



WASHINGTON
COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

PROCEDURE FOR REQUESTING EXCEPTIONS
TO STATEWIDE RESTRICTIONS
Engrossed Second Substitute House Bill 2617

Engrossed Second Substitute House Bill 2617 (E2SHB 2617 Boards and Commissions) placed restrictions on the reimbursement of subsistence, lodging and travel for member participation in class 1 through class 5 boards, commissions, councils, committees, or similar groups. The restrictions are effective July 1, 2010 through June 30, 2011.

E2SHB 2617 does, however, allow for exceptions to be granted to the restrictions identified above as allowed in section 605 chapter 3 laws of 2010 (ESHB 2921).

Transactions for which an exception has been granted shall take effect no sooner than five business days following notification of the Chairs and Ranking Minority Members of the Ways and Means Committees in the House of Representatives and the Senate {ESHB 2921 Section 605(3)}.

The restrictions identified in E2SHB 2617 do not impact local governmental organizations, private associations or boards, commissions, councils, committees, or similar groups where funding comes from a non-state general fund source.

E2SHB 2617 also restricts the use of private facilities for meetings of Class 1, 2, 3 and 5 groups, regardless of fund source. Use of private facilities is prohibited unless an exception is granted.

Independent Judicial Branch Agencies

The Chief Justice of the Supreme Court will allow independent judicial branch entities to initially review exception requests using the process noted below, have the appropriate governing or designated review entity preliminarily approve/deny the request, then forward the approval recommendation and associated documentation to Ramsey Radwan for review with the Chief Justice for final review. If approved by the Chief Justice, the exception will be included in the legislative notification process. The independent judicial branch entities include the Court of Appeals, the Office of Civil Legal Aid, and the Office of Public Defense.

Article IV, Section 31 of the State Constitution establishes a commission on judicial conduct that shall exist as an independent agency of the judicial branch. Due to the independent nature of the Washington State Commission on Judicial Conduct (Commission) and the confidential nature of its investigations, the Commission is wholly exempted from the review and approval process established by the Chief Justice of the Supreme Court with regard to restrictions imposed by E2SHB 2617. The Executive Director of the Commission shall develop a process that substantially complies with the intent of E2SHB 2617.

The Chief Justice may allow additional exceptions as deemed appropriate.

Other Judicial Branch Agencies and Supreme Court Departments

All other judicial branch entities and Supreme Court Departments must receive approval directly from Jeff Hall, State Court Administrator, prior to commencing activities restricted by E2SHB 2617.

The following groups must receive a one-time exception to the restrictions identified in E2SHB 2617, including an exception for the use of a private facility if applicable:

- Board for Judicial Administration
- Board for Court Education
- Minority and Justice Commission
- Gender and Justice Commission
- Commission on Children in Foster Care
- Interpreter Commission
- Certified Professional Guardian Board
- Bench-Bar-Press Fire Brigade

The following groups are not impacted by the provisions of E2SHB 2617:

- Judicial Information System Committee and all related sub-groups
- Access-to-Justice Board and its sub-groups
- Board for Court Education programs
- Equal Justice Taskforce
- Court Improvement Workgroups (federal funding)
- Data Dissemination Committee
- STOP Grant Committee and sub-committees
- Pattern Jury Instructions Committee

All Other Groups or Sub-groups

All other groups or sub-groups, funded by the state general fund but not specifically identified above, must seek exception either on a case-by-case basis if meetings are ad hoc in nature, or through a one-time exception request identifying all meetings during fiscal year 2011.

Non-voting and ex-officio members and invited guests may be exempt from the restrictions of E2SHB 2617 and may be reimbursed if they are critical to the meeting or if they are invited. An exception request must be made identifying invited guests and specific authorization must be given before reimbursement can be made.

AOC staff support for any group is exempt from the provisions of E2SHB 2617. An AOC employee staffing a group does not need to seek an exception request.

The Supreme Court respectfully requests that all groups strive to meet in a manner that minimizes costs when appropriate.

Exception Process—Administrative Office of the Courts

All exception requests, both reimbursement and private facility use, should be forwarded to the appropriate approving authority, who will then forward to Ramsey Radwan for review with Jeff Hall, State Court Administrator. All requests for exceptions will be processed through the Administrative Office of the Courts. Please send all documentation to:

Ramsey Radwan, Director of Management Services
Administrative Office of the Courts
P.O. Box 41170 (MS 41170)
Olympia, WA 98504-1170
ramsey.radwan@courts.wa.gov

Requests must demonstrate that the exception is necessary to providing critical state services and that means other than in-person meetings are not feasible. Each request will be evaluated using the following criteria:

- Can the activity/meeting be accomplished by means that do not require travel while maximizing member and public participation?
- Does statute, court rule, federal grant, or other authority require members to be physically present at one location only? If so, cite the specific authority.
- Must members be physically present to review materials, conduct discussions and/or view a presentation? If so, why?
- What would be the consequences if this exemption is not approved?

The Administrative Office of the Courts (AOC) will notify the Legislature of all approved exceptions, which take effect five business days following notification.

Exception requests must be submitted on the form available on AOC's website at http://www.courts.wa.gov/appellate_trial_courts/aocwho/?fa=atc_aocwho.display&fileID=msd, forwarded electronically by the person seeking the exemption to the approving authority (division director or agency head) and sent by the approving authority electronically to Ramsey Radwan at ramsey.radwan@courts.wa.gov. **When transmitted electronically from the approving authority's computer, a typed name will be considered a signature.** If forms are completed manually (hard copies) rather than electronically, approving authorities must sign and the documents bearing original signatures should be sent or delivered to Ramsey Radwan at the address noted above.

Notification of Approval or Denial

Qualifying exception requests will be reviewed once a week, or more frequently if needed. Notice of exemptions approved will be forwarded to the Legislature by the end of the day. Approval/denial notice will be sent to the requestor as quickly as possible.

Approved exception requests may be acted upon five business days after legislators have been informed.

Please direct all questions about the process and exceptions to Ramsey Radwan, AOC Director of Management Services, at (360) 375-2406 or ramsey.radwan@courts.wa.gov.