

**WSR 22-21-019**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
 [Filed October 5, 2022, 2:51 p.m.]

Following is the schedule of regular meetings for the Associated Students of Eastern Washington University for fall quarter, 2022:

| <b>Date</b> | <b>Time</b> | <b>Location</b>                               |
|-------------|-------------|---|
| 10/6/2022   | 1:00 p.m.   | 926 Elm Street<br>PUB 207<br>Cheney, WA 99004 |
| 10/13/2022  | 1:00 p.m.   | 926 Elm Street<br>PUB 207<br>Cheney, WA 99004 |
| 10/25/2022  | 1:00 p.m.   | 926 Elm Street<br>PUB 207<br>Cheney, WA 99004 |
| 10/27/2022  | 1:00 p.m.   | 926 Elm Street<br>PUB 207<br>Cheney, WA 99004 |
| 11/3/2022   | 1:00 p.m.   | 926 Elm Street<br>PUB 207<br>Cheney, WA 99004 |
| 11/17/2022  | 1:00 p.m.   | 926 Elm Street<br>PUB 207<br>Cheney, WA 99004 |
| 11/29/2022  | 1:00 p.m.   | 926 Elm Street<br>PUB 207<br>Cheney, WA 99004 |
| 12/1/2022   | 1:00 p.m.   | 926 Elm Street<br>PUB 207<br>Cheney, WA 99004 |

If you need further information, contact Gabriel Blackwell, Advisor, 926 Elm Street, PUB 207, Cheney, WA 99004, phone 509-359-2514, gblackwell@ewu.edu, <https://www.ewu.edu/>.

WSR 22-21-027

**NOTICE OF PUBLIC MEETINGS**

**OLYMPIC REGION**

**CLEAN AIR AGENCY**

[Filed October 6, 2022, 11:49 a.m.]

The Olympic Region Clean Air Agency's board of directors has changed the following regular meeting:

From: October 12, 2022.

To: Cancelled.

If you need further information, contact Debbie Moody, 2940 Limited Lane N.W., Olympia, 360-539-7610, ext. 114, fax 360-491-6308, [debbie.moody@orcaa.org](mailto:debbie.moody@orcaa.org), [www.orcaa.org](http://www.orcaa.org).

WSR 22-21-030

NOTICE OF PUBLIC MEETINGS

HEALTH CARE AUTHORITY

(Health Technology Clinical Committee)

[Filed October 6, 2022, 4:32 p.m.]

The health technology clinical committee (HTCC) has determined its public meeting schedule for 2023. Dates below are current as of October 6, 2022.

| Date              | Time                  | Location |
|-------------------|-----------------------|----------|
| January 27, 2023  | 8:00 a.m. - 5:00 p.m. | Virtual  |
| March 17, 2023    | 8:00 a.m. - 5:00 p.m. | Virtual  |
| May 19, 2023      | 8:00 a.m. - 5:00 p.m. | Virtual  |
| July 21, 2023     | 8:00 a.m. - 5:00 p.m. | Virtual  |
| November 17, 2023 | 8:00 a.m. - 5:00 p.m. | Virtual  |

More information on joining HTCC webinars will be posted on the health care authority (HCA) website 14 days prior to each meeting. Go to <https://www.hca.wa.gov/about-hca/health-technology-assessment>.

Interested parties may sign up to receive notice of HTCC meetings, including a link to register for all virtual meetings by clicking on <https://public.govdelivery.com/accounts/WAHCA/subscriber/new>.

For further information, contact Val Hamann, Program Specialist, Health Technology Assessment, P.O. Box 626, Olympia, WA 98504-2712, [valerie.hamann@hca.wa.gov](mailto:valerie.hamann@hca.wa.gov).

**WSR 22-21-034**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed October 7, 2022, 9:22 a.m.]

**Notice of Interpretive or Policy Statement**

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

**Economic Services Administration**  
**Division of Child Support (DCS)**

Document Title: DCS AP 9.10: Client Abuse.

Subject: DCS AP 9.10.

Effective Date: September 30, 2022.

Document Description: This DCS Administrative Policy (AP) establishes DCS's process required under DSHS AP 8.02 to ensure that client abuse is reported, investigated, and resolved.

To receive a copy of the interpretive or policy statements, contact Kirsten Turner, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5178, TDD/TTY 360-753-9122, fax 360-664-5342, email [Kirsten.Turner@dshs.wa.gov](mailto:Kirsten.Turner@dshs.wa.gov), website <http://www.dshs.wa.gov/dcs/>.

WSR 22-21-035

DEPARTMENT OF ECOLOGY

[Filed October 7, 2022, 10:18 a.m.]

Extension of Department of Ecology's Comment Period for Public Comment  
for Identification of Overburdened Communities Highly Impacted by Air  
Pollution

The department of ecology respectfully requests a six-day extension to the comment period for the identification of overburdened communities highly impacted by air pollution for the reason stated below.

Due to an unfortunate setback with our contracted interpretive services provider, we were unable to provide interpreter services as advertised to the public at our first online public comment session (September 27, 2022). We previously shared that we would have interpreters available in Spanish, Korean, Vietnamese, Chinese, and Russian at all seven of our ecology-hosted online public comment sessions.

On account of any inconvenience this unfortunate impact may have caused to those wanting to participate, we would like to extend an additional six days to our public comment period with a new completion date of November 10, 2022.

If you have any questions or would like additional information, please contact Rob Dengel at 360-480-1453 or [rob.dengel@ecy.wa.gov](mailto:rob.dengel@ecy.wa.gov).

**WSR 22-21-039**

**NOTICE OF PUBLIC MEETINGS  
BELLINGHAM TECHNICAL COLLEGE**

[Filed October 10, 2022, 4:31 a.m.]

**NOTICE**

The Bellingham Technical College board of trustees will meet in a special meeting on Monday, October 10, 2022, 3:15 - 5:15 p.m., in the College Services Board Room on the Bellingham Technical College campus; and from 5:30 - 8:30 p.m., at 1 Bellwether Way. The special meeting will be conducted in executive session to evaluate the qualifications of an applicant for public employment. (RCW 42.30.110 (1)(g).) No action is expected to be taken as a result of the executive session. Call 360-752-8334 for information.

**WSR 22-21-044**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed October 11, 2022, 9:35 a.m.]

**Notice of Interpretive or Policy Statement**

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

**Economic Services Administration**  
**Division of Child Support**

Document Title: Canary Notice 313: UIFSA 2008 Part 2: Hague Convention Policy and Procedure.

Subject: CN-313.

Effective Date: September 21, 2022.

Document Description: This canary notice explains how staff process cases under Article 7 of the Uniform Interstate Family Support Act 2008 (UIFSA 2008).

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5073, TDD/TTY 360-753-9122, fax 360-664-5342, email Rachel.Shaddox@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

## WSR 22-21-048

## HEALTH CARE AUTHORITY

[Filed October 11, 2022, 3:00 p.m.]

## NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 22-0034  
Medicare Savings Program.

Effective Date: January 1, 2023.

Description: The health care authority (HCA) intends to submit medicaid SPA 22-0034 in order to remove the asset test for all medicaid savings programs (MSPs). MSPs help with medicare copays, deductibles, and monthly premiums for qualified recipients. In SPA 22-0034, HCA will eliminate the requirement to verify a recipient's resources/assets effective January 1, 2023. Eliminating the asset test for medicare savings programs will allow more low-income medicare recipients to qualify and brings more federal resources, such as the low-income subsidy (LIS) drug benefit, to more needy individuals. The result allows individuals to keep more of their income for other necessary things, reduces administrative burden, and puts more federal money into our local economy. Additionally, this means more people will have their medicare premiums paid, providing greater access to medical care.

SPA 22-0034 is expected to save enrollees in MSP programs approximately \$2,000 in annual Part B premiums and, through extra help (also known as LIS), an estimated \$3,300 in drug costs—income that program recipients use toward food, housing, and other basic living expenses. This is good public policy. Without the MSPs, many of these individuals may be forced to choose between these necessities and the cost of drugs or medical care. Rather than exclude low-income individuals with modest savings from the program, Washington should protect its most vulnerable population from an increasingly complex, costly health care system and eliminate the asset test for MSPs.

This change will cost approximately \$10 million per year. This is relatively low for an estimated annual increase of over 4,000 newly eligible individuals, predominately in the qualified medicare beneficiary program, who will be able to access medical care through the medicare program.

Additional context: Health law advocates are also interested as there is a national effort to address the "medicare cliff." Eliminating the asset test is one of the areas within that effort.

SPA 22-0034 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: Mark Westenhaver, Office of Medicaid Policy, 626 8th Avenue S.E., Olympia, WA 98504, phone 360-725-1324, TRS 711, fax 360-664-2186, email Mark.westenhaver@hca.wa.gov.



WSR 22-21-050

NOTICE OF PUBLIC MEETINGS

UNIFORM LAW COMMISSION

[Filed October 11, 2022, 4:29 p.m.]

The uniform law commission has changed the following regular meeting:

From: November 9, 2022, 4:00 p.m., to be held at Law Offices of Davis Wright Tremaine LLP, 920 Fifth Avenue, Suite 3300, Seattle, WA.

To: December 5, 2022, 4:00 p.m., to be held virtually as a Zoom conference.

If you need further information contact Shayne O'Grady, 415 15th Avenue S.W., Olympia, WA 98504, 360-786-6777, 360-786-1471, Shayne.ogrady@leg.wa.gov, <http://ulc.wa.gov/>.

**WSR 22-21-062**

**POLICY STATEMENT**

**DEPARTMENT OF HEALTH**

[Filed October 12, 2022, 4:21 p.m.]

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title of Policy Statement: Regulatory Standards Applicable to Manufacturers and Wholesalers of Dialysis Devices and Legend Drugs for Home Dialysis. P008.

Issuing Entity: Pharmacy quality assurance commission.

Subject Matter: This policy clarifies expectations set by the pharmacy quality assurance commission for manufacturers and wholesalers of commercially-available dialysate and dialysis devices to comply with sections of rule related to existing statutes amended by SHB 1675 (chapter 23, Laws of 2022).

Effective Date: June 9, 2022.

Contact Person: Marlee B. O'Neill, executive director, pharmacy quality assurance commission, Washington state department of health, 360-236-4700, WSPQAC@doh.wa.gov.

**WSR 22-21-063**

**POLICY STATEMENT**

**DEPARTMENT OF HEALTH**

[Filed October 12, 2022, 4:24 p.m.]

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title of Policy Statement: Delegation of Decision-Making to Panels and Health Law Judges for Disciplinary Cases Involving Pharmaceutical Firms. P009.

Issuing Entity: Pharmacy quality assurance commission.

Subject Matter: This policy clarifies the pharmacy quality assurance commission's approach to licensing, complaints, investigations, case disposition, and adjudication involving pharmaceutical firms.

Effective Date: June 9, 2022.

Contact Person: Marlee B. O'Neill, executive director, pharmacy quality assurance commission, Washington state department of health, 360-236-4700, WSPQAC@doh.wa.gov.

**WSR 22-21-064**

**INTERPRETIVE STATEMENT**

**DEPARTMENT OF HEALTH**

[Filed October 12, 2022, 4:28 p.m.]

**NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT**

Title of Interpretive Statement: Hospital Admissions by Podiatric Physicians. P022-52.

Issuing Entity: Podiatric medical board.

Subject Matter: Clarifies that podiatric physicians are permitted by law to admit patients to hospitals for conditions other than foot and ankle.

Effective Date: July 14, 2022.

Contact Person: Susan Gragg, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, 360-236-4941, podiatric@doh.wa.gov.

**WSR 22-21-065**

**POLICY STATEMENT**

**DEPARTMENT OF HEALTH**

[Filed October 12, 2022, 4:29 p.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

Title of Policy Statement: "Face-to-face" and "In person" Services or Assessments Provided by Behavioral Health Agencies. Policy Number: CHS-09-13-22.

Issuing Entity: Department of health.

Subject Matter: Clarifying that services or assessments provided by behavioral health agencies that are required to be provided "face-to-face" or "in person" under chapter 246-341 WAC can occur either in-person or by way of synchronous video conferencing.

Effective Date: October 28, 2022.

Contact Person: Julie Tomaro, facilities program manager, Julie.tomaro@doh.wa.gov, 360-236-2937.

**WSR 22-21-066**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
 (Board of Massage)  
 [Filed October 12, 2022, 5:08 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), board of massage, for the year 2023. The board of massage meetings are open to the public and access for persons with disabilities may be arranged with advance notice. Please contact the staff person below for more information.

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

| Date               | Time      | Location                                    |
|--------------------|-----------|---|
| January 6, 2023    | 9:00 a.m. | Hybrid format<br>Physical location: Olympia |
| March 10, 2023     | 9:00 a.m. | Hybrid format<br>Physical location: Olympia |
| May 19, 2023       | 9:00 a.m. | Hybrid format<br>Physical location: Olympia |
| July 14, 2023      | 9:00 a.m. | Hybrid format<br>Physical location: Olympia |
| September 22, 2023 | 9:00 a.m. | Hybrid format<br>Physical location: Olympia |
| November 3, 2023   | 9:00 a.m. | Hybrid format<br>Physical location: Olympia |

If you need further information, please contact Megan Maxey, Program Manager, DOH, Board of Massage, P.O. Box 47852, Olympia, WA 98504-7852, 360-236-4945, 360-236-2901, [megan.maxey@doh.wa.gov](mailto:megan.maxey@doh.wa.gov), [www.doh.wa.gov](http://www.doh.wa.gov).

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

**WSR 22-21-067**  
**NOTICE OF PUBLIC MEETINGS**  
**COLUMBIA BASIN COLLEGE**  
 [Filed October 12, 2022, 5:12 p.m.]

Updated Notification of the Board of Trustees' Public Meetings for  
 Academic Year 2022-23

At the October 10, 2022, Columbia Basin College (CBC) board of trustees' meeting, the November meeting start time was revised from 4:00 to 5:00 p.m. The CBC board of trustees' regular meetings will be held on the following dates and times:

|                    |                        |
|--------------------|------------------------|
| September 12, 2022 | 4:00 p.m.              |
| October 10, 2022   | 4:00 p.m.              |
| November 14, 2022  | 5:00 p.m.              |
| December 12, 2022  | 4:00 p.m.              |
| January 9, 2023    | 4:00 p.m.              |
| February 10, 2023  | 7:30 a.m.              |
| March 17, 2023     | 7:30 a.m.              |
| April 14, 2023     | 7:30 a.m.              |
| May 8, 2023        | 4:00 p.m.              |
| June 12, 2023      | 4:00 p.m.              |
| No July meeting    | No July meeting        |
| August 18, 2023    | 9:00 a.m. to 3:00 p.m. |

CBC currently offers a hybrid format for monthly board of trustees' meetings; this allows both in-person or virtual participation through an audience link via Zoom webinar.

If you have any questions, please contact 509-542-4802.

Ronda Rodgers  
 Executive Assistant to the President  
 and Board of Trustees

WSR 22-21-068

DEPARTMENT OF AGRICULTURE

[Filed October 13, 2022, 7:16 a.m.]

2022 QUARTERLY REPORT ON RULE-MAKING ACTIVITIES

**Petitions Received**

The following information is being sent in order to implement RCW 1.08.112 (1)(g) and WAC 1-21-180. The Washington state department of agriculture received zero petitions for rule making during the third quarter of 2022.

| Date  | Requestor | Subject |
|---|-----------|---------|
| <b>1ST QUARTER (JANUARY THROUGH MARCH)</b>  |           |         |
|   | None      |         |
| <b>2ND QUARTER (APRIL THROUGH JUNE)</b>     |           |         |
|   | None      |         |
| <b>3RD QUARTER (JULY THROUGH SEPTEMBER)</b> |           |         |
|   | None      |         |



**WSR 22-21-073**

**NOTICE OF PUBLIC MEETINGS**

**STATUTE LAW COMMITTEE**

[Filed October 13, 2022, 11:37 a.m.]

A statute law committee meeting has been scheduled for Tuesday, November 22, 2022. The meeting will begin at 12:00 p.m. and will end at approximately 1:00 p.m. Agenda items include welcome and introductions, approval of minutes of the May 26, 2022, meeting, publications report, financial report, technical corrections bill, and other business.

The meeting will be hybrid, with in-person in the ABC Room, JAC Building, and via Zoom.

Shayne O'Grady or Kathleen Buchli are the contact persons for information concerning this meeting and can be reached at 360-786-6777 or CROFrontDesk@leg.wa.gov.

**WSR 22-21-085**

**NOTICE OF PUBLIC MEETINGS  
WESTERN WASHINGTON UNIVERSITY**

[Filed October 14, 2022, 9:20 a.m.]

**Associated Students of Western Washington University (ASWWU) Student  
Senate Fall 2022 Meeting Schedule**

Pursuant to chapter 42.30 RCW, following is the 2022 fall quarter schedule of regular meetings of ASWWU student senate:

Meetings of ASWWU student senate will be held biweekly on Wednesdays between October 5, 2022, and November 16, 2022. All meetings will be held in-person at Western Washington University, 516 High Street, Viking Union (VU), with a virtual option on Microsoft Teams. October meetings are in room VU 567 and November meetings are in room VU 462A. 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, AS executive board program coordinator, at 360-650-3460 or email [Annie.Byers@wwu.edu](mailto: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 22-21-095**

**NOTICE OF PUBLIC MEETINGS**

**CLARK COLLEGE**

[Filed October 17, 2022, 8:42 a.m.]

**2023 Board of Trustees Meeting Schedule**

The board of trustees of Clark College will hold its general meetings on the fourth Wednesday of the month at 5:00 p.m. except as otherwise noted (March, June, November, and December will be held off schedule, and a special meeting will be held in July, date to be determined). All meetings are held at Clark College in the Ellis Dunn Community Room GH1 213 in Gaiser Hall and on Zoom.

January 25

February 22

March 8

April 26

May 24

June 7

August 23

September 27

November 15

December 6

**WSR 22-21-097**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COLLEGE**  
 [Filed October 17, 2022, 11:50 a.m.]

At the October 13, 2021, meeting, the Edmonds College board of trustees set its regular meeting schedule for 2023 as follows:

| MONTH                 | DAY              | START TIME       | END TIME  | MEETING TYPE                      |
|-----------------------|------------------|------------------|-----------|-----------------------------------|
| January - No meeting  |                  |                  |           |                                   |
| February 16, 2023     | Thursday         | 3:30 p.m.        | 6:30 p.m. | Study session and regular meeting |
| March 9, 2023         | Thursday         | 3:30 p.m.        | 6:30 p.m. | Study session and regular meeting |
| April 13, 2023        | Thursday         | 3:30 p.m.        | 6:30 p.m. | Study session and regular meeting |
| May 11, 2023          | Thursday         | <b>2:30 p.m.</b> | 6:30 p.m. | Regular meeting                   |
| June 8, 2023          | Thursday         | 3:30 p.m.        | 6:30 p.m. | Study session and regular meeting |
| July - No meeting     |                  |                  |           |                                   |
| August 10 - 11, 2023  | Thursday, Friday | 8:00 a.m.        | 5:00 p.m. | Study session                     |
| September 14, 2023    | Thursday         | 3:30 p.m.        | 6:30 p.m. | Study session and regular meeting |
| October 19, 2023      | Thursday         | 3:30 p.m.        | 6:30 p.m. | Study session and regular meeting |
| November 16, 2023     | Thursday         | 3:30 p.m.        | 6:30 p.m. | Study session and regular meeting |
| December - No meeting |                  |                  |           |                                   |

If you need further information, contact Kristen NyQuist, Edmonds College, 20000 68th Avenue West, Lynnwood, 98036, kristen.nyquist@edmonds.edu.

**WSR 22-21-098**  
**NOTICE OF PUBLIC MEETINGS**  
**HORSE RACING COMMISSION**  
 [Filed October 17, 2022, 12:00 p.m.]

**2023 MEETING DATES**

| <b>DATE:</b>                    | <b>TOPIC:</b>  | <b>LOCATION:</b>                                   |
|---------------------------------|--|--|
| Friday<br>January 13, 2023      | Approval of split<br>sample labs   | Emerald Downs<br>Fifth Floor<br>Available via Zoom |
| Friday<br>February 10,<br>2023  | Emerald Downs<br>officials<br>Class C race dates<br>Class C officials                        | Emerald Downs<br>Fifth Floor<br>Available via Zoom |
| Friday<br>March 10, 2023        | Twin Spires<br>renewal<br>Bet renewal  | Emerald Downs<br>Fifth Floor<br>Available via Zoom |
| Friday<br>April 14, 2023        | NYRABets<br>renewal  | Emerald Downs<br>Fifth Floor<br>Available via Zoom |
| May<br>No Meeting               |  |  |
| Friday<br>June 9, 2023          | TVG renewal  | Emerald Downs<br>Fifth Floor<br>Available via Zoom |
| Friday<br>July 28, 2023         | Watch and Wager<br>renewal<br>Xpress Bet renewal   | Emerald Downs<br>Fifth Floor<br>Available via Zoom |
| August<br>No meeting            |  |  |
| Friday<br>September 8,<br>2023  | Approval of agency<br>budget<br>Request legislation<br>Annual review of<br>license fees      | Emerald Downs<br>Fifth Floor<br>Available via Zoom |
| Friday<br>October 13, 2023      | Annual review of<br>source market fee<br>distribution<br>Meeting dates for<br>2024           | Emerald Downs<br>Fifth Floor<br>Available via Zoom |
| Thursday<br>November 9,<br>2023 | End of meeting<br>reports -<br>veterinarian and<br>stewards<br>Emerald Downs<br>date request | Emerald Downs<br>Fifth Floor<br>Available via Zoom |
| December<br>No meeting          |  |  |

**WSR 22-21-103**

**INTERPRETIVE STATEMENT**

**DEPARTMENT OF REVENUE**

[Filed October 17, 2022, 4:33 p.m.]

**INTERPRETIVE STATEMENT ISSUED**

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

**ETA 3183.2022 *International Investment Management Services***

This ETA explains the application of the preferential B&O tax rate authorized by RCW 82.04.290(1) to qualifying international investment management services. The qualifications for the rate changed, effective July 1, 2019.

A copy of this document is available via the internet at Rule and Tax Advisory Adoptions and Repeals.

Atif Aziz  
Tax Policy Manager  
Rules Coordinator

WSR 22-21-105
RULES OF COURT
STATE SUPREME COURT
[October 13, 2022]

IN THE MATTER OF THE PROPOSED ) ORDER
AMENDMENTS TO GR 29— ) NO. 25700-A-1466
PRESIDING JUDGE IN SUPERIOR )
COURT DISTRICT AND LIMITED )
JURISDICTION COURT DISTRICT )

The Board for Judicial Administration, having recommended the proposed amendments to GR 29—Presiding Judge in Superior Court District and Limited Jurisdiction Court District, and the Court having considered the proposed amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

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

DATED at Olympia, Washington this 13th day of October, 2022.

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

GR 29

PRESIDING JUDGE IN SUPERIOR COURT DISTRICT AND LIMITED JURISDICTION COURT DISTRICT

(a) [Unchanged.]

(b) Selection, and Term, and Designation of Presiding Judge Pro Tempore-Single Judge Courts. In court districts or municipalities having only one judge, that judge shall serve as the Presiding Judge for the judge's term of office, and shall predesignate and prepare a Presiding Judge Pro Tempore to fulfill presiding judge duties in the case of illness, incapacity, resignation, death, or unavailability of the judge.

Commentary

In training and preparing the designated Presiding Judge Pro Tempore to fulfill presiding judge duties, a Presiding Judge from a single judge court should address the significant and nondelegable administrative, budgetary, and personnel responsibilities of a presiding judge under this court rule, any obligations under collective bargaining agreement(s) or law(s) applicable to court personnel, interjurisdictional relations, and executive and legislative branch collaborations.

If it becomes necessary for the Chief Justice to appoint a Presiding Judge Pro Tempore for a single judge court pursuant to RCW 2.56.040(2) or other authority, then the State Court Administrator or the Chief Justice may consider consulting with the local executive or legislative authorities prior to the appointment.

**(c) Notification of Chief Justice.** The Presiding Judge so elected shall send notice of the election of the Presiding Judge and Assistant Presiding Judge, and in cases of single judge courts, the predesignated Presiding Judge Pro Tempore, to the Chief Justice of the Supreme Court within 30 days of election or any new or changed Presiding Judge or Presiding Judge Pro Tempore designations.

**(d)-(e)** [Unchanged.]

**(f) Duties and Authority.** The judicial and administrative duties set forth in this rule cannot be delegated to persons in either the legislative or executive branches of government. A Presiding Judge may delegate the performance of ministerial duties to court employees; however, it is still the Presiding Judge's responsibility to ensure they are performed in accordance with this rule. In addition to exercising general administrative supervision over the court, except those duties assigned to clerks of the superior court pursuant to law, the Presiding Judge shall:

(1)-(11) [Unchanged.]

(12) Determine the qualifications of and establish a training program for Presiding Judges Pro Tempore predesignated under subsection (c), pro tem judges, and pro tem court commissioners; and

(13) [Unchanged.]

**(g)-(1)** [Unchanged.]

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



WSR 22-21-106
RULES OF COURT
STATE SUPREME COURT
[October 13, 2022]

IN THE MATTER OF THE PROPOSED ) ORDER
AMENDMENT TO CrR 3.3—TIME ) NO. 25700-A-1467
FOR TRIAL )

The Superior Court Judges' Association Criminal Law and Rules Committee, having recommended the adoption of the proposed amendment CrR 3.3—Time for Trial, and the Court having considered the proposed amendment, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

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

DATED at Olympia, Washington this 13th day of October, 2022.

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

CrR 3.3
TIME FOR TRIAL

(a) - (e) [Unchanged.]

(f) Continuances. Continuances or other delays may be granted as follows:

(1) Written Agreement. Upon written agreement of the parties, which must be signed by defense counsel or the defendant or all defendants, the court may continue the trial date to a specified date. In the absence of the defendant's signature or presence at the hearing, defense counsel's signature constitutes a representation that the defendant has been consulted and agrees to the continuance. The court's notice to defense counsel of new hearing dates constitutes notice to the defendant.

(2) [Unchanged.]

(g) - (h) [Unchanged.]

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

WSR 22-21-107
RULES OF COURT
STATE SUPREME COURT
[October 13, 2022]

IN THE MATTER OF THE PROPOSED ) ORDER
AMENDMENT TO CrRLJ 3.3—TIME ) NO. 25700-A-1468
FOR TRIAL )

The District and Municipal Court Judges' Association, having recommended the adoption of the proposed amendment to CrRLJ 3.3—Time for Trial, and the Court having considered the proposed amendment, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

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

DATED at Olympia, Washington this 13th day of October, 2022.

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

CrRLJ 3.3
TIME FOR TRIAL

(a) - (e) [Unchanged.]

(f) Continuances. Continuances or other delays may be granted as follows:

(1) Written Agreement. Upon written agreement of the parties which must be signed by defense counsel or the defendant or all defendants, the court may continue the trial to a specified date. In the absence of the defendant's signature or presence at the hearing, defense counsel's signature constitutes a representation that the defendant has been consulted and agrees to the continuance. The court's notice to defense counsel of new hearing dates constitutes notice to the defendant.

(2) [Unchanged.]

(g) - (h) [Unchanged.]

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

WSR 22-21-108
RULES OF COURT
STATE SUPREME COURT
[October 13, 2022]

IN THE MATTER OF THE PROPOSED ) ORDER
AMENDMENTS TO CrRLJ 7.6— ) NO. 25700-A-1469
PROBATION )

The Washington Defender Association, having recommended the adoption of the proposed amendments to CrRLJ 7.6—Probation, and the Court having considered the proposed amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

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

DATED at Olympia, Washington this 13th day of October, 2022.

Gonzalez, C.J.
Gordon McCloud, J.
Yu, J.
Owens, J.
Montoya-Lewis, J.

CrRLJ 7.6
PROBATION

(a) Probation. After conviction of an offense the defendant may be placed on probation as provided by law.

(b) Jurisdiction. Pursuant to RCW 39.34.180, the court may transfer probation

(c) Revocation or Modification of Probation. The court shall not revoke or modify probation except (1) after a hearing in which the defendant shall be present and apprised of the grounds on which such action is proposed, or (2) upon stipulation of the parties. The defendant is entitled to be represented by a lawyer and may be released pursuant to rule 3.2 pending such hearing. A lawyer shall be appointed for a defendant financially unable to obtain one. The defendant has the right to be physically present at all contested hearings and any hearing at which the prosecutions seeks to detain the defendant. The court has discretion to allow the defendant to appear through counsel or remotely.

(d) Release Pending Probation Hearing. If the defendant has been arrested for an alleged probation violation, the court shall release the defendant within 24 hours or hold a hearing on the next judicial day to determine release conditions pursuant to rule 3.2.

(e) Timing of Probation Hearing. If a defendant is held in custody on the alleged probation violation, the court must hold a probation hearing in which the defendant has the right to be physically present within two weeks of the defendant's arrest unless the defendant requests a continuance. If the hearing is not set for a date within two weeks of arrest, the defendant shall be released pending the hearing.

**(f) Rights of the Defendant Unless Waived.** The defendant is entitled to be represented by a lawyer, and a lawyer shall be appointed for a defendant financially unable to obtain one. Before a probation hearing, the probationer shall be advised of the nature of the alleged violation and provided discovery of evidence supporting the allegation including names and contact information of witnesses. If the defendant seeks to cross examine witnesses, the defendant shall give notice at least three days before the hearing. A defendant who gives such notice shall have the right to confront adverse witnesses unless the court specifically finds good cause for not allowing confrontation. At the hearing, the defendant shall have the right to present evidence and cross-examine any witnesses.

**(g) Record of Grounds for Decision.** If the court revokes probation, it shall state the grounds for its decision succinctly in the record.

WSR 22-21-109
RULES OF COURT
STATE SUPREME COURT
[October 13, 2022]

IN THE MATTER OF THE ) ORDER
SUGGESTED AMENDMENTS TO GR ) NO. 25700-A-1470
11.3—REMOTE INTERPRETATION )

The Washington State Supreme Court Interpreter Commission, having recommended the adoption of the suggested amendments to GR 11.3—Remote Interpretation, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

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

DATED at Olympia, Washington this 13th day of October, 2022.

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 GENERAL RULE 11.3

- 1. Proponent Organization: Washington State Supreme Court Interpreter Commission
2. Spokesperson & Contact Info: Robert W. Lichtenberg, AOC Interpreter Commission Staff, Robert.Lichtenberg@courts.wa.gov
3. Purpose of Proposed Rule Amendment:

The Commission would like to correct two incorrect provisions that were inadvertently included in the previous proposal to amend GR 11.3:

a. The Rule title should have shown the following strikethrough: "Remote Interpreting Interpretation", rather than the proffered language "Remote Interpretation Interpreting".

b. The 2021 submitted revision to GR 11.3 (h) mistakenly did not have a strikethrough in the first sentence, but instead omitted that sentence altogether. The Code Revisor then reinserted the sentence when the rule was published to ensure conformity. The final rule now contains a sentence that was not intended to be in the current rule. The intention of the Interpreter Commission was to strike the first sentence of the prior rule. The correction is shown in the proposed rule attachment.

This rule order will correct the Rule title and Section (h) to reflect the final Rule content as was intended by the Supreme Court Interpreter Commission. The subject matter of the sentence being removed is addressed by other court rules and does not need to be con-

tained within this rule. Removing the reference here will reduce confusion by the courts.

4. Is Expedited Consideration Requested? Yes, because these are technical corrections that should be included in the original proposal.

5. Is a Public Hearing Recommended? No. This is a correction to the Rule.

## GR 11.3

## REMOTE INTERPRETING INTERPRETATION

(a) - (g) [Unchanged.]

(h) ~~An audio recording shall be made of all statements made on the record during their interpretation, and the same shall be preserved.~~ Upon the request of a party, the court may make and maintain recording of the spoken language interpretations or a video recording of the signed language interpretations made during a hearing. Any recordings permitted by this subparagraph shall be made and maintained in the same manner as other audio or video recordings of court proceedings.

(i) [Unchanged.]

Comments:

[1] - [6] [Unchanged.]

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

WSR 22-21-110
RULES OF COURT
STATE SUPREME COURT
[October 13, 2022]

IN THE MATTER OF THE ) ORDER
SUGGESTED TECHNICAL ) NO. 25700-A-1471
AMENDMENT TO ER 1101— )
APPLICABILITY OF RULES )

Washington State Supreme Court Rules Committee Staff, having recommended the adoption of the suggested technical amendment to ER 1101—Applicability of Rules, and the Court having considered the suggested technical amendment, and having determined that the suggested technical amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

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

DATED at Olympia, Washington this 13th day of October, 2022.

Table of signatures: 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 RULES OF EVIDENCE (ER) 1101

- 1. Proponent: J Benway, WSSC Rules Committee Staff
2. Spokesperson & Contact Info: J Benway, AOC Principal Legal Analyst, Jamanda.benway@courts.wa.gov, 360-357-2126

3. Purpose of Proposed Rule Amendment:

Recent legislation repealed most of the statutes pertaining to protection orders and consolidated them into a single chapter, chapter 7.105 RCW. This impacts ER 1101, Applicability of Rules, which lists proceedings during which the evidence rules need not apply. Subsection (c) (4), which specifically pertains to applications to protection orders, needs to be updated to reflect the new legislation.

4. Is Expedited Consideration Requested? Yes, because the legislation is already in effect, as of July 1, 2022.

5. Is a Public Hearing Recommended? No, because this is a technical change that is required by legislation.

ER 1101
APPLICABILITY OF RULES

(a) Courts Generally. Except as otherwise provided in section (c), these rules apply to all actions and proceedings in the courts of the state of Washington. The terms "judge" and "court" in these rules refer to any judge of any court to which these rules apply or any oth-

er officer who is authorized by law to hold any hearing to which these rules apply.

**(b) Law With Respect to Privilege.** The law with respect to privileges applies at all stages of all actions, cases, and proceedings.

**(c) When Rules Need Not Be Applied.** The rules (other than with respect to privileges, the rape shield statute and ER 412) need not be applied in the following situations:

(1) *Preliminary Questions of Fact.* The determination of questions of fact preliminary to admissibility of evidence when the issue is to be determined by the court under rule 104(a).

(2) *Grand Jury.* Proceedings before grand juries and special inquiry judges.

(3) *Miscellaneous Proceedings.* Proceedings for extradition or rendition; detainer proceedings under RCW 9.100; preliminary determinations in criminal cases; sentencing, or granting or revoking probation; issuance of warrants for arrest, criminal summonses, and search warrants; proceedings with respect to release on bail or otherwise; contempt proceedings in which the court may act summarily; habeas corpus proceedings; small claims court; supplemental proceedings under RCW 6.32; coroners' inquests; preliminary determinations in juvenile court; juvenile court hearings on declining jurisdiction; disposition, review, and permanency planning hearings in juvenile court; dispositional determinations related to treatment for alcoholism, intoxication, or drug addiction under RCW 70.96A; and dispositional determinations under RCW 71.05 and 71.34.

(4) *Applications for Protection Orders.* Protection order proceedings under Chapters ~~7.90, 7.92, 7.94, 10.14, 26.50~~ 7.105, and 74.34 RCW. Provided when a judge proposes to consider information from a criminal or civil database, the judge shall disclose the information to each party present at the hearing; on timely request, provide each party with an opportunity to be heard; and take appropriate measures to alleviate litigants' safety concerns. The judge has discretion not to disclose information that he or she does not propose to consider.

**(d) Arbitration Hearings.** In a mandatory arbitration hearing under RCW 7.06, the admissibility of evidence is governed by MAR 5.3.



WSR 22-21-111  
RULES OF COURT  
STATE SUPREME COURT  
[October 13, 2022]

**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 [22-22](#) issue of the Register.

WSR 22-21-112
RULES OF COURT
STATE SUPREME COURT
[October 13, 2022]

IN THE MATTER OF THE ) ORDER
SUGGESTED AMENDMENT TO GR ) NO. 25700-A-1473
22—ACCESS TO FAMILY LAW AND )
GUARDIANSHIP COURT RECORDS )

A Consortium<sup>1</sup>, having recommended the adoption of the suggested amendment to GR 22—Access to Family Law and Guardianship Court Records, 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;

<sup>1</sup> Northwest Justice Project, Sexual Violence Law Center, and Legal Voice

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 13th day of October, 2022.

Johnson, J.
Owens, J.
Gonzalez, C.J.
Yu, J.
Montoya-Lewis, J.
Whitener, J.

GR 9 COVER SHEET
Suggested Amendment
GR 22—ACCESS TO FAMILY LAW AND GUARDIANSHIP COURT RECORDS

A. Proponents: Northwest Justice Project
Sexual Violence Law Center
Legal Voice

B. Spokesperson: Mary Welch, Statewide Advocacy Counsel Northwest Justice Project
1814 Cornwall Ave.
Bellingham, WA 98225
Tel: (206) 707-0826 Email: maryw@nwjustice.org

C. Purpose: Adding the new Civil Protection Order chapter 7.105 RCW to the list of family law cases enumerated at GR 22 (b)(2). The stated purpose of GR 22 is to protect the privacy of family law and guardianship court records. This proposal seeks to add civil protection orders to the types of cases protected under GR 22.

D. Hearing: The proponent does not believe that a public hearing is necessary.

E. Expedited Consideration:

As the Court is aware, the legislature revised civil protection order law into a new consolidated chapter 7.105 RCW as of July 1, 2022, repealing and replacing the domestic violence protection order chapter, 26.50, among others. Previously, litigants seeking domestic

violence protection orders could rely on the privacy protections in GR 22 when they needed to file medical records or other sensitive personal information to support their claims. GR 22 must be amended to apply to protection orders filed under chapter 7.105 in the same way it previously applied to chapter 26.50.

The Court has already recognized the need for privacy in family and guardianship cases by adopting GR 22 to cover Chapters 11.88, 11.92, 11.130, 26.09, 26.10, 26.12, 26.18, 26.21, 26.23, 26.26, 26.27, 26.50, 26.52, 73.36 and 74.34 RCW. Chapters 11.88, 11.92, 26.10 and 26.50 have been repealed and should be removed from GR 22. Chapter 7.105 RCW replaces RCW 26.50 regarding Civil Protection Orders and clearly falls into the category of "family and guardianship court records" that GR 22 was intended to protect. Expediting review of the proposed changes to GR 22 is necessary to protect the privacy rights of individuals involved in protection order hearings. RCW 7.105 includes Domestic Violence Protection Orders, Sexual Assault Protection Orders, Stalking Protection Orders, Antiharassment Protection Orders, Vulnerable Adult Protection Orders, and Extreme Risk Protection Orders.

Until GR 22 is amended to include RCW 7.105, litigants will have no way to submit confidential information to the court without exposing it to the public record. The privacy considerations are the same whether the litigant is seeking protection from domestic violence, sexual assault, stalking, harassment, or abuse of a vulnerable adult. Evidence submitted in these cases may include extremely sensitive medical records or confidential reports that detail child abuse, sexual abuse, physical abuse, or mental health struggles. Petitioners may be reluctant to seek protection if they are required to reveal such information publicly. Petitioners should not have to compromise privacy to ensure their safety.

Expedited review of this suggested amendment is critical to the smooth and just implementation of chapter 7.105 RCW. Therefore, we ask the Court to review this suggested amendment immediately.

SUGGESTED AMENDMENT

GR 22

ACCESS TO FAMILY LAW, PROTECTION ORDER, AND GUARDIANSHIP COURT RECORDS

**(a) Purpose and Scope of this Rule.** This rule governs access to family law, protection order, and guardianship court records, whether the records are maintained in paper or electronic form. The policy of the courts is to facilitate public access to court records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the courts.

**(b) Definition and Construction of Terms.**

(1) "Court record" is defined in GR 31 (c) (4).

(2) "Family law case, protection order, or guardianship case" means any case filed under Chapters 7.105, ~~11.88~~, ~~11.92~~, 11.130, 26.09, ~~26.10~~, 26.12, 26.18, 26.21, 26.23, 26.26, 26.27, ~~26.50~~, 26.52, 73.36 and 74.34 RCW.

(3) "Personal Health Care Record" means any record or correspondence that contains health information that: (1) relates to the past, present, or future physical or mental health condition of an individu-

al including past, present, or future payments for health care; or (2) involves genetic parentage testing.

(4) "Personal Privacy" is unreasonably invaded only if disclosure of information about the person or the family (a) would be highly offensive to a reasonable person and (b) is not of legitimate concern to the public.

(5) "Public access" means unrestricted access to view or copy a requested court record.

(6) "Restricted personal identifiers" means a party's social security number, a party's driver's license number, a party's telephone number, financial account numbers, social security number of a minor child and date of birth of a minor child.

(7) "Retirement plan order" means a supplemental order entered for the sole purpose of implementing a property division that is already set forth in a separate order or decree in a family law case. A retirement plan order may not grant substantive relief other than what is set forth in a separate order. Examples of retirement plan orders are orders that implement a division of retirement, pension, insurance, military, or similar benefits as already defined in a decree of dissolution of marriage.

(8) "Sealed financial source documents" means income tax returns, W-2s and schedules, wage stubs, credit card statements, financial institution statements, checks or the equivalent, check registers, loan application documents, and retirement plan orders, as well as other financial information sealed by court order.

**(c) Access to Family Law, Protection Order, or Guardianship Court Records.**

(1) *General Policy.* Except as provided in RCW 26.26A.500 and subsections (c)(2) and (c)(3) below, all court records shall be open to the public for inspection and copying upon request. The Clerk of the court may assess fees, as may be authorized by law, for the production of such records.

(2) *Restricted Access.* The Law Enforcement and Confidential Information Form (LECIF), Confidential Information Form, Sealed Financial Source Documents, Domestic Violence Information Form, Notice of Intent to Relocate required by RCW 26.09.440, Sealed Personal Health Care Record, Retirement Plan Order, Confidential Reports as defined in (e)(2)(B), copies of any unredacted Judicial Information System (JIS) database information considered by the court for parenting plan approval as set forth in (f) of this rule, and any Personal Information Sheet necessary for JIS purposes shall only be accessible as provided in sections (h) and (i) herein.

(3) *Excluded Records.* This section (c) does not apply to court records that are sealed as provided in GR 15, or to which access is otherwise restricted by law.

**(d) Restricted Personal Identifiers Not Required—Except.** Parties to a family law case, parties to a protection order case, or the respondent, individual subject to guardianship, conservatorship or other protective arrangement, or other party in a guardianship case shall not be required to provide restricted personal identifiers in any document filed with the court or required to be provided upon filing a family law, protection order, or guardianship case, except:

(1) "Sealed financial source documents" filed in accordance with (g)(1).

(2) The following forms: Confidential Information Form, Domestic Violence Information Form, Notice of Intent to Relocate required by

RCW 26.09.440, Vital Statistics Form, Law Enforcement and Confidential Information Form (LECIF), Foreign Protection Order Information Form, and any Personal Information Sheet necessary for JIS purposes.

(3) Court requested documents that contain restricted personal identifiers, which may be submitted by a party as financial source documents under the provisions of section (g) of this rule.

**(e) Filing of Reports in Family Law, Protection Order, and Guardianship cases—Cover Sheet.**

(1) This section applies to documents that are intended as reports to the court in Family law, Protection Order, and Guardianship cases including, but not limited to, the following:

(A) Parenting evaluations;

(B) Domestic Violence Assessment Reports created by Family Court Services or a qualified expert appointed by the court;

(C) Risk Assessment Reports created by Family Court Services or a qualified expert;

(D) CPS Summary Reports created by Family Court Services or supplied directly by Children's Protective Services;

(E) Sexual abuse evaluations; and

(F) Reports of a guardian ad litem or Court Appointed Special Advocate, visitor, or court visitor.

(2) Reports shall be filed as two separate documents, one public and one sealed.

(A) Public Document. The public portion of any report shall include a simple listing of:

(i) Materials or information reviewed;

(ii) Individuals contacted;

(iii) Tests conducted or reviewed; and

(iv) Conclusions and recommendations.

(B) Sealed Document. The sealed portion of the report shall be filed with a cover sheet designated: "Sealed Confidential Report." The material filed with this cover sheet shall include:

(i) Detailed descriptions of material or information gathered or reviewed;

(ii) Detailed descriptions of all statements reviewed or taken;

(iii) Detailed descriptions of tests conducted or reviewed; and

(iv) Any analysis to support the conclusions and recommendations.

(3) The sealed portion may not be placed in the court file or used as an attachment or exhibit to any other document except under seal.

**(f) Information Obtained from JIS Databases with Regard to Approval of a Parenting Plan.**

When a judicial officer proposes to consider information from a JIS database relevant to the placement of a child in a parenting plan, the judicial officer shall either orally disclose on the record or disclose the relevant information in written form to each party present at the hearing, and, on timely request, provide any party an opportunity to be heard regarding that information. The judicial officer has discretion not to disclose information that they do not propose to consider. The judicial officer may restrict secondary dissemination of written unredacted JIS database information not available to the public.

**(g) Sealing Financial Source Documents, Personal Health Care Records, and Sealed Confidential Reports in Family Law, Protection Order, and Guardianship cases—Cover Sheet.**

(1) Financial source documents, personal health care records, confidential reports as defined in (e)(2)(B) of this rule, and copies of unredacted JIS database records considered by the court for parenting plan approval as set forth in (f) of this rule, shall be submitted to the clerk under a cover sheet designated "SEALED FINANCIAL SOURCE DOCUMENTS," "SEALED PERSONAL HEALTH CARE RECORDS," "SEALED CONFIDENTIAL REPORT," OR "JUDICIAL INFORMATION SYSTEM DATABASE RECORDS" for filing in the court record of family law, protection order, or guardianship cases.

(2) All financial source documents, personal health care records, confidential reports, or JIS database records so submitted shall be automatically sealed by the clerk. The cover sheet or a copy thereof shall remain part of the public court file.

(3) The court may order that any financial source documents containing restricted personal identifiers, personal health care records, any report containing information described in (e)(2)(B), or copies of unredacted JIS database records considered by the court for parenting plan approval as described in (f) be sealed, if they have not previously automatically been sealed pursuant to this rule.

(4) These cover sheets may not be used for any documents except as provided in this rule. Sanctions may be imposed upon any party or attorney who violates this rule.

**(h) Access by Courts, Agencies, and Parties to Restricted Documents.**

(1) Unless otherwise provided by statute or court order, the following persons shall have access to all records in family law, protection order, or guardianship cases:

(A) Judges, commissioners, other court personnel, the Commission on Judicial Conduct, and the Certified Professional Guardianship and Conservatorship Board may access and use restricted court records only for the purpose of conducting official business of the court, Commission, or Board.

(B) Any state administrative agency of any state that administers programs under Title IV-A, IV-D, IV-E, or XIX of the federal Social Security Act.

(2) Except as otherwise provided by statute or court order, the following persons shall have access to all documents filed in a family law, protection order or guardianship case, except the Personal Information Sheet, Vital Statistics Form, Confidential Information Form, Law Enforcement and Confidential Information Form (LECIF), Domestic Violence Information Form, ~~Law Enforcement Information Form~~, and Foreign Protection Order Information Form.

(A) Parties of record as to their case.

(B) Attorneys as to cases where they are attorneys of record.

(C) Court appointed Title 11 guardians ad litem, visitor, or court visitor as to cases where they are actively involved.

**(i) Access to Court Records Restricted Under This Rule.**

(1) The parties may stipulate in writing to allow public access to any court records otherwise restricted under section (c)(2) above.

(2) Any person may file a motion, supported by an affidavit showing good cause, for access to any court record otherwise restricted under section (c)(2) above, or to be granted access to such court records with specified information deleted. Written notice of the motion shall be provided to all parties in the manner required by the Superior Court Civil Rules. If the person seeking access cannot locate a party to provide the notice required by this rule, after making a good faith reasonable effort to provide such notice as required by the Superior Court Rules, an affidavit may be filed with the court setting

forth the efforts to locate the party and requesting waiver of the notice provision of this rule. The court may waive the notice requirement of this rule if the court finds that further good faith efforts to locate the party are not likely to be successful, or if the motion requests access to redacted JIS database records.

(A) The court shall allow access to court records restricted under this rule, or relevant portions of court records restricted under this rule, if the court finds that the public interests in granting access or the personal interest of the person seeking access outweigh the privacy and safety interests of the parties or dependent children.

(B) Upon receipt of a motion requesting access, the court may provide access to JIS database records described in (f) after the court has reviewed the JIS database records and redacted pursuant to GR 15(c), any data which is confidential or restricted by statute or court rule.

(C) If the court grants access to restricted court records, the court may enter such orders necessary to balance the personal privacy and safety interests of the parties or dependent children with the public interest or the personal interest of the party seeking access, consistent with this rule.

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

WSR 22-21-113
RULES OF COURT
STATE SUPREME COURT
[October 13, 2022]

IN THE MATTER OF THE ) ORDER
SUGGESTED NEW SPECIAL ) NO. 25700-A-1474
PROCEEDING RULE )

A Consortium<sup>1</sup>, having recommended the suggested new Special Proceeding Rule, and the Court having approved the suggested new rule for publication;

1 Northwest Justice Project, Access to Justice Board, Spokane Volunteer Lawyers Program, Snohomish County Legal Services, Tacoma Pro Bono, King County Bar Association Housing Justice Project, Kitsap Legal Services, Yakima Volunteer Attorney Services, Chelan-Douglas Volunteer Attorney Services, Thurston County Volunteer Lawyer Services, Skagit Volunteer Lawyers Program, and Clark County Volunteer Lawyers Program.

Now, therefore, it is hereby

ORDERED:

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

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than January 31, 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 13th day of October, 2022.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Adoption of New Special Proceeding Rule

SUPERIOR COURT SPECIAL PROCEEDINGS

APPOINTMENT OF ATTORNEY FOR INDIGENT TENANT IN UNLAWFUL DETAINER PROCEEDINGS

A. Proponents: Northwest Justice Project, Access to Justice Board, Spokane Volunteer Lawyers Program, Snohomish County Legal Services, Tacoma Pro Bono, King County Bar Association Housing Justice Project, Kitsap Legal Services, Yakima Volunteer Attorney Services, Chelan-Douglas Volunteer Attorney Services, Thurston County Volunteer Lawyer Services, Skagit Volunteer Lawyers Program, Clark County Volunteer Lawyers Program

B. Spokespersons: Scott Crain, Michelle Lucas

C. Purpose: The purpose of this proposed Civil Rule is to aid in the administration of justice by providing guidance to the Superior Courts in performing their duty to appoint counsel to unrepresented tenants facing eviction. In 2021, the legislature enacted Ch. 115 Laws 2021, creating a right to appointed counsel (RTC) for residential ten-



ants in unlawful detainer proceedings. Codified at RCW 59.18.640, a court "must appoint counsel for an indigent tenant in an unlawful detainer proceeding". RCW 59.18.640(1). This proposed rule is intended to guide access to securing judicial relief for indigent tenants and to ensure that appointed counsel in unlawful detainer cases benefits all tenants who qualify, not only those with the language, technology, and access to resources.

During the course of implementation of RCW 59.18.640, the Office of Civil Legal Aid (OCLA) and its contractors have encountered many tenant defendants who are or were unaware of their right to counsel and only seek assistance after the entry of a default judgment or the entry of a writ of restitution. Tenants are losing their homes often because they do not understand the legal process they are involved in, and are unaware of their right to representation. Tenants often do not understand their legal situation until they are served by law enforcement with a writ of restitution telling them they will be physically removed from their home. Besides being effectively deprived the right to counsel in instances where counsel could not be appointed prior to the execution of the writ of restitution, this leads to increasing pressure on tenant defense attorneys to seek appointment in last minute requests for assistance, on the eve of physical eviction. The problem is particularly acute in jurisdictions with few ex parte dockets to present emergency motions, long travel distances with no or limited remote access, or fewer contractors providing RTC services because of the difficulty in bringing emergency motions to try and keep tenants housed until the case can be heard on the merits.

Since the rollout of the RTC program, approximately 10 percent of requests for assistance to the Northwest Justice Project Eviction Defense Screening Line or CLEAR<sup>1</sup> were matters already in default or where a writ of restitution had been issued. The urgency with which these matters must be addressed to prevent physical eviction and allow tenants access to appointed counsel puts a considerable strain on the RTC providers. Due to the expedited nature of unlawful detainer proceedings, RTC providers are faced with incredibly tight timelines on cases that run the normal course through the legal system. As a new program that is being implemented during a major housing crisis, there is no reliable model to ensure that an RTC attorney will be available to address emergency motions quickly enough to keep tenants housed. Although the writ of restitution is not the final decision in an unlawful detainer case, tenants face irreparable harm if forced to vacate their homes when the issue of possession was never properly litigated and they did not they receive aid of appointed counsel. Additionally, the harm faced by tenants disproportionately impacts renters by race. The 2017 University of Washington Evictions Study highlights the racial disparity in evictions. Data for King and Pierce counties show that Black adults are respectively 5.5 and 6.8 percent more likely to be evicted than White adults.

<sup>1</sup> CLEAR (Coordinated Legal Education, Advice and Referral) is a toll-free legal hotline for people with low incomes housed at the Northwest Justice Project.

The proposed rule will address the following issues:

Section 1 is intended to ensure equitable access to attorneys for all tenants who may be eligible for appointed counsel in their eviction cases. The language of RCW 59.18.640 puts the onus on the court to raise the issue of the availability of appointed counsel. As written, the court's duty to appoint counsel inherently includes the duty to inform litigants of the availability of counsel. Access to legal

counsel for tenants cannot be equitably obtained if courts rely on tenants to assert that right when many may not even be aware of it.

This section provides guidance to the courts for how to conduct this process. Although many jurisdictions have general orders that relate to the Eviction Resolution Pilot Program or RTC generally may provide that tenants be informed of their right to counsel, a majority of the orders do not include a process for how that will be accomplished resulting in disparate practices across jurisdictions. Ensuring that this colloquy is required in all unlawful detainer actions is imperative to provide legal representation to all qualified tenants. It also provides uniformity across jurisdictions so tenants and attorneys alike have reasonable expectations for how a matter will proceed before the court. This will further reduce disparate treatment of litigants in different regions.

Section 2 creates an opportunity for people to access meaningful representation when they were not afforded the benefit of an attorney before a finding was made against them. Legal processes and paperwork are confusing, and the imminent loss of a home is a highly stressful situation. The legal system is designed by and for attorneys. Unrepresented litigants face incredible barriers trying to navigate it on their own, and these barriers are compounded when taking other access issues into account such as primary language, level of education, immigration status, and access to technology and resources. In turn, these additional barriers are most often linked to race and economic status resulting in more negative outcomes for members of our community who identify as Black, Indigenous, and People of Color.

A tenant does not have the right to appointed counsel until a lawsuit is formally commenced, either by service of a summons and complaint or by the filing of the lawsuit with the court. The impact of this is that despite having received a notice terminating their tenancy, tenants do not have a right to consult with an attorney before the matter is escalated and the court can enter orders to remove them from their home. The 10-day stay of proceedings when appointed counsel appears that this rule proposes is intended to provide a reasonable amount of time for appointed counsel to review the case, confer with the tenant, and allow for meaningful representation without tenants facing the consequence of being removed from their home before having the legal assistance that is contemplated in RCW 59.18.640.

Section 3: Section 3 provides limitations to the relief this rule sets forth for tenants. If a stay is issued under Section 2 of this proposed rule, that stay will lift automatically after 10 days if the tenant's attorney does not identify grounds for why it should be extended and move for an extension of the stay in order to have a substantive hearing on the matter where the tenant will be fully represented. The unprecedented nature of requests for same-day assistance to avoid physical eviction creates bottlenecks to assistance resulting in reduced capacity to provide RTC services, over-utilization of ex parte court procedures to stay writs or shorten time on motions to vacate.

In conclusion, the Supreme Court's intervention is necessary to provide administrative guidance to the Superior Courts and ensure that indigent defense in unlawful detainers is provided equitably regardless of location in the state.

D. Hearing: A hearing is not recommended.

E. Expedited Consideration: The proponents are requesting expedited consideration because since Right to Counsel services began in October 2021, providers have observed the inconsistent application of

the new legislation by superior courts in unlawful detainer proceedings that is having an immediate impact on RTC-eligible tenants' opportunities to access meaningful representation, resulting in denial of representation and often homelessness, despite the legislatively recognized emergency impacting residential tenants in unlawful detainers cited in Laws 2021 ch. 115 sec. 21. The Court's expedited consideration is necessary to ensure that the right to counsel is a right to effective assistance of counsel, which cannot be guaranteed when tenants are not given a continuance and the opportunity to contact and meet with their lawyer prior to the hearing.

F. Supporting Material: Suggested rule amendments.

[PROPOSED] SPR 98. \_\_\_W

UNLAWFUL DETAINERS—APPOINTMENT OF ATTORNEY

In all unlawful detainer cases where RCW 59.18.640 applies to appoint attorneys for indigent tenants:

1. If the tenant appears, before taking any action in the case, the court must

a. Inform the tenant they have a right to be represented by an attorney at public expense if they are indigent;

b. Ask the tenant if they want the court to appoint an attorney if they are eligible;

c. Appoint an attorney if the tenant is eligible; and

d. Continue the hearing for at least 14 days.

2. If the tenant is unrepresented and the court issues a writ of restitution before judgment or by default, the tenant may move to appoint an attorney at any time before law enforcement executes the writ. During this time, a lawyer seeking appointment may make an ex parte motion for appointment and to stay the writ. Upon such motion, the court shall appoint the lawyer and stay the writ for ten days.

3. A stay issued under this rule will be set to expire ten days after entry without further order from the court. If new information arises and the court finds the tenant is not eligible for appointment of a lawyer, the court shall lift the stay immediately.

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

WSR 22-21-114
RULES OF COURT
STATE SUPREME COURT
[October 13, 2022]

IN THE MATTER OF THE ) ORDER
SUGGESTED AMENDMENT TO RAP ) NO. 25700-A-1475
2.2—DECISIONS OF THE SUPERIOR )
COURT THAT MAY BE APPEALED )

The Washington State Court of Appeals Rules Committee, having recommended the suggested amendment to RAP 2.2—Decisions of the Superior Court That May be Appealed, 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 13th day of October, 2022.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment

Rules of Appellate Procedure

Rule 2.2(a) - Decisions of the Superior Court That May Be Appealed

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: RAP 2.2(a) provides for a list of superior court decisions that may be appealed as a matter of right "[u]nless otherwise prohibited by statute or court rule" and except as provided in section (b) related to appeals by the State or a local government in criminal cases or section (c) related to superior court decisions on review of decisions of court of limited jurisdiction.

In some areas, the legislature has provided for an immediate right of appeal from certain superior court decisions that may not otherwise be appealable under RAP 2.2(a). For example, the Uniform Public Expression Protection Act, chapter 4.105 RCW, which became effective in July 2021, authorizes a special motion for expedited relief to dismiss in whole or in part a cause of action to which the act applies and allows the moving party to appeal as a matter of right from an order denying such a motion in whole or in part. RCW

4.105.020, .080. RAP 2.2(a) already contemplates situations where certain superior court decisions are not appealable when "otherwise prohibited by statute." To avoid any conflict between the rule and a statute, the proposed change to RAP 2.2(a) will clarify that certain superior court decisions are appealable when "provided by statute."

**D. Hearing:** Not requested.

**E. Expedited Consideration:** Not requested.

**F. Supporting Material:** Suggested rule amendment.

**RAP 2.2 DECISIONS OF THE SUPERIOR COURT THAT MAY BE APPEALED**

**(a) Generally.** Unless otherwise prohibited or provided by statute or court rule and except as provided in sections (b) and (c), a party may appeal from only the following superior court decisions:

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

WSR 22-21-115
RULES OF COURT
STATE SUPREME COURT
[October 13, 2022]

IN THE MATTER OF THE ) ORDER
SUGGESTED AMENDMENT TO RAP ) NO. 25700-A-1476
14.3—EXPENSES ALLOWED AS )
COSTS )

The Washington State Court of Appeals Rules Committee, having recommended the suggested amendment to RAP 14.3—Expenses Allowed as Costs, 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 13th day of October, 2022.

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 error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 22-21-116**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [October 13, 2022]

|                            |   |                  |
|----------------------------|---|------------------|
| IN THE MATTER OF THE       | ) | ORDER            |
| SUGGESTED AMENDMENT TO RAP | ) | NO. 25700-A-1477 |
| 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](mailto:supreme@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 13th day of October, 2022.

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 section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

## WSR 22-21-124

## DEPARTMENT OF ECOLOGY

[Filed October 18, 2022, 12:31 p.m.]

PUBLIC INPUT ON REVISIONS TO WATER QUALITY POLICY 1-11  
FOR THE 2022 WATER QUALITY ASSESSMENT

The department of ecology (ecology) is seeking public input on draft revisions to Water Quality Policy 1-11, Chapter 1, *Washington's Water Quality Assessment Listing Methodology to Meet Clean Water Act Requirements*, (Policy 1-11). The revisions will address: (1) New methodology for evaluating the impacts of freshwater harmful algae blooms (commonly referred to as HABs); and (2) nonsubstantial revisions that provide improved clarity in several sections of the policy, including the methodology for applying the natural condition provision.

Policy 1-11 guides how ecology assesses data on waterbody segments and makes listing decisions on the water quality status. The updated Policy 1-11 will be used as guidance to conduct the next water quality assessment for Washington waters in order to develop and submit a new "Integrated Report" to the United States Environmental Protection Agency to meet federal Clean Water Act requirements under Sections 303(d) and 305(b).

Ecology is conducting a 60-day public review of the draft revisions to Policy 1-11 from November 7 - January 6, 2022. Ecology will hold a statewide webinar on December 6 to explain the purpose of these revisions and answer questions from the public. A copy of the draft revisions to Policy 1-11 for HABs and nonsubstantial revisions, as well as additional information on the assessment process and webinar, can be found on ecology's website at <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d/Assessment-policy-1-11>.

**The deadline for submitting public comments on the revisions to Water Quality Policy 1-11, Chapter 1, is 11:59 p.m. on January 6, 2022. Comments may be submitted via email to [303d@ecy.wa.gov](mailto:303d@ecy.wa.gov), or via mail to the address and contact below.**

More details about the water quality assessment can be found at <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>.

Questions and comments about Policy 1-11 revision for HABs and nonsubstantial revisions, or the water quality assessment process, should be directed to Justin Donahue, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-628-3630, email [justin.donahue@ecy.wa.gov](mailto:justin.donahue@ecy.wa.gov).

**WSR 22-21-128**  
**NOTICE OF PUBLIC MEETINGS**  
**ENVIRONMENTAL AND**  
**LAND USE HEARINGS OFFICE**  
 (Growth Management Hearings Board)  
 [Filed October 18, 2022, 5:09 p.m.]

Following is the schedule of regular meetings for the growth management hearings board for year 2023:

| Date             | Time      | Location  |
|------------------|-----------|---|
| January 11, 2023 | 9:00 a.m. | Remote meeting (Zoom): <a href="https://us02web.zoom.us/j/7496675441?pwd=d2tYMitiTlpZVENyWW9FRGpvckxwUT09">https://us02web.zoom.us/j/7496675441?pwd=d2tYMitiTlpZVENyWW9FRGpvckxwUT09</a><br>Meeting ID 749 667 5441<br>Passcode 566678<br>Physical location: 1111 Israel Road S.W.<br>Suite 301<br>Tumwater, WA 98501 |
| April 12, 2023   | 9:00 a.m. | Remote meeting (Zoom): <a href="https://us02web.zoom.us/j/7496675441?pwd=d2tYMitiTlpZVENyWW9FRGpvckxwUT09">https://us02web.zoom.us/j/7496675441?pwd=d2tYMitiTlpZVENyWW9FRGpvckxwUT09</a><br>Meeting ID 749 667 5441<br>Passcode 566678<br>Physical location: 1111 Israel Road S.W.<br>Suite 301<br>Tumwater, WA 98501 |
| July 12, 2023    | 9:00 a.m. | Remote meeting (Zoom): <a href="https://us02web.zoom.us/j/7496675441?pwd=d2tYMitiTlpZVENyWW9FRGpvckxwUT09">https://us02web.zoom.us/j/7496675441?pwd=d2tYMitiTlpZVENyWW9FRGpvckxwUT09</a><br>Meeting ID 749 667 5441<br>Passcode 566678<br>Physical location: 1111 Israel Road S.W.<br>Suite 301<br>Tumwater, WA 98501 |
| October 11, 2023 | 9:00 a.m. | Remote meeting (Zoom): <a href="https://us02web.zoom.us/j/7496675441?pwd=d2tYMitiTlpZVENyWW9FRGpvckxwUT09">https://us02web.zoom.us/j/7496675441?pwd=d2tYMitiTlpZVENyWW9FRGpvckxwUT09</a><br>Meeting ID 749 667 5441<br>Passcode 566678<br>Physical location: 1111 Israel Road S.W.<br>Suite 301<br>Tumwater, WA 98501 |

If you need further information, contact Jamie Merly, 1111 Israel Road S.W., Suite 301, Tumwater, WA 98501, 360-485-1282, [jamie.merly@eluhwa.gov](mailto:jamie.merly@eluhwa.gov), fax 360-586-2253, [www.eluhwa.gov](http://www.eluhwa.gov).

**WSR 22-21-143**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE INDEPENDENT**  
**LIVING COUNCIL**

[Filed October 19, 2022, 10:05 a.m.]

The following is the schedule of regular meetings for the Washington state independent living council (SILC) for 2023.

Once specific locations have been determined, an updated notice will be sent. A time for public comment will be available. All are welcome to attend.

| <b>Date</b>      | <b>Time</b>            | <b>Location</b>  |
|------------------|------------------------|--|
| January 19, 2023 | 10:00 a.m. - 3:00 p.m. | Zoom <a href="https://dshs-telehealth.zoom.us/j/82261571325?pwd=QThvZ0JBZDIFL21aMzJlLy9XcnRPQT09">https://dshs-telehealth.zoom.us/j/82261571325?pwd=QThvZ0JBZDIFL21aMzJlLy9XcnRPQT09</a> |
| April 6, 2023    | 9:00 a.m. - 4:00 p.m.  | Seattle, Washington  |
| April 7, 2023    | 9:00 a.m. - 1:00 p.m.  | Seattle, Washington  |
| July 13, 2023    | 9:00 a.m. - 4:00 p.m.  | Ellensburg, Washington   |
| July 14, 2023    | 9:00 a.m. - 1:00 p.m.  | Ellensburg, Washington   |
| October 5, 2023  | 9:00 a.m. - 4:00 p.m.  | Marysville/Lakewood, Washington  |
| October 6, 2023  | 9:00 a.m. - 1:00 p.m.  | Marysville/Lakewood, Washington  |

For accommodation requests or for further information, please contact SILC at 800-624-4105.

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