

**OFFICE OF THE CODE REVISER  
Quarterly Rule-Making Report**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>AGRICULTURE, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	2	5	23
Number of Rules Adopted as Emergency Rules	5	1	0
Number of Rules Proposed for Permanent Adoption	11	35	19
Number of Sections Adopted at Request of a Nongovernmental Entity	0	5	9
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	0	0
Number of Sections Adopted on the Agency's own Initiative	7	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	7	1	9
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>BLIND, DEPARTMENT OF SERVICES FOR THE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CENTRAL WASHINGTON UNIVERSITY</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	0	6
Number of Rules Proposed for Permanent Adoption	1	0	6
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	0	6
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>COMMERCE, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	3	6	0
Number of Rules Adopted as Emergency Rules	3	6	0

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<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	7	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	6	12	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	6	12	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	6	12	0
Number of Sections Adopted using Negotiated Rule Making	6	12	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CORRECTIONS, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>COUNTY ROAD ADMINISTRATION BOARD</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CRIMINAL JUSTICE TRAINING COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	4	0	0
Number of Rules Proposed for Permanent Adoption	0	0	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

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<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>EARLY LEARNING, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	1	0
<b>ECOLOGY, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	14	9	0
Number of Rules Proposed for Permanent Adoption	24	20	2
Number of Rules Withdrawn	32	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	12	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	2	9	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>EDUCATION, STATE BOARD OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	3	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	3	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>EMPLOYMENT SECURITY DEPARTMENT</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	49	16	32
Number of Rules Proposed for Permanent Adoption	5	4	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	49	17	3
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	49	17	32
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	49	17	32
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>FINANCIAL INSTITUTIONS, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	3	1
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	1	3	1

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

**FINANCIAL MANAGEMENT, OFFICE OF**

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

**FISH AND WILDLIFE, DEPARTMENT OF**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	5	54	2
Number of Rules Adopted as Emergency Rules	88	0	88
Number of Rules Proposed for Permanent Adoption	42	4	12
Number of Rules Withdrawn	0	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	5	11	4
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	20	0	25
Number of Sections Adopted in Order to Comply with Federal Statute	20	0	25
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	88	55	86
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**FOREST PRACTICES BOARD**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0

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<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>GAMBLING COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	2	5	0
Number of Rules Proposed for Permanent Adoption	1	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	5	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	5	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>GRAYS HARBOR COLLEGE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	2	13	1
<b>GROWTH MANAGEMENT HEARINGS BOARDS</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	1	78	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>HEALTH, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	57	16	0
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	18	47	9
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	1	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	17	7	0
Number of Sections Adopted on the Agency's own Initiative	6	10	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	23	17	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>HIGHER EDUCATION COORDINATING BOARD</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	23	5	0

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<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>HIGHER EDUCATION FACILITIES AUTHORITY</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	6	2
<b>HORSE RACING COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	9	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	9	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	9	0
Number of Sections Adopted using Negotiated Rule Making	1	9	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>INDUSTRIAL INSURANCE APPEALS, BOARD OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	1	3	0
<b>INSURANCE COMMISSIONER, OFFICE OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	2	4	0
Number of Rules Proposed for Permanent Adoption	34	11	0
Number of Rules Withdrawn	6	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	4	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>JUDICIAL CONDUCT, COMMISSION ON</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>LABOR AND INDUSTRIES, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	9	19	1

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<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	28	31	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	13	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	8	1	0
Number of Sections Adopted on the Agency's own Initiative	9	19	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	20	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LICENSING, DEPARTMENT OF**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	8	38	8
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	14	32	8
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	17	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	2	1
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	8	17	7
Number of Sections Adopted on the Agency's own Initiative	1	25	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	24	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LIQUOR CONTROL BOARD**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	3	30	1
Number of Rules Proposed for Permanent Adoption	5	37	1
Number of Rules Withdrawn	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	30	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	3	30	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LOTTERY, WASHINGTON STATE**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	6	1

**MARINE EMPLOYEES' COMMISSION**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	11	11
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0

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<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	11	11
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>NATURAL RESOURCES, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	2	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>OLYMPIC COLLEGE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	5	0
<b>PARKS AND RECREATION COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	3	0
<b>PERSONNEL, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	15	41
Number of Rules Proposed for Permanent Adoption	0	15	41
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	7	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	6	3
Number of Sections Adopted on the Agency's own Initiative	0	2	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	15	4
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PILOTAGE COMMISSIONERS, BOARD OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0



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<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PROFESSIONAL EDUCATOR STANDARDS BOARD</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	6	0
Number of Rules Proposed for Permanent Adoption	2	13	4
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	5	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	4	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PUBLIC DISCLOSURE COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	2	2	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	2	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	2	112	0
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	1	6	6
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	335	0
Number of Sections Adopted on the Agency's own Initiative	1	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>RETIREMENT SYSTEMS, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	1	4	0

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>REVENUE, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	25	0
Number of Rules Adopted as Emergency Rules	4	2	0
Number of Rules Proposed for Permanent Adoption	0	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	24	0
Number of Sections Adopted on the Agency's own Initiative	0	27	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>SECRETARY OF STATE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	29	20	7
<b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	15	77	0
Number of Rules Adopted as Emergency Rules	21	110	1
Number of Rules Proposed for Permanent Adoption	134	228	77
Number of Rules Withdrawn	5	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	6	54	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	15	1
Number of Sections Adopted in Order to Comply with Federal Statute	6	7	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	21	113	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	34	189	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>TRANSPORTATION IMPROVEMENT BOARD</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	11	5	0
<b>TRANSPORTATION, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	3	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0

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<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>UNIVERSITY OF WASHINGTON</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	1	8	0
<b>UTILITIES AND TRANSPORTATION COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	1	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>WASHINGTON STATE UNIVERSITY</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	2	14	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	14	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	14	0
Number of Sections Adopted using Negotiated Rule Making	2	14	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>WESTERN WASHINGTON UNIVERSITY</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	1	9	1
<b>YAKIMA VALLEY COMMUNITY COLLEGE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	9	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	9	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	9	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	9	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>TOTALS FOR THE QUARTER:</b>			
Number of Permanent Rules Adopted	177	481	127

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	140	215	89
Number of Rules Proposed for Permanent Adoption	397	594	200
Number of Rules Withdrawn	44	10	0
Number of Sections Adopted at Request of a Nongovernmental Entity	17	20	13
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	84	195	10
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	21	31	27
Number of Sections Adopted in Order to Comply with Federal Statute	36	28	25
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	62	526	22
Number of Sections Adopted on the Agency's own Initiative	189	247	122
Number of Sections Adopted using Negotiated Rule Making	9	42	0
Number of Sections Adopted using Other Alternative Rule Making	131	301	48
Number of Sections Adopted using Pilot Rule Making	0	0	0

**WSR 10-13-002**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**  
 (Levy and Local Effort Assistance Technical Working Group)  
 [Filed June 2, 2010, 1:58 p.m.]

**MEETING SCHEDULE FOR 2010**

In accordance with RCW 42.30.075, Open Public Meetings Act, the following schedule is submitted for publication in the Washington State Register.

The levy and local effort assistance technical working group has adopted the following 2010 regular meeting schedule. All levy and local effort assistance technical working group meetings will begin at 8:30 a.m. unless otherwise noted on the office of financial management web site ([www.ofm.wa.gov/levy](http://www.ofm.wa.gov/levy)).

- June 14, 2010 (Monday)      Renton, Washington
- July 23, 2010 (Friday)      Renton, Washington
- August 27, 2010 (Friday)      Renton, Washington
- September 24, 2010 (Friday)      Renton, Washington
- October 22, 2010 (Friday)      Renton, Washington
- November 19, 2010 (Friday)      Renton, Washington
- December 17, 2010 (Friday)      Renton, Washington

If you have any questions, please e-mail Andrea Duane@ofm.wa.gov or call (360) 902-0534.

**WSR 10-13-003**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**  
 (Levy and Local Effort Assistance Technical Working Group)  
 [Filed June 2, 2010, 1:58 p.m.]

**MEETING SCHEDULE FOR 2011**

In accordance with RCW 42.30.075, Open Public Meetings Act, the following schedule is submitted for publication in the Washington State Register.

The levy and local effort assistance technical working group has adopted the following 2011 regular meeting schedule. All levy and local effort assistance technical working group meetings will begin at 8:30 a.m. unless otherwise noted on the office of financial management web site ([www.ofm.wa.gov/levy](http://www.ofm.wa.gov/levy)).

- January 21, 2011 (Friday)      Olympia, Washington
- February 25, 2011 (Friday)      Olympia, Washington
- March 25, 2011 (Friday)      Olympia, Washington
- April 15, 2011 (Friday)      Olympia, Washington
- May 20, 2011 (Friday)      Renton, Washington
- June 24, 2011 (Friday)      Renton, Washington

If you have any questions, please e-mail Andrea Duane@ofm.wa.gov or call (360) 902-0534.

**WSR 10-13-005**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION CENTER**  
 [Filed June 3, 2010, 9:54 a.m.]

The board of directors of the Washington state convention center will meet for a planning retreat **June 15, 2010**, 9:00 a.m. through 5:00 p.m. The retreat will take place at the

Convention Center, 800 Convention Place, Seattle (room yet to be determined).

The agenda will include strategic planning sessions for fiscal year 2010-2011. The program will begin with a meeting 9:00 a.m. through 12:00 p.m. Following a lunch break, the retreat will continue 1:30 p.m. through approximately 4:00 p.m.

There will be a board meeting immediately following the retreat, with an expectation that it will conclude by or before 5:00 p.m. It is anticipated that action will be taken at the board meeting to approve the Washington state convention center corporate goals for fiscal year 2010-2011.

If you have any questions regarding the board of directors retreat or the board meeting, please call (206) 694-5000.

**WSR 10-13-006**

**NOTICE OF PUBLIC MEETINGS  
SHORELINE COMMUNITY COLLEGE**

[Filed June 3, 2010, 9:54 a.m.]

In compliance with the Open Public Meetings Act, this letter is to notify the code reviser's office that the Shoreline Community College board of trustees will hold a special meeting, beginning at 3:30 p.m. on Monday, June 7, 2010, for the purpose of reviewing the student services and activities (SS&A) budget for FY 2010-2011, the general fund operating budget for FY 2010-2011, and to review the performance of a public employee.

This special meeting will take place in Room 9202 in the Pagoda Union Building (the P.U.B.) in Building #9000 at Shoreline Community College, 16101 Greenwood Avenue North, Shoreline, WA 98133.

Please call (206) 546-4552 or e-mail Lori Y. Yonemitsu at [lyonemitsu@shoreline.edu](mailto:lyonemitsu@shoreline.edu) if you need further information.

**WSR 10-13-011**

**DEPARTMENT OF AGRICULTURE**

[Filed June 3, 2010, 1:12 p.m.]

**PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON**

LEGAL NOTICE: The Washington state department of agriculture (WSDA) plant protection division is hereby noti-

fying the affected public that the herbicides glyphosate (e.g. Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (e.g. Habitat® or Polaris AQ®), surfactants (e.g. Agri-Dex™, Class Act Next Generation™, Competitor™, Dyne-Amic™, Kinetic™, or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1, 2010, and October 31, 2010. Properly licensed pesticide applicators who have obtained coverage under the WSDA national pollutant discharge elimination system waste discharge general permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater tideflats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of herbicides is one of the options used to control *Spartina*. These infestations may also be treated, but not eradicated, by mowing, digging, crushing, or covering.

For more information, including locations of possible application sites or information on *Spartina*, contact the WSDA *Spartina* control program at (360) 902-1923. Or write WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. To contact the WSDA NPDES permit coordinator, call Brad White at (360) 902-2071. The Washington state department of ecology 24-hour emergency number for reporting concerns about *Spartina* treatments is (360) 407-6283.

**WSR 10-13-012**

**AGENDA**

**LIQUOR CONTROL BOARD**

[Filed June 3, 2010, 1:08 p.m.]

**Semi-Annual Rule-Making Agenda  
July 1 through December 31, 2010**

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

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

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

WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Chapter 314-17 WAC	Rules review, MAST.	WSR 09-12-037 Filed 5/27/09	WSR 10-06-121 Filed 3/3/10	WSR 10-12-124 Filed 6/2/10
Rule making may include several chapters in Title 314 WAC	Rules review, added activities - extended and outside service.	WSR 09-11-050 Filed 5/13/09		

WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Rule making may include several chapters in Title 314 WAC	<b>Rules review</b> , requirements for grocery stores, beer/wine specialty shops, and beer/wine gift delivery licensees delivering beer/wine.	WSR 09-11-051 Filed 5/13/09	WSR 09-24-115 Filed 12/2/09	WSR 10-04-018 Filed 1/25/10
Chapter 314-05 WAC	<b>Rules review</b> , special occasion licenses.	Expect to file CR-101		
Chapter 314-07 WAC	<b>Rules review</b> , how to apply for a liquor license.	WSR 10-03-030 Filed 1/12/10	WSR 10-07-082 Filed 3/17/10	WSR 10-10-126 Filed 5/5/10
Chapter 314-18 WAC	<b>Rules review</b> , banquet permits.	Expect to file CR-101		
Chapter 314-36 WAC	<b>Rules review</b> , liquor importers, public storage warehouses and importation of liquor.	WSR 10-13-008 Filed 6/3/10		
Chapter 314-44 WAC	<b>Rules review</b> , licensed agents.	WSR 10-13-009 Filed 6/3/10		
Chapter 314-45 WAC	<b>Rules review</b> , serving and donating of liquor by suppliers at trade conventions of licensees.	WSR 10-13-010 Filed 6/3/10		
Chapter 314-52 WAC	<b>Rules review</b> , advertising.	WSR 09-04-039 Filed 1/30/09	WSR 09-16-058 Filed 7/29/09 Supplemental WSR 10-03-051 Filed 1/15/10	WSR 10-06-122 Filed 3/3/10
WAC 314-11-025	<b>Rules review</b> , acceptable ID.	WSR 10-03-002 Filed 1/6/10	WSR 10-07-009 Filed 3/5/10	
Create a new section in chapter 314-02 WAC	<b>Implement board policy</b> , alcohol service in dinner theaters (cinemas).	WSR 10-03-032 Filed 1/12/10	WSR 10-07-078 Filed 3/17/10	WSR 10-10-127 Filed 5/5/10
Chapter 314-40 WAC	<b>Rules review</b> , clubs.	WSR 10-07-034 Filed 3/10/10	WSR 10-12-047 Filed 5/26/10	
WAC 314-13-030	<b>Purchasing spirits from the board.</b>	WSR 10-07-088 Filed 3/18/10		
WAC 314-12-010 and 314-12-015	<b>Alcohol impact areas.</b>	WSR 10-10-023 Filed 4/26/10		
Chapter 314-42 WAC	<b>Brief adjudicative proceedings.</b>	WSR 10-10-065 Filed 4/30/10		
<b>Rules Implementing Legislation</b>				
WAC 314-07-010 Definition (public institution)	<b>Implementing SSB 6540/06</b> , modifies the processing of liquor licenses.	WSR 06-09-102 Filed 4/19/06		

WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Chapter 314-09 WAC (new sections)	<b>Implementing EHB 2113/07</b> , guidelines for interpreting the terms "pervasive pattern" and "unreasonably high number of DUI referrals" as part of the definition of chronic illegal activity included in a local government objection to a liquor license application or renewal of a liquor license.	WSR 07-17-085 Filed 8/15/07		
Chapter 314-28 WAC, Craft distillery	<b>Implementing SSB 6485/10.</b>	WSR 10-10-020 Filed 4/26/10		
Chapter 314-02 WAC, Retail liquor licenses	<b>Implementing SSB 6329/10.</b>	WSR 10-10-084 Filed 5/3/10		

**WSR 10-13-013**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**  
 [Filed June 3, 2010, 2:36 p.m.]

**INTERPRETIVE STATEMENTS ISSUED**

**ETA 3066 - Purchase of Personalty for Resale as Realty**  
**ETA 3069 - Use Tax on Property Acquired by Inheritance**

ETA 3066 and 3069 recite language from RCW 82.12.020. The department has updated this language to reflect the changes to this statute by section 206, chapter 23, Laws of 2010 1st sp. sess. (2ESSB [E2SSB] 6143).

A copy of these documents is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Alan R. Lynn  
 Rules Coordinator

office's (RCO) web page at <http://www.rco.wa.gov/rcfb/board/schedule.htm>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Tauren Ibarra at least two weeks prior to the meeting date at the number listed above or by e-mail at [tauren.ibarra@rco.wa.gov](mailto:tauren.ibarra@rco.wa.gov).

**WSR 10-13-021**  
**NOTICE OF PUBLIC MEETINGS**  
**RECREATION AND CONSERVATION**  
**OFFICE**

(Recreation and Conservation Funding Board)

[Filed June 4, 2010, 11:57 a.m.]

The next public meeting for the recreation and conservation funding board will be June 25, 2010, in Water and Environmental Center at the Walla Walla Community College.

For further information, please contact Tauren Ibarra at (360) 902-3013 or check the recreation and conservation

WSR 10-13-024
RULES OF COURT
STATE SUPREME COURT

[June 3, 2010]

IN THE MATTER OF THE ADOPTION OF ) ORDER
THE AMENDMENTS TO RAP 2.4-SCOPE OF ) NO. 25700-A-953
REVIEW OF A TRIAL COURT DECISION, )
RAP 4.2-DIRECT REVIEW OF SUPERIOR )
COURT DECISION, RAP 4.3-DIRECT )
REVIEW OF DECISIONS OF COURTS OF )
LIMITED JURISDICTION, RAP 4.4-TRANS- )
FER OF CASES BY SUPREME COURT, RAP )
9.5-FILING AND SERVICE OF REPORT OF )
PROCEEDINGS OBJECTIONS, RAP 9.6(c)- )
DESIGNATION OF CLERK'S PAPERS AND )
EXHIBITS, RAP 9.7-PREPARING CLERK'S )
PAPERS AND EXHIBITS FOR APPELLATE )
COURT, RAP 9.8-TRANSMITTING RECORD )
ON REVIEW, RAP 10.3-CONTENT OF BRIEF, )
RAP 10.4 - PREPARATION AND FILING OF )
BRIEF BY PARTY, RAP 12.4-MOTION FOR )
RECONSIDERATION OF DECISION TERMI- )
NATING REVIEW, RAP 12.7-FINALITY OF )
DECISION, RAP 12.9-RECALL OF MAN- )
DATE OR CERTIFICATE OF FINALITY; RAP )
14.3-EXPENSES ALLOWED AS COSTS, RAP )
15.1-PROCEDURES TO WHICH TITLE )
APPLIES, RAP 16.7-PERSONAL RESTRAINT )
PETITION FORM OF PETITION, RAP 16.20- )
TRANSMITTAL OF JURY QUESTION- )
NAIRES AND CLERK'S PAPERS IN CAPITAL )
CASES, RAP 17.4-FILING AND SERVICE OF )
MOTION ANSWER TO MOTION, RAP 17.5- )
ORAL ARGUMENT OF MOTION, RAP 18.1- )
ATTORNEY FEES AND EXPENSES, RAP )
18.6-COMPUTATION OF TIME, RAP 18.14- )
MOTION ON THE MERITS, RAP FORM 15A- )
NOTICE OF FILING VERBATIM REPORT OF )
PROCEEDINGS, RAP FORMS 3, 4 AND 9 )
AND RAP FORM 19 )

The Court of Appeals having recommended the adoption of the proposed amendments to RAP 2.4-Scope of Review of a Trial Court Decision, RAP 4.2-Direct Review of Superior Court Decision, RAP 4.3-Direct Review of Decisions of Courts of Limited Jurisdiction, RAP 4.4-Transfer of Cases by Supreme Court, RAP 9.5-Filing and Service of Report of Proceedings Objections, RAP 9.6(c)-Designation of Clerk's Papers and Exhibits, RAP 9.7-Preparing Clerk's Papers and Exhibits for Appellate Court, RAP 9.8-Transmitting Record on Review, RAP 10.3-Content of Brief, RAP 10.4-Preparation and Filing of Brief by Party, RAP 12.4-Motion for Reconsideration of Decision Terminating Review, RAP 12.7-Finality of Decision, RAP 12.9-Recall of Mandate or Certificate of Finality; RAP 14.3-Expenses Allowed as Costs, RAP 15.1-Procedures to Which Title Applies, RAP 16.7-Personal Restraint Petition Form of Petition, RAP 16.20-Transmittal of Jury Questionnaires and Clerk's Papers in Capital Cases, RAP 17.4-Filing and Service of Motion Answer to Motion, RAP 17.5-Oral Argument of Motion, RAP 18.1-Attorney Fees and Expenses, RAP 18.6-Computation of Time, RAP 18.14-Motion on the Merits, RAP Form 15A-Notice of Filing Verbatim Report of Proceedings, RAP

Forms 3, 4 and 9 and RAP Form 19, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2010.

DATED at Olympia, Washington this 3rd day of June, 2010.

Madsen, C.J.

C. Johnson, J.

Owens, J.

Alexander, J.

Fairhurst, J.

Sanders, J.

J. M. Johnson, J.

Chambers, J.

Stephens, J.

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 10-14 issue of the Register.

WSR 10-13-025
RULES OF COURT
STATE SUPREME COURT

[June 3, 2010]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO RAP 6.2- ) NO. 25700-A-954
DISCRETIONARY REVIEW, RAP 9.2- )
VERBATIM REPORT OF PROCEED- )
INGS, RAP 15.5-ALLOWANCE OF )
CLAIM FOR PAYMENT OF EXPENSE )
FOR INDIGENT PARTY, RAP 5.3-CON- )
TENT OF NOTICE-FILING, RAP 15.2- )
DETERMINATION OF INDIGENCY )
AND RIGHTS OF INDIGENT PARTY, )
RAP FORM 12A-FINDINGS OF INDI- )
GENCY, AND RAP FORM 13-MOTION )
FOR ORDER OF INDIGENCY )

The Office of Public Defense having recommended the adoption of the proposed amendments to RAP 6.2-Discretionary Review, RAP 9.2-Verbatim Report of Proceedings, RAP 15.5-Allowance of Claim for Payment of Expense for Indigent Party, RAP 5.3-Content of Notice - Filing, RAP 15.2-Determination of Indigency and Rights of Indigent Party, RAP Form 12A-Findings of Indigency, and RAP Form 13-Motion for Order of Indigency, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby



ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2010.

DATED at Olympia, Washington this 3rd day of June, 2010.

	Madsen, C.J.
C. Johnson, J.	Owens, J.
Alexander, J.	Fairhurst, J.
Sanders, J.	J. M. Johnson, J.
Chambers, J.	Stephens, J.

**RULES OF APPELLATE PROCEDURE (RAP)  
RULE 6.2 - DISCRETIONARY REVIEW**

(a) Generally. The appellate court accepts discretionary review of a trial court decision by granting a motion for discretionary review.

(b) Time To Make Motion. The party seeking discretionary review must file in the appellate court a motion for discretionary review within 15 days after filing the notice for discretionary review, or, in cases where the appellate court has appointed counsel for a party entitled to seek discretionary review at public expense pursuant to rule 15.2, within 15 days after appointment. If a party files a notice of appeal from a decision which may not be subject to review as a matter of right, the clerk or a party may note for hearing the question whether the decision is reviewable as a matter of right and, if the decision is reviewable by discretion, the question whether review should be accepted.

(c) Regular Motion Procedure Governs. A motion for discretionary review is governed by the motion procedure established by Title 17.

(d) Notice of Decision on Motion. The clerk of the appellate court will promptly give written notice to the parties and the trial court of the appellate court's decision on the motion for discretionary review.

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

(a) [No changes]

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

instructions proposed, the party's objections to the instructions given, and the court's ruling on the objections.

(c) - (d) [No changes]

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

(1) The title page should include the following:

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

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

- (A) Proceedings. The beginning of each proceeding and the nature of that proceeding;
- (B) Testimony. The testimony of each witness, the page where it begins, and the type of examination, i.e., direct, cross, re-direct, re-cross, and the page where the plaintiff rests and the defendant rests;
- (C) Exhibits. The admission into evidence of exhibits and depositions;
- (D) Argument. The pages where opening statements ~~and closing arguments~~ occur, except as otherwise provided in rule 9.2(b) for verbatim reports of proceedings provided at public expense, and the pages where closing arguments occur;

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

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

**RULES OF APPELLATE PROCEDURE (RAP)  
RULE 15.5 - ALLOWANCE OF CLAIM FOR PAYMENT OF EXPENSE  
FOR INDIGENT PARTY**

(a) Allowance Generally. The director of the Office of Public Defense determines all claims for expense. The director will allow or disallow all or part of the claimed expense within ~~40~~ 15 days, excluding weekends and legal holidays, after the invoice has been filed in the Office of Public Defense. The director will notify the claimant of the decision. A claimant may object to the decision of the director by letter to the Office of Public Defense Advisory Committee not later than 30 days after the director's decision and the Committee's decision is final.

(b) Disallowance of Claim. If a brief is unnecessarily long, improper in substance, or not in compliance with these rules, all or a portion of counsel's claim may be disallowed. If the court reporter or counsel has been dilatory, all or a portion of the claim of the court reporter or the claim of counsel may be disallowed.

**RULES OF APPELLATE PROCEDURE (RAP)  
RULE 5.3 CONTENT OF NOTICE - FILING**

(a) - (i) [Unchanged]

**(j) Assistance to Defendant in Criminal Case or Party Entitled to Review at Public Expense.** Trial counsel for a defendant in a criminal case or party entitled to review at public expense is responsible for filing any appropriate notice of appeal, notice of discretionary review, and motion for order of indigency under rule 15.2. If such a defendant or party is not represented by counsel at trial, the trial court clerk shall, if requested by the defendant in a criminal case the or party in open court or in writing, supply a notice of appeal form, a notice for discretionary review form, or a form for a motion for order of indigency, and file the forms upon completion by the defendant or party.

**RULES OF APPELLATE PROCEDURE (RAP)  
RULE 15.2 - DETERMINATION OF INDIGENCY AND RIGHTS OF INDIGENT PARTY**

**(a) Motion for Order of Indigency.** A party seeking review in the Court of Appeals or the Supreme Court partially or wholly at public expense must move in the trial court for an order of indigency. The party shall submit a Motion for Order of Indigency, in the form prescribed by the Office of Public Defense, office of public defense to the trial court. In any case of a type not listed in section (b)(1) of this rule, the party must also demonstrate in the motion or the supporting affidavit that the issues the party wants reviewed have probable merit and that the party has a constitutional right to review partially or wholly at public expense.

**(b) Action by the Trial Court.** In written findings and after a hearing, if circumstances warrant, the trial court shall determine the indigency, if any, of the party seeking review at public expense and. The determination shall be made in written findings after a hearing, if circumstances warrant, or by reevaluating any order of indigency previously entered by the trial court. The court:

- (1) shall grant the motion for an order of indigency if the party seeking public funds is unable by reason of poverty to pay for all or some of the expenses for appellate review of:
  - (a) criminal prosecutions or juvenile offense proceedings meeting the requirements of RCW 10.73.150,
  - (b) dependency and termination cases under Ch. 13.34 RCW 13.34,
  - (c) commitment proceedings under RCW 71.05 and 71.09,
  - (d) civil contempt cases directing incarceration of the contemner,
  - (e) orders denying petitions for writ of habeas corpus under RCW 7.36, including attorneys' fees upon a showing of extraordinary circumstances, and
  - (f) any other case in which the party has a constitutional or statutory right to counsel at all stages of the proceeding; or

(2) shall deny the motion for an order of indigency if a party has adequate means to pay all of the expenses of review. The order denying the motion for an order of indigency shall contain findings designating the funds or source of funds available to the party to pay all of the expenses of review.

**(c) Other Cases.** In cases not governed by subsection (b) of this rule, the trial court shall determine in written findings the indigency, if any, of the party seeking review. The party must demonstrate in the motion or the supporting affidavit that the issues the party wants reviewed have probable

merit and that the party has a constitutional or statutory right to review partially or wholly at public expense.

(1) Party Not Indigent. The trial court shall deny the motion if a party has adequate means to pay all of the expenses of review. The order denying the motion for an order of indigency shall contain findings designating the funds or sources of funds available to the party to pay all of the expenses of review.

(2) Party Indigent. If the trial court finds the party seeking review is unable by reason of poverty to pay for all or some of the expenses of appellate review, the trial court shall enter such findings, which shall be forwarded to the Supreme Court for consideration, pursuant to section (d) of this rule. The trial court shall determine in those findings the portion of the record necessary for review and the amount, if any, the party is able to contribute toward the expense of review. The findings shall conclude with an order to the clerk of the trial court to promptly transmit to the Supreme Court, without charge to the moving party, the findings of indigency, the affidavit in support of the motion, and all other papers submitted in support of or in opposition to the motion. The trial court clerk shall promptly transmit to the Supreme Court the papers designated in the findings of indigency.

**(d) - (f)** [No changes]

**(g) Appointment and Withdrawal of Counsel in Appellate Court.** The appellate court shall determine questions relating to the appointment and withdrawal of counsel for an indigent party on review. The Office of Public Defense shall, in accordance with its indigent appellate representation policies, provide the names of indigent appellate counsel to the appellate courts on a case-by-case basis. If trial counsel is not appointed, trial counsel must assist counsel appointed for review in preparing the record.

**(h) Review of Order or Finding of Indigency.** Only a party in a case of a type listed in section (b)(1) of this rule may seek review of an order denying an order of indigency entered by a trial court. A party may also seek review of written findings under section (c)(1) of this rule that the party is not indigent. Review must be sought by a motion for discretionary review.

**(i)** [No changes]

**RULES OF APPELLATE PROCEDURE (RAP)  
FORM 12A - FINDINGS OF INDIGENCY**

**(Rule 15.2(c))  
SUPERIOR COURT OF WASHINGTON  
FOR \_\_\_\_\_ COUNTY**

[Name of plaintiff]	)	
Plaintiff,	)	
	)	No. [trial court]
v.	)	
	)	FINDINGS OF INDIGENCY
	)	AND ORDER TO TRANS-
	)	MIT FINDINGS OF INDI-
	)	GENCY
[Name of defendant]	)	
Defendant.	)	

The court finds that \_\_\_\_\_, the appellant/petitioner in this action is unable by reason of poverty to pay for all or some of the expenses of appellate review. The court finds, however, that the moving party is able to contribute \$ \_\_\_\_\_. The following portions of the record are reasonably necessary for review:

- (1) Those portions of the verbatim report of proceedings as follows: *[Designate parts of report.]*
- (2) A copy of the-clerk's papers as follows: *[Designate papers by name and trial court clerk's subnumber.]*
- (3) Preparation of original documents to be reproduced by the clerk as provided in rule 14.3(b).
- (4) Reproduction of briefs and other papers on review that are reproduced by the clerk of the appellate court.
- (5) The cost of transmitting cumbersome exhibits: *[Designate cumbersome exhibits needed for review. See rule 9.8(b).]*
- (6) Other items: *[Designate items]*

Now, therefore, it is ORDERED that the clerk of the superior court shall promptly transmit to the Supreme Court the Motion for Order of Indigency, any affidavit or declaration in support of the motion, and the Findings of Indigency.

*[Date]*

\_\_\_\_\_  
*Signature [Name]*  
*Judge of the Superior Court*

Presented by:  
*[Name of party and attorney for party presenting order; Washington State Bar Association membership number]*

**RULES OF APPELLATE PROCEDURE (RAP)  
FORM 13 - MOTION FOR ORDER OF INDIGENCY**

**(Rule 15.2(c))  
SUPERIOR COURT OF WASHINGTON  
FOR \_\_\_\_\_ COUNTY**

~~(State of Washington)~~ )  
~~*[Name of plaintiff]*~~ )  
~~(Plaintiff,)~~ )  
~~(Petitioner)~~ )  
) No. *[trial court]*  
v. )

) Motion for Order of Indi-  
) gency - (Criminal), (Juve-  
) nile Offense), (Depen-  
) dency), (Termination),  
) (Commitment), (Civil  
) Contempt), Habeas Cor-  
) pus), (Appeal involving a  
) Constitutional or Statu-  
) tory Right to Counsel)  
) Case

*[Name of defendant]*  
Defendant.

\_\_\_\_\_, (defendant) (respondent) (petitioner), files a notice of appeal in the above-referenced (criminal), (juvenile offense), (dependency), (termination), (commitment), (civil contempt), (habeas corpus), (appeal involving a constitutional or statutory right to counsel) case, and moves the court for an Order of Indigency authorizing the expenditure of public funds to prosecute this appeal (wholly at public expense) (partially at public expense).

The following declaration is made in support of this motion.

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Defendant) (Respondent)  
(Petitioner)

\_\_\_\_\_  
- WSBA #  
Attorney for (Defendant)  
(Respondent) (Petitioner)

**CERTIFICATE**

I, \_\_\_\_\_, certify as follows:

1. I am the (defendant) (respondent) (petitioner) and I wish to appeal the judgment that was entered in the above-entitled cause.

2. *[Check one box]*

*[ ] a. I have previously been found to be indigent by order of this court on \_\_\_\_\_. There has been no change in my financial status since that time and I continue to lack sufficient funds to seek review in this case.*

or

*[ ] b. I have not previously been found indigent by this court or there has been a change in my financial status since the court found me to be indigent and I am including a certificate providing information as to my current financial situation. [Attach Appendix A]*

~~2. That I own:~~

~~( ) a. No real property~~

~~( ) b. Real property valued at \$ \_\_\_\_\_.~~

~~3. That I own:~~

- (-) a. No personal property other than my personal effects
- (-) b. Personal property (automobile, money, inmate account, motors, tools, etc.) valued at \$ \_\_\_\_\_.
- 4. That I have the following income:
  - (-) a. No income from any source.
  - (-) b. Income from employment, disability payments, SSI, insurance, annuities, stocks, bonds, interests, etc., in the amount of \$ \_\_\_\_\_ on an average monthly basis. I received \$ \_\_\_\_\_ after taxes over the past year.
- 5. That I have:
  - (-) a. Undischarged debts in the amount of \$ \_\_\_\_\_.
  - (-) b. No debts.
- 6. That I am without other means to prosecute said appeal and desire that public funds be expended for that purpose.
- 7. That I can contribute the following amount toward the expense of review: \$ \_\_\_\_\_.
- 8. The following is a brief statement of the nature of the case and the issues sought to be reviewed: \_\_\_\_\_
- 9. ~~3.~~ I ask the court to ~~provide order the following to be provided the following~~ at public expense, ~~the following~~: all filing fees, attorney fees, preparation, reproduction, and distribution of briefs, preparation of verbatim report of proceedings, and preparation of necessary clerk's papers.
- ~~10.~~ 4. I authorize the court to obtain verification information regarding my financial status from banks, employers, or other individuals or institutions, if appropriate.
- ~~11.~~ 5. I ~~certify that I~~ will immediately report to the Court any change in my financial status which materially affects the Court's finding of indigency.
- ~~12.~~ 6. I ~~certify that review is being sought~~ seek review in good faith. The following is a brief statement of the nature of the case and the issues sought to be reviewed: \_\_\_\_\_

7. [For cases governed by rule 15.2(c) only] I have a constitutional or statutory right to review at public expense and the issues I want reviewed have probable merit. [Identify statutory or constitutional right and briefly describe the merit of the appeal sought]

\_\_\_\_\_

\_\_\_\_\_

I, \_\_\_\_\_, certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

\_\_\_\_\_  
Date and Place

\_\_\_\_\_  
Signature of (Defendant)  
(Respondent) (Petitioner)

**APPENDIX A [To Form 13]: Initial Declaration of Indigency** [To be completed if party has not previously been found indigent or certifies a material change in financial status since original finding of indigency (Box 2(b) in Form 13)]

- I, \_\_\_\_\_, certify as follows:
- 1. I have not previously been found indigent by this court.
  - 2. That I own:
    - ( ) a. No real property
    - ( ) b. Real property valued at \$ \_\_\_\_\_.
  - 3. That I own:
    - ( ) a. No personal property other than my personal effects
    - ( ) b. Personal property (automobile, money, inmate account, motors, tools, etc.) valued at \$ \_\_\_\_\_.
  - 4. That I have the following income:
    - ( ) a. No income from any source.
    - ( ) b. Income from employment, disability payments, social security, welfare, insurance, annuities, stocks, bonds, interests, etc., in the amount of \$ \_\_\_\_\_ on an average monthly basis. I received \$ \_\_\_\_\_ after taxes over the past year.
  - 5. That I have:
    - ( ) a. Undischarged debts in the amount of \$ \_\_\_\_\_.
    - ( ) b. No debts.
  - 6. That I am without other means to prosecute said appeal and desire that public funds be expended for that purpose.
  - 7. That I can contribute the following amount toward the expense of review: \$ \_\_\_\_\_.

I, \_\_\_\_\_, certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

\_\_\_\_\_  
Date and Place

\_\_\_\_\_  
Signature of (Defendant)  
(Respondent) (Petitioner)

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

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

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

WSR 10-13-026
RULES OF COURT
STATE SUPREME COURT

[June 3, 2010]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO RAP 9.6- ) NO. 25700-A-955
DESIGNATION OF CLERK'S PAPERS )
AND EXHIBITS, RAP 11.3(a)-DATE OF )
ARGUMENT, RAP 13.4-DISCRETION- )
ARY REVIEW OF DECISION TERMI- )
NATING REVIEW AND RAP 18.1- )
ATTORNEYS FEES AND EXPENSES )

The Washington Appellate Lawyers Association (WALA) having recommended the adoption of the proposed amendments to RAP 9.6-Designation of Clerk's Papers and Exhibits, RAP 11.3(a)-Date of Argument, RAP 13.4-Discretionary Review of Decision Terminating Review and RAP 18.1-Attorneys Fees and Expenses, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2010.

DATED at Olympia, Washington this 3rd day of June, 2010.

Madsen, C.J.
Owens, J.
C. Johnson, J.
Fairhurst, J.
Alexander, J.
J. M. Johnson, J.
Sanders, J.
Stephens, J.
Chambers, J.

RAP 18.1

Rule 18.1, Attorney Fees and Expenses

[(a) - (g) unchanged]

(h) Transmitting Judgment on Award. The clerk will include the award of attorney fees and expenses in the mandate, or the certificate of finality, or in a supplemental judgment. The award of fees and expenses, including interest from the date of the award by the appellate court, may be enforced in the trial court.

[(i) & (j) unchanged]

SUGGESTED AMENDMENT
RULES OF APPELLATE PROCEDURE (RAP)

RULE 9.6
DESIGNATION OF CLERK'S PAPERS AND EXHIBITS

(a) Generally. The party seeking review should, within 30 days after the notice of appeal is filed or discretionary

review is granted, serve on all other parties and file with the trial court clerk a designation of those clerk's papers and exhibits the party wants the trial court clerk to transmit to the appellate court. A copy of the designation shall also be filed with the appellate court clerk. Any party may supplement the designation of clerk's papers and exhibits prior to or with the filing of the party's last brief. Thereafter, a party may supplement the designation only by order of the appellate court, upon motion. Each party is encouraged to designate only clerk's papers and exhibits needed to review the issues presented to the appellate court.

(b) Designation and contents.

(1) The clerk's papers shall include, at a minimum:

(A) the notice of appeal or the notice for discretionary review;

(B) the indictment, information, or complaint in a criminal case;

(C) any written order or ruling not attached to the notice of appeal, of which a party seeks review;

(D) the final pretrial order, or the final complaint and answer or other pleadings setting out the issues to be tried if the final pretrial order does not set out those issues;

(c) Format. [No change.]

RAP 11.3
DATE OF ARGUMENT

(a) Notice. The clerk will advise all parties and others who have filed briefs of the time and place of oral argument and the members of the court who will consider the case on the merits.

(b) Unchanged.

RAP 13.4
DISCRETIONARY REVIEW OF DECISION TERMINATING REVIEW

(a) How to Seek Review. A party seeking discretionary review by the Supreme Court of a Court of Appeals decision terminating review must file a petition for review or an answer to the petition that raises new issues. A petition for review should be filed in the Court of Appeals. If no motion to publish or motion to reconsider all or part of the Court of Appeals decision is timely made, a petition for review must be filed within 30 days after the decision is filed. If such a motion is made, the petition for review must be filed within 30 days after an order is filed denying a timely motion for reconsideration or determining a timely motion to publish. If the petition for review is filed prior to the Court of Appeals determination on the motion to reconsider or on a motion to publish, the petition will not be forwarded to the Supreme Court until the Court of Appeals files an order on all such motions. The first party to file a petition for review must, at the time the petition is filed, pay the statutory filing fee to the clerk of the Court of Appeals in which the petition is filed.

(b) Considerations Governing Acceptance of Review.

A petition for review will be accepted by the Supreme Court only:

(1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or

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

(3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or

(4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

**(c) Content and Style of Petition.** The petition for review should contain under appropriate headings and in the order here indicated:

(1) Cover. A title page, which is the cover.

(2) Tables. A table of contents, with page references, and a table of cases (alphabetically arranged), statutes and other authorities cited, with reference to the pages of the brief where cited.

(3) Identity of Petitioner. A statement of the name and designation of the person filing the petition.

(4) Citation to Court of Appeals Decision. A reference to the Court of Appeals decision which petitioner wants reviewed, the date of filing the decision, and the date of any order granting or denying a motion for reconsideration.

(5) Issues Presented for Review. A concise statement of the issues presented for review.

(6) Statement of the Case. A statement of the facts and procedures relevant to the issues presented for review, with appropriate references to the record.

(7) Argument. A direct and concise statement of the reason why review should be accepted under one or more of the tests established in section (b), with argument.

(8) Conclusion. A short conclusion stating the precise relief sought.

(9) Appendix. An appendix containing a copy of the Court of Appeals decision, any order granting or denying a motion for reconsideration of the decision, and copies of statutes and constitutional provisions relevant to the issues presented for review.

**(d) Answer and Reply.** A party may file an answer to a petition for review. If the party wants to seek review of any issue that is not raised in the petition for review, including any issues that were raised but not decided in the Court of Appeals, the party must raise those new issues in an answer. Any answer should be filed within 30 days after the service on the party of the petition. A party may file a reply to an answer only if the answering party seeks review of issues not raised in the petition for review. A reply to an answer should be limited to addressing only the new issues raised in the answer. A reply to an answer should be filed within 15 days after the service on the party of the answer. An answer or reply should be filed in the Supreme Court. The Supreme Court may call for an answer or a reply to an answer.

**(e) Form of Petition, Answer, and Reply.** The petition, answer, and reply should comply with the requirements as to form for a brief as provided in rules 10.3 and 10.4, except as otherwise provided in this rule.

**(f) Length.** The petition for review, answer, or reply should not exceed 20 pages double spaced, excluding appendices.

**(g) Reproduction of Petition, Answer, and Reply.** The clerk will arrange for the reproduction of copies of a petition for review, an answer, or a reply, and bill the appropriate party for the copies as provided in rule 10.5.

**(h) Amicus Curiae Memoranda.** The Supreme Court may grant permission to file an amicus curiae memorandum in support of or opposition to a pending petition for review. Absent a showing of particular justification, an amicus curiae memorandum should be received by the court and counsel of record for the parties and other amicus curiae not later than 60 days from the date the petition for review is filed. Rules 10.4 and 10.6 should govern generally disposition of a motion to file an amicus curiae memorandum. An amicus curiae memorandum or answer thereto should not exceed 10 pages.

**(i) No Oral Argument.** The Supreme Court will decide the petition without oral argument.

**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 10-13-027  
RULES OF COURT  
STATE SUPREME COURT**

[June 3, 2010]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENTS TO RAP 2.2 ) NO. 25700-A-956  
(b)(5) AND (6)-DECISIONS OF THE )  
SUPERIOR COURT THAT MAY BE )  
APPEALED )

The Washington Association of Prosecuting Attorneys having recommended the adoption of the proposed amendments to RAP 2.2 (b)(5) and (6)-Decision of the Superior Court That May Be Appealed, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2010.

DATED at Olympia, Washington this 3rd day of June, 2010.

Madsen, C.J.

C. Johnson, J.

Owens, J.

Alexander, J.

Fairhurst, J.

Sanders, J.

J. M. Johnson, J.

Chambers, J.

Stephens, J.

RAP 2.2

Decisions of the Superior Court That May Be Appealed

(a) Unchanged.

(b)(1)-(5) Unchanged.

(5) Disposition in Juvenile Offense Proceeding. A disposition in a juvenile offense proceeding that (A) is below the standard range of disposition for the offense, (B) ~~or that~~ the state or local government believes involves a miscalculation of the standard range, (C) includes provisions that are unauthorized by law, or (D) omits a provision that is required by law.

(6) Sentence in Criminal Case. A sentence in a criminal case that (A) is outside the standard range for the offense, (B) ~~or that~~ the state or local government believes involves a miscalculation of the standard range, (C) includes provisions that are unauthorized by law, or (D) omits a provision that is required by law.

(c) and (d) Unchanged.

**WSR 10-13-028**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[June 3, 2010]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENTS TO GR 23- ) NO. 25700-A-957  
RULE FOR CERTIFYING PROFES- )  
SIONAL GUARDIANS )

The Certified Professional Guardian Board having recommended the adoption of the proposed amendments to GR 23-Rule for Certifying Professional Guardians, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as shown are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2010.

DATED at Olympia, Washington this 3rd day of June, 2010.

Madsen, C.J.

C. Johnson, J.

Owens, J.

Alexander, J.

Fairhurst, J.

Sanders, J.

J. M. Johnson, J.

Chambers, J.

Stephens, J.

**GR 23**

**Rule for Certifying Professional Guardians**

(a) Purpose and Scope. This rule establishes the standards and criteria for the certification of professional guardians as defined by RCW 11.88.008 and prescribes the conditions of and limitations upon their activities. This rule does

not duplicate the statutory process by which the courts supervise guardians nor is it a mechanism to appeal a court decision regarding the appointment or conduct of a guardian.

(b) Jurisdiction. All professional guardians who practice in the state of Washington are subject to these rules and regulations. Jurisdiction shall continue whether or not the professional guardian retains certification under this rule, and regardless of the professional guardian's residence.

(c) Certified Professional Guardian Board.

(1) Establishment.

(i) Membership. The Supreme Court shall appoint a Certified Professional Guardian Board ("Board") of 12 or more members. The Board shall include representatives from the following areas of expertise: professional guardians; attorneys; advocates for incapacitated persons; courts; state agencies; and those employed in medical, social, health, financial, or other fields pertinent to guardianships. No more than one-third of the Board membership shall be practicing professional guardians.

(ii) Terms. The term for a member of the Board shall be three years. No member may serve more than three consecutive full three-year terms, not to exceed nine consecutive years, including any unfilled term. Terms shall be established such that one-third shall end each year. All terms of office begin October 1 and end September 30 or when a successor has been appointed, whichever occurs later.

(iii) Leadership. The Supreme Court shall designate the Chair of the Board. The Board shall designate the Vice-Chair, who shall serve in the absence of or at the request of the Chair.

(iv) Vacancies. Any vacancy occurring in the terms of office of Board members shall be filled for the unexpired term.

(2) Duties and Powers.

(i) Applications. The Board shall process applications for professional guardian certification under this rule. The Board may delay or deny certification if an applicant fails to provide required basic or supplemental information.

(ii) Standards of Practice. The Board shall adopt and implement policies or regulations setting forth minimum standards of practice which professional guardians shall meet.

(iii) Training Program. The Board shall adopt and implement regulations establishing a professional guardian training program.

(iv) Examination. The Board may adopt and implement regulations governing the preparation and administration of certification examinations.

(v) Recommendation of Certification. The Board may recommend certification to the Supreme Court. The Supreme Court shall review the Board's recommendation and enter an appropriate order.

(vi) Denial of Certification. The Board may deny certification. If the Board denies certification, it shall notify an applicant in writing of the basis for denial of certification and inform the applicant of the appeal process.

(vii) Continuing Education. The Board may adopt and implement regulations for continuing education.

(viii) Grievances and Disciplinary Sanctions. The Board shall adopt and implement procedures to review any allega-

tion that a professional guardian has violated an applicable statute, fiduciary duty, standard of practice, rule, regulation, or other requirement governing the conduct of professional guardians. The Board may take disciplinary action and impose disciplinary sanctions based on findings that establish a violation of an applicable statute, duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians. Sanctions may include decertification or lesser remedies or actions designed to ensure compliance with duties, standards, and requirements for professional guardians.

(ix) Investigation. The Board may investigate to determine whether an applicant for certification meets the certification requirements established in this rule. The Board may also investigate to determine whether a professional guardian has violated any statute, duty, standard of practice, rule, regulation, or other requirement governing the conduct of professional guardians.

(x) Authority to Conduct Hearings. The Board may adopt regulations pertaining to the orderly conduct of hearings.

a) Subpoenas. The Chair of the Board, Hearing Officer, or a party's attorney shall have the power to issue subpoenas.

b) Orders. The Chair or Hearing Officer may make such pre-hearing or other orders as are necessary for the orderly conduct of any hearing.

c) Enforcement. The Board may refer a Subpoena or order to the Supreme Court for enforcement.

(xi) Disclosure of Records. The Board may adopt regulations pertaining to the disclosure of records in the Board's possession.

(xii) Meetings. The Board shall hold meetings as determined to be necessary by the chair. Meetings of the Board will be open to the public except for executive session, review panel, or disciplinary meetings prior to filing of a disciplinary complaint.

(xiii) Fees. The Board shall establish and collect fees in such amounts as are necessary to support the duties and responsibilities of the Board.

(3) Board Expenses. Board members shall not be compensated for their services. Consistent with the Office of Financial Management rules, Board members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid pursuant to a budget submitted to and approved by the Supreme Court. Funds accumulated from examination fees, annual fees, and other revenues shall be used to defray Board expenses.

(4) Agency. Hearing officers are agents of the Board and are accorded rights of such agency.

(5) Immunity from Liability. The Board, its members, or agents, including duly appointed hearing officers, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions.

(6) Conflict of Interest. A Board member should disqualify himself or herself from making any decisions in a proceeding in which his or her impartiality might reasonably be questioned, including but not limited to, when the Board member has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding.

(7) Leave of Absence. The Board may adopt regulations specifying that a Board member who is the subject of a disciplinary investigation by the Board must take a leave of absence from the Board. A Board member may not continue to serve as a member of the Board if the Board or Supreme Court has imposed a final disciplinary sanction on the Board member.

(8) Administration. The Administrative Office of the Courts (AOC) shall provide administrative support to the Board and may contract with agencies or organizations to carry out the Board's administrative functions.

(d) Certification Requirements. Applicants, Certified Professional Guardians, and Certified Agencies shall comply with the provisions of Chapter 11.88 and 11.92 RCW. In addition, individuals and agencies must meet the following requirements.

(1) Individual Certification. The following requirements apply to applicants and do not apply to currently certified professional guardians, except as stated in subsection (d)(1)(vii). An individual applicant shall:

(i) Be at least 18 years of age;

(ii) Be of sound mind;

(iii) Have no felony or misdemeanor convictions involving moral turpitude;

(iv) Possess an associate's degree from an accredited institution and at least four full years' experience working in a discipline pertinent to the provision of guardianship services, or a baccalaureate degree from an accredited institution and at least two full years' experience working in a discipline pertinent to the provision of guardianship services, or a Masters, J.D., Ph.D., or equivalent advanced degree from an accredited institution and at least one year experience working in a discipline pertinent to the provision of guardianship services;

(v) The experience required by this rule is experience in which the applicant has developed skills that are transferable to the provision of guardianship services and must include decision-making or the use of independent judgment on behalf for the benefit of others, not limited to incapacitated persons, in the area of legal, financial, social services or healthcare or other disciplines pertinent to the provision of guardianship services;

(vi) Have completed the mandatory certification training.

(vii) Applicants enrolled in the mandatory certification training on September 12, 2008, and who satisfactorily complete that training, shall meet the certification requirements existing on that date, or the date the applicant submitted a complete application for certification, whichever date is earlier, and not the requirements set forth in this rule.

(2) Agency Certification. Agencies must meet the following additional requirements:

(i) All officers and directors of the corporation must meet the qualifications of Chapter 11.88.020 RCW for guardians;

(ii) Each agency shall have at least two (2) individuals in the agency certified as professional guardians, whose residence or principal place of business is in Washington State and who are so designated in minutes or a resolution from the Board of Directors; and



(iii) Each agency shall file and maintain in every guardianship court file a current designation of each certified professional guardian with final decision-making authority for the incapacitated person or their estate.

(3) Training Program and Examination. Applicants must satisfy the Board's training program and examination requirements.

(4) Insurance Coverage. In addition to the bonding requirements of Chapter 11.88 RCW, applicants must be insured or bonded at all times in such amount as may be determined by the Board and shall notify the Board immediately of cancellation of required coverage.

(5) Financial Responsibility. Applicants must provide proof of ability to respond to damages resulting from acts or omissions in the performance of services as a guardian. Proof of financial responsibility shall be in such form and in such amount as the Board may prescribe by regulation.

(6) Application Under Oath. Applicants must execute and file with the Board an approved application under oath.

(7) Application Fees. Applicants must pay fees as the Board may require by regulation.

(8) Disclosure. An applicant for certified professional guardian or certified agency shall disclose upon application:

(i) The existence of a judgment against the applicant arising from the applicant's performance of services as a fiduciary;

(ii) A court finding that the applicant has violated its duties as a fiduciary, or committed a felony or any crime involving moral turpitude;

(iii) Any adjudication of the types specified in RCW 43.43.830, and RCW 43.43.842;

(iv) Pending or final licensing or disciplinary board actions or findings of violations;

(v) The existence of a judgment against the applicant within the preceding eight years in any civil action;

(vi) Whether the applicant has filed for bankruptcy within the last seven years. Disclosure of a bankruptcy filing within the past seven years may require the applicant or guardian to provide a personal credit report from a recognized credit reporting bureau satisfactory to the Board;

(vii) The existence of a judgment against the applicant or any corporation, partnership or limited liability corporation for which the applicant was a managing partner, controlling member or majority shareholder within the preceding eight years in any civil action.

(9) Denial of Certification. The Board may deny certification of an individual or agency based on any of the following criteria:

(i) Failure to satisfy certification requirements provided in section (d) of this rule;

(ii) The existence of a judgment against the applicant arising from the applicant's performance of services as a fiduciary;

(iii) A court finding that the applicant has violated its fiduciary duties or committed a felony or any crime involving moral turpitude;

(iv) Any adjudication of the types specified in RCW 43.43.830, and RCW 43.43.842;

(v) Pending or final licensing or disciplinary board actions or findings of violations;

(vi) A Board determination based on specific findings that the applicant lacks the requisite moral character or is otherwise unqualified to practice as a professional guardian;

(vii) A Board determination based on specific findings that the applicant's financial responsibility background is unsatisfactory.

(10) Designation/Title. An individual certified under this rule may use the initials "CPG" following the individual's name to indicate status as "Certified Professional Guardian." An agency certified under this rule may indicate that it is a "Certified Professional Guardian Agency" by using the initials "CPGA" after its name. An individual or agency may not use the term "certified professional guardian" or "certified professional guardian agency" as part of a business name.

(e) Guardian Disclosure Requirements.

(1) A Certified Professional Guardian or Certified Agency shall disclose to the Board in writing within 30 days of occurrence:

(i) The existence of a judgment against the professional guardian arising from the professional guardian's performance of services as a fiduciary;

(ii) A court finding that the professional guardian violated its fiduciary duties, or committed a felony or any crime involving moral turpitude;

(iii) Any adjudication of the types specified in RCW 43.43.830, and RCW 43.43.842;

(iv) Pending licensing or disciplinary actions related to fiduciary responsibilities or final licensing or disciplinary actions resulting in findings of violations;

(v) Residential or business moves or changes in employment; and

(vi) Names of Certified Professional Guardians they employ or who leave their employ.

(2) Not later than June 30 of each year, each professional guardian and guardian agency shall complete and submit an annual disclosure statement providing information required by the Board.

(f) Regulations. The Board shall adopt regulations to implement this rule.

(g) Personal Identification Number. The Board shall establish an identification numbering system for professional guardians. The Personal Identification Number shall be included with the professional guardian's signature on documents filed with the court.

(h) Ethics Advisory Opinions.

(1) The Board may issue written ethics advisory opinions to inform and advise Certified Professional Guardians and Certified Agencies of their ethical obligations.

(2) Any Certified Professional Guardian or Certified Agency may request in writing an ethical advisory opinion from the Board. Compliance with an opinion issued by the Board shall be considered as evidence of good faith in any subsequent disciplinary proceeding involving a Certified Professional Guardian or Certified Agency.

(3) The Board shall publish opinions issued pursuant to this rule in electronic or paper format. The identity of the person requesting an opinion is confidential and not public information.

(i) Existing Law Unchanged. This rule shall not expand, narrow, or otherwise affect existing law, including but not limited to, Title 11 RCW.

[Adopted effective January 25, 2000; amended effective April 30, 2002; amended effective April 1, 2003; September 1, 2004, amended effective January 13, 2009.]

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

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 10-13-029
RULES OF COURT
STATE SUPREME COURT
[June, 3, 2010]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO CrRLJ 3.2- ) NO. 25700-A-958
RELEASE OF ACCUSED )

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

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective July 1, 2012.

DATED at Olympia, Washington this 3rd day of June, 2010.

Madsen, C.J.

C. Johnson, J.

Owens, J.

Alexander, J.

Fairhurst, J.

Sanders, J.

J. M. Johnson, J.

Chambers, J.

Stephens, J.

CrRLJ 3.2 RELEASE OF ACCUSED—Proposed Revision

(a) through (l) are unchanged

(m) Forfeiture. Nothing contained in this rule shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

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

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

(1) When required to reasonably assure appearance in court, bail for a person arrested for the following criminal offenses listed in this rule or comparable ordinances shall be the amount listed in this rule: a misdemeanor shall be \$500 and for a gross misdemeanor shall be \$1,000. In an individual case and after hearing the court for good cause recited in a written order may set a different bail amount.

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

(3) Forfeiture of bail shall not constitute a final disposition for a mandatory offense or comparable ordinance without a written order of the court showing the reasons. The order may be a simple docket entry. If the court allows forfeiture of bail for a mandatory offense, it may accept bail in an amount no less than that set forth in these rules as full payment including all statutory assessments.

BAIL

Table with 2 columns: Description of offense and Bail amount. Includes items like Driving while under the influence, No valid driver's license, etc.

7.	Driving while license suspended or revoked in the third degree (RCW 46.20.342)	\$250
8.	Violating occupational license restrictions (RCW 46.20.410)	\$200
9.	Financial responsibility suspension (RCW 46.29.610, .620)	\$100
10.	Transporting dangerous articles (RCW 46.48.175)	\$500
11.	Unattended hit and run (RCW 46.52.010)	\$250
12.	Attended hit and run (RCW 46.52.020)	\$500
13.	Reports of repairs, concealing evidence (RCW 46.52.090)	\$500
14.	Confidentiality of driving records (RCW 46.52.130)	\$500
15.	Failure to obey police officer, flagger, or fire fighter (RCW 46.61.015)	\$250
16.	Failure to cooperate with or give information to police officer (RCW 46.61.020)	\$100
17.	Failure to stop and give information (RCW 46.61.022)	\$100
18.	Reckless driving (RCW 46.61.500)	\$500
19.	Racing (RCW 46.61.530)	\$500
20.	Leaving children unattended (RCW 46.61.685)	\$250
21.	Unfair motor vehicle business practices (RCW 46.70.170)	\$250
22.	Unlawful operation of for hire vehicles (RCW 46.72.100)	\$250
23.	Motor vehicle wreckers (RCW 46.80.170)	\$500
24.	Driving training schools (RCW 46.82.390)	\$250
25.	First Degree Negligent Driving (RCW 46.61.525)	\$250
		Bail

(p) (Reserved.)

(q) (Reserved.)

(r) Forfeitable Wildlife and Fisheries Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:			BAIL	70% PSEA	35% PSEA	TOTAL
RCW	WAC	TITLE				
77.15.120.1		Take endangered fish or wildlife, 2nd degree- (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
77.15.120.2		Take endangered fish or wildlife, 1st degree- (Mandatory appearance, F)	\$1,316	\$921.20	\$460.60	\$2,698
77.15.130		Take protected fish or wildlife (M)	\$132	\$92.40	\$46.20	\$271
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-117	Raptor marking	\$79	\$55.30	\$27.65	\$162
	232-12-121	Raptor reporting	\$79	\$55.30	\$27.65	\$162
	232-12-129	Captive raptor propagation	\$79	\$55.30	\$27.65	\$162
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
77.15.140		Take unclassified fish or wildlife (M)	\$53	\$37.10	\$18.55	\$109
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-242	Hunt wildlife during deer or elk season	\$132	\$92.40	\$46.20	\$271
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
77.15.150		Use poisons or explosives (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.160.1		Catch record card (I)	\$39	\$27.30	\$13.65	\$80
77.15.160.2		Use barbed hooks (I)	\$39	\$27.30	\$13.65	\$80
77.15.160.3		Rule of commission or director designated as infraction (I)	\$39	\$27.30	\$13.65	\$80
77.15.170.1		Wastage 2nd degree (M)	\$132	\$92.40	\$46.20	\$271
77.15.170.2		Wastage 1st degree (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:			BAIL	70% PSEA	35% PSEA	TOTAL
RCW	WAC	TITLE				
77.15.180.1		Interfere with fishing/hunting gear 2nd degree (M)	\$184	\$128.80	\$64.40	\$378
77.15.180.3		Interfere with fishing/hunting gear 1st degree (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.190		Trapping violations (M) (Includes pamphlet violations)	\$53	\$37.10	\$18.55	\$109
	232-12-024	Sealing pelts	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation—hunting or trapping	\$184	\$128.80	\$64.40	\$378
77.15.210		Obstruct taking of fish or wildlife (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.220		Posting signs (M)	\$132	\$92.40	\$46.20	\$271
77.15.230		Use of department lands (M)	\$132	\$92.40	\$46.20	\$271
	232-12-177	Vehicle operation on department lands	\$53	\$37.10	\$18.55	\$109
	232-12-187	Access area use	\$53	\$37.10	\$18.55	\$109
	232-12-254	Litter on department lands	\$53	\$37.10	\$18.55	\$109
77.15.240		Use of dog (M)	\$132	\$92.40	\$46.20	\$271
77.15.250.1		Release of fish or wildlife (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.250.2		Release of deleterious exotic fish or wildlife (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.260.1		Trafficking 2nd degree (GM)	\$184	\$128.80	\$64.40	\$378
77.15.260.2		Trafficking 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.270		False reporting (GM)	\$184	\$128.80	\$64.40	\$378
77.15.280		Report fish or wildlife harvest (M)	\$53	\$37.10	\$18.55	\$109
77.15.290.1		Transport of fish or wildlife 2nd degree (M)	\$184	\$128.80	\$64.40	\$378
	232-12-021	Importation of wildlife	\$184	\$128.80	\$64.40	\$378
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-224	Off-reservation possession of wildlife	\$184	\$128.80	\$64.40	\$378
77.15.290.2		Transport of fish or wildlife 1st degree (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
	232-12-021	Importation of wildlife	\$184	\$128.80	\$64.40	\$378
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-224	Off—reservation possession of wildlife	\$184	\$128.80	\$64.40	\$378
77.15.300		Hydraulic project activity (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.310		Fish guard on water diversion (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.320		Fishway (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.330		Hunting or fishing contest (M)	\$132	\$92.40	\$46.20	\$271
	232-12-041	Field trial permit	\$79	\$55.30	\$27.65	\$162
	232-12-168	Fishing contests conditions	\$79	\$55.30	\$27.65	\$162
	232-12-169	Hunting contests conditions	\$79	\$55.30	\$27.65	\$162
77.15.340		Game farm operation (GM)	\$263	\$184.10	\$92.05	\$540
	232-12-031	Game farm invoice	\$79	\$55.30	\$27.65	\$162
77.15.350		Aquatic farms—inspection and disease control (M)	\$263	\$184.10	\$92.05	\$540
77.15.360		Interfere with department operations (GM)	\$263	\$184.10	\$92.05	\$540
77.15.370.1.a		Recreational fishing 1st degree (GM)	\$184	\$128.80	\$64.40	\$378
77.15.370.1.b		Fish in fishway (GM)	\$263	\$184.10	\$92.05	\$540
77.15.370.1.e		Shoot, gaff, snag fish (GM)	\$263	\$184.10	\$92.05	\$540
77.15.380		Recreational fishing 2nd degree (M)	\$53	\$37.10	\$18.55	\$109
	220-20-025.1	Razor clam beds, driving on	\$39	\$27.30	\$13.65	\$80
	220-20-025.2	Crab, soft shell	\$39	\$27.30	\$13.65	\$80
		+\$10 each crab over 1	\$0	\$0	\$0	
	220-56-145.1	Dolly Vardon/bull trout or sturgeon mutilation	\$79	\$55.30	\$27.65	\$162

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:			BAIL	70% PSEA	35% PSEA	TOTAL
RCW	WAC	TITLE				
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-56-145.2	Recreational salmon, mutilation	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-56-145.3	Recreational bottomfish, mutilation	\$53	\$37.10	\$18.55	\$109
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-56-180.8	Recreational salmon, possession, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-190.1-6	Recreational salmon, over limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-190.7	Recreational salmon, illegal size	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-56-191	Recreational salmon, Puget Sound, undersize	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-56-191.1-9	Recreational salmon, Puget Sound, over limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-215	Recreational salmon, snagged, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-220	Recreational salmon, eggs	\$132	\$92.40	\$46.20	\$271
	220-56-235	Recreational bottomfish, over limit	\$53	\$37.10	\$18.55	\$109
		+\$25 each fish over 1	\$0	\$0	\$0	
	220-56-240.1	Recreational sturgeon, size or limit (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
	220-56-240.2	Recreational forage fish, over limit	\$39	\$27.30	\$13.65	\$80
		+\$2 each pound of fish over 10lbs.	\$0	\$0	\$0	
	220-56-245	Recreational bottomfish, halibut, over limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-255	Recreational bottomfish, halibut, undersize, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-295.1	Recreational sturgeon, remove roe (Mandatory appearance)	\$526	\$368.20	\$184.10	\$1,079
	220-56-310.1	Recreational clams, over limit	\$39	\$27.30	\$13.65	\$80
		+\$2 each clam over limit	\$0	\$0	\$0	
	220-56-310.2	Recreational razor clam, over limit, 1-15	\$26	\$18.20	\$9.10	\$54
		+\$10 each clam over 30	\$0	\$0	\$0	
	220-56-310.3	Recreational geoduck, over limit	\$53	\$37.10	\$18.55	\$109
		+\$50 each geoduck over 4	\$0	\$0	\$0	
	220-56-310.4	Recreational clams, horse clams over limit	\$39	\$27.30	\$13.65	\$80
		+\$25 each clam over 8	\$0	\$0	\$0	
	220-56-310.5	Recreational oysters, over limit	\$26	\$18.20	\$9.10	\$54
		+\$10 each oyster over 19	\$0	\$0	\$0	
	220-56-310.6	Recreational scallops, over limit Rock scallops	\$39	\$27.30	\$13.65	\$80
		+\$10 each over 13	\$0	\$0	\$0	
	220-56-310.7	Recreational scallops, over limit sea scallops	\$39	\$27.30	\$13.65	\$80
		+\$10 each over 13	\$0	\$0	\$0	
	220-56-310.8	Recreational scallops, over limit pink scallops	\$39	\$27.30	\$13.65	\$80
		+\$10 each full pound or quart over first limit	\$0	\$0	\$0	
	220-56-310.9	Recreational shrimp, over limit	\$39	\$27.30	\$13.65	\$80
		+\$50 each full limit over 2 limits	\$0	\$0	\$0	
	220-56-310.10	Recreational octopus, over limit	\$53	\$37.10	\$18.55	\$109
		+\$50 each octopus over 3	\$0	\$0	\$0	
	220-56-310.11	Recreational abalone, possess	\$79	\$55.30	\$27.65	\$162
		+\$150 each abalone over 1	\$0	\$0	\$0	
	220-56-310.12	Recreational crawfish, over limit	\$39	\$27.30	\$13.65	\$80
		+\$25 each full limit over 2 limits	\$0	\$0	\$0	
	220-56-310.13	Recreational squid, over limit	\$39	\$27.30	\$13.65	\$80
		+\$50 for any amount over 10 pounds above limit	\$0	\$0	\$0	
	220-56-310.14	Recreational sea cucumber, over limit	\$39	\$27.30	\$13.65	\$80

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:			BAIL	70% PSEA	35% PSEA	TOTAL
RCW	WAC	TITLE				
		+\$10 each over 26	\$0	\$0	\$0	
	220-56-310.15	Recreational red sea urchin, over limit	\$39	\$27.30	\$13.65	\$80
		+\$10 each urchin over 19	\$0	\$0	\$0	
	220-56-310.16	Recreational purple sea urchin, over limit	\$39	\$27.30	\$13.65	\$80
		+\$10 each urchin over 19	\$0	\$0	\$0	
	220-56-310.17	Recreational green urchin, over limit	\$39	\$27.30	\$13.65	\$80
		+\$10 each urchin over 37	\$0	\$0	\$0	
	220-56-310.18	Recreational Dungeness crab, over limit, 1-6 crabs	\$39	\$27.30	\$13.65	\$80
		+\$25 each crab over 6	\$0	\$0	\$0	
	220-56-310.19	Recreational red rock crab, over limit, 1-6 crabs	\$39	\$27.30	\$13.65	\$80
		+\$25 each crab over 6	\$0	\$0	\$0	
	220-56-310.20	Recreational mussels, over limit	\$39	\$27.30	\$13.65	\$80
		+\$50 each full 10lbs. over 20lbs.	\$0	\$0	\$0	
	220-56-310.21	Recreational barnacles, over limit	\$39	\$27.30	\$13.65	\$80
		+\$50 each full 10lbs. over 2 limits	\$0	\$0	\$0	
	220-56-310.23	Recreational King or box crab, possess	\$79	\$55.30	\$27.65	\$162
		+\$150 each over 1	\$0	\$0	\$0	
	220-56-335	Recreational crab, 1-6 crabs	\$39	\$27.30	\$13.65	\$80
		+\$25 each crab over 6	\$0	\$0	\$0	
	220-56-355.2	Recreational geoduck, neck only	\$53	\$37.10	\$18.55	\$109
		+\$50 each neck over 1	\$0	\$0	\$0	
	220-56-355.3	Recreational clams, undersize	\$39	\$27.30	\$13.65	\$80
		+\$2 each clam over 1	\$0	\$0	\$0	
	220-56-365	Recreational razor clam, fail to retain	\$39	\$27.30	\$13.65	\$80
	220-56-385	Recreational oysters, retain shell	\$26	\$18.20	\$9.10	\$54
		+\$10 each shell over 1	\$0	\$0	\$0	
	220-56-400	Recreational abalone, possess	\$79	\$55.30	\$27.65	\$162
		+\$150 each over 1 abalone	\$0	\$0	\$0	
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-151	Fly fishing rules	\$79	\$55.30	\$27.65	\$162
	232-12-164	Fishing near dams	\$132	\$92.40	\$46.20	\$271
77.15.390		Seaweed (M)	\$53	\$37.10	\$18.55	\$109
77.15.400.1		Wild birds 2nd degree (M)	\$79	\$55.30	\$27.65	\$162
	232-12-044	Game bird marking requirements	\$79	\$55.30	\$27.65	\$162
	232-12-047	Unlawful firearm	\$79	\$55.30	\$27.65	\$162
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-068	Nontoxic shot	\$53	\$37.10	\$18.55	\$109
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation — hunting or trapping	\$184	\$128.80	\$64.40	\$378
	232-12-264	Bait game birds	\$263	\$184.10	\$92.05	\$540
	232-12-267.1	Field identification of game birds	\$53	\$37.10	\$18.55	\$109
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt before or after hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled hunter/companion violation	\$79	\$55.30	\$27.65	\$162
77.15.400.2		Wild birds 1st degree (GM)	\$132	\$92.40	\$46.20	\$271
77.15.410.1		Big game animal 2nd degree (GM)	\$263	\$184.10	\$92.05	\$540
	232-12-047	Unlawful firearm	\$79	\$55.30	\$27.65	\$162
	232-12-051	Muzzleloading firearms	\$79	\$55.30	\$27.65	\$162
	232-12-054	Unlawful archery	\$79	\$55.30	\$27.65	\$162

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:			BAIL	70% PSEA	35% PSEA	TOTAL
RCW	WAC	TITLE				
	232-12-055	Hunter-orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live-wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession-without-statement	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville-Reservation—hunting-or-trapping	\$184	\$128.80	\$64.40	\$378
	232-12-267.2	Field-identification-of-big-game	\$184	\$128.80	\$64.40	\$378
	232-12-267.3	Field-identification-of-big-game-with-horn-or-antler	\$263	\$184.10	\$92.05	\$540
	232-12-275	Wildlife-rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt-before-or-after-hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled-hunter/companion-violation	\$79	\$55.30	\$27.65	\$162
77.15.410.2		Big-game-animal-1st-degree-(Mandatory-appearance,-F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.430.1		Wild-animals-2nd-degree-(M)	\$79	\$55.30	\$27.65	\$162
	232-12-055	Hunter-orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live-wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession-without-statement	\$79	\$55.30	\$27.65	\$162
	232-12-242	Hunt-during-modern-firearm-deer/elk-season	\$132	\$92.40	\$46.20	\$271
	232-12-24402	Colville-Reservation—hunting-or-trapping	\$184	\$128.80	\$64.40	\$378
	232-12-275	Wildlife-rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt-before-or-after-hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled-hunter/companion-violation	\$79	\$55.30	\$27.65	\$162
77.15.430.2		Wild-animals-1st-degree-(M)	\$132	\$92.40	\$46.20	\$271
77.15.440		Use-of-weapon/dog/trap-on-game-reserve-(M)	\$132	\$92.40	\$46.20	\$271
77.15.450.1		Spotlighting-big-game-2nd-degree-(GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.450.2		Spotlighting-big-game-1st-degree-(Mandatory-appearance,-F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.460		Loaded-firearm-in-vehicle-(M)	\$132	\$92.40	\$46.20	\$271
77.15.470		Avoid-check-station-(GM)	\$263	\$184.10	\$92.05	\$540
77.15.500.1		Commercial-fish-without-license-2nd-degree-(GM)	\$0	\$0	\$0	
		Limited-entry	\$1,053	\$737.10	\$368.55	\$2,159
		Non-limited-entry	\$526	\$368.20	\$184.10	\$1,079
77.15.500.1.b		Commercial-fish-without-license-2nd-degree-(GM)	\$0	\$0	\$0	
		Alternate-operator	\$263	\$184.10	\$92.05	\$540
77.15.500.2		Commercial-fish-without-license-1st-degree-(Mandatory-appearance,-F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.510		Commercial-fish-guide/charter-(GM)	\$1,053	\$737.10	\$368.55	\$2,159
77.15.530.1		Non-designated-vessel-(Mandatory-appearance,-GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.530.4		Non-designated-vessel-same-day-(Mandatory-appearance,-F)	\$1,053	\$737.10	\$368.55	\$2,159
77.15.540		Use-of-commercial-fish-license-(M)	\$79	\$55.30	\$27.65	\$162
	220-20-050.1.2	Vessel-registration-decal-display	\$53	\$37.10	\$18.55	\$109
	220-20-050.3	Salmon-angler-decal-display	\$53	\$37.10	\$18.55	\$109
	220-20-051.4	Affix-registration/documentation-numbers	\$53	\$37.10	\$18.55	\$109
77.15.550.1		Commercial-fish-area-or-time-2nd-degree-(GM)	\$789	\$552.30	\$276.15	\$1,618
	220-20-010.12	Salmon-through-power-block,-each-fish	\$79	\$55.30	\$27.65	\$162
	220-20-010.13	Mutilate-food-fish,-each-fish	\$79	\$55.30	\$27.65	\$162
	220-20-015.3	Commercial-salmon,-undersize	\$79	\$55.30	\$27.65	\$162
		+\$50-each-fish-over-1	\$0	\$0	\$0	
	220-20-015.3.b	Commercial-salmon,-dressed-fish	\$79	\$55.30	\$27.65	\$162
		+\$50-each-fish-over-1	\$0	\$0	\$0	
	220-20-016.1	Commercial-salmon,-take-home-limit,-each-fish	\$79	\$55.30	\$27.65	\$162
	220-20-016.2	Sell-salmon-to-unauthorized-buyer	\$263	\$184.10	\$92.05	\$540

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:			BAIL	70% PSEA	35% PSEA	TOTAL
RCW	WAC	TITLE				
		+\$150 each fish over 1	\$0	\$0	\$0	
	220-20-020.1	Commercial sturgeon, illegal size, undersized each fish	\$79	\$55.30	\$27.65	\$162
		Oversized, each fish (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
	220-20-020.5	Commercial bottomfish, undersized flounder	\$53	\$37.10	\$18.55	\$109
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-20-021.1.a	Commercial sturgeon, exceed limit	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-20-021.1.e	Sale of sturgeon eggs (Mandatory appearance)	\$1,053	\$737.10	\$368.55	\$2,159
	220-20-021.2	Purchase sturgeon eggs (Mandatory appearance)	\$1,053	\$737.10	\$368.55	\$2,159
	220-20-025.2	Commercial crab, soft shell	\$132	\$92.40	\$46.20	\$271
	220-20-025.3	Commercial crab, back shell	\$132	\$92.40	\$46.20	\$271
	220-33-020.3	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
	220-33-020.4	Commercial sturgeon, over limit, each fish	\$79	\$55.30	\$27.65	\$162
	220-33-020.5	Commercial sturgeon, remove eggs	\$132	\$92.40	\$46.20	\$271
	220-33-020.6	Commercial sturgeon, remove head or tail, each fish	\$79	\$55.30	\$27.65	\$162
	220-36-031.2	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
	220-36-031.3	Commercial sturgeon, closed season	\$263	\$184.10	\$92.05	\$540
		+\$150 each fish over 1	\$0	\$0	\$0	
	220-40-031.2	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
	220-40-031.3	Commercial sturgeon, closed season	\$263	\$184.10	\$92.05	\$540
		+\$150 each fish over 1	\$0	\$0	\$0	
	220-44-050	Commercial bottomfish, catch limit	\$263	\$184.10	\$92.05	\$540
		+\$500 each additional 10% over limit	\$0	\$0	\$0	
	220-44-050.3	Commercial bottomfish, undersized lingcod	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-47-401	Chinook salmon using reef net gear	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-48-005.1	Commercial bottomfish, undersized sole	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over	\$0	\$0	\$0	
	220-48-005.3	Commercial bottomfish, lingcod, closed area	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-48-005.4	Commercial bottomfish, lingcod, illegal size	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-48-005.5	Commercial bottomfish, lingcod, closed time	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-48-005.6	Commercial bottomfish, retain shellfish	\$132	\$92.40	\$46.20	\$271
	220-48-005.7.b	Commercial bottomfish, retain salmon or sturgeon	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-48-005.7.e	Commercial bottomfish, retain shellfish	\$132	\$92.40	\$46.20	\$271
	220-48-005.7.d	Commercial bottomfish, whiting	\$53	\$37.10	\$18.55	\$109
		+\$50 each fish over 1	\$0	\$0	\$0	
	220-48-052.2	Commercial bottomfish, fish for possess-salmon, each fish	\$79	\$55.30	\$27.65	\$162
	220-52-019.5	Commercial geoduck, neck or siphon	\$79	\$55.30	\$27.65	\$162
		+\$50 for each geoduck over 1	\$0	\$0	\$0	
	220-52-019.9	Commercial geoduck, processing (Mandatory appearance)	\$789	\$552.30	\$276.15	\$1,618
	220-52-040.3	Commercial crab, undersized or female	\$132	\$92.40	\$46.20	\$271



WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:			BAIL	70% PSEA	35% PSEA	TOTAL
RCW	WAC	TITLE				
		+\$50 each crab over 1	\$0	\$0	\$0	
	220-52-043.6	Commercial crab, incidental catch	\$132	\$92.40	\$46.20	\$271
	220-52-050.1.e	Commercial shrimp, exceed count	\$526	\$368.20	\$184.10	\$1,079
	220-52-050.1.d	Commercial shrimp, incidental catch, each fish	\$79	\$55.30	\$27.65	\$162
	220-52-050.1.e	Commercial shrimp, incidental catch of shellfish	\$132	\$92.40	\$46.20	\$271
	220-52-060.1.e	Commercial crawfish, undersized or female	\$79	\$55.30	\$27.65	\$162
	220-52-068.4	Commercial scallops, incidental catch	\$132	\$92.40	\$46.20	\$271
	220-52-069.2.a.ii	Commercial scallops, undersized	\$53	\$37.10	\$18.55	\$109
		+\$25 each scallop over 1	\$0	\$0	\$0	
	220-52-069.2.a.iv	Commercial scallops, retain other foodfish or shellfish	\$132	\$92.40	\$46.20	\$271
	220-52-071.3.e	Commercial sea cucumbers, possess geoduck, each geoduck	\$79	\$55.30	\$27.65	\$162
	220-52-073.2	Commercial sea urchins, illegal size	\$53	\$37.10	\$18.55	\$109
		+\$25 each sea urchin over 1	\$0	\$0	\$0	
	220-52-073.3.d	Commercial sea urchins, purple sea urchin, each urchin	\$53	\$37.10	\$18.55	\$109
	220-52-073.3.g	Commercial sea urchins, processing	\$526	\$368.20	\$184.10	\$1,079
	220-88A-070.3	Commercial shrimp, undersized spot shrimp	\$263	\$184.10	\$92.05	\$540
77.15.550.2		Commercial fish area or time 1st degree (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.560		Report commercial fish harvest or delivery (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.570.1		Participate in treaty Indian fishery (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.570.2		Participate in treaty Indian commercial fishery (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.580.1.a		Use of net to take fish 2nd degree (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.580.1.b		Use of net, retain fish 2nd degree (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.580.2		Use of net to take fish 1st degree (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.590		Commercial vessel for charter or recreational use (GM)	\$263	\$184.10	\$92.05	\$540
77.15.600		Commercial wildlife activity (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.610		Commercial wildlife license (M)	\$79	\$55.30	\$27.65	\$162
77.15.620.1		Fish-dealing 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.620.3		Fish-dealing 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.630.1		Use of fish buyer/dealer license 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.630.2		Use of fish buyer/dealer license 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.640		Violate fish buyer/dealer rules (GM)	\$263	\$184.10	\$92.05	\$540
77.15.650.1		Purchase or use of license 2nd degree (GM)	\$263	\$184.10	\$92.05	\$540
77.15.650.2		Purchase or use of license 1st degree (Mandatory appearance, F)	\$1,316	\$921.20	\$460.60	\$2,698
77.15.660		Scientific permit (GM)	\$263	\$184.10	\$92.05	\$540
77.15.670.1		Suspension of department privileges 2nd degree (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.670.2		Suspension of department privileges 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.16.070		Hunting intoxicated (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.16.360.1		Hunt bear using bait (GM)	\$263	\$184.10	\$92.05	\$540
77.16.360.2		Hunt with dog or dogs (GM)	\$263	\$184.10	\$92.05	\$540

(s) Forfeitable Natural Resources Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
RCW 76.04.205	Violation of Burning Permit	90	63	31.50	185
WAC 332-24-211	Violations of Outdoor Burning Rules	90	63	31.50	185
RCW 76.04.215	Burning Mill Wood Waste—Arresters	90	63	31.50	185
RCW 76.04.246	Use of Blasting Fuse	90	63	31.50	185
RCW 76.04.305	Closed to Entry—Extra Fire Hazard	90	63	31.50	185
RCW 76.04.315	Suspension of Burning Permits/ Privileges	90	63	31.50	185
RCW 76.04.325	Closure of Forest Operations or	90	63	31.50	185
WAC 332-24-301	Industrial Restrictions Forest Lands				
RCW 76.04.405	Spark-Emitting Equipment Regulated	90	63	31.50	185
WAC 332-24-405					
RCW 76.04.415	Work Stoppage Notice—Violation	90	63	31.50	185
RCW 76.04.425	Unauthorized Entry Into Sealed Fire Tool Box	90	63	31.50	185
RCW 76.04.435	Deposit of Fire or Live Coals—Railroad	150	105	52.50	308
RCW 76.04.455	Discarding Lighted Material	90	63	31.50	185
RCW 76.04.465	Certain Snags To Be Felled	90	63	31.50	185
WAC 332-24-401	Felling of Snags				
WAC 332-24-409	Electric Fence Controllers—Uncertified	90	63	31.50	185
RCW 76.04.650	Disposal of Forest Debris—Felling	90	63	31.50	185
RCW 76.04.700	Failure To Extinguish Campfire	90	63	31.50	185
RCW 76.04.710	Willful Setting of Fire	160	112	56	328
RCW 76.04.720	Removal of Notices—Signs	90	63	31.50	185
RCW 76.04.730	Negligent Fire—Spread	90	63	31.50	185
<u>FOREST PROTECTION</u>					
<u>FOREST PRACTICES</u>					
RCW 76.09.060(5)	Deviation From Approved Appl./Notif.	250	175	87.50	513
WAC 222-20-060					
RCW 76.09.060(3)	Conversion Deviation From Approved	250	175	87.50	513
WAC 222-20-050	Appl./Notif.				
RCW 76.09.060	Conversion Deviation From Approved	250	175	87.50	513
WAC 222-34-010	Appl./Notif.				
WAC 222-34-020	(also see Reforestation)				
RCW 76.09.050(4)	Road Location—Unstable Slopes	250	175	87.50	513
WAC 222-24-020(6)					
RCW 76.09.050(4)	Location and Design	250	175	87.50	513
WAC 222-24-025					
RCW 76.09.050(4)	Road Construction—General	250	175	87.50	513
WAC 222-24-030					
RCW 76.09.050(4)	End Haul/Side Cast and Waste Disposal	250	175	87.50	513
WAC 222-24-030 (8, 9)					
RCW 76.09.050(4)	Road Maintenance	250	175	87.50	513
WAC 222-24-050					
RCW 76.09.050(4)	Rock Quarries	250	175	87.50	513
WAC 222-24-060					
RCW 76.09.050(4)	Harvest Unit, Plan Design	250	175	87.50	513
WAC 222-30-020					

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
RCW 76.09.050(4) WAC 222-30-020 (2,3)	Landing Location and Construction—Water	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-040	Temperature Control Shade Requirements— Temp. Sensitive	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-040	Temperature Control Shade Requirements— General	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-050	Falling and Bucking	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-060	Cable Yarding	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-070	Tractor and Wheeled Skidding Systems	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-090	Postharvest Site Preparation	250	175	87.50	513
RCW 76.09.050(4) WAC 222-30-100	Slash Disposal (See also RCW 76.04 & WAC 332-24)	250	175	87.50	513
RCW 76.09.050(4) WAC 222-38-020	Chemicals	250	175	87.50	513

Consult Department of Agriculture prior to  
citation.

SPECIALIZED FOREST PRODUCTS

General Rules

RCW 43.30.310 WAC 332-52-030	Nontraffic				
	(1) Sanitation	90	63	31.50	185
	(2) Public Behavior	40	28	14	82
	(c) Selling without permission				
	(d) Advertising without permission				
	(f) Fireworks	90	63	31.50	185
	(3) Audible Devices	70	49	24.50	144
	(a) Audible devices regulated				
	(b) Unauthorized use of public address system				

Public Behavior—Recreation Site

RCW 43.30.310 WAC 332-52-040					
	(4) Occupying a closed site	25	17.50	8.75	52
	(5) Fire outside designated location	25	17.50	8.75	52
	(6) Camping in a day-use area	25	17.50	8.75	52
	(7) Failure to clean up rubbish	25	17.50	8.75	52
	(8) Utilizing site which is designated for other use	25	17.50	8.75	52
	(9) Overstaying site	25	17.50	8.75	52
	(10) Failure to maintain quiet	25	17.50	8.75	52
	(11) Saddle or pack animals in camp	25	17.50	8.75	52
	(12) Pets at large	25	17.50	8.75	52

MANDATORY

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
RCW 76.04.235	Dumping Mill Waste, Forest Debris		Mandatory		
WAC 332-24-261	Dumping Mill Waste—Creation of Fire Hazard				
RCW 76.04.445	Reporting Fire		Mandatory		
RCW 76.04.740	Reckless Burning		Mandatory		
RCW 76.09.170	Knowingly in Violation of RCW 76.09.010-		Mandatory		
WAC 222-46-080	.280				
RCW 76.09.050 (2), (4)	Operation Without Application/ Notification		Mandatory		
WAC 222-20-010					
RCW 76.09.050(4)	Water Crossing Structures		Mandatory		
WAC 222-24-040	(See also RCW 75.20.100 & WAC 220-110)				
RCW 76.09.050(4)	Riparian Management Zone		Mandatory		
WAC 222-30-020(4)					
RCW 76.09.050(4)	Stream Bank Integrity		Mandatory		
WAC 222-30-030					
RCW 76.09.050(4)	Landing Cleanup		Mandatory		
WAC 222-30-080					
RCW 76.09.070	Reforestation		Mandatory		
WAC 222-34-010					
RCW 76.36	Marks and Brands. File All Charges With Prosec-		Mandatory		
	utor. (No Citation.)				
RCW 76.40	Log Patrol. File All Charges With Prosecutor-		Mandatory		
	(No Citation.)				
RCW 76.48.030	No Valid Permit		Mandatory		
RCW 76.48.070	Possessing Forest Products Without a Valid		Mandatory		
	Permit				
RCW 76.48.070	Transporting Forest Products Without a Valid		Mandatory		
	Permit				
RCW 76.48.075	Transporting Forest Products From Out of State		Mandatory		
RCW 76.48.092	Refusal To Surrender Copy of Permit		Mandatory		
RCW 76.48.094	Cedar Processor—Failure To Maintain Records		Mandatory		
RCW 76.48.096	Cedar Processor—Purchase From a Person-		Mandatory		
	Without a Permit				
RCW 76.48.120	Offering a False or Fraudulent Permit (Class C		Mandatory		
	Felony—No Citation.)				
General Rules					
RCW 43.30.310	Nontraffic				
WAC 332-52-030					
	(2) Public behavior		Mandatory		
	(a) Inciting or participating in riots				
	(b) Malicious mischief		Mandatory		
	Damages less than \$50				
	Damages more than \$50, less than		Mandatory		
	\$250				
	Damages more than \$250, less than		Mandatory		
	\$1,500				
	(Class C Felony—No Citation.)				
	Damages more than \$1,500				
	(Class B Felony—No Citation.)				

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:	BAIL	70% PSEA	35% PSEA	TOTAL
(c) Erecting unauthorized buildings Public Behavior—Recreation Site Nontraffic				Mandatory
RCW 43.30.310				
WAC 332-52-040				
(1) Destroying—Defacing (Malicious mischief)				Mandatory
-Damages less than \$50				
-Damages more than \$50, less than \$250				Mandatory
-Damages more than \$250, less than \$1,500				Mandatory
(Class C Felony—No Citation.)				
-Damages more than \$1,500				Mandatory
(Class B Felony—No Citation.)				
(2) Discharging firearms				Mandatory))

(t) Forfeitable Parks Offenses.—The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:	BAIL	70% PSEA	35% PSEA	TOTAL
<u>CRIMINAL</u>				
WAC				
308-93-020				Mandatory
352-32-120				Mandatory
352-32-130				Mandatory
352-32-140	70.00	49.00	24.50	144.00
352-32-150	50.00	35.00	17.50	103.00
352-32-15001	50.00	35.00	17.50	103.00
352-32-170				Mandatory
352-32-180				Mandatory
352-32-210	50.00	35.00	17.50	103.00
352-32-290	70.00	49.00	24.50	144.00
352-37-070				Mandatory
352-37-120				Mandatory
352-37-140				Mandatory
352-37-170				Mandatory
352-37-190	50.00	35.00	17.50	103.00
352-60-030	24.74	17.32	8.66	51.00
352-60-040	24.74	17.32	8.66	51.00
352-60-050	70.00	49.00	24.50	144.00
352-60-060	70.00	49.00	24.50	144.00
352-60-070				Mandatory
352-60-080	24.74	17.32	8.66	51.00
352-60-090	70.00	49.00	24.50	144.00
352-60-100				Mandatory
352-60-110				Mandatory
352-70-040				Mandatory

(u) ~~Forfeitable Utilities and Transportation Offenses.~~ The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
RCW & WAC	VIOLATION				
81.04.380	Violation of Chapter by Officer, Agent, Employee of Public Service Co. (Mandatory Appearance)				500
81.04.385	Failure To Comply With Commission Orders/Provision of Title 81 (Mandatory Appearance)				500
81.04.390	Person Violating Provision of Title 81 (Mandatory Appearance)				500
81.04.390	Failure To Observe Order, Aiding, Abetting, Etc. (Mandatory Appearance)				250
81.68.045 480-30-030	Certificate Required—Auto Transp. (Mandatory Appearance)				500
81.68.045 480-40-030	Certificate Required—Excursion Bus (Mandatory Appearance)				500
81.70.220 480-40-030	Certificate Required—Charter Bus (Mandatory Appearance)				500
81.70.330	No Name or Permit Number Displayed—Charter/Excursion Bus	50	35	17.50	103
480-30-090	Fail to ID Vehicle—Auto Transp.	50	35	17.50	103
81.70.340 480-40-120	Fail To Register ICC Authority—Charter/Excursion Bus	80	56	28	164
480-30-100	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15 (Mandatory Appearance)				500
480-40-070	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15 Charter/Excursion Bus (Mandatory Appearance)				500
480-30-100	Medical Certificate Violation—Auto Transp.	50	35	17.50	103
480-40-070	Medical Certificate Violation—Charter/Excursion Bus	50	35	17.50	103
480-30-097	Moving Equipment Ordered Out of Service Without Repairs Made—Auto Transp. (Mandatory Appearance)				500
480-40-065	Moving Equipment Ordered Out of Service Without Repairs Made Charter/Excursion Bus (Mandatory Appearance)				500
480-30-100	Hours of Service—Auto Transp. Driver in Service	50	35	17.50	103
480-30-100(1)	Driver Out of Service	80	56	28	164
81.77.040 480-70-070	Certificate of Convenience and Necessity Required—Solid Waste Transp. (Mandatory Appearance)				500
480-70-300	Fail To ID Vehicle—Solid Waste Transp.	50	35	17.50	103

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
RCW & WAC	VIOLATION				
480-70-400	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15—Solid Waste Transp. (Mandatory Appearance)				500
480-70-400	Medical Certificate Violation—Solid Waste Transp.	50	35	17.50	103
480-70-325	Moving Equipment Ordered Out of Service Without Repairs Made—Solid Waste Transp. (Mandatory Appearance)				500
480-70-330	Hours of Service—Solid Waste Transp. Driver in Service	50	35	17.50	103
	Driver Out of Service	80	56	28	164
81.80.060	No Valid Combination of Services Permit	130	91	45.50	267
81.80.070	No Valid Permit—Common/Contract (Mandatory Appearance)				500
81.80.100	Exceeding Permit Authority	130	91	45.50	267
81.80.355	Unlawful Advertising	80	56	28	164
480-14-100					
81.80.371	Fail to Register Appropriate ICC Authority	80	56	28	164
480-14-320					
480-12-121	Fail to Display Copy of Permit	25	17.50	8.75	52
480-14-090					
480-14-110	Improper Use of Permit or Registration	130	91	45.50	267
81.80.305	No Name or Permit Number Displayed	50	35	17.50	103
480-12-150					
480-14-340					
480-12-165	Moving Equipment Ordered Out of Service Without Repairs Made (Mandatory Appearance)				500
480-14-360(3)					
480-12-180(6)	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. § 391.15 (Mandatory Appearance)				500
480-14-370(7)					
480-12-180(1)	Attendance/Surveillance of Hazardous Material Laden Motor Vehicle (Mandatory Appearance)				500
480-14-370(1)					
480-12-180(1)	Parking of Hazardous Material Laden Motor Vehicle (Mandatory Appearance)				500
480-14-370(1)					
480-12-180(1)	Explosive Laden Vehicle Off Route (Mandatory Appearance)				500
480-14-370(1)					
480-12-180(6)	Medical Certificate Violation	50	35	17.50	103
480-14-370(7)					
480-12-190	Hours of Service Violation Driver in Service	50	35	17.50	103
480-14-380					
480-12-190(1)	Driver Out of Service	80	56	28	164
480-14-380	Hazardous Material Transportation (Mandatory Appearance)				500
480-14-390					
480-12-210	Failure to Display Commission Approved Lease Certificate Required (Mandatory Appearance)	50	35	17.50	103
81.90.030					500

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	70% PSEA	35% PSEA	TOTAL
<b>RCW &amp; WAC</b>	<b>VIOLATION</b>				
81-90-140	Failure to Register Interstate Authority	80	56	28	164
480-35-110					
480-35-120	Failure to Display Valid Identification Decal	50	35	17.50	103
81-80-301	Failure to Display Single State Registration	50	35	17.50	103
480-14-300	(SSR) Receipt				
480-14-400	Radioactive Material Transp. (Mandatory Appearance)				500

[Amended effective September 1, 2002; April 1, 2003; September 1, 2005.]

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

**Reviser's note:** The typographical 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 10-13-030**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [June 3, 2010]

_____ Sanders, J.	_____ J. M. Johnson, J.
_____ Chambers, J.	_____ Stephens, J.

IN THE MATTER OF THE ADOPTION ) ORDER  
 OF THE AMENDMENTS TO ELC 1.2- ) NO. 25700-A-951  
 JURISDICTION AND RPC 8.5-DISCI- )  
 PLINARY AUTHORITY; CHOICE OF )  
 LAW; RAP 5.2-TIME ALLOWED TO )  
 FILE NOTICE; RAP 12.5-MANDATE; )  
 NEW ER 502-ATTORNEY-CLIENT PRIV- )  
 ILEGE AND WORK PRODUCT: LIMITA- )  
 TION ON WAIVER AND ER 1101-APPLI- )  
 CABILITY OF RULES; AND CR 43-TAK- )  
 ING OF TESTIMONY )

**RULES FOR ENFORCEMENT OF LAWYER CONDUCT (ELC)**  
**RULE 1.2. JURISDICTION**

Except as provided in RPC 8.5(c), Any lawyer admitted, or permitted by rule, to practice law in this state, and any lawyer specially admitted by a court of this state for a particular case, is subject to these Rules for Enforcement of Lawyer Conduct. Jurisdiction exists regardless of the lawyer's residency or authority to practice law in this state.

**RULES OF PROFESSIONAL CONDUCT (RPC)**  
**RULE 8.5. DISCIPLINARY AUTHORITY; CHOICE OF LAW**

**(a) - (b)** [Unchanged.]

**(c) Disciplinary Authority Over Judges.** Notwithstanding the provisions of Rule 8.4(m), a lawyer, while serving as a judge or justice as defined in RCW 2.64.010, shall not be subject to the disciplinary authority provided for in these Rules or the Rules for Enforcement of Lawyer Conduct for acts performed in his or her judicial capacity or as a candidate for judicial office unless judicial discipline is imposed for that conduct by the Commission on Judicial Conduct or the Supreme Court. Disciplinary authority should not be exercised for the identical conduct if the violation of the Code of Judicial Conduct pertains to the role of the judiciary and does not relate to the judge's or justice's fitness to practice law.

The Washington State Bar Association having recommended the adoption of the proposed amendments to ELC 1.2-Jurisdiction and RPC 8.5-Disciplinary Authority; Choice of Law; RAP 5.2-Time Allowed to File Notice; RAP 12.5-Mandate; New ER 502-Attorney-Client Privilege and Work Product: Limitation on Waiver and ER 1101-Applicability of Rules; and CR 43-Taking of Testimony and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2010.

DATED at Olympia, Washington this 3rd day of June, 2010.

	_____ Madsen, C.J.
_____ C. Johnson, J.	_____ Owens, J.
_____ Alexander, J.	_____ Fairhurst, J.

**Comment**

[1] - [7] [Unchanged.]

**Additional Washington Comments (8-12)**

[8] The Commission on Judicial Conduct is an independent agency of the judicial branch of state government.



Wash. Const. Art. IV, § 31; RCW 2.64.120. The Commission has authority to receive and investigate complaints of, and conduct proceedings as to, alleged violations of rules of judicial conduct by a "judge or justice". Wash. Const. Art. IV, § 31; RCW 2.64.057. The terms "judge" and "justice" are defined to include justices of the supreme court, judges of the court of appeals, judges of the superior courts, judges of any court organized under RCW Titles 3 or 35, judges pro tempore, court commissioners, and magistrates, and the Commission's authority applies regardless of whether the judge or justice serves full time or part time. RCW 2.64.010(4).

[9] Whether an act is performed in the judge's "judicial capacity" depends on the facts and circumstances of the conduct. In general, acts are performed in the judicial capacity if they involve the making of judicial decisions, the performance of judicial duties, or the discharge of administrative responsibilities in connection with judicial office. Other factors include whether the act was performed or purported to be performed in the individual's official capacity as a judge and whether the conduct is expressly governed by the Code of Judicial Conduct. With the exception of conduct committed during a judicial campaign, see Comment [12], paragraph (c) does not apply to conduct occurring prior to service as a judge, nor does it apply to conduct wholly outside of the judicial capacity.

[10] Paragraph (c) does not prevent the exercise of disciplinary authority over (1) a judge or justice after he or she has been disciplined for judicial misconduct by the Commission on Judicial Conduct or the Supreme Court, (2) a former judge or justice, or (3) a lawyer who serves as a pro tem or part time judge for acts performed by him or her as a lawyer and otherwise outside of his or her judicial capacity.

[11] In situations where a judge or justice has been disciplined for judicial misconduct by the Commission on Judicial Conduct or the Supreme Court, disciplinary authority should not be exercised for the identical conduct if the violation of the Code of Judicial Conduct pertains to the role of the judiciary and does not relate to the judge's or justice's fitness to practice law. For example, disciplinary authority should not ordinarily extend to a violation of the requirement in Canon 3 (A)(2) that "Judges should maintain order and decorum in proceedings before them." [Reserved.]

[12] Acts performed as a candidate for judicial office are governed by paragraph (c) if performed by a judge or a justice or a successful lawyer candidate for judicial office. This rule has no application to acts performed by an unsuccessful lawyer candidate for judicial office.

[13] Paragraph (c) applies to judges and justices defined to be within the jurisdiction of the Commission on Judicial Conduct under Wash. Const. Art. IV, § 31 and RCW Title 2.64 and is not intended to apply to other lawyers in this state designated as judges, including but not limited to federal judges, administrative law judges, and tribal judges.

**SUGGESTED AMENDMENT  
RULES OF APPELLATE PROCEDURE (RAP)  
RAP 5.2 - Time Allowed to File Notice**

**(a) Notice of Appeal.** Except as provided in rules 3.2(e) and 5.2 (d) and (f), a notice of appeal must be filed in the trial court within the longer of (1) 30 days after the entry of the

decision of the trial court ~~which that~~ the party filing the notice wants reviewed, or (2) the time provided in section (e).

**(b) Notice for Discretionary Review.** Except as provided in rules 3.2(e) and 5.2 (d) and (f), a notice for discretionary review must be filed in the trial court within the longer of (1) 30 days after the act of the trial court which that the party filing the notice wants reviewed, or (2) 30 days after entry of an order deciding a timely motion for reconsideration of that act under CR 59.

**[(c) - (g) unchanged.]**

**SUGGESTED AMENDMENT  
RULES OF APPELLATE PROCEDURE (RAP)  
RAP 12.5 - Mandate**

**[(a) unchanged]**

**(b) When Mandate Issued by Court of Appeals.** The clerk of the Court of Appeals will issue the mandate for a Court of Appeals decision terminating review upon stipulation of the parties that no motion for reconsideration or petition for review will be filed. In the absence of that stipulation, and except to the extent the mandate is stayed as provided in rule 12.6, the clerk will issue the mandate:

(1) Thirty (30) days after the decision is filed, unless (i) a motion for reconsideration of the decision or a motion to publish has been earlier filed, (ii) a petition for review to the Supreme Court has been earlier filed, or (iii) the decision is a ruling of the commissioner or clerk and a motion to modify the ruling has been earlier filed.

(2) If a motion for reconsideration or motion to publish is timely filed ~~and denied~~, 30 days after expiration of the time for filing a petition for review under rule 13.4(a) filing the order denying the motion for reconsideration, unless a petition for review to the Supreme Court has been earlier filed.

(3) If a petition for review has been timely filed and denied by the Supreme Court, upon denial of the petition for review.

**[(c) - (e) unchanged]**

**SUGGESTED NEW RULE  
WASHINGTON RULES OF EVIDENCE (ER)  
ER 502 - ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT; LIMITATIONS ON WAIVER**

The following provisions apply, in the circumstances set out, to disclosure of a communication or information covered by the attorney-client privilege or work-product protection.

**(a) Disclosure Made in a Washington Proceeding or to a Washington Office or Agency; Scope of a Waiver.** When the disclosure is made in a Washington proceeding or to a Washington office or agency and waives the attorney-client privilege or work-product protection, the waiver extends to an undisclosed communication or information in any proceeding only if:

(1) the waiver is intentional;

(2) the disclosed and undisclosed communications or information concern the same subject matter; and

(3) they ought in fairness to be considered together.

**(b) Inadvertent Disclosure.** When made in a Washington proceeding or to a Washington office or agency, the disclosure does not operate as a waiver in any proceeding if:

(1) the disclosure is inadvertent;

(2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and

(3) the holder promptly took reasonable steps to rectify the error, including (if applicable) following CR 26 (b)(6).<sup>1</sup>

(c) Disclosure Made in a Non-Washington Proceeding. When the disclosure is made in a non-Washington proceeding and is not the subject of a court order concerning waiver, the disclosure does not operate as a waiver in a Washington proceeding if the disclosure:

(1) would not be a waiver under this rule if it had been made in a Washington proceeding; or

(2) is not a waiver under the law of the jurisdiction where the disclosure occurred.

(d) Controlling Effect of a Court Order. A Washington court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court—in which event the disclosure is also not a waiver in any other proceeding.

(e) Controlling Effect of a Party Agreement. An agreement on the effect of disclosure in a Washington proceeding is binding only on the parties to the agreement, unless it is incorporated into a court order.

(f) Definitions. In this rule:

(1) "attorney-client privilege" means the protection that applicable law provides for confidential attorney-client communications; and

(2) "work-product protection" means the protection that applicable law provides for tangible material (or its intangible equivalent) prepared in anticipation of litigation or for trial.

<sup>1</sup>The Court has published for comment a suggested amendment to add a new CR 26 (b)(6). The text of this suggested amendment assumes adoption of the new CR 26 (b)(6). If the Court does not adopt that new subsection, the phrase ", including (if applicable) following CR 26 (b)(6)" should be removed from this suggested new rule.

**SUGGESTED AMENDMENT  
WASHINGTON RULES OF EVIDENCE (ER)  
ER 1101 - Applicability of Rules**

**[(a) - (b) unchanged]**

**(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.* [unchanged]

(2) *Grand Jury.* [unchanged]

(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 proceedings under RCW Title 13; juvenile court hearings on declining jurisdiction under RCW 13.40.110; disposition, hearings in juvenile court, review, and permanency planning hearings in juvenile court under RCW 13.32A.190 and RCW 13.34.130(4); dispositional determinations related to treatment for alcoholism,

intoxication, or drug addiction under RCW 70.96A; and dispositional determinations under the Civil Commitment Act, RCW 71.05.

(4) *Applications for Protection Orders.* [unchanged]  
**[(d) unchanged]**

**SUGGESTED AMENDMENT  
SUPERIOR COURT CIVIL RULES (CR)  
CR 43 - Taking of Testimony**

**(a) Testimony.**

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

(2) *Multiple Examinations.* [unchanged]

**[(b) - (k) unchanged]**

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

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

**WSR 10-13-031  
RULES OF COURT  
STATE SUPREME COURT  
[June 3, 2010]**

IN THE MATTER OF THE ADOPTION OF ) ORDER  
THE AMENDMENTS TO IRLJ 3.1(b)-CON- ) NO. 25700-A-952  
TESTED HEARINGS PRELIMINARY PRO- )  
CEEDINGS; CrRLJ 4.1-ARRAIGNMENT; )  
IRLJ 2.1(b)-NOTICE OF INFRACTION-CON- )  
TENT AND IRLJ 3.1(d)-CONTESTED HEAR- )  
INGS-PRELIMINARY PROCEEDINGS )

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendments to IRLJ 3.1(b)-Contested Hearings Preliminary Proceedings; CrRLJ 4.1-Arraignment; IRLJ 2.1(b)-Notice of Infraction—Content and IRLJ 3.1(d)-Contested Hearings-Preliminary Proceedings, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2010.

DATED at Olympia, Washington this 3rd day of June, 2010.

Madsen, C.J.

C. Johnson, J.

Owens, J.

Alexander, J.	Fairhurst, J.
Sanders, J.	J.M. Johnson, J.
Chambers, J.	Stephens, J.

**RULE IRLJ 3.1**

**CONTESTED HEARINGS—PRELIMINARY PROCEEDINGS**

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

**(b) Discovery.** Upon written demand of the defendant at least 14 days before a contested hearing, filed with the court and served on the office of the prosecuting authority assigned to the court in which the infraction is filed, the ~~plaintiff's lawyer~~ prosecuting authority shall at least 7 days before the hearing provide the defendant or the defendant's lawyer with: (1) a copy of the citing officer's sworn statement; (2) a copy of video or photographic evidence the prosecutor proposes to introduce at trial, unless in reply to the discovery request the prosecutor provides the address to a website where such evidence is accessible to the defendant; and (3) and with the names of any witnesses not identified in the citing officer's sworn statement. No other discovery shall be required. If the prosecuting authority provides the ~~citing officer's sworn statement~~ any portion of the discovery less than 7 days before the hearing ~~but not later than one day before the hearing, such untimely discovery~~ the citing officer's sworn statement shall be suppressed only upon a showing of prejudice in the presentation of the defendant's case. If the prosecuting authority, without reasonable excuse or justification, fails to provide the ~~citing officer's sworn statement~~ any portion of the discovery prior to the day of the hearing, the statement shall portion of discovery not provided shall be suppressed. ~~No other discovery shall be required.~~ Neither party is precluded from investigating the case, and neither party shall impede another party's investigation. A request for discovery pursuant to this section shall be filed on a separate pleading.

**(c) Amendment of Notice.** The court may permit a notice of infraction to be amended at any time before judg-

ment if no additional or different infraction is charged, and if substantial rights of the defendant are not thereby prejudiced. A continuance shall be granted if the defendant satisfies the court that the additional time is needed to defend against the amended notice of infraction.

**(d) Sufficiency.** No notice of infraction shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific infraction which the defendant is alleged to have committed, nor by reason of defects or imperfections which do not tend to prejudice substantial rights of the defendant.

Adopted as JTIR effective January 1, 1981. Changed from JTIR to IRLJ effective September 1, 1992; amended effective January 2, 1997; amended effective January 3, 2006; January 2, 2007.]

**CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION  
(CrRLJ)  
RULE 4.1 ARRAIGNMENT**

**(a) Procedures.** ~~After the complaint or the citation and notice has been filed, the defendant shall be arraigned thereon in open court.~~

~~(1) Time.~~

~~(i) Defendant Detained in Jail.~~ ~~(i)~~ The defendant shall be arraigned not later than ~~15~~ 14 days after the date the complaint or citation and notice is filed in court, if the defendant is ~~(A)~~ (i) detained in a county or city jail in the county where the charges are pending, or ~~(B)~~ (ii) subject to conditions of release imposed in connection with the same charges.

~~(ii) (2) Defendant Not Detained in Jail.~~ The defendant shall be arraigned not later than ~~15~~ 14 days after that appearance which next follows the filing of the complaint or citation and notice, if the defendant is not detained in such jail or subject to such conditions of release. Any delay in bringing the defendant before the court shall not affect the allowable time for arraignment, regardless of the reason for the delay. For purposes of this rule, "appearance" has the meaning defined in CrRLJ 3.3 (a)(3)(iii).

~~(2) Reading and Plea.~~ Arraignment shall consist of reading the complaint or the citation and notice to the defendant or stating to him or her the substance of the charge and calling on the defendant to plead thereto. The defendant shall be given a copy of the complaint or the citation and notice before being called upon to plead, unless a copy has previously been supplied. The defendant shall not be required to plead to the complaint or the citation and notice until he or she shall have had a reasonable time to examine it and to consult with a lawyer, if requested.

~~(3) Advisement.~~ At arraignment, unless the defendant appears with a lawyer, the court shall advise the defendant on the record:

~~(i) of the right to trial by jury if applicable; and~~

~~(ii) of the right to be represented by a lawyer at arraignment and to have an appointed lawyer for arraignment if the defendant cannot afford one.~~

**(b) Objection to Arraignment Date — Loss of Right to Object.** A party who objects to the date of arraignment on the ground that it is not within the time limits prescribed by this rule must state the objection to the court at the time of the

arraignment. If the court rules that the objection is correct, it shall establish and announce the proper date of arraignment. That date shall constitute the arraignment date for purposes of CrRLJ 3.3. A party who fails to object as required shall lose the right to object, and the arraignment date shall be conclusively established as the date upon which the defendant was actually arraigned.

**(c) Waiver. Counsel.**

(1) Jury trial. A waiver of jury trial at arraignment must be in writing and signed by the defendant. If the defendant waives a jury trial at arraignment, he or she must be advised of the right to withdraw the waiver and request a jury trial within 10 days of arraignment. If the defendant appears without counsel, the court shall inform the defendant of his or her right to have counsel before being arraigned. The court shall inquire if the defendant has counsel. If the defendant is not represented and is unable to obtain counsel due to indigence, counsel shall be assigned to the defendant by the court, unless the defendant makes a knowing, voluntary and intelligent waiver of counsel.

(2) Lawyer. If the defendant chooses to proceed without a lawyer, the court shall determine on the record that the waiver is made voluntarily, competently and with knowledge of the consequences. The defendant must be advised that waiver of a lawyer at arraignment does not preclude the defendant from asserting the right to a lawyer later in the proceedings.

**(d) Name.** At arraignment, the court shall ask the defendant his or her true name. If the defendant's name has been incorrectly stated in the complaint or citation and notice, the court shall order the complaint or citation and notice to be corrected accordingly. **Waiver of Counsel.** If the defendant chooses to proceed without counsel, the court shall determine on the record whether the waiver is made voluntarily, competently and with knowledge of the consequences. The court shall make a thorough inquiry of the defendant's understanding before accepting the waiver. If the court finds the waiver valid, an appropriate finding shall be entered in the record. Unless the waiver is valid, the court shall not proceed with the arraignment until counsel is provided. Waiver of counsel at arraignment shall not preclude the defendant from claiming the right to counsel in subsequent proceedings in the cause, and the defendant shall be so informed.

**(e) Appearance by Defendant's Lawyer.** Except as otherwise provided by statute or by local court rule, a lawyer may enter an appearance or a plea of not guilty on behalf of a client for any offense. Such appearance or plea may be entered only after a complaint or citation and notice has been filed. **Name.** Defendant shall be asked his or her true name. If the defendant alleges that their true name is one other than that by which he or she is charged, it must be entered in the record, and subsequent proceedings shall be had against him or her by that name or other names relevant to the proceedings.

(1) The appearance or the plea of not guilty shall be made only in writing or in open court, and eliminates the need for a further arraignment.

(2) An appearance that waives arraignment but fails to state a plea shall be deemed to constitute entry of a plea of not guilty.

(3) An appearance under this rule constitutes a waiver of any defect in the complaint or the citation and notice except for failure to charge a crime which may be raised at any time and except for any other defect that is specifically stated in writing or on the record at the time the appearance is entered.

(4) A written appearance shall commence the running of the time periods established in rule 3.3 from the date of its receipt by the court, unless the time periods have previously been commenced by an appearance in open court.

(5) Telephonic requests or notices by either the defendant or the defendant's lawyer shall not constitute an arraignment or an appearance or entry of a plea, and shall not commence the running of the time periods under rule 3.3.

(6) The appearance by a lawyer authorized by this rule shall be construed as an "arraignment" under the other provisions of these rules.

**(f) Reading.** The complaint or citation and notice or the substance of the charge, shall be read to the defendant, unless the reading is waived, and a copy shall be given to the defendant.

**(g) Appearance by Defendant's Lawyer.** Except as otherwise provided by statute or by local court rule, a lawyer may enter an appearance or a plea of not guilty on behalf of a client for any offense. Such appearance or plea may be entered only after a complaint or citation and notice has been filed.

(1) The appearance or the plea of not guilty shall be made only in writing or in open court, and eliminates the need for a further arraignment.

(2) An appearance that waives arraignment but fails to state a plea shall be deemed to constitute entry of a plea of not guilty.

(3) An appearance under this rule constitutes a waiver of any defect in the complaint or the citation and notice except for failure to charge a crime which may be raised at any time and except for any other defect that is specifically stated in writing or on the record at the time the appearance is entered.

(4) A written appearance shall commence the running of the time periods established in rule 3.3 from the date of its receipt by the court, unless the time periods have previously been commenced by an appearance in open court.

(5) Telephonic requests or notices by either the defendant or the defendant's lawyer shall not constitute an arraignment or an appearance or entry of a plea, and shall not commence the running of the time periods under rule 3.3.

(6) The appearance by a lawyer authorized by this rule shall be construed as an "arraignment" under the other provisions of these rules.

#### IRLJ 2.1 NOTICE OF INFRACTION

**(a) Infraction Form Prescribed or approved by the Administrative Office of the Courts.** Infraction cases shall be filed on a form entitled "Notice of Infraction" prescribed by the Administrative Office of the Courts; except that the form used to file cases alleging the commission of a parking, standing or stopping infraction shall be approved by the Administrative Office of the Courts. Notice of Infraction forms prescribed or approved by the Administrative Office of the Courts are presumed valid and shall not be deemed insuf-

ficient by reason of defects or imperfections which do not prejudice substantial rights of the defendant.

(b) **Contents.** Subject to IRLJ 3.1 (d), The the notice of infraction shall contain the following information on the copy given to the defendant, except the information required by subsections (2) is not required on a notice of infraction alleging the commission of a parking, standing, or stopping infraction:

- (1) The name, address, and phone number of the court where the notice of infraction is to be filed;
- (2) The name, address, date of birth, sex, physical characteristics, and, for a notice of traffic infraction, the operator's license number of the defendant;
- (3) For a notice of traffic infraction, the vehicle make, year, model, style, license number, and state in which licensed;
- (4) The infraction which the defendant is alleged to have committed and the accompanying statutory citation or ordinance number, the date, time, and place the infraction occurred, the date the notice of infraction was issued, and the name and, if applicable, the number of the citing officer;
- (5) A statement that the defendant must respond to the notice of infraction within 15 days of issuance;
- (6) A space for entry of the monetary penalty which respondent may pay in lieu of appearing in court;
- (7) A statement that a mailed response must be mailed not later than midnight on the day the response is due;
- (8) The statements required by RCW 46.63.060 or other applicable statute; and
- (9) Any additional information determined necessary by the Administrator for the Courts.

**IRLJ 3.1 CONTESTED HEARINGS—PRELIMINARY PROCEEDINGS**

- (a) **Subpoena.** [No change.]
- (b) **Discovery.** [No change.]
- (c) **Amendment of Notice.** [No change.]
- (d) **Sufficiency.** No notice of infraction shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific infraction which the defendant is alleged to have committed, nor by reason of defects, or imperfections, or omissions which do not tend to prejudice substantial rights of the defendant.

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

**Reviser's note:** The typographical 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 10-13-032  
RULES OF COURT  
STATE SUPREME COURT**

[June 3, 2010]

IN THE MATTER OF THE ADOPTION	)	ORDER
OF THE AMENDMENTS TO IRLJ 3.1(b)-	)	NO. 25700-A-952
CONTESTED HEARINGS PRELIMI-	)	
NARY PROCEEDINGS; CrRLJ 4.1-	)	
ARRAIGNMENT; IRLJ 2.1(b)-NOTICE	)	
OF INFRACTION-CONTENT AND IRLJ	)	
3.1(d)-CONTESTED HEARINGS-PRE-	)	
LIMINARY PROCEEDINGS	)	

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendments to IRLJ 3.1(b)-Contested Hearings Preliminary Proceedings; CrRLJ 4.1-Arraignment; IRLJ 2.1(b)-Notice of Infraction—Content and IRLJ 3.1(d)-Contested Hearings-Preliminary Proceedings, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2010.

DATED at Olympia, Washington this 3rd day of June, 2010.

Madsen, C.J.

C. Johnson, J.

Owens, J.

Alexander, J.

Fairhurst, J.

Sanders, J.

J. M. Johnson, J.

Chambers, J.

Stephens, J.

**RULE IRLJ 3.1  
CONTESTED HEARINGS—PRELIMINARY PROCEEDINGS**

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

address. Service by mail shall be deemed complete upon the third day following the day upon which the subpoena was placed in the mail. If the subpoena is for a witness outside the county, a judge must approve of the subpoena.

**(b) Discovery.** Upon written demand of the defendant at least 14 days before a contested hearing, filed with the court and served on the office of the prosecuting authority assigned to the court in which the infraction is filed, the ~~plaintiff's lawyer~~ prosecuting authority shall at least 7 days before the hearing provide the defendant or the defendant's lawyer with: (1) a copy of the citing officer's sworn statement; (2) a copy of video or photographic evidence the prosecutor proposes to introduce at trial, unless in reply to the discovery request the prosecutor provides the address to a website where such evidence is accessible to the defendant; and (3) and with the names of any witnesses not identified in the citing officer's sworn statement. No other discovery shall be required. If the prosecuting authority provides the ~~citing officer's sworn statement~~ any portion of the discovery less than 7 days before the hearing but not later than one day before the hearing, such untimely discovery the citing officer's sworn statement shall be suppressed only upon a showing of prejudice in the presentation of the defendant's case. If the prosecuting authority, without reasonable excuse or justification, fails to provide ~~the citing officer's sworn statement~~ any portion of the discovery prior to the day of the hearing, the statement shall portion of discovery not provided shall be suppressed. ~~No other discovery shall be required.~~ Neither party is precluded from investigating the case, and neither party shall impede another party's investigation. A request for discovery pursuant to this section shall be filed on a separate pleading.

**(c) Amendment of Notice.** The court may permit a notice of infraction to be amended at any time before judgment if no additional or different infraction is charged, and if substantial rights of the defendant are not thereby prejudiced. A continuance shall be granted if the defendant satisfies the court that the additional time is needed to defend against the amended notice of infraction.

**(d) Sufficiency.** No notice of infraction shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific infraction which the defendant is alleged to have committed, nor by reason of defects or imperfections which do not tend to prejudice substantial rights of the defendant.

Adopted as JTIR effective January 1, 1981. Changed from JTIR to IRLJ effective September 1, 1992; amended effective January 2, 1997; amended effective January 3, 2006; January 2, 2007.]

CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION  
(CrRLJ)  
RULE 4.1 ARRAIGNMENT

**(a) Procedures.** ~~After the complaint or the citation and notice has been filed, the defendant shall be arraigned thereon in open court.~~

**(1) Time.**

(1) Defendant Detained in Jail. ~~(i)~~ The defendant shall be arraigned not later than ~~15~~ 14 days after the date the complaint or citation and notice is filed in court, if the defendant

is ~~(A)~~ (i) detained in a county or city jail in the county where the charges are pending, or ~~(B)~~ (ii) subject to conditions of release imposed in connection with the same charges.

(ii) (2) Defendant Not Detained in Jail. The defendant shall be arraigned not later than ~~15~~ 14 days after that appearance which next follows the filing of the complaint or citation and notice, if the defendant is not detained in such jail or subject to such conditions of release. Any delay in bringing the defendant before the court shall not affect the allowable time for arraignment, regardless of the reason for the delay. For purposes of this rule, "appearance" has the meaning defined in CrRLJ 3.3 (a)(3)(iii).

~~(2) Reading and Plea.~~ Arraignment shall consist of ~~reading the complaint or the citation and notice to the defendant or stating to him or her the substance of the charge and calling on the defendant to plead thereto. The defendant shall be given a copy of the complaint or the citation and notice before being called upon to plead, unless a copy has previously been supplied. The defendant shall not be required to plead to the complaint or the citation and notice until he or she shall have had a reasonable time to examine it and to consult with a lawyer, if requested.~~

~~(3) Advisement.~~ At arraignment, unless the defendant appears with a lawyer, the court shall advise the defendant on the record:

(i) of the right to trial by jury if applicable; and

(ii) of the right to be represented by a lawyer at arraignment and to have an appointed lawyer for arraignment if the defendant cannot afford one.

**(b) Objection to Arraignment Date — Loss of Right to Object.** A party who objects to the date of arraignment on the ground that it is not within the time limits prescribed by this rule must state the objection to the court at the time of the arraignment. If the court rules that the objection is correct, it shall establish and announce the proper date of arraignment. That date shall constitute the arraignment date for purposes of CrRLJ 3.3. A party who fails to object as required shall lose the right to object, and the arraignment date shall be conclusively established as the date upon which the defendant was actually arraigned.

**(c) Waiver. Counsel.**

(1) Jury trial. A waiver of jury trial at arraignment must be in writing and signed by the defendant. ~~If the defendant waives a jury trial at arraignment, he or she must be advised of the right to withdraw the waiver and request a jury trial within 10 days of arraignment. If the defendant appears without counsel, the court shall inform the defendant of his or her right to have counsel before being arraigned. The court shall inquire if the defendant has counsel. If the defendant is not represented and is unable to obtain counsel due to indigence, counsel shall be assigned to the defendant by the court, unless the defendant makes a knowing, voluntary and intelligent waiver of counsel.~~

(2) Lawyer. If the defendant chooses to proceed without a lawyer, the court shall determine on the record that the waiver is made voluntarily, competently and with knowledge of the consequences. The defendant must be advised that ~~waiver of a lawyer at arraignment does not preclude the defendant from asserting the right to a lawyer later in the proceedings.~~

**(d) Name.** At arraignment, the court shall ask the defendant his or her true name. If the defendant's name has been incorrectly stated in the complaint or citation and notice, the court shall order the complaint or citation and notice to be corrected accordingly. **Waiver of Counsel.** If the defendant chooses to proceed without counsel, the court shall determine on the record whether the waiver is made voluntarily, competently and with knowledge of the consequences. The court shall make a thorough inquiry of the defendant's understanding before accepting the waiver. If the court finds the waiver valid, an appropriate finding shall be entered in the record. Unless the waiver is valid, the court shall not proceed with the arraignment until counsel is provided. Waiver of counsel at arraignment shall not preclude the defendant from claiming the right to counsel in subsequent proceedings in the cause, and the defendant shall be so informed.

**(e) Appearance by Defendant's Lawyer.** Except as otherwise provided by statute or by local court rule, a lawyer may enter an appearance or a plea of not guilty on behalf of a client for any offense. Such appearance or plea may be entered only after a complaint or citation and notice has been filed. **Name.** Defendant shall be asked his or her true name. If the defendant alleges that their true name is one other than that by which he or she is charged, it must be entered in the record, and subsequent proceedings shall be had against him or her by that name or other names relevant to the proceedings.

(1) The appearance or the plea of not guilty shall be made only in writing or in open court, and eliminates the need for a further arraignment.

(2) An appearance that waives arraignment but fails to state a plea shall be deemed to constitute entry of a plea of not guilty.

(3) An appearance under this rule constitutes a waiver of any defect in the complaint or the citation and notice except for failure to charge a crime which may be raised at any time and except for any other defect that is specifically stated in writing or on the record at the time the appearance is entered.

(4) A written appearance shall commence the running of the time periods established in rule 3.3 from the date of its receipt by the court, unless the time periods have previously been commenced by an appearance in open court.

(5) Telephonic requests or notices by either the defendant or the defendant's lawyer shall not constitute an arraignment or an appearance or entry of a plea, and shall not commence the running of the time periods under rule 3.3.

(6) The appearance by a lawyer authorized by this rule shall be construed as an "arraignment" under the other provisions of these rules.

**(f) Reading.** The complaint or citation and notice or the substance of the charge, shall be read to the defendant, unless the reading is waived, and a copy shall be given to the defendant.

**(g) Appearance by Defendant's Lawyer.** Except as otherwise provided by statute or by local court rule, a lawyer may enter an appearance or a plea of not guilty on behalf of a client for any offense. Such appearance or plea may be entered only after a complaint or citation and notice has been filed.

(1) The appearance or the plea of not guilty shall be made only in writing or in open court, and eliminates the need for a further arraignment.

(2) An appearance that waives arraignment but fails to state a plea shall be deemed to constitute entry of a plea of not guilty.

(3) An appearance under this rule constitutes a waiver of any defect in the complaint or the citation and notice except for failure to charge a crime which may be raised at any time and except for any other defect that is specifically stated in writing or on the record at the time the appearance is entered.

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(6) The appearance by a lawyer authorized by this rule shall be construed as an "arraignment" under the other provisions of these rules.

#### IRLJ 2.1 NOTICE OF INFRACTION

**(a) Infraction Form Prescribed or approved by the Administrative Office of the Courts.** Infraction cases shall be filed on a form entitled "Notice of Infraction" prescribed by the Administrative Office of the Courts; except that the form used to file cases alleging the commission of a parking, standing or stopping infraction shall be approved by the Administrative Office of the Courts. Notice of Infraction forms prescribed or approved by the Administrative Office of the Courts are presumed valid and shall not be deemed insufficient by reason of defects or imperfections which do not prejudice substantial rights of the defendant.

**(b) Contents.** Subject to IRLJ 3.1 (d), the notice of infraction shall contain the following information on the copy given to the defendant, except the information required by subsections (2) is not required on a notice of infraction alleging the commission of a parking, standing, or stopping infraction:

(1) The name, address, and phone number of the court where the notice of infraction is to be filed;

(2) The name, address, date of birth, sex, physical characteristics, and, for a notice of traffic infraction, the operator's license number of the defendant;

(3) For a notice of traffic infraction, the vehicle make, year, model, style, license number, and state in which licensed;

(4) The infraction which the defendant is alleged to have committed and the accompanying statutory citation or ordinance number, the date, time, and place the infraction occurred, the date the notice of infraction was issued, and the name and, if applicable, the number of the citing officer;

(5) A statement that the defendant must respond to the notice of infraction within 15 days of issuance;

(6) A space for entry of the monetary penalty which respondent may pay in lieu of appearing in court;

(7) A statement that a mailed response must be mailed not later than midnight on the day the response is due;

(8) The statements required by RCW 46.63.060 or other applicable statute; and

(9) Any additional information determined necessary by the Administrator for the Courts.

**IRLJ 3.1 CONTESTED HEARINGS—PRELIMINARY PROCEEDINGS**

**(a) Subpoena.** [No change.]

**(b) Discovery.** [No change.]

**(c) Amendment of Notice.** [No change.]

**(d) Sufficiency.** No notice of infraction shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific infraction which the defendant is alleged to have committed, nor by reason of defects, ~~or imperfections,~~ or omissions which do not tend to prejudice substantial rights of the defendant.

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

**Reviser's note:** The typographical 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 10-13-034**

**NOTICE OF PUBLIC MEETINGS  
LIQUOR CONTROL BOARD**

[Filed June 7, 2010, 1:43 p.m.]

Please **add** the following public meetings for the liquor control board, 10-13.

**Conference Room 105  
Board Caucus Meeting  
10:00 a.m. to noon**

August 2, 2010  
August 9, 2010  
August 16, 2010  
August 23, 2010  
August 30, 2010  
September 13, 2010  
September 20, 2010  
September 27, 2010  
October 4, 2010  
October 11, 2010  
October 18, 2010  
October 25, 2010  
November 1, 2010  
November 8, 2010  
November 15, 2010  
November 22, 2010  
November 29, 2010  
December 6, 2010  
December 13, 2010  
December 20, 2010

December 27, 2010

September 6 is not listed due to the holiday.

Please **cancel** the following public meetings for the liquor control board, 10-13.

**Boardroom  
Board Meeting  
10:00 a.m. to noon**

July 21, 2010

October 20, 2010

**WSR 10-13-035**

**NOTICE OF PUBLIC MEETINGS  
SKAGIT VALLEY COLLEGE**

[Filed June 7, 2010, 3:55 p.m.]

The board of trustees for Community College District 4, Skagit Valley College, has cancelled the meeting scheduled for July 13, 2010.

Should you have questions regarding this memo, please contact Lisa Radeleff, at (360) 416-7995, [lisa.radeleff@skagit.edu](mailto:lisa.radeleff@skagit.edu).

**WSR 10-13-036**

**NOTICE OF PUBLIC MEETINGS  
CLEMENCY AND PARDONS BOARD**

[Filed June 8, 2010, 8:57 a.m.]

The Washington state clemency and pardons board hereby gives notice that its quarterly hearing scheduled for June 10, 2010, is cancelled. The Washington state clemency and pardons board will reschedule this quarterly hearing at a future date and time.

**WSR 10-13-037**

**NOTICE OF PUBLIC MEETINGS  
UNIFORM LEGISLATION COMMISSION**

[Filed June 8, 2010, 9:45 a.m.]

The Washington uniform legislation commission will have an additional 2010 meeting. It will take place at 9 a.m. on Monday, June 7, in Room 325, William H. Gates Hall, at the University of Washington School of Law.

**WSR 10-13-042**

**DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed June 9, 2010, 7:45 a.m.]

**FINAL NOTICE OF CHANGES TO WASHINGTON STATE  
NURSING FACILITY**



**MEDICAID PAYMENT RATE METHODOLOGY  
EFFECTIVE JULY 1, 2010**

The 2010 Washington legislature made changes effective July 1, 2010, to the methodology used to determine medicaid payment rates for nursing facility care. To comply with 42 U.S.C. 1396a (a)(13)(A), on May 19, 2010, the department of social and health services (hereafter, department) published the July 1, 2010, proposed changes to the medicaid nursing facility payment system. The proposed changes may be reviewed in WSR 10-10-118 or at <http://apps.leg.wa.gov/documents/laws/wsr/2010/10/10-10-118.htm>.

The department received no comments in response on the proposed changes. This publication is the final notice that effective July 1, 2010, the department will implement the proposed changes published in WSR 10-10-118. Under RCW 74.46.421 (2)(b), the department must adjust the initial component rate allocations to assure that the statewide average payment rate of all nursing facilities is less than or equal to the statewide average payment rate specified in the Biennial Appropriations Act. The weighted average nursing facility payment rate shall not exceed \$169.85 for state fiscal year (SFY) 2010 (July 1, 2009, to June 30, 2010) and shall not exceed \$166.24 for SFY 2011 (July 1, 2010, through June 30, 2011).

**WSR 10-13-043**

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

[Filed June 9, 2010, 7:52 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: Policy Clarification Memo (PCM) 10-006: Discontinuation of Automated Locate Forms.

Subject: Discontinuation of automated locate forms.

Effective Date: June 7, 2010.

Document Description: This PCM explains how DCS will discontinue use of automated locate forms, including the automated DSHS 18-001 and DSHS 18-013 forms.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail [JKildahl@dshs.wa.gov](mailto:JKildahl@dshs.wa.gov), web site <http://www.dshs.wa.gov/dcs/>.

**WSR 10-13-044**

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

[Filed June 9, 2010, 7:54 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 (DCS)**

Document Title: Policy Clarification Memo (PCM) 10-007: Redirection of Texas Income Withholding Payments.

Subject: Redirection of Texas income withholding payments.

Effective Date: June 7, 2010.

Document Description: This PCM explains how DCS follows instructions from the federal Office of Child Support Enforcement to redirect Texas withholding payments to the Texas state disbursement unit.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail [JKildahl@dshs.wa.gov](mailto:JKildahl@dshs.wa.gov), web site <http://www.dshs.wa.gov/dcs/>.

**WSR 10-13-045**

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

[Filed June 9, 2010, 7:56 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 (DCS)**

Document Title: Policy Clarification Memo (PCM) 10-005: Department of Licensing (DOL) Database Access.

Subject: DOL database access.

Effective Date: June 4, 2010.

Document Description: This PCM explains the contract requirements for DCS staff to access to DOL infoconnect host publishing system (IHPS), driver and plate search (DAPS), and internet vehicle/vessel information processing system (IVIPS) databases.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail [JKildahl@dshs.wa.gov](mailto:JKildahl@dshs.wa.gov), web site <http://www.dshs.wa.gov/dcs/>.

**WSR 10-13-050**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
GENERAL ADMINISTRATION**

(State Capitol Committee)

[Filed June 9, 2010, 11:41 a.m.]

The state capitol committee meeting scheduled for Thursday, June 17, 2010, has been rescheduled to Thursday, August 19, 2010, at 10:00 a.m. to 12:00 p.m.; at the General Administration Building, Room 326, 210 11th Avenue, Olympia, WA 98504.

If you have any questions, please contact Kim M. Buccarelli at (360) 902-0955.

**WSR 10-13-053**

**NOTICE OF PUBLIC MEETINGS  
RECREATION AND CONSERVATION  
OFFICE**

(Forum on Monitoring Salmon and Watershed Health)

[Filed June 10, 2010, 9:19 a.m.]

The next public meeting of the forum on monitoring salmon and watershed health will be **Wednesday, June 16, 2010, from 9:00 a.m. to 4:00 p.m.** at the Natural Resources Building, Room 172, Olympia, Washington.

The following quarterly meeting is **Wednesday, August 25, 2010, from 9:00 a.m. to 4:00 p.m.** at the Natural Resources Building, Room 172, Olympia, Washington.

The final quarterly meeting for 2010 is **Wednesday, December 1, 2010, from 9:00 a.m. to 3:00 p.m.** at the Natural Resources Building, Room 172, Olympia, Washington.

For further information, please contact Lucienne Guyot, at the recreation and conservation office (RCO), (360) 725-3943, lucienne.guyot@rco.wa.gov.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Lucienne Guyot at the number or e-mail listed above.

**WSR 10-13-068**

**NOTICE OF PUBLIC MEETINGS  
WHATCOM COMMUNITY COLLEGE**

[Filed June 14, 2010, 9:42 a.m.]

The board of trustees of Whatcom Community College, District Number Twenty-One, has changed the July 2010, regular board meeting from July 14, 2010, to July 21, 2010.

The meeting will be held at 2:00 [2:00] p.m. in the Laidlaw Building Boardroom, #143, Whatcom Community College, 237 West Kellogg Road, Bellingham, WA 98226.

Board meetings are open to the public.

**WSR 10-13-074**

**NOTICE OF PUBLIC MEETINGS  
STATE INDEPENDENT  
LIVING COUNCIL**

[Filed June 14, 2010, 5:43 p.m.]

**Public Announcement  
Conference Call to Finalize State Plan for  
Independent Living**

**Date: June 29, 2010**

**Time: 10 a.m. - 11 a.m.**

Participants may access the meeting remotely by telephone (voice only): Dial-in Number: (877) 216-1555 Passcode: 815648 OR by CART: Please use the following web site to access the CART: <http://www.streamtext.net/text.aspx?event=SILC>.

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

**WSR 10-13-082**

**NOTICE OF PUBLIC MEETINGS  
CLEMENCY AND PARDONS BOARD**

[Filed June 15, 2010, 1:28 p.m.]

**Amended Notice of the September 2010 Quarterly Hearing**

The Washington state clemency and pardons board hereby gives notice of its quarterly hearing scheduled for September 9, 2010, at 10:00 a.m., in Senate Hearing Room 3, of the John A. Cherberg Building, Olympia, Washington. The following petitions will be considered by the board<sup>1</sup>:

<sup>1</sup>At the board's discretion, the order of the petitions to be called for hearing is subject to change.

**SEPTEMBER 9, 2010**

<b>Petitioner:</b>	<b>Petition For:</b>
Starcia Ague	Pardon
Gregory P. Ciego	Pardon
Cecilio Huitron	Pardon
Elizabeth Jones	Pardon
Konstantin Manzar	Pardon
Troy Prouty	Pardon
Theodore Randall	Pardon
David Reed	Pardon
Jacob Morgan	Pardon

**WSR 10-13-083**  
**NOTICE OF PUBLIC MEETINGS**  
**CLEMENCY AND PARDONS BOARD**

[Filed June 15, 2010, 1:30 p.m.]

**Notice of Rescheduling of the June 2010 Quarterly Hearing**

The Washington state clemency and pardons board hereby gives notice that those petitions previously scheduled to be heard on June 10, 2010, will now be heard on September 10, 2010, at 10:00 a.m., in Senate Hearing Room 3, of the John A. Cherberg Building, Olympia, Washington. The following petitions will be considered by the board<sup>1</sup>:

<sup>1</sup>At the board's discretion, the order of the petitions to be called for hearing is subject to change.

**SEPTEMBER 10, 2010**

<b>Petitioner:</b>	<b>Petition For:</b>
Daniel Muholland	Commutation
Giday Tesfay Adhanom	Pardon
Sherelyn Anderson	Pardon
Ismael Juan	Pardon
Matthew Keser	Pardon
Jacob Morgan	Pardon
Brian Yotz	Pardon

**WSR 10-13-087**  
**NOTICE OF PUBLIC MEETINGS**  
**RECREATION AND CONSERVATION OFFICE**

(Salmon Recovery Funding Board)

[Filed June 16, 2010, 9:10 a.m.]

In response to legislative direction to reduce travel and meeting costs, the salmon recovery funding board is changing its meeting schedule.

At a regular meeting on May 20, 2010, the salmon recovery funding board adopted the following meeting schedule:

<b>Date</b>	<b>Location</b>
August 11, 2010	Olympia - Natural Resources Building Members will participate via conference call and/or other electronic means.
October 7, 2010	Olympia - Natural Resources Building Members will participate via conference call and/or other electronic means.

For further information, please contact Moriah Blake, at the recreation and conservation office (RCO), (360) 902-3086 or check the web page at [http://www.rco.wa.gov/boards/srfb\\_meetings.shtml](http://www.rco.wa.gov/boards/srfb_meetings.shtml).

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Moriah Blake at the number listed above or by e-mail at [Moriah.Blake@rco.wa.gov](mailto:Moriah.Blake@rco.wa.gov).

**WSR 10-13-088**  
**NOTICE OF PUBLIC MEETINGS**  
**CLEMENCY AND PARDONS BOARD**

[Filed June 16, 2010, 9:35 a.m.]

**Amended Notice of the September 2010 Quarterly Hearing**

The Washington state clemency and pardons board hereby gives notice of its quarterly hearing scheduled for September 9, 2010, at 10:00 a.m., in Senate Hearing Room 3, of the John A. Cherberg Building, Olympia, Washington. The following petitions will be considered by the board<sup>1</sup>:

<sup>1</sup> At the board's discretion, the order of the petitions to be called for hearing is subject to change.

**SEPTEMBER 9, 2010**

<b>Petitioner:</b>	<b>Petition For:</b>
Starcia Ague	Pardon
Gregory P. Ciego	Pardon
Cecilio Huitron	Pardon
Elizabeth Jones	Pardon
Konstantin Manzar	Pardon
Troy Prouty	Pardon
Theodore Randall	Pardon
David Reed	Pardon

**WSR 10-13-089**  
**AGENDA**  
**RECREATION AND CONSERVATION OFFICE**

[Filed June 16, 2010, 11:12 a.m.]

**SEMI-ANNUAL RULE DEVELOPMENT AGENDA**  
**Recreation and Conservation Funding Board (RCFB)**  
**Salmon Recovery Funding Board (SRFB)**

To comply with RCW 34.05.314, the recreation and conservation office (RCO), on behalf of the RCFB and SRFB, has prepared the following agenda for rules under development. As required, filing will be made with the code reviser for publication in the State Register by January 31 and July 31 each year. Within three days of publication, the RCO will provide copies to each person so requesting, the director of the office of financial management, the rules review committee, and other state agencies that may reasonably be expected to have an interest in this subject.

Contact: Megan Duffy, rules coordinator, (360) 725-3936, [Megan.Duffy@rco.wa.gov](mailto:Megan.Duffy@rco.wa.gov).

Rules Development Agenda June - December 2010	
Subject of possible rule making	Reasons why rules on this subject may be needed and what might be accomplished
Title 286 WAC	Change the agency's name from inter-agency committee for outdoor recreation's to the recreation and conservation funding board and recreation and conservation office as required in HB 1813 (2007).
Title 286 WAC	Update code references such as the state's public disclosure law, recently changed from chapter 42.17 RCW to chapter 42.56 RCW.
Title 286 WAC	Update section titles to an easier to understand format. Many titles have already been improved to this new format.
WAC 286-04-010 WAC 286-06-045	Update definition of "development." Move to a more logical location and clarify the text.

Megan Duffy  
Rules Coordinator

**WSR 10-13-109**  
**NOTICE OF PUBLIC MEETINGS**  
**SIRTI**

[Filed June 18, 2010, 11:45 a.m.]

The August 19, 2010, regularly scheduled meeting of the Sirti board of directors has been cancelled.

**WSR 10-13-112**  
**NOTICE OF PUBLIC MEETINGS**  
**HORSE RACING COMMISSION**

[Filed June 21, 2010, 8:31 a.m.]

The Washington horse racing commission is revising its published notice of 2010 meeting dates and locations.

The meeting originally scheduled for November 18, 2010, will now be held on November 19, 2010. The meeting will be at the Auburn City Council Chambers, 25 West Main, Auburn, WA 98002.

**WSR 10-13-116**  
**NOTICE OF PUBLIC MEETINGS**  
**LIFE SCIENCES**  
**DISCOVERY FUND AUTHORITY**

[Filed June 21, 2010, 4:12 p.m.]

Please note the updated information below for the life sciences discovery fund authority (agency #3560) 2010 board meetings. Note as well that we will post our public meeting agenda and any call-in information as appropriate on our web site <http://www.lsdfa.org/about/staff/meetings.html> prior to each meeting.

**2010 Public Board Meeting Dates**  
*(times are approximate and subject to change)*

Tuesday, July 13	8:30 a.m. - <del>1:30</del> 5 p.m.	<del>Talaris Conference Center</del> <del>4000 N.E. 41st Street</del> <del>LSDFA Office</del> <del>2324 Eastlake Avenue East</del> <del>Suite 501</del> Seattle, WA <u>98102</u> or via teleconference (888) <u>272-2618 no pass code</u> <u>needed</u>
Tuesday, July 20	10:30 a.m. - 11:00 a.m.	(via telecon (888) 272-2618 <u>no pass code needed</u> )
Tuesday, September 14	8:30 a.m. - 5 p.m.	Talaris Conference Center 4000 N.E. 41st Street Seattle, WA
Tuesday, December 7	8:30 a.m. - 5 p.m.	Talaris Conference Center 4000 N.E. 41st Street Seattle, WA
Tuesday, December 14	10:30 a.m. - 11:00 a.m.	(via telecon)

**WSR 10-13-117**  
**NOTICE OF PUBLIC MEETINGS**  
**COLUMBIA BASIN COLLEGE**

[Filed June 21, 2010, 4:36 p.m.]

The Columbia Basin [College] (CBC) board of trustees' meetings will be held on the second Monday of every month with the exception of July and August when the board annual retreat is held (the date and time TBD), and September. The regularly scheduled meetings will begin at 4:00 p.m. and will be held in the CBC board room.

If you have any questions, please contact Barbara Grant at (509) 542-4449.

**WSR 10-13-118**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed June 21, 2010, 4:36 p.m.]

The Eastern Washington University (EWU) board of trustees' meeting schedule for June and August 2010 has been changed.

The changes are as follows:

- The meeting previously listed for Thursday, June 24, 2010, at 2:15 p.m. has been changed to Tuesday, June 29, 2010, at 2:45 p.m. in Tawanka 215 B & C.
- A meeting has been added to the 2010 schedule on Thursday, August 26, 2010, at 2:00 p.m. in Tawanka 215 B & C on the EWU Cheney campus.

If you have questions concerning this schedule, please contact Julie Thayer at (509) 359-4648.

**WSR 10-13-125**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fish and Wildlife Commission)

[Filed June 22, 2010, 2:18 p.m.]

During its June 4, 2010, fish and wildlife commission meeting, the commission voted to change the location of its October 1-2, 2010, meeting from Bellingham to Olympia.

Date	Time	Location
October 1-2, 2010	8:30 a.m.	Natural Resources Building 1111 Washington Street South First Floor, Room 172 Olympia, WA 98501

Updates to the meeting calendar, agenda materials, and additional informational materials are available for viewing on the internet at <http://wdfw.wa.gov/commission/meetings.html>.

Special accommodations are available for people with disabilities on request. Contact the commission office with questions and for additional information at the Washington Fish and Wildlife Commission, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail [Commission@dfw.wa.gov](mailto:Commission@dfw.wa.gov), phone (360) 902-2267, fax (360) 902-2448, TTY 1-800-833-6388.

**WSR 10-13-137**  
**INTERPRETIVE AND POLICY STATEMENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 22, 2010, 4:06 p.m.]

Policy and Interpretive Statement

In accordance with RCW 34.05.230(12), following is a policy and interpretive statement issued by the department regarding the specialty compliance services policies.

If you have any questions or need additional information please call Naomi Goodman at (360) 902-4211.

**Specialty Compliance Services:** Elevator Program Policy.

**New Policy:** Vertical Platform Lifts.

The purpose of this policy is to provide guidance to elevator mechanic[s] for the installation of vertical platform lifts. The policy allows the vertical platform lift can be plugged into the electrical supply by a cord if the mechanic follows the requirements of the policy, which include chair lifts that are permitted by the National Electrical Code (NEC). The policy was developed in response from requests from our stakeholders.

**Contact:** Jack Day, P.O. Box 44480, Olympia, WA, (360) 902-6128, [Dayl235@lni.wa.gov](mailto:Dayl235@lni.wa.gov).

Naomi Goodman

**WSR 10-13-170**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed June 23, 2010, 9:12 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 (DCS)**

Document Title: Policy Clarification Memo (PCM) 10-008: DOR Unclaimed Property Withhold and Deliver System.

Subject: DOR unclaimed property withhold and deliver system.

Effective Date: June 22, 2010.

Document Description: This PCM explains how DCS staff access, search, and submit electronic withholds through the department of revenue's unclaimed property withhold and deliver system web site.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail [JKildahl@dshs.wa.gov](mailto:JKildahl@dshs.wa.gov), web site <http://www.dshs.wa.gov/dcs/>.

**WSR 10-13-177**  
**ATTORNEY GENERAL'S OFFICE**

[Filed June 23, 2010, 10:10 a.m.]

Removal of Obsolete Rules from Washington Administrative Code: Chapters 16-528 and 16-530 WAC

I am a Senior Counsel, Assistant Attorney General for the Washington State Department of Agriculture and the

Washington Grain Commission. I also represented the former Washington Wheat Commission and the former Washington Barley Commission.

Chapter 33, Laws of 2009 (later codified as chapter 15.115 RCW) created the Washington Grain Commission. It is made up of the former Washington Barley Commission and the former Washington Wheat Commission. The marketing orders that created the former Barley and Wheat Commissions were repealed effective May 8, 2010, in WSR 10-08-093. However, rules adopted by the former Wheat Commission and the former Barley Commission remain in chapters 16-528 and 16-530 WAC, respectively.

RCW 34.05.210 (6)(b) provides that with the consent of the attorney general, the code reviser may remove obsolete rules or parts of rules from the Washington Administrative Code when the adopting agency ceases to exist and the rules are not transferred by statute to a successor agency. Both adopting agencies (commissions) now cease to exist and the rules of the former Wheat and Barley Commissions were not transferred in chapter 15.115 RCW to the Washington Grain Commission, the successor agency.

This letter hereby requests that the code reviser remove the obsolete rules of the former Wheat and Barley Commissions from the Washington Administrative Code. Those sections are:

WHEAT

WAC 16-528-105  
WAC 16-528-110  
WAC 16-528-120  
WAC 16-528-130  
WAC 16-528-140  
WAC 16-528-150  
WAC 16-528-160  
WAC 16-528-170  
WAC 16-528-210  
WAC 16-528-230

BARLEY

WAC 16-530-110  
WAC 16-530-120

If you have any questions on this matter, do not hesitate to contact me.

Jerri L. Thomas  
Senior Counsel, AAG  
Agriculture & Health Division