	~February 2023	~March 2023	Amend rule to add certain bottomfish to the list of commercially taken species that are permitted to be possessed, transported through the waters of the state, and landed in the dressed condition.
220-200-160, 220-200-170, 220-200-180, 220-200-190	Special use permits	Katherine Waldrop katherine.waldrop@dfw.wa.gov	May 3, 2022	~February 2023	~March 2023 under director	Amendments to existing rules and establishing new rules associated with program modifications and accessibility permits for hunters and fishers with disabilities.
220-450	Dog aversion training	Heather Bonagofski Heather.bonagofski@dfw.wa.gov[v]	December 8, 2020	HOLD		Rule changes to govern the for-profit use of specific wildlife species for dog aversion training.
200-500	Recreational easements on private land	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	August 30, 2022	January 18, 2023	~March 2023	Director decision scheduled for February.

WAC	Rule Title or Subject	Agency Contact	Tentative Timeline			Short Description
			CR-101	CR-102 CR-105	CR-103	
220-440-210	Black bear timber damage depredation permits	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	February 28, 2019			Holding until the small business economic impact statement has been contracted and finished.
220-370	Amend aquaculture regulations	Kelly Henderson Kelly.Henderson@dfw.wa.gov	March 30, 2018			
220-610-010 and 220-200-100	Periodic status review, gray wolf	Julia Smith julia.smith@dfw.wa.gov	October 1, 2018	~May 2023		Periodic status review for the gray wolf.
220-354	North of Falcon coastal commercial fisheries	Kelly Henderson Kelly.Henderson@dfw.wa.gov	January 10, 2023	~May 2023	~June 2023	Amendments resulting from stakeholder recommendations made during the 2023 North of Falcon process.
220-354	North of Falcon Puget Sound commercial fisheries	Kelly Henderson Kelly.Henderson@dfw.wa.gov	January 10, 2023	~May 2023	~June 2023	Amendments resulting from stakeholder recommendations made during the 2023 North of Falcon process.
220-312 and 220-313	North of Falcon recreational fisheries	Kelly Henderson Kelly.Henderson@dfw.wa.gov	January 10, 2023	~May 2023	~June 2023	Amendments resulting from stakeholder recommendations made during the 2023 North of Falcon process.