

WSR 20-04-001
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 22, 2020, 2:44 p.m.]

Prevailing Rate of Wage Publication

Pursuant to RCW 39.12.015, 39.12.020, and WAC 296-127-011, on February 3, 2020, the industrial statistician will determine and publish on the internet the statewide prevailing rates of wage. These rates become effective thirty days from publication on March 4, 2020.

For more information on prevailing wage or a copy of the rates, please visit our website at <https://lni.wa.gov/licensing-permits/public-works-projects/prevailing-wage-rates/> or call 360-902-5335.

Maggie A. Leland
 Rules Coordinator

WSR 20-04-004
AGENDA
MILITARY DEPARTMENT

[Filed January 23, 2020, 10:09 a.m.]

Semi-Annual Rule-Making Agenda
(January 1 - July 31, 2020)

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

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

WAC Citation	Subject Matter	Agency Contact	Current Activity		
			CR-101	CR-102	CR-103
118-04	Updating the rules to the emergency worker program.	Chris Long 253-512-7024 chris.long@mil.wa.gov	To be determined	To be determined	To be determined
118-30	Updating the rules to the local emergency management/services organizations, plans and programs.	Michael Roberson 253-512-7065 michael.roberson@mil.wa.gov	5/17/2013	To be determined	To be determined
118-40	Updating the rules to the hazardous chemical emergency response planning and community right-to-know reporting.	Sue Vezeau 253-512-7014 Sue.Vezeau@mil.wa.gov	To be determined	To be determined	To be determined

WSR 20-04-007
AGENDA
DEPARTMENT OF ECOLOGY

[Filed January 23, 2020, 3:36 p.m.]

Pursuant to RCW 34.05.314, following is the department of ecology's rule agenda for January - June 2020.

If you have any questions please contact Kate Wolt by phone 360-407-6998 or email Katie.Wolt@ecy.wa.gov.

**Rule Agenda
January - June 2020**

Admin. Order Number	WAC Chapter	Date of Filing CR-101	Date of Filing CR-102	Date of Filing CR-103	Rule-Making Lead
Open Rule Making					
18-09	Chapter 173-340 WAC, Model Toxics Control Act (the cleanup rule)	December 20, 2018	est. September 23, 2020	est. February 24, 2021	Clint Stanovsky
19-04	Chapter 173-443 WAC, HFC (emergency and permanent rule making)	July 30, 2019	est. May 2020	Emergency November 21, 2019 (exp. May 18, 2020) Permanent est. October 28, 2020	Jean-Paul Huys/ Linda Kildahl
19-08	Chapter 173-444 WAC, Clean energy transformation rule	October 18, 2019	est. July 18, 2020	est. December 16, 2020	Debebe Dererie
19-07	Chapter 173-303 WAC, Dangerous waste regulations	August 2, 2019	est. April 22, 2020	est. September 29, 2020	Rob Rieck
19-09	Chapter 173-185 WAC, Oil movement by rail and pipeline notification	January 6, 2020	est. June 2020	est. November 2020	Kim Morley
19-01	Chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington (variances)	June 12, 2019	est. May 6, 2020	est. fall 2020	Marla Koberstein
19-05	Chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington (salmon spawning habitat)	December 2, 2019	est. December 2, 2020	TBD	Marla Koberstein
19-03	Chapter 173-501 WAC, Instream resources protection program—Nooksack water resource inventory area (WRIA) I	February 5, 2019	November 19, 2019	est. May 27, 2020	Annie Sawabini
Exploratory Phase					
17-03	Chapter 173-340 WAC, Model Toxics Control Act—Cleanup	Not applicable	Not applicable	Not applicable	Clint Stanovsky
xx-xx	Chapter 173-460 WAC, Controls for new sources of toxic air pollutants	est. 2020	Not applicable	Not applicable	Elena Guilfoil
On Hold Rule Making					
13-04	Chapter 173-491 WAC, Emission standards and controls for sources emitting gasoline gas vapors; chapter 173-400 WAC, General regulations for air pollution sources; and chapter 173-455 WAC, Air quality fee rule	7/2/13	On hold	On hold	Elena Guilfoil
15-12	Chapter 173-333 WAC, Chemical action plans (formerly PBT)	10/12/15	On hold	On hold	Anne Knapp
15-11	Chapter 173-331 WAC, Vehicle battery recycling program	12/2/15	On hold	On hold	Kyle Dorsey
05-03	Chapter 173-525 WAC, Grays Elochoman instream resources protection and water management program WRIA 25	3/2/05	4/19/10 Continuance filed 6/16/10 Expired 11/1/10 On hold	On hold	Dave Christensen
05-04	Chapter 173-526 WAC, Cowlitz instream resources protection and water management program WRIA 26	3/2/05	4/19/10 Continuance filed 6/16/10 Expired 11/1/10 On hold	On hold	Dave Christensen
05-02	Chapter 173-503A WAC, Samish River sub-basin instream resources protection program, lower and upper Skagit water resources inventory area (WRIA 3 and 4)	2/15/05	On hold indefinitely	On hold indefinitely	Dave Christensen

WSR 20-04-008

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH**

(Pharmacy Quality Assurance Commission)
[Filed January 23, 2020, 3:55 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following schedule of regular meetings for the department of health, pharmacy quality assurance commission (commission). The commission meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information. The calendar is updated to remove meeting date January 30, 2020.

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

January 31, 2020	9:00 a.m.	Department of Health Tumwater Regional Campus Room - To be determined
March 5-6, 2020	9:00 a.m.	Department of Health Tumwater Regional Campus Room - To be determined
April 16-17, 20220 [2020]	9:00 a.m.	Department of Health Tumwater Regional Campus Room - To be determined

May 28-29, 2020	9:00 a.m.	Highline Community College Building 8 - Mt Constance 2400 South 240th Street Des Moines, WA 98198
July 16-17, 2020	9:00 a.m.	To be determined
August 27-28, 2020	9:00 a.m.	Highline Community College Building 8 - Mt Constance 2400 South 240th Street Des Moines, WA 98198
October 1-2, 2020	9:00 a.m.	Highline Community College Building 8 - Mt Constance 2400 South 240th Street Des Moines, WA 98198
December 3-4, 2020	9:00 a.m.	Highline Community College Building 8 - Mt Constance 2400 South 240th Street Des Moines, WA 98198

If you need additional information, please contact Doreen E. Beebe, Health Services Consultant 4, Washington Department of Health, Pharmacy Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4834, fax 360-236-2260, email Doreen.Beebe@doh.wa.gov, web www.doh.wa.gov.

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

WSR 20-04-009

AGENDA

**DEPARTMENT OF
FISH AND WILDLIFE**

[Filed January 23, 2020, 5:31 p.m.]

Following is the Washington department of fish and wildlife's (WDFW) 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 Jacalyn Hursey, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone 360-902-2861, fax 360-902-2155, or email Jacalyn.Hursey@dfw.wa.gov.

**Semi-Annual Rule-Making Agenda
January through June 2020**

WAC Citation	Subject Matter	Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103P)
New WACs	Training program for dogs	WSR 19-16-150 filed on August 7, 2019	Expected February 2020	CR-103P expected May 2020

WAC Citation	Subject Matter	Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103P)
220-415-100	Cougar season and regulations	WSR 20-01-083 filed on December 12, 2019	CR-102 expected February 2020	CR-103P expected April 2020
Chapter 290[, Laws of 2019]	Hydraulic code rules	WSR 19-19-056 filed on September 16, 2019	WSR 19-24-081 filed on December 3, 2019	CR-103P expected February 2020
New WACs	Commercial whale watching licenses	WSR 19-21-037 filed on October 8, 2019	CR-102 expected July 2020	CR-103P expected September 2020
220-330-110, 220-330-140	Recreational clams and oysters	WSR 19-22-021 filed on October 28, 2019	WSR 20-02-082 filed on December 27, 2019	CR-103P expected April 2020
220-413	Hunting seasons and regulations	WSR 20-01-123 filed on December 16, 2019	CR-102 expected February 2020	CR-103P expected April 2020
220-354	2020 North of Falcon Puget Sound commercial salmon fishing	WSR 20-03-062 filed on January 9, 2020	CR-102 expected April 2020	CR-103P expected July 2020
220-354	2020 North of Falcon coastal commercial salmon fishing	WSR 20-03-064 filed on January 9, 2020	CR-102 expected April 2020	CR-103P expected July 2020
220-312, 220-313	2020 North of Falcon recreational fishing	WSR 20-03-127 filed on January 17, 2020	CR-102 expected April 2020	CR-103P expected July 2020
220-315, 220-330, 220-314	Recreational marine fish/shellfish simplification	WSR 19-13-051 filed on June 3, 2019	WSR 19-18-070 on September 3, 2019	CR-103P expected February 2020
220-310-100, 220-316-010	Recreational sturgeon fishery	WSR 18-24-094 filed on December 4, 2018	WSR 19-18-069 filed on September 3, 2019	CR-103P expected February 2020
220-340-430, 220-340-435	Coastal commercial crab rules	WSR 19-10-059 filed on April 30, 2019	WSR 19-19-075 filed on September 17, 2019	CR-103P expected February 2020

Jacalyn M. Hursey
Rules Coordinator

WSR 20-04-013
NOTICE OF PUBLIC MEETINGS
YAKIMA VALLEY COLLEGE
[Filed January 24, 2020, 11:24 a.m.]

Following is the schedule of regular meetings for Yakima Valley College for 2019-2020:

Date	Time	Location
2019		
Thursday, August 8, 2019	4:30 p.m.	King Room HUB Yakima Campus CANCELLED

Date	Time	Location
Thursday, September 12, 2019	4:30 p.m.	King Room HUB Yakima Campus
Thursday, October 10, 2019	4:30 p.m.	King Room HUB Yakima Campus
Wednesday, November 6, 2019	4:30 p.m.	King Room HUB Yakima Campus Date change

Date	Time	Location
December 12, 2019	4:30 p.m.	King Room HUB Yakima Campus CANCELLED
2020		
Thursday, January 9, 2020	4:30 p.m.	King Room HUB Yakima Campus
Wednesday, February 5, 2020	4:30 p.m.	King Room HUB Yakima Campus Date change
Thursday, March 12, 2020	4:30 p.m.	King Room HUB Yakima Campus
Thursday, April 9, 2020	4:30 p.m.	Library Meeting Room Grandview Campus
Tuesday, May 12, 2020	4:30 p.m.	King Room HUB Yakima Campus Date change
Thursday, June 11, 2020	4:30 p.m.	King Room HUB Yakima Campus
Thursday, July 9, 2020	4:30 p.m.	King Room HUB Yakima Campus CANCELLED

Date	Time	Location
Thursday, August 13, 2020	4:30 p.m.	King Room HUB Yakima Campus CANCELLED
Thursday, September 10, 2020	4:30 p.m.	King Room HUB Yakima Campus
Thursday, October 8, 2020	4:30 p.m.	King Room HUB Yakima Campus
Thursday, November 12, 2020	4:30 p.m.	King Room HUB Yakima Campus
Thursday, December 10, 2019 [2020]	4:30 p.m.	King Room HUB Yakima Campus CANCELLED

The Yakima Campus is located at South 16th Avenue and Nob Hill Boulevard in the city of Yakima, Washington. The Grandview Campus is at 500 West Main Street, Grandview, WA.

If you need further information, contact the President's Office, YVC, P.O. Box 22520, Yakima, WA 98907, 509-574-4635.

WSR 20-04-020

AGENDA

GAMBLING COMMISSION

[Filed January 27, 2020, 10:56 a.m.]

WAC Chapter and/or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Chapter 230-05 WAC	Fees	WSR 19-21-132 WSR 20-01-163	Expected January-March 2020	
Chapter 230-19 WAC	Self-exclusion	WSR 19-21-133	Expected January-June 2020	

WAC Chapter and/or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Chapter 230-01 WAC	About the commission		WSR 19-23-086	Expected January 2020
Chapter 230-05 WAC	Raffles - credit union		WSR 19-23-074	Expected January 2020
Chapter 230-11 WAC	Raffles	Expected January-March 2020		
Chapter 230-21 WAC	Costs associated with public records requests	Expected January-March 2020		
Chapter 230-17 WAC	Hearing rules	Expected March-June 2020		
Chapter 230-06 WAC	Use of credit cards	WSR 19-19-081	Expected March-June 2020	
Chapter 230-15 WAC	Progressive/bonus jackpots	Expected March-June 2020		
Chapter 230-16 WAC Chapter 230-06 WAC	Gambling equipment in warehouses	WSR 19-03-095	Expected March-June 2020	
Chapter 230-11 WAC	50/50 electronic raffles	Expected March-June 2020		

WSR 20-04-024

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING**

(Real Estate Commission)
[Filed January 27, 2020, 1:30 p.m.]

The real estate commission meeting date for the March meeting has changed. The meeting will be held on March 18, 2020. Everything else will remain unchanged. The updated information is March 18, 2020, Olympia, Washington, Capital Event Center, 6005 Tyee Drive S.W., Tumwater, WA 98512.

WSR 20-04-025

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Filed January 27, 2020, 2:52 p.m.]

Change in Time of Meeting

On Wednesday, May 13, 2020, the University of Washington board of regents will hold its regular board meeting in Gerberding Hall, Room 142, beginning at 4:00 p.m.

Prior notice of this meeting was dated September 10, 2019, published in WSR 19-19-023.

WSR 20-04-030

**NOTICE OF PUBLIC MEETINGS
BREE COLLABORATIVE**

[Filed January 28, 2020, 11:51 a.m.]

The following schedule of regular meetings is for the Dr. Robert Bree Collaborative steering committee meetings:

Date	Time	Location
February 12	2:00 - 2:30 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
April 28	10:00 - 10:45 a.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
June 24	2:00 - 2:45 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
August 25	10:00 - 10:45 a.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104

Date	Time	Location
October 28	2:00 - 2:45 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104

If you need further information contact Ginny Weir, Foundation for Health Care Quality, 705 Second Avenue, Suite 410, Seattle, WA 98104, phone 206-204-7377, fax 206-682-3739, email GWeir@qualityhealth.org.

WSR 20-04-035

AGENDA

DEPARTMENT OF LICENSING

[Filed January 28, 2020, 2:30 p.m.]

This report details current and anticipated rule-making activities for the department of licensing (DOL). This agenda is sent as a requirement of RCW 34.05.314. If you have any questions regarding this report or DOL rule-making activities, please contact Damon Monroe at 360-902-3843.

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

Key

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

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

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

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

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

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

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

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

RCW is the Revised Code of Washington.

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

Semi-Annual Rule-Making Agenda

WAC Chapter or Section(s)	Rule Title	Division/ Program	Preproposal (CR-101) WSR # and Date	Proposal (CR-102) Expedited (CR-105) WSR # and Date	Permanent (CR-103P) Emergency (CR-103E) WSR # and Date
308-93-087, 308-93-088, 308-93-089	* Disclosure of names and addresses of individual vessel owners. * Disclosure violations, penalties. * Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use.	ASD Public records disclosure	13-14-059 June 28, 2013		

WAC Chapter or Section(s)	Rule Title	Division/ Program	Preproposal (CR-101) WSR # and Date	Proposal (CR-102) Expedited (CR-105) WSR # and Date	Permanent (CR-103P) Emergency (CR-103E) WSR # and Date
308-14	Court reporters.	BPD Court reporters	13-23-085 November 19, 2013		
308-104-050	Waiver of driver education requirement— When granted.	PSD Field and licens- ing support	14-17-039 August 14, 2014		
308-96A-026	Vehicle transit permit.	CRD Vehicle and ves- sel licensing	14-21-061 October 9, 2014		
308-96A-099	Use class descriptions.	CRD Vehicle and ves- sel licensing	15-04-029 January 27, 2015		
308-63-040, 308-65-040, 308-65-090, 308-65-120(5)	* Vehicle wreckers— Application for license. * Hulk hauler—Appli- cation for license. * Scrap processor— Application for license. * Scrap processor— General procedures and requirements.	BPD Dealer services	15-08-074 March 31, 2015 15-19-016 September 3, 2015		
308-96B-020	General provisions.	PSD Driver and vehi- cle records	15-11-016 May 11, 2015		
308-56A-525	Vehicle seller's report of sale.	PSD Refunds and title services	16-01-075 December 14, 2015		
308-96B-010, 308-96B-020	* Definitions—Special parking privileges for persons with disabili- ties. * General provisions.	PSD Refunds and title services	16-01-076 December 14, 2015		
308-96A-026	Vehicle transit permit.	PSD Driver and vehi- cle records	16-13-125 June 21, 2016		
308-109	(New) Motorcycle training schools.	PSD Motorcycle safety	16-16-125 August 3, 2016		
308-107-050	Ignition interlock device revolving account.	PSD Contracts and ini- tiatives	16-21-084 October 18, 2016		
308-104-025	Effect of accumulation of traffic offenses.	PSD Hearings and interviews	17-14-004 June 22, 2017		
308-10-045	Costs of providing cop- ies of public records.	ASD Public records disclosure	17-23-077 November 14, 2017		

WAC Chapter or Section(s)	Rule Title	Division/ Program	Preproposal (CR-101) WSR # and Date	Proposal (CR-102) Expedited (CR-105) WSR # and Date	Permanent (CR-103P) Emergency (CR-103E) WSR # and Date
308-104-010	Vision test.	PSD Field and licensing support	17-22-065 October 26, 2017		
Title 308 WAC	Licensing, department of, Businesses—Professions—Occupations—General provisions.	Business and professions division	18-04-027 January 30, 2018	19-24-042 November 26, 2019	
308-110-010	Definitions and administration of exams.	BPD Transportation services—Driver training school	18-06-070 March 5, 2018		
308-12-055, 308-12-081	* What is the application process if I'm already licensed? *Do I need a stamp or seal.[?]	BPD Architects	18-17-077 August 13, 2018		
308-108	Driver training schools.	BPD Transportation services	18-18-092 September 5, 2018	20-01-022 December 6, 2019	
308-20	Cosmetology—Barber—Manicurist—Esthetician rules.	BPD Cosmetology	19-03-164 January 23, 2019		
308-420-250, 308-420-260, 308-420-270	Repealing WAC: Camping resorts—Contracts—Resale, etc.	BPD Real estate—Camp resort	19-07-086 March 20, 2019		
308-17	Private investigative agencies and private investigators.	BPD Public protection support services	19-07-067 March 19, 2019		
308-18	Private security guard companies and private security guards.	BPD Public protection support services	19-07-068 March 19, 2019		
308-124A-740	Firm license renewal.	BPD Real estate	19-07-082 March 20, 2019		
308-19	Bail bond agencies and bail bond agents.	BPD Public protection support services	19-07-072 March 19, 2019		
308-124-305, 308-124-310, 308-124	*Application of brief adjudicative proceedings. *Preliminary record in brief adjudicative proceedings. *Conduct of brief adjudicative proceedings. *Hearing procedure.	BPD Real estate	19-07-083 March 20, 2019		

WAC Chapter or Section(s)	Rule Title	Division/ Program	Preproposal (CR-101) WSR # and Date	Proposal (CR-102) Expedited (CR-105) WSR # and Date	Permanent (CR-103P) Emergency (CR-103E) WSR # and Date
308-127-310, 308-127-320, 308-127-330	*Application of brief adjudicative proceedings. *Preliminary record in brief adjudicative proceedings. *Conduct of brief adjudicative proceedings. *Hearing procedure.	BPD Real estate— Timeshare	19-07-084 March 20, 2019		
308-127	Timeshare.	BPD Real estate— Timeshare	19-07-030 March 13, 2019	19-21-036 October 8, 2019	
308-12	Architects.	BPD Architects	19-07-064 March 19, 2019		
308-124A-720, 308-124H-820	*Application for real estate examination, licensed in another jurisdiction. *General requirements for course approval.	BPD Real estate	19-15-048 July 12, 2019		
Title 98 Title 308	*Title 98 WAC, Licensing, department of (cemetery board). *Title 308 WAC, Licensing, department of.	BPD Funeral and cemetery board	19-16-091 August 1, 2019	20-03-156 January 21, 2020	
308-101-030	Computation of time.	PSD Hearings and interviews unit	19-15-047 July 12, 2019		
308-109	Motorcycle permit and endorsement requirements (adding a new chapter to Title 308 WAC).	PSD Motorcycle safety	19-18-085 September 4, 2019		
308-109	Motorcycle subsidy program (adding a new chapter to Title 308 WAC).	PSD Motorcycle safety	19-21-120 October 18, 2019		
308-96A-057	Purple Heart license plates.	PSD Driver and vehicle records	19-21-121 October 18, 2019		
308-96A-545	Gold Star license plates.	PSD Driver and vehicle records		20-01-130 December 17, 2019	
308-420	Camping resorts— Contracts—Resale, etc.	BPD Real estate— Camp resort	19-24-047 November 26, 2019		

WAC Chapter or Section(s)	Rule Title	Division/Program	Preproposal (CR-101) WSR # and Date	Proposal (CR-102) Expedited (CR-105) WSR # and Date	Permanent (CR-103P) Emergency (CR-103E) WSR # and Date
Title 36 Title 98 Title 308	Fee policy for professions, occupations, and businesses.	BPD All programs	19-24-097 December 3, 2019		
308-409	Appraisal management companies.	BPD Real estate appraisal management companies	20-01-127 December 16, 2019		
308-124A-775, 308-124H-990	Real estate fees. Real estate course, school, and instructor approval fees.	BPD Real estate	20-02-079 December 27, 2019		
308-104-145	Driving record abstracts—Release to insurance companies.	PSD Court unit	20-02-081 December 27, 2019		
308-125	Real estate appraisers.	BPD Real estate appraisers	20-03-027 January 7, 2020		

ANTICIPATED RULE MAKING

WAC Chapter or Section(s)	Rule Title	Division/Program
308-100-005	Definitions.	PSD Commercial driver license
308-101	Hearing procedural rules. (Focusing on creating habitual traffic offender and continuing offenses standard practices.)	PSD Hearings and interviews
308-101-190	Interpreters.	PSD Hearings and interviews
New chapter	Motorcycle safety.	PSD Motorcycle safety
New 308-80	Requirements (new rule to clarify RCW 46.76.080 Penalty).	BPD Transportation services
New 308-80	Issuance (new rule to clarify RCW 46.76.020 Application for license).	BPD Transportation services
308-66-120	Dealer license application (to clarify RCW 46.70.041 (1)(d) Application for license—Contents).	BPD Transportation services

Damon Monroe
Rules Coordinator

WSR 20-04-037
AGENDA
DEPARTMENT OF
ENTERPRISE SERVICES
 [Filed January 28, 2020, 4:12 p.m.]

Listed below is the department of enterprise services' (DES) semi-annual rules development agenda for publication in the Washington State Register. This list identifies rules that we have under active development and rules that the agency anticipates starting some rule-making action on during the next six months.

This agenda also is available on our rule-making website. The information on our website is continually updated as rule-making progresses. If we start rule-making activities that are not listed on this agenda or stop listed rule-making activities, that information also will be posted.

Jack Zeigler is available if you have questions about this agenda at email jack.zeigler@des.wa.gov and phone 360-407-9209.

Semi-Annual Rule-Making Agenda
 January 1 through June 30, 2020

WAC Citation	Subject Matter/Purpose of Rule	Current Activity/ Approximate Filing Date
Chapter 200-200 WAC, State capitol grounds traffic and parking regulations.	Amend rule to: <ul style="list-style-type: none"> • Put in place a mechanism for immediately placing or modifying appropriate enforceable restrictions for vehicles parking on the capitol campus with a focus on Deschutes Parkway. 	This rule making is a continuation from our January-June 2019 rule making. We anticipate filing proposed rules (CR-102) in the fall of 2020.
Chapter 200-200 WAC, State capitol grounds traffic and parking regulations.	Amend rule to: <ul style="list-style-type: none"> • Make sure the rules are in line with current parking practices, policies and statutory requirements; • Not present barriers when implementing improved processes and practices; • Make sure the rules are easily and quickly understood; • Not replicate/duplicate other parking requirements. 	This rule making is a continuation from our January-June 2019 rule-making agenda. We anticipate adopting final rules (CR-103) in February 2020.
Chapter 200-100 WAC, Self-insurance requirements as to local governments.	Amend rule to: <ul style="list-style-type: none"> • Reflect transition of health care benefits for schools to the health care authority; • Allow the pilotage commission to self-insure through the local government risk pool. This change is restricted to liability coverage only; • Provide improve [improved] understanding relative to reserve levels. This change will not change rule requirements. 	This rule making is a continuation from our July-December 2019 rule-making agenda. DES intends to file a prenotice of inquiry (CR-101) in February 2020.
WAC 200-300-085 Bid award preference.	Amend rule in order to: <ul style="list-style-type: none"> • Make consistent with the current state perspective on acquisition of goods with recycled content. 	This rule making is a continuation from our July-December 2019 rule-making agenda. DES intends to file an expedited rule making (CR-105) in February 2020.

Jack Zeigler
 Rules Manager

WSR 20-04-040
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
 [Filed January 29, 2020, 9:55 a.m.]

Following is the schedule of regular meetings for the Associated Students of Washington State University Tri-Cities finance committee for 2020:

Date	Time	Location
February 6	8:00-9:00 a.m.	SUB 120N
February 13	8:00-9:00 a.m.	SUB 120N
February 20	8:00-9:00 a.m.	SUB 120N
February 27	8:00-9:00 a.m.	SUB 120N
March 5	8:00-9:00 a.m.	SUB 120N
March 12	8:00-9:00 a.m.	SUB 120N
March 19	8:00-9:00 a.m.	SUB 120N
March 26	8:00-9:00 a.m.	SUB 120N
April 2	8:00-9:00 a.m.	SUB 120N
April 9	8:00-9:00 a.m.	SUB 120N
April 16	8:00-9:00 a.m.	SUB 120N
April 23	8:00-9:00 a.m.	SUB 120N
April 30	8:00-9:00 a.m.	SUB 120N
May 7	8:00-9:00 a.m.	SUB 120N

If you need further information contact Sierra Brines, 2710 Crimson Way, Richland, WA 99354, 509-942-8778, sierra.brines@wsu.edu.

WSR 20-04-045
NOTICE OF PUBLIC MEETINGS
STATE INDEPENDENT
LIVING COUNCIL
 [Filed January 29, 2020, 11:25 a.m.]

The Washington state independent living council has made one change and one addition to its 2020 meeting schedule. Please note the following:

1. June 15, 2020, from 4:00-5:00 p.m., has been added to our meeting schedule.
2. October 1-2, 2020: This meeting was originally scheduled on October 8-9, 2020. Please update this October meeting to the 1st and 2nd.

WSR 20-04-046
AGENDA
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 29, 2020, 12:46 p.m.]

Following is the department of social and health services (DSHS) semi-annual rule-making agenda for January 1 - June 30, 2020. This agenda will be published in the Washington State Register as required in RCW 34.05.314 and distributed to interested parties. It is also available online at <https://www.dshs.wa.gov/office-of-the-secretary/dshs-semi-annual-rule-making-agenda>.

This report represents DSHS rules under development at this time. There may be additional rule-making activity as DSHS responds to legislative actions, to comply with federal mandates, or to meet unforeseen circumstances.

Semi-Annual Rule-Making Agenda
 January 1 - June 30, 2020

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
Aging and Disability Services Administration					
Home and Community Services Division					
	388-112A	The department is planning to amend "residential long-term care services training" and other related rules as may be required.	WSR 18-05-022 Filed 2/9/2018	WSR 19-11-062 Filed 5/15/2019 WSR 18-19-018 Filed 9/19/2018	
	388-113, 388-71	The department is considering amending and repealing existing sections and adding new sections in "Disqualifying crimes and negative actions" and "Home and community services and programs" to clarify and consolidate rules related to background checks, disqualifying convictions and negative actions, and character, competence, and suitability (CC&S) determinations for home and community services, residential care services, and the developmental disabilities administration (DDA).	WSR 18-17-146 Filed 8/21/2018		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	388-106-0075, 388-106-0090, 388-106-0100, 388-106-0033, 388-106-0095, 388-106-0130, 388-106-0010	The department is planning to amend "How is my need for personal care services assessed in CARE?," "How does the CARE tool measure cognitive performance?," "How does the CARE tool measure mood and behaviors?," "When may I receive services in a facility contracted to provide specialized dementia care services?," "How does the department determine the number of hours I may receive for in-home care?," "How does the CARE tool measure clinical complexity?," "What definitions apply to this chapter?," and other related rules as may be required to be consistent with changes, a majority of which are label changes, made to comprehensive assessment and reporting evaluation (CARE) tool as part of CARE modernization.	WSR 19-10-051 Filed 4/29/2019		
	388-106-0715	The department is planning to amend "How do I end my enrollment in the PACE program?" and other related rules as may be required.	WSR 20-03-124 Filed 1/17/2020		
Management Services Division					
	388-96-905	The department is planning to amend "Case mix accuracy review of MDS nursing facility resident assessments" and other related rules as may be required.	WSR 18-22-128 Filed 11/7/2018		
	388-96-808	The department is planning to amend "Change of ownership—Assignment of department's contract" and other related rules as may be required.	WSR 19-06-059 Filed 3/5/2019		
Residential Care Services Division					
	388-78A	The department is considering adding new sections and repealing and amending existing sections in "Assisted living facility licensing rules" to consolidate the rules related to background checks, negative actions, and CC&S determinations between home and community services (HCS), residential [care] services (RCS), and DDA.	WSR 18-17-159 Filed 8/21/2018		
	388-97	The department is considering adding new sections and repealing and amending existing sections in "Nursing homes" including WAC 388-97-1790, 388-97-1800, 388-97-1820, and other related rules as maybe required.	WSR 18-17-175 Filed 8/22/2018		
	388-76	The department is considering adding new sections and repealing and amending existing sections in "Adult family home minimum licensing requirements."	WSR 18-17-177 Filed 8/22/2018		
	388-107	The department is considering adding new sections and repealing and amending existing sections in "Licensing requirements for enhanced services facilities."	WSR 18-17-178 Filed 8/22/2018		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	388-76	The department is planning to amend WAC 388-76-10000 Definitions, 388-76-10105 Application—Change of ownership, and other related rules as may be required to clarify rules around entity representatives, ownership entities, and associated issues of adult family homes.	WSR 19-03-013 Filed 1/3/2019	WSR 19-21-116 Filed 10/18/2019 WSR 19-11-105 Filed 5/21/2019	
	388-76	The department is considering amending "Adult family home minimum licensing requirements."	WSR 19-03-148 Filed 1/22/2019	WSR 20-02-013 Filed 12/19/2019	
	388-97	The department is planning to add new sections and amend existing sections in "Nursing homes," including WAC 388-97-190 Direct care hours, and other related rules as may be required.	WSR 19-12-019 Filed 6/5/2019		
	388-97	The department is proposing to add new sections, repeal existing sections, and amend sections in "Nursing homes" related to tuberculosis screening.	WSR 19-18-051 Filed 8/30/2019		
	388-107	The department is planning to add new sections, repeal existing sections, and amend sections in "Licensing requirements for enhanced services facilities" related to tuberculosis screening.	WSR 19-18-059 Filed 9/3/2019		
	388-76	The department is planning to add new sections, repeal existing sections, and amend sections in "Adult family home minimum licensing requirements" related to tuberculosis screening.	WSR 19-18-061 Filed 9/3/2019		
	388-78A	The department is planning to add new sections, repeal existing sections, and amend sections in "Assisted living facility licensing rules" related to tuberculosis screening.	WSR 19-18-062 Filed 9/3/2019		
	388-78A-3181, 388-78A-3183	The department is proposing to amend WAC 388-78A-3181 and 388-78A-3183.		CR-105 WSR 20-03-183 Filed 1/22/2020	
Behavioral Health Administration					
	388-855-0045	The department is planning to amend "Exempt income" and other related rules as may be required.	WSR 19-15-073 Filed 7/17/2019		
	388-875	The department is considering adding a new section to establish requirements for the forensic navigator program.	WSR 20-03-155 Filed 1/21/2020		
Developmental Disabilities Administration					
	388-845	The department is planning to amend existing sections including WAC 388-845-0600, 388-845-0605, 388-845-0610, 388-845-1410, and other related rules as may be required, and create other new sections.	WSR 19-03-011 Filed 1/3/2019		
	388-101D-0355, 388-101D-0405, 388-101D-0410	The department is considering amending these and other related rules as may be required to add instances when a service provide [provider] must develop and implement a functional assessment or positive behavior support plan.	WSR 19-14-059 Filed 6/21/2019		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	388-829R	The department is considering amending "Overnight planned respite services" to establish a certification and evaluation processes for overnight planned respite services.	WSR 19-16-101 Filed 8/2/2019	WSR 20-03-034 Filed 1/7/2020	
	388-845	The department is amending sections and other related rules as may be required as part of the administration's waiver renewal process.	WSR 19-18-065 Filed 9/3/2019	WSR 19-24-082 Filed 12/3/2019	WSR 20-02-044 Filed 12/23/2019 WSR 19-18-048 Filed 8/30/2019
	388-829A	The department is planning to amend "Alternative living" and other related rules as may be required.	WSR 19-19-040 Filed 9/12/2019		
Economic Services Administration					
Community Services Division					
	388-412-0015, 388-450-0185, 388-450-0190, 388-450-0195, 388-478-0060	The department is planning to amend general information about your food assistance allotments, what income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits, how does the department figure my shelter cost income deduction for basic food, does the department use my utility costs when calculating my basic food or WASHCAP benefits, and other related rules as may be required.	WSR 19-06-049 Filed 3/4/2019	WSR 20-01-068 Filed 12/11/2019 WSR 19-12-051 Filed 5/31/2019	WSR 19-22-035 Filed 10/31/2019 WSR 19-20-085 Filed 9/30/2019
	388-460-0010	The department is planning to amend "Do I have an authorized representative for basic food if I live in a treatment center or group home?" and other related rules as may be required.	WSR 19-09-034 Filed 4/10/2019		
	388-412-0025	The department is planning to amend "How do I receive my benefits?" and other related rules as may be required.	WSR 19-10-050 Filed 4/29/2019		
	388-482-0005	The department is planning to amend "How does being a student of higher education impact my eligibility for Washington basic food program?" and other related rules as may be required.	WSR 19-13-099 Filed 6/19/2019	WSR 19-22-043 Filed 11/1/2019	WSR 19-24-021 Filed 11/22/2019 WSR 19-16-011 Filed 7/25/2019
	388-310-1600, 388-400-0005, 388-484-0006	The department is planning to amend "WorkFirst—Sanctions," "Who is eligible for temporary assistance for needy families?," and "TANF/SFA time limit extensions," and other related rules as may be required to implement 2SHB 1603 (chapter 343, Laws of 2019).	WSR 19-15-013 Filed 7/22/2019	WSR 19-21-076 Filed 10/14/2019	WSR 19-24-023 Filed 11/22/2019 WSR 19-16-009 Filed 7/25/2019
	388-424-0001, 388-424-0030	The department is proposing to amend "Citizenship and alien status—Definitions" and "How does my alien status impact my eligibility for state-funded benefits under the food assistance program?"			
	388-446-0015, 388-446-0020	The department is planning to amend "What is an intentional program violation (IPV) and administrative disqualification hearing (ADH) for basic food?," "What penalties will I receive if I break a food assistance rule on purpose?," and other related rules as may be required.	WSR 19-21-077 Filed 10/14/2019		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	388-452-0005	The department is planning to amend "Do I have to be interviewed in order to get cash and basic food benefits?" and other related rules as may be required.	WSR 19-21-078 Filed 10/14/2019		
	388-444-0010	The department plans to amend "Who is exempt from work registration while receiving basic food?," and other related rules as may be required.	WSR 19-22-060 Filed 11/5/2019		
Division of Child Support					
	388-14A	The department is planning to amend sections dealing with the establishment of administrative child support orders including WAC 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not at issue, 388-14A-3140 What can happen at a hearing on a support establishment notice?, and other related rules as may be required.	WSR 18-07-077 Filed 3/19/2018		
	388-14A-393	The division of child support (DCS) intends to amend "How does DCS decide whether to petition for modification of a support order?" and other related rules as may be required in order to implement sections 2 and 3 of ESHB 1916 (chapter 275, Laws of 2019), which went into effect on July 28, 2019.	WSR 19-15-101 Filed 7/22/2019	WSR 20-01-045 Filed 12/9/2019	WSR 19-24-022 Filed 11/22/2019 WSR 19-16-013 Filed 7/25/2019
	388-14A-2200, 388-14A-2205	The department is amending "When does DCS charge a twenty-five dollar annual fee on a child support case?," "How can a custodial parent be excused from payment of the annual fee?," and other related rules as required.	WSR 19-17-092 Filed 8/21/2019	WSR 20-01-046 Filed 12/9/2019	WSR 19-20-082 Filed 9/30/2019
Executive					
Office of the Secretary					
	388-22	The department is proposing to repeal "Determining and verifying eligibility—definitions."		CR-105 WSR 19-24-095 Filed 12/3/2019	

Katherine Vasquez
Rules Coordinator

WSR 20-04-048
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY

[Filed January 29, 2020, 2:35 p.m.]

Services and Activities Fees 2020 Meeting Schedule

Pursuant to chapter 42.30 RCW, the following is the 2020 schedule of regular meetings of Western Washington University's services and activities fees committee:

Meeting Date	Location	Time
February 5	516 High Street Viking Union 462A	8:00 - 9:00 a.m.

Meeting Date	Location	Time
February 12	516 High Street Viking Union 567	8:00 - 9:00 a.m.
February 19	516 High Street Viking Union 462A	8:00 - 9:00 a.m.
February 26	516 High Street Viking Union 462A	8:00 - 9:00 a.m.
March 4	516 High Street Viking Union 462A	8:00 - 9:00 a.m.
March 11	516 High Street Viking Union 567	8:00 - 9:00 a.m.

Meeting Date	Location	Time
March 18	516 High Street Viking Union 462A	8:00 - 9:00 a.m.
March 25	516 High Street Viking Union MH158	8:00 - 9:00 a.m.

For potential updates to the meeting date, time, or location, please refer to the following web link, <http://www.wvu.edu/vpress/activitesmeetings.shtml>.

Please direct any questions regarding the meeting schedule or the public comment period to Kurt Willis, director, university residences at 360-650-6105 or email Kurt.Willis@wvu.edu.

WSR 20-04-054

AGENDA

**DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH**

[Filed January 30, 2020, 8:59 a.m.]

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 20-05 issue of the Register.

WSR 20-04-055

AGENDA

ATTORNEY GENERAL'S OFFICE

[Filed January 30, 2020, 10:03 a.m.]

**Semi-Annual Rule-Making Agenda
January 1 through June 30, 2020**

This is the office of the attorney general's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314. The office may have additional rule making as conditions warrant.

Should you have questions about this rule-making agenda, please contact Elaine Ganga, Rules Coordinator, P.O. Box 40100, Olympia, WA 98504-0100, 360-753-9672, elaine.ganga@atg.wa.gov. Additional contact information for particular rules is provided below.

WAC Citation	Subject Matter	Current Activity (In 2020)			Additional Contacts
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)	
44-06	AGO public records rules	Filed on August 28, 2019.	Filed on October 23, 2019.	Anticipated filing of CR-103 to be determined.	AAG Jennifer Steele Email Jennifer.Steele@atg.wa.gov Phone 206-389-2106

Elaine Ganga
Rules Coordinator

WSR 20-04-056

AGENDA

HUMAN RIGHTS COMMISSION

[Filed January 30, 2020, 11:45 a.m.]

Pursuant to RCW 34.05.314, the human rights commission submits its semi-annual agenda for rules that will be under development in 2020: Public access to records, WAC 162-04-030.

Laura Lindstrand
Policy Analyst

WSR 20-04-060
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
BAR ASSOCIATION

[Filed January 31, 2020, 8:11 a.m.]

RESOLUTION ADOPTING SCHEDULE OF REGULAR MEETINGS OF THE WASHINGTON STATE BAR ASSOCIATION (WSBA) BOARD OF GOVERNORS

Whereas, RCW 2.48.050 authorizes the board of governors to adopt rules concerning annual and special meetings; and

Whereas, WSBA Bylaws Article VII.B.8 provides that each bar entity will set regular and special meetings as needed;

NOW, BE IT RESOLVED THAT on January 28, 2020, WSBA board of governors adopts this amended 2020 meeting schedule and directs the executive director to file this resolution with the code reviser.

DAY(S)	DATE(S)	START TIME	LOCATION	DESCRIPTION
Tuesday	January 7	1:00 p.m.	WSBA Offices Seattle, Washington	Pro bono and public service committee
Saturday	January 11	10:00 a.m.	WSBA Offices Seattle, Washington	Washington young lawyers committee
Monday	January 13	9:30 a.m.	WSBA Offices Seattle, Washington	Court rules and procedures committee
Monday	January 13	10:00 a.m.	WSBA Offices Seattle, Washington	BOG personnel committee
Wednesday	January 15	12:00 p.m.	WSBA Offices Seattle, Washington	Diversity committee
Wednesday	January 15	1:00 p.m.	WSBA Offices Seattle, Washington	Budget and audit committee
Thursday - Friday	January 16 - 17	9:00 a.m.	WSBA Offices Seattle, Washington	Board of governors meeting
Tuesday	January 21	12:00 p.m.	WSBA Offices Seattle, Washington	Editorial advisory committee
Friday	January 24	12:00 p.m.	WSBA Offices Seattle, Washington	Council on public defense
Monday	January 27	12:00 p.m.	WSBA Offices Seattle, Washington	Member engagement workgroup
Monday	January 27	1:00 p.m.	WSBA Offices Seattle, Washington	Budget and audit committee
Tuesday	February 4	1:00 p.m.	WSBA Offices Seattle, Washington	Pro bono and public service committee
Friday	February 7	10:00 a.m.	WSBA Offices Seattle, Washington	Committee on professional ethics
Friday	February 7	12:00 p.m.	WSBA Offices Seattle, Washington	Council on public defense
Saturday	February 8	10:00 a.m.	WSBA Offices Seattle, Washington	Diversity committee
Monday	February 10	9:30 a.m.	WSBA Offices Seattle, Washington	Court rules and procedures committee
Monday	February 10	11:00 a.m.	WSBA Offices Seattle, Washington	BOG personnel committee
Monday	February 24	10:00 a.m. 9:00 a.m.	WSBA Offices Seattle, Washington	BOG executive committee
Monday	February 24	12:00 p.m.	WSBA Offices Seattle, Washington	Member engagement workgroup

DAY(S)	DATE(S)	START TIME	LOCATION	DESCRIPTION
Monday	February 24	1:00 p.m.	WSBA Offices Seattle, Washington	Budget and audit committee
Tuesday	March 3	1:00 p.m.	WSBA Offices Seattle, Washington	Pro bono and public service committee
Monday	March 9	9:30 a.m.	WSBA Offices Seattle, Washington	Court rules and procedures committee
Saturday	March 14	10:00 a.m.	WSBA Offices Seattle, Washington or Pierce County	Washington young lawyers committee
Monday	March 16	11:00 a.m.	WSBA Offices Seattle, Washington	BOG personnel committee
Wednesday	March 18	12:00 p.m.	WSBA Offices Seattle, Washington	Diversity committee
Thursday - Friday	March 19 - 20	9:00 a.m.	Hotel RL Olympia, Washington	Board of governors meeting
Friday	March 20	9:00 a.m.	Temple of Justice Olympia, Washington	Board of governors meeting with supreme court
Friday	March 27	12:00 p.m.	WSBA Offices Seattle, Washington	Council on public defense
Monday	March 30	10:00 a.m. 9:00 a.m.	WSBA Offices Seattle, Washington	BOG executive committee
Monday	March 30	12:00 p.m.	WSBA Offices Seattle, Washington	Member engagement workgroup
Monday	March 30	1:00 p.m.	WSBA Offices Seattle, Washington	Budget and audit committee
Tuesday	April 7	1:00 p.m.	WSBA Offices Seattle, Washington	Pro bono and public service committee
Monday	April 13	9:30 a.m.	WSBA Offices Seattle, Washington	Court rules and procedures committee
Monday	April 13	11:00 a.m.	WSBA Offices Seattle, Washington	BOG personnel committee
Wednesday	April 15	12:00 p.m.	WSBA Offices Seattle, Washington	Diversity committee
Friday	April 17	10:00 a.m.	WSBA Offices Seattle, Washington	Committee on professional ethics
Friday - Saturday	April 17 - 18	9:00 a.m.	WSBA Offices Seattle, Washington	Board of governors meeting
Monday	April 20	9:00 a.m.	WSBA Offices Seattle, Washington	Budget and audit committee
Monday	April 20	10:00 a.m. 9:00 a.m.	WSBA Offices Seattle, Washington	BOG executive committee
Monday	April 20	12:00 p.m.	WSBA Offices Seattle, Washington	Member engagement workgroup
Friday	April 24	12:00 p.m.	WSBA Offices Seattle, Washington	Council on public defense
Tuesday	May 5	1:00 p.m.	WSBA Offices Seattle, Washington	Pro bono and public service committee

DAY(S)	DATE(S)	START TIME	LOCATION	DESCRIPTION
Saturday	May 9	10:00 a.m.	Northwest region	Washington young lawyers committee
Monday	May 11	9:30 a.m.	WSBA Offices Seattle, Washington	Court rules and procedures committee
Monday	May 11	11:00 a.m.	WSBA Offices Seattle, Washington	BOG personnel committee
Thursday - Friday	May 14 - 15	9:00 a.m.	Hotel Bellwether Bellingham, Washington	Board of governors meeting
Saturday	May 16	1:00 p.m.	WSBA Offices Seattle, Washington	Budget and audit committee
Thursday	May 21	12:00 p.m.	WSBA Offices Seattle, Washington	Member engagement workgroup
Friday	May 22	12:00 p.m.	WSBA Offices Seattle, Washington	Council on public defense
Saturday	May 23	10:00 a.m.	WSBA Offices Seattle, Washington	Diversity committee
Tuesday	June 2	1:00 p.m.	WSBA Offices Seattle, Washington	Pro bono and public service committee
Monday	June 8	9:30 a.m.	WSBA Offices Seattle, Washington	Court rules and procedures committee
Monday	June 15	11:00 a.m.	WSBA Offices Seattle, Washington	BOG personnel committee
Wednesday	June 17	12:00 p.m.	WSBA Offices Seattle, Washington	Diversity committee
Friday	June 19	10:00 a.m.	WSBA Offices Seattle, Washington	Committee on professional ethics
Friday	June 19	12:00 p.m.	WSBA Offices Seattle, Washington	Council on public defense
Monday	June 22	10:00 a.m. 9:00 a.m.	WSBA Offices Seattle, Washington	BOG executive committee
Monday	June 22	12:00 p.m.	WSBA Offices Seattle, Washington	Member engagement workgroup
Monday	June 22	1:00 p.m.	WSBA Offices Seattle, Washington	Budget and audit committee
Tuesday	July 7	1:00 p.m.	WSBA Offices Seattle, Washington	Pro bono and public service committee
Friday	July 10	12:00 p.m.	WSBA Offices Seattle, Washington	Member engagement workgroup
Friday	July 10	1:00 p.m.	WSBA Offices Seattle, Washington	Budget and audit committee
Monday	July 13	9:30 a.m.	WSBA Offices Seattle, Washington	Court rules and procedures committee
Wednesday	July 15	12:00 p.m.	WSBA Offices Seattle, Washington	Diversity committee
Friday	July 17	12:00 p.m.	WSBA Offices Seattle, Washington	Council on public defense
Monday	July 20	11:00 a.m.	WSBA Offices Seattle, Washington	BOG personnel committee meeting

DAY(S)	DATE(S)	START TIME	LOCATION	DESCRIPTION
Thursday	July 23	9:00 a.m.	Skamania Lodge Stevenson, Washington	Board of governors retreat
Friday - Saturday	July 24 - 25	9:00 a.m.	Skamania Lodge Stevenson, Washington	Board of governors meeting
Saturday	July 25	10:00 a.m.	Skamania Lodge Stevenson, Washington	Washington young lawyers committee
Monday	August 3	10:00 a.m. 9:00 a.m.	WSBA Offices Seattle, Washington	BOG executive committee
Monday	August 3	12:00 p.m.	WSBA Offices Seattle, Washington	Member engagement workgroup
Monday	August 3	1:00 p.m.	WSBA Offices Seattle, Washington	Budget and audit committee
Tuesday	August 4	1:00 p.m.	WSBA Offices Seattle, Washington	Pro bono and public service committee
Friday	August 7	12:00 p.m.	WSBA Offices Seattle, Washington	Council on public defense
Monday	August 10	9:30 a.m.	WSBA Offices Seattle, Washington	Court rules and procedures committee
Friday	August 21	10:00 a.m.	WSBA Offices Seattle, Washington	Committee on professional ethics
Monday	August 24	11:00 a.m.	WSBA Offices Seattle, Washington	BOG personnel committee
Friday - Saturday	August 28 - 29	9:00 a.m.	Davenport Hotel Spokane, Washington	Board of governors meeting
Monday	August 31	10:00 a.m. 9:00 a.m.	WSBA Offices Seattle, Washington	BOG executive committee
Monday	August 31	12:00 p.m.	WSBA Offices Seattle, Washington	Member engagement workgroup
Monday	August 31	1:00 p.m.	WSBA Offices Seattle, Washington	Budget and audit committee
Tuesday	September 1	1:00 p.m.	WSBA Offices Seattle, Washington	Pro bono and public service committee
Friday	September 11	12:00 p.m.	WSBA Offices Seattle, Washington	Council on public defense
Saturday	September 12	10:00 a.m.	Large Financial Center Room Seattle, Washington	Diversity committee
Saturday	September 12	10:00 a.m.	WSBA Offices Seattle, Washington	Washington young lawyers committee
Monday	September 14	9:30 a.m.	WSBA Offices Seattle, Washington	Court rules and procedures committee
Monday	September 14	11:00 a.m.	WSBA Offices Seattle, Washington	BOG personnel committee
Thursday - Friday	September 17 - 18	9:00 a.m.	WSBA Offices Seattle, Washington	Board of governors meeting
Friday	October 2	10:00 a.m.	WSBA Offices Seattle, Washington	Committee on professional ethics
Monday	October 19	10:00 a.m.	WSBA Offices Seattle, Washington	BOG personnel committee

DAY(S)	DATE(S)	START TIME	LOCATION	DESCRIPTION
Monday	October 26	10:00 a.m. 9:00 a.m.	WSBA Offices Seattle, Washington	BOG executive committee
Thursday - Friday	November 12 - 13	9:00 a.m.	WSBA Offices Seattle, Washington	Board of governors meeting
Monday	November 16	10:00 a.m.	WSBA Offices Seattle, Washington	BOG personnel committee
Friday	December 4	10:00 a.m.	WSBA Offices Seattle, Washington	Committee on professional ethics
Monday	December 14	10:00 a.m.	WSBA Offices Seattle, Washington	BOG personnel committee

Adopted by the board of governors on January 28, 2020.

Rejeev Majumdar, President
Washington State Bar Association

WSR 20-04-061

AGENDA

EMPLOYMENT SECURITY DEPARTMENT

[Filed January 31, 2020, 8:20 a.m.]

**Semi-Annual Rule-Making Agenda
January - July 2020**

The employment security department (ESD) prepares a semi-annual rule-making agenda in January and July each year to inform the public of expected upcoming rule changes. Pursuant to RCW 34.05.314, the agenda is published in the Washington State Register.

ESD encourages the public to be involved in the rule-making processes by attending public hearings and submitting comments on rules. To stay informed of our progress and be notified of any changes, please sign up for email notifications: <https://public.govdelivery.com/accounts/WAESD/subscriber/new>.

Additional rule-making information is available on the agency website at <https://esd.wa.gov/newsroom/rulemaking>.

Subject Matter or Division	WAC Chapter or Sections	Purpose and Scope of Rule Making	Preproposal Notice Filings (CR-101)	Proposed Rule and Public Hearing Filings (CR-102 or CR-105 Expedited)	Permanent Rule Filing (CR-103)
Unemployment insurance benefits	192-170	Establishing limited circumstances for when individuals can claim unemployment benefits while in another country.	Filed March 14, 2019, in WSR 19-07-041	Filed November 6, 2019, in WSR 19-22-081	Expected to file March 2020
Unemployment insurance benefits	192-110-015	Permitting individuals to backdate requests for standby.	Filed March 6, 2019, in WSR 19-06-088	Filed September 11, 2019, in WSR 19-19-031	Filed January 10, 2020, in WSR 20-03-073
Unemployment insurance benefits	192-170-010, 192-170-020, 192-170-050, 192-170-070, 192-170-090, 192-200-005, 192-140-200	Modifying unemployment eligibility requirements for individuals caring for children and vulnerable adults.	Filed May 20, 2019, in WSR 19-11-095	Filed January 14, 202 [2020], in WSR 20-03-102	Expected to file March 2020

Subject Matter or Division	WAC Chapter or Sections	Purpose and Scope of Rule Making	Preproposal Notice Filings (CR-101)	Proposed Rule and Public Hearing Filings (CR-102 or CR-105 Expedited)	Permanent Rule Filing (CR-103)
Unemployment insurance benefits	192-170-010, 192-180-005, 192-180-010	Modifying unemployment insurance benefit eligibility requirements for electrical apprentices.	Filed June 21, 2019, in WSR 19-14-016	Filed October 14, 2019, in WSR 19-21-082	Expected to file February 2020
Unemployment insurance benefits	192-190-020, 192-190-025	Clarifying that any pension payments that an unemployment claimant receives should be deducted from the claimant's weekly benefit amount and not deducted from the claimant's maximum benefits payable.	Filed July 24, 2019	Filed September 17, 2019, in WSR 19-19-065	Expected to file September 2020
Unemployment insurance benefits	192-02; 192-15	Modifying ESD public disclosure and privacy rules.	Filed August 26, 2019, in WSR 19-18-010	Expected February 2020	Expected to file May 2020
Unemployment insurance benefits	192-170-080	Updating the status of "leave of absence" in relation to unemployment insurance benefit qualifications.	Expected to file April 2020	CR-105 filed October 19, 2019, in WSR 19-21-043. Objection filed, not withdrawn.	To be determined
Unemployment insurance benefits	192-310-040	Clarifying the exempt status of paid time off for reasons related to domestic violence, sexual assault or stalking, and when faced with the closure of a workplace, school, or place of care by a public official for health reasons.	To be determined	To be determined	To be determined
Unemployment insurance benefits	192-200-005	Updating the definition of benefit week for students to match references to benefit week in other WAC.	To be determined	To be determined	To be determined
Paid family and medical leave (PFML)	192-500	This rule making includes, but is not limited to, amending or update [updating] definitions of "claim year," and adding a definition [definition] for "sibling."	Filed January 2020	Expected to file March 20, 2020	Expected to file May 13, 2020

Subject Matter or Division	WAC Chapter or Sections	Purpose and Scope of Rule Making	Preproposal Notice Filings (CR-101)	Proposed Rule and Public Hearing Filings (CR-102 or CR-105 Expedited)	Permanent Rule Filing (CR-103)
PFML	192-630-015	Amended rule to address how employers are notified by the department that an employee has been approved or denied for PFML benefits and other related topics.	Filed January 2020	Expected to file March 20, 2020	Expected to file May 13, 2020
PFML	192-800	This rule making will address whether a deceased employee's estate or designated representative can claim benefits on behalf of the deceased employee, and other related topics.	Filed January 2020	Expected to file March 20, 2020	Expected to file May 13, 2020
PFML	192-700	Providing clarity on when an employer is required to maintain existing health benefit coverage for an employee taking PFML benefits.	Filed January 2020	Expected to file March 20, 2020	Expected to file May 13, 2020
Long-term services and supports	To be determined	ESD will work with other agencies regarding rule making for our agency's role of collecting premium payments and reports from employers as it relates to long-term services and supports.	To be determined	To be determined	To be determined

ESD is responsible for initiating rule making to implement new state laws, meet federal requirements, and to meet unforeseen circumstances. Because of this variability, this agenda is prepared for information purposes only and any dates noted herein are planning estimates that are subject to change. Additional rule making can occur in addition to what is listed on the agenda.

This agenda does not constitute a rule or rule-making action. Any errors or omissions in this agenda do not affect the actual rules or rule-making notices filed with the office of the code reviser and published in the Washington State Register.

The rule-making process can appear complex. ESD has outlined the process on its website to help constituents understand and become involved <https://www.esd.wa.gov/newsroom/rulemaking-process>. If you have additional questions, please contact the agency rules coordinator, Scott E. Michael at 360-890-3448 or email rules@esd.wa.gov.

WSR 20-04-062
AGENDA
LIQUOR AND CANNABIS
BOARD

[Filed January 31, 2020, 8:22 a.m.]

Semi-Annual Rule-Making Agenda
January through June 2020

Following is the Washington state liquor and cannabis board's (WSLCB) 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 WSLCB Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, phone alcohol rules 360-664-1760, cannabis, vape, and tobacco rules 360-664-1622, email rules@lcb.wa.gov.

WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Create a new section in chapter 314-02 WAC to clarify the relocation of former state and contract liquor stores	Stakeholder request/I-1183	WSR 13-08-088 Filed 4/3/13		
314-20 and 314-24	Breweries and wineries, updates and clarification	WSR 18-05-093 Filed 2/21/18		
314-05	Special occasion licenses, updates and clarification	WSR 19-03-060 Filed 1/10/19	WSR 19-23-046 Filed 11/13/19	
314-02-025, 314-02-033, 314-03-200	Barriers, requirements for retail liquor licensees	WSR 18-17-042 Filed 8/8/18	WSR 19-24-050 Filed 11/26/19	WSR 20-03-180 Filed 1/22/20
314-02-015 314-02-045, and 314-30	Implementation of 2019 legislation - SHB 1034, HB 1672, and SB 5909	WSR 19-12-038 Filed 5/29/19	WSR 20-01-169 Filed 12/18/19	
314-28	Alternating proprietorships for distilleries and craft distilleries	WSR 19-23-044 Filed 11/13/19		
314-38	Implementation of 2019 legislation - EHB 1563 and chapter review	WSR 19-12-037 Filed 5/29/19		
314-35	Vapor product rule updates and implementation of EHB 1074 and ESSB [E2SHB] 1873	WSR 19-13-036 Filed 6/12/19	WSR 19-21-102 Filed 10/16/19	WSR 20-01-074 Filed 12/11/19
314-55	Tier 1 canopy expansion	WSR 20-01-171 Filed 12/18/19		
314-55	Cannabis retail title certificate rules	WSR 18-09-117 Filed 4/18/18		
314-55	Marijuana quality assurance testing and products requirements	WSR 18-17-041 Filed 8/8/18	WSR 20-03-176 Filed 1/22/20	
314-55	Persons or entities qualifying for a marijuana license	WSR 18-22-054 Filed 10/31/18		

WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
314-55	Marijuana penalty guidelines	WSR 18-22-099 Filed 11/5/18	WSR 19-23-043 Filed 9/13/19	WSR 20-03-177 Filed 1/22/20
314-55	Voluntary compliance program for marijuana licenses	WSR 19-15-074 Filed 7/17/19		
314-55	Marijuana packaging and labeling, and implementation of ESSB 5298	WSR 19-12-029 Filed 5/29/19	WSR 19-22-030 Filed 10/30/19	WSR 20-01-172 Filed 12/18/19

WSR 20-04-064

AGENDA

WASHINGTON STATE PATROL

[Filed January 31, 2020, 9:34 a.m.]

Pursuant to RCW 34.05.314, below is the Washington state patrol's semi-annual rules development agenda for January - June, 2020.

This report details current and anticipated rule-making activities for the Washington state patrol. This agenda is for the information purposes, and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making activities not anticipated at this time, such as to implement new state laws, meet federal requirements, or other circumstances.

Please contact Kimberly Mathis at 360-596-4017 or Kimberly.mathis@wsp.wa.gov if you have any questions.

Semi-Annual Rules Development Agenda
January - June 2020

Chapter(s)	Rule Subject	Proposed Timeline		
		CR-101	CR-102	CR-103
204-50-050	Ignition interlock devices	6/20/2018	TBD	TBD
204-50-070	Ignition interlock devices	6/20/2018	TBD	TBD
204-50-092	Lockout override	1/28/2019	12/2/2019	TBD
204-50-090	Interlock security	1/28/2019	12/2/2019	TBD
204-91A-120	Registered tow truck—Business hours and records	9/17/2018	1/20/2020	TBD
204-91A-140	Registered tow truck—Fees	9/17/2018	1/20/2020	TBD
212-12	Fire marshal standards	TBD	TBD	TBD
212-44	Child birth centers	TBD	TBD	TBD
212-51	Assisted living facilities	TBD	TBD	TBD
212-51	Above ground used oil tanks	TBD	TBD	TBD
204-36	Authorized emergency vehicle permit	TBD	TBD	TBD
204-24-060	Use of tire chains or other traction devices	TBD	TBD	TBD

Kimberly Mathis
Rules Coordinator

WSR 20-04-065
AGENDA
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed January 31, 2020, 11:03 a.m.]

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 20-05 issue of the Register.

WSR 20-04-067
NOTICE OF PUBLIC MEETINGS
DAIRY PRODUCTS COMMISSION
 [Filed January 31, 2020, 3:52 p.m.]

Updated 2020 Board Meeting Schedule

January 21, 2020	Regular Commission Meeting Washington Dairy Center 4201 198th Street S.W. Lynnwood, WA 98036	8:00 a.m.
February 26-27, 2020	Regular Commission Meeting Washington Dairy Center Lynnwood, Washington	8:00 a.m.
April 22-23, 2020	Regular Commission Meeting Best Western Grapevine Hotel 1849 Quail Lane Sunnyside, WA 98944	8:00 a.m.
June 10, 2020	Regular Commission Meeting Location to be determined Whatcom County, Washington	8:00 a.m.
August 25, 2020	Regular Commission Meeting Location to be determined Pasco, Washington	8:00 a.m.
September 29-30, 2020	Regular Commission Meeting Washington Dairy Center TBD	8:00 a.m.
November 18-19, 2020	Regular Commission Meeting Washington Dairy Center Lynnwood, Washington	
December 9, 2020	Regular Commission Meeting Great Wolf Lodge 20500 Old Highway 99 S.W. Grand Mound, WA 98531	

NOTE: Please confirm all final meeting start times with the Washington dairy products commission at 425-672-0687.

WSR 20-04-068
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Denturists)
 [Filed February 3, 2020, 8:29 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of denturists, for the year 2020. The board of denturists

meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

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

Date	Time	Location
May 14, 2020	2:30 p.m.	Icicle Inn Resort Leavenworth
June 26, 2020	8:30 a.m.	Webinar Town Center 2 Room 145 Tumwater, Washington
August 20, 2020	10:00 a.m.	Training Retreat TBD
November 6, 2020	8:00 a.m.	Town Center 2 Room 166 Tumwater, Washington

If you need further information, please contact Vicki Brown, Program Manager, Board of Denturists, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4865, fax 360-236-2901, vicki.brown@doh.wa.gov, www.doh.wa.gov.

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

WSR 20-04-073
PUBLIC RECORDS OFFICER
STATE INVESTMENT BOARD
 [Filed February 3, 2020, 12:53 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington state investment board is Alyssa Murphy, 2100 Evergreen Park Drive S.W., P.O. Box 40916, Olympia, WA 98504-0916, direct phone 360-956-4742, agency phone 360-956-4600, email Alyssa.Murphy@sib.wa.gov.

Theresa J. Whitmarsh
 Executive Director

WSR 20-04-074
RULES OF COURT
STATE SUPREME COURT

[January 30, 2020]

IN THE MATTER OF THE SUGGESTED) ORDER IMMEDI-
 NEW GENERAL RULE (GR 38) AND) ATELY
 SUGGESTED AMENDMENT TO RPC) EXTENDING
 4.4 COMMENT [4]) COMMENT PERIOD
) TO MARCH 3, 2020
) NO. 25700-A-1286

The Washington Defender Association, et al., having recommended the suggested new General Rule (GR 38) and suggested amendments to RPC 4.4 Comment [4], and the Court having approved the suggested new rule and suggested amendment for publication in Order 25700-A-1274 for a comment period until February 3, 2020 the court extends the comment period for thirty days until March 3, 2020. Pursuant to the provisions of GR 9(g), the suggested new rule and amendment as shown below have previously been published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites pursuant to Order 25700-A-1274;

Now, therefore, it is hereby

ORDERED:

That notice of the extended comment period be posted on the Administrative Office of the Court's website. The original comment period ending February 3, 2020 is extended by thirty days. Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than March 3, 2020. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 30th day of January, 2020.

For the Court

Stephens, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Proposed New Washington State Court Rule

(A) Names of Proponents: Northwest Justice Project, Washington Defender Association, American Civil Liberties Union (ACLU) of Washington, Northwest Immigrant Rights Project, Washington Immigrant Solidarity Network, Columbia Legal Services, Central Washington Justice For Our Neighbors, Asian Pacific Islander Institute on Gender-Based Violence, Washington State Coalition Against Domestic Violence, Washington Coalition of Sexual Assault Programs, Colectiva Legal del Pueblo

(B) Spokespersons:

Annie Benson, Washington Defender Association
 abenson@defensenet.org

Vanessa Hernandez, Northwest Justice Project
 Vanessa.Hernandez@nwjustice.org

(C) Purpose:

The proposed court rule is based on the civil arrest privilege. As the supplemental materials outline, the privilege has a long-established tradition in common law and Washington caselaw.¹ The privilege prohibits civil arrests without a judicial arrest warrant, or other judicial arrest order, from being carried out against a person who is inside a Washington courthouse, or who is traveling to, or returning from, a Washington courthouse to attend hearings or conduct business with the court.

¹ See memorandum in supplemental materials providing an overview of the law on the civil arrest privilege.

As of the filing of this petition, incidents involving warrantless arrests in connection with federal civil immigration enforcement activities have been documented in courthouses in 18 Washington counties.² Federal immigration enforcement agents of the Department of Homeland Security Divisions of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) are arresting people inside, outside and adjacent to (e.g., on courthouse sidewalks and in courthouse parking lots) Washington district, municipal and superior courts. Additionally, ICE and CBP agents are following people as they leave the courthouse, pulling them over in their cars and arresting drivers and passengers.

² See factsheet *Immigration Enforcement At Washington Courthouses*, Washington Immigrant Solidarity Network, (Sept. 2019), provided in the supplemental materials and available at: <http://defensenet.org/wp-content/uploads/2019/08/Summary-2-pgr-Immig-Enforcement-@-WA-Ct-Houses-AB-FINAL-0829019.pdf>

Targeted people are at courthouses in connection with court business, such as attending a hearing or paying traffic infractions. There are no documented incidents of such individuals causing any disturbance of the peace or posing any danger to others while engaging in court business. Immigration enforcement agents target people of color, predominantly Latinx Spanish speakers. Targeted people are stopped, questioned and/or simply apprehended, often forcefully.

Immigration enforcement actions at courthouses are now well-known throughout Washington's immigrant communities. As a result, noncitizens and their families and communities are afraid to engage with our state's justice system. Some of the impacts of these actions are:

- Victims are afraid to report crimes for fear that they or their family members would have to come to a courthouse as a result of their report.
- Victims and other witnesses are afraid to testify in both civil and criminal cases.
- Victims are afraid to seek domestic violence and other forms of protective orders.
- Would-be parties to civil litigation are afraid to commence civil litigation through which they could otherwise obtain orders of dissolution, parenting plans and orders for support and division of property.
- Respondents in a range of civil litigation are afraid to participate, forcing them to choose between being defaulted, or risking arrest.

- People are foregoing payment of traffic fines, seeking marriage licenses, and accessing other administrative court services.
- Defendants fear showing up for court dates to answer and defend against criminal charges. They must choose risking additional charges for failing to appear (an offense with severe immigration consequences) or being arrested, detained and possibly deported by immigration enforcement officers. These circumstances compromise defense attorney's capacity and obligations to defend their clients.
- People who would otherwise accompany friends and relatives to court, are now afraid to provide that accompaniment or transportation to court.
- Prosecutors are impeded in their duties to pursue justice for alleged criminal violations.

It is a fundamental right of all Washington residents to access our courts. Const. art. I, § 10. The purpose of Washington's court rules is to "provide necessary governance of court procedure and practice and to promote justice by ensuring a fair and expeditious process." GR 9. Targeting those who appear at our courthouses and subjecting them to arrest without a judicial warrant for alleged civil immigration violations frustrates justice and compromises our judicial process.

This civil arrest activity denies access to our justice system for large numbers of individuals and their families, the majority of whom are Spanish-speaking people of color. Their legitimate fears of arrest and deportation require justice system stakeholders to engage all possible strategies to ensure Washington courts are open, neutral and accessible to the public, free of restrictions that would otherwise impede the proper administration of justice.

The proposed rule recognizing the civil arrest privilege is one such strategy. It would prohibit unwarranted immigration enforcement actions and help to restore access to Washington's courts for all, renew confidence in our judicial system and provide a basis to pursue legal action against state and federal actors who violate orders invoking the privilege. Accordingly, it is appropriate and necessary that the Court adopt the proposed rule.

This rule does not create or resolve conflicts with statutes, case law or other court rules.

(D) Hearing:

The proponents do not believe a public hearing is needed.

(E) Expedited Consideration:

The proponents believe exceptional circumstances justify expedited consideration of the suggested rule. The current circumstances have resulted in an access to justice crisis for noncitizens, their families and communities. Much damage has already occurred, to families, and communities, as well as our courts. And federal immigration enforcement actions continue. Community members report arrests taking place multiple times each week in Grant County alone. Communities and justice system stakeholders cannot wait until September 1st, 2020. Indeed, even if the petition is processed in an expedited manner there will be significant damage to people and the mission of our courts. As such, proponents respectfully request that the proposed rule be moved through the process as quickly as possible. If the committee votes to

permit the petition to proceed, proponents request commencement of a 30-day comment period as soon as possible and an expedited schedule for the remainder of the process.

(F) Supporting Materials:

1. *Immigration Enforcement at Washington State Courthouses*, Washington Immigrant Solidarity Network, August 29, 2019.

2. Letter From Chief Justice Mary Fairhurst to Commissioner Kevin McAleenan, US Customs and Border Protection, April 15, 2019.

3. Letter from Chief Justice Mary Fairhurst to Secretary John Kelly, US Department of Homeland Security, March 15, 2017.

4. Letter from Robin L. Haynes, Washington State Board of Governors to Secretary John Kelly, US Department of Homeland Security, June 1, 2017.

5. *Justice Compromised: Immigration Arrests At Washington State Courthouses*, University of Washington Center For Human Rights, October 1, 2019.

**PROPOSED WASHINGTON COURT RULE
GENERAL RULE (GR) 38**

[New]

1. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the person is inside a court of law of this state in connection with a judicial proceeding or other business with the court.

2. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while traveling to a court of law of this state for the purpose of participating in any judicial proceeding, accessing services or conducting other business with the court, or while traveling to return home or to employment after participating in any judicial proceeding, accessing services or conducting business with the court. Participating in a judicial proceeding includes, but is not limited to, participating as a party, witness, interpreter, attorney, or lay advocate. Business with the court and accessing court services includes, but is not limited to, doing business with, responding to, or seeking information, licensing, certification, notarization, or other services, from the office of the court clerk, financial/collections clerk, judicial administrator, courthouse facilitator, family law facilitator, court interpreter, and other court and clerk employees.

3. Washington courts may issue writs or other court orders necessary to enforce this court rule.

GR 9 COVER SHEET

**Proposed Amendment to
COMMENT ON RULES OF PROFESSIONAL CONDUCT (RPC)**

Comment to Rule 4.4 - RESPECT FOR RIGHTS OF THIRD PERSON

A. Names of Proponents: American Civil Liberties Union of Washington (ACLU-WA), Washington Defender Association, Northwest Justice Project, Northwest Immigrant Rights Project, Washington Immigrant Solidarity Network, Columbia Legal Services, Central Washington Justice For Our Neighbors, Asian Pacific Islander Institute on Gender-Based Violence, Washington State Coalition Against Domestic Violence, Washington Coalition of Sexual Assault Programs, Colectiva Legal del Pueblo

B. Spokesperson:

Enoka Herat, Attorney
 American Civil Liberties Union of Washington
 Email: eherat@aclu-wa.org

C. Purpose:

Since Comment [4] to Rule of Professional Conduct (RPC) 4.4 was originally adopted in 2013, the landscape of immigration enforcement has drastically changed. A technical amendment to the comment is needed to clarify that the protections extend to the use of civil immigration enforcement as a weapon against immigrant parties and witnesses across Washington. The changes to the comment would prevent all lawyers in Washington from reporting individuals to immigration authorities in both civil and criminal cases and help to ensure that all lawyers are upholding their duty to facilitate access to justice. The proposed changes also provide exceptions for state and federal law, and for lawyers employed by federal immigration authorities.

These clarifications to the existing comment are proposed to prevent warrantless civil arrests being conducted in and around Washington courthouses by federal immigration enforcement agents. Cooperation with federal immigration enforcement agencies to facilitate these arrests transforms state courthouses into a staging ground for immigration detention and deportation, and makes the courthouse a frightening and unwelcoming place for immigrants and their families. The Washington State Bar Association (WSBA) Board of Governors (BOG) unanimously approved sending a letter to the Department of Homeland Security recognizing that the "situation leads to access to justice impediments and risks less safe communities."¹ Chief Justice Fairhurst has sent similar letters to Homeland Security Divisions of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) asserting that these arrests "impede the fundamental mission of our courts, which is to ensure due process and access to justice for everyone, regardless of their immigration status."² Unfortunately, as reflected in the current Comment [4], lawyers have used immigration enforcement as a strategic tactic knowing that ICE and CBP have in recent months increased their presence at courthouses.³

¹ See attached letter from WSBA BOG to Department of Homeland Security Divisions of Immigration and Customs Enforcement.

² See supplemental materials at 2 and 3.

³ Lilly Fowler, More Immigrants Report Arrests at WA Courthouses, Despite Outcry, <https://crosseut.com/2019/04/more-immigrants-report-arrests-wa-courthouses-despite-outcry>, (last accessed on 9/26/19).

Immigration enforcement actions have occurred at courthouses throughout Washington, in at least 16 different counties.⁴ ICE and CBP primarily target people of color, predominantly Latinx Spanish speakers. Targeted people are stopped, questioned and/or apprehended as they seek to enter, are inside, or are leaving a Washington courthouse. As a result, noncitizens, including immigrants with lawful status, and their families and communities are afraid to engage with our state's justice system. Defendants fear showing up for court dates to answer and defend against criminal charges. They must choose risking additional charges for failing to

appear or being arrested, detained and possibly deported by immigration enforcement officers. These circumstances compromise defense attorneys' capacity and obligations to defend clients, and prosecutors are impeded in their duties to pursue justice for alleged criminal violations. Similarly, victims of crime, including domestic violence are afraid to seek judicial protections for fear being separated from their children or otherwise having to defend themselves against possible deportation.

⁴ See attached report, University of Washington Center for Human Rights, *Justice Compromised, Immigration arrests at Washington state courthouses* (Oct. 2019).

Our Supreme Court Chief Justice, WSBA, and prosecutors around the country — including in California, Colorado, Massachusetts, and New York — have publicly condemned immigration enforcement actions in courthouses because of the chilling effect on immigrants. However, as the University of Washington's Center for Human Rights has recently reported, some prosecutors in Washington have proactively shared information and reported people to ICE.⁵ Many prosecutors know first-hand that the specter of county involvement in ICE arrests harms public trust in law enforcement, making people less likely to come forward as crime witnesses or to seek protection because they fear doing so will lead ICE agents to detain and deport them or their family members. As a letter sent by California prosecutors to ICE noted, "[n]o one should fear that their immigration status prevents them from seeking justice, whether as a crime victim or otherwise."⁶

⁵ See *id.*

⁶ Letter to Attorney General Jeff Sessions from California Prosecutors, <https://fairandjustprosecution.org/wpcontent/uploads/2017/09/Letter-to-AG-Sessions-from-California-Prosecutors.pdf> (April 2017).

The proposed amendment seeks to clarify that all lawyers in Washington are prohibited from sharing someone's personal information in order to facilitate immigration arrests as doing so burdens community members' access to courts. In Washington State, law enforcement is already prohibited from sharing nonpublic, personal information with immigration authorities,⁷ as are state agencies.⁸ Extending these prohibitions to all lawyers promotes fairness, public safety, and access to justice for all Washingtonians.⁹

⁷ See SB 5497 (2019-20), Section 6(5), <http://lawfilesexext.leg.wa.gov/biennium/201920/Pdf/Bills/Senate%20Assesed%20Legislature/5497-S2.PL.pdf>.

⁸ See Executive Order 17-01, https://www.governor.wa.gov/sites/default/files/exe_order/17-01.pdf (February 2017).

⁹ Additionally, an update to the comment was necessary to recognize prosecutors' obligations under state and federal law, as well as to protect lawyers employed by federal immigration agencies.

It is a fundamental right of all Washington residents to access our courts. Const. art. I, § 10. Justice system stakeholders must take all possible steps to ensure Washington courts are open, neutral, and accessible to the public, free of restrictions that would otherwise impede the proper administration of justice. The technical amendment comment to RPC 4.4 furthers the intent of the current comment and reflects the need to ensure that all lawyers, including prosecutors, are not contributing to immigration arrests which actively undermine

access to justice. Accordingly, it is appropriate and necessary that the proposed technical amendment to the comment to RPC 4.4 is adopted.

D. Hearing:

The proponents do not believe a public hearing is needed.

E. Expedited Consideration:

The proponents believe exceptional circumstances justify expedited consideration of the suggested technical amendment to the comment to RPC 4.4 and request that the Rules Committee proceed to a 30 day comment period. If the Rules Committee deems it necessary to direct the proposed commentary to the WSBA's Professional Ethics Committee for review, we request that the committee ask that the review be expedited and seek a response within a time frame that circumstances warrant.

F. Supporting Materials:

1. *Immigration Enforcement at Washington State Courthouses*, Washington Immigrant Solidarity Network, August 29, 2019.
2. Letter From Chief Justice Mary Fairhurst to Commissioner Kevin McAleenan, US Customs and Border Protection, April 15, 2019.
3. Letter from Chief Justice Mary Fairhurst to Secretary John Kelly, US Department of Homeland Security, March 15, 2017.
4. Letter from Robin L. Haynes, Washington State Board of Governors to Secretary John Kelly, US Department of Homeland Security, June 1, 2017.
5. *Justice Compromised: Immigration Arrests At Washington State Courthouses*, University of Washington Center For Human Rights, October 1, 2019.

SUGGESTED RULE CHANGES

RULES OF PROFESSIONAL CONDUCT 4.4 COMMENT [4]

[4] The duty imposed by paragraph (a) of this Rule includes a lawyer's assertion or inquiry about any third person's immigration status when the lawyer's purpose is to intimidate, coerce, or obstruct that person from participating in a civil or criminal matter, or otherwise assists with civil immigration enforcement. Issues involving immigration status carry a significant danger of interfering with the proper functioning of the justice system. See *Salas v. Hi-Tech Erectors*, 168 Wn.2d 664, 230 P.3d 583 (2010). When a lawyer is representing a client in a civil matter, whether the client is the state or one of its political subdivisions, an organization, or an individual, a lawyer's communication to a party or a witness that the lawyer will report that person to immigration authorities, or a lawyer's report of that person to immigration authorities, furthers no substantial purpose of the ~~civil~~ adjudicative system and violates this Rule. A communication in violation of this Rule can also occur by an implied assertion that is the equivalent of an express assertion prohibited by paragraph (a). Sharing personal information with federal immigration authorities, including but not limited to, home address, court hearing dates, citizenship or immigration status, or place of birth, absent a court order, for the purpose of facilitating civil immigration arrests is conduct that is in violation of this Rule. See also Rules 1.6(a) (prohibiting a lawyer from revealing information relating to the representation of a

client), 8.4(b) (prohibiting criminal acts that reflect adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects), 8.4(d) (prohibiting conduct prejudicial to the administration of justice), and 8.4(h) (prohibiting conduct that is prejudicial to the administration of justice toward judges, lawyers, LLLTs, other parties, witnesses, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, immigration status, disability, sexual orientation, or marital status).

Government officials may provide federal immigration authorities with information relating to any person involved in matters before a court only pursuant to chapter 7.98 RCW, or upon request and in the same manner and to the same extent as such information is lawfully made available to the general public, or pursuant to a court order. Additionally, under 8 U.S.C. § 1373, government officials are not prohibited from sending to or receiving from immigration authorities a person's immigration status or citizenship. Lawyers employed by federal immigration authorities engaged in authorized activities within the scope of lawful duties shall not be deemed in violation of this rule.

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 20-04-075

RULES OF COURT

STATE SUPREME COURT

[January 30, 2020]

IN THE MATTER OF THE SUGGESTED) ORDER
AMENDMENT TO THE RULE OF PRO-) NO. 25700-A-1287
FESSIONAL CONDUCT (RPC) 7.3)

The Washington State Bar Association, recommended suggested amendments to Rules of Professional Conduct (RPCs) 5.5; RPC 7.1; RPC 7.2; RPC 7.3; RPC 7.4; RPC 7.5. The amendments were published for comment by Order 25700-A-1247. The court having reviewed the comments submitted during the original comment period has revised RPC 7.3 to incorporate specific suggestions. The court has approved the revised suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in February 2020.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no

later than May 30, 2020. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 30th day of January, 2020.

For the Court

Stephens, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Regarding Amendment to

RULES OF PROFESSIONAL CONDUCT (RPC) 7.3—SOLICITATION OF CLIENTS

Purpose: The Supreme Court originally ordered amendments to advertising rules RPC 5.5, 7.1, 7.2, 7.3, 7.4, and 7.5 with original GR 9 cover sheets, published for comment with a comment period ending April 30, 2019. Original proposed amendments were published in 192 Wn.2d Proposed-10-32 (January 2, 2019). Comments were received and, in response, the court revised the proposed revision to RPC 7.3 to exclude specific practice areas. The court decided to re-publish the proposed revisions to RPC 7.3 for comment.

RPC 7.3 SOLICITATION OF CLIENTS

(a) A lawyer shall not directly or through a third person, by in-person, live telephone or real-time electronic contact solicit professional employment in the areas of personal injury law, family law, criminal law or bankruptcy law. A lawyer may solicit professional employment in other areas of law from a possible client when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless ~~the person contacted:~~

(1) ~~is a lawyer or an LLLT or~~ the solicitation is false or misleading;

(2) ~~has a family, close personal, or prior professional relationship with the lawyer; or the lawyer knows or reasonably should know that the physical, emotional, or mental state of the subject of the solicitation is such that the person could not exercise reasonable judgment in employing a lawyer;~~

(3) ~~has consented to the contact by requesting a referral from a not-for-profit lawyer referral service. the subject of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or~~

(4) ~~the solicitation involves coercion, duress, or harassment.~~

(b) A lawyer shall not ~~solicit professional employment from a client by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if compensate, or give or promise anything of value to, a person who is not an employee or lawyer in the same law firm for the purpose of recommending or securing the services of the lawyer or law firm, except that a lawyer may;~~

(1) ~~the target of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or pay the~~

~~reasonable cost of advertisements or communications permitted by RPC 7.1, including online group advertising;~~

(2) ~~the solicitation involves coercion, duress or harassment. pay the usual charges of a legal service plan or a not-for-profit lawyer referral service;~~

(3) ~~pay for a law practice in accordance with RPC 1.17;~~

(4) ~~refer clients to another lawyer or LLLT or other non-lawyer professional pursuant to an agreement not otherwise prohibited under these rules that provides for the other person to refer clients or customers to the lawyer, if:~~

(i) ~~the reciprocal referral agreement is not exclusive, and~~
(ii) ~~the client is informed of the existence and nature of the agreement;~~

(5) ~~give nominal gifts that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer's services.~~

(c) [Reserved.]

(d) ~~Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses in-person or telephone contact to solicit memberships or subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan. [Reserved.]~~

Comment

[1] [Washington revision] A solicitation is a targeted communication initiated by ~~the~~ or on behalf of a lawyer that is directed to a specific person and that offers to provide, or can reasonably be understood as offering to provide, legal services. Solicitations can include in-person, written, telephonic, and electronic communications. In contrast, a lawyer's communication typically does not constitute a solicitation if it is directed to the general public, such as through a billboard, an Internet banner advertisement, a website, or a television commercial, or if it is in response to a request for information or is automatically generated in response to Internet searches.

[2] [Reserved.] ~~There is a potential for abuse when a solicitation involves direct in-person, live telephone or real-time electronic contact by a lawyer with someone known to need legal services. These forms of contact subject a person to the private importuning of the trained advocate in a direct interpersonal encounter. The person, who may already feel overwhelmed by the circumstances giving rise to the need for legal services, may find it difficult fully to evaluate all available alternatives with reasoned judgment and appropriate self-interest in the face of the lawyer's presence and insistence upon being retained immediately. The situation is fraught with the possibility of undue influence, intimidation, and overreaching.~~

[3] [Reserved.] ~~This potential for abuse inherent in direct in-person, live telephone or real-time electronic solicitation justifies its prohibition, particularly since lawyers have alternative means of conveying necessary information to those who may be in need of legal services. In particular, communications can be mailed or transmitted by e-mail or other electronic means that do not involve real-time contact and do not violate other laws governing solicitations. These forms of communications and solicitations make it possible for the public to be informed about the need for legal services, and~~

about the qualifications of available lawyers and law firms, without subjecting the public to direct in-person, telephone or real-time electronic persuasion that may overwhelm a person's judgment.

[4] [Reserved.] The use of general advertising and written, recorded or electronic communications to transmit information from lawyer to the public, rather than direct in-person, live telephone or real-time electronic contact, will help to assure that the information flows cleanly as well as freely. The contents of advertisements and communications permitted under Rule 7.2 can be permanently recorded so that they cannot be disputed and may be shared with others who know the lawyer. This potential for informal review is itself likely to help guard against statements and claims that might constitute false and misleading communications, in violation of Rule 7.1. The contents of direct in-person, live telephone or real-time electronic contact can be disputed and may not be subject to third-party scrutiny. Consequently, they are much more likely to approach (and occasionally cross) the dividing line between accurate representations and those that are false and misleading.

[5] [Reserved. **Washington revision**] There is far less likelihood that a lawyer would engage in abusive practices against a former client, or a person with whom the lawyer has close personal or family relationship, or in situations in which the lawyer is motivated by considerations other than the lawyer's pecuniary gain. Nor is there a serious potential for abuse when the person contacted is a lawyer or an LLLT. Consequently, the general prohibition in Rule 7.3(a) is not applicable in those situations. Also, paragraph (a) is not intended to prohibit a lawyer from participating in constitutionally protected activities of public or charitable legal service organizations or bona fide political, social, civic, fraternal, employee or trade organizations whose purposes include providing or recommending legal services to its members or beneficiaries.

[6] [Reserved.] But even permitted forms of solicitation can be abused. Thus, any solicitation which contains information which is false or misleading within the meaning of Rule 7.1, which involves coercion, duress or harassment within the meaning of Rule 7.3 (b)(2), or which involves contact with someone who has made known to the lawyer a desire not to be solicited by the lawyer within the meaning of Rule 7.3 (b)(1) is prohibited. Moreover, if after sending a letter or other communication as permitted by Rule 7.2 the lawyer receives no response, any further effort to communicate with the recipient of the communication may violate the provisions of Rule 7.3(b).

[7] [Reserved.] This Rule is not intended to prohibit a lawyer from contacting representatives of organizations or groups that may be interested in establishing a group or prepaid legal plan for their members, insureds, beneficiaries, or other third parties for the purpose of informing such entities of the availability of and details concerning the plan or arrangement which the lawyer or lawyer's firm is willing to offer. This form of communication is not directed to people who are seeking legal services for themselves. Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a supplier of legal services for others who may, if they choose, become prospective clients of the lawyer. Under

these circumstances, the activity which the lawyer undertakes in communicating with such representatives and the type of information transmitted to the individual are functionally similar to and serve the same purpose as advertising permitted under Rule 7.2.

[8] [Reserved.]

[9] [Reserved.] Paragraph (d) of this Rule permits a lawyer to participate with an organization which uses personal contact to solicit members for its group or prepaid legal service plan, provided that the personal contact is not undertaken by any lawyer who would be a provider of legal services through the plan. The organization must not be owned by or directed (whether as manager or otherwise) by any lawyer or law firm that participates in the plan. For example, paragraph (d) would not permit a lawyer to create an organization controlled directly or indirectly by the lawyer and use the organization for the in-person or telephone solicitation of legal employment of the lawyer through memberships in the plan or otherwise. The communication permitted by these organizations also must not be directed to a person known to need legal services in a particular matter, but is to be designed to inform potential plan members generally of another means of affordable legal services. Lawyers who participate in a legal service plan must reasonably assure that the plan sponsors are in compliance with Rules 7.1, 7.2 and 7.3(b). See 8.4(a).

Additional Washington Comments (10 - 14 16)

[10] A lawyer who receives a referral from a third party should exercise caution in contacting the prospective client directly by in-person, live telephone, or real-time electronic contact. Such contact is generally prohibited by this Rule unless the prospective client has asked to be contacted by the lawyer. A prospective client may request such contact through a third party. Prior to initiating contact with the prospective client, however, the lawyer should confirm with the source of the referral that the prospective client has indeed made such a request. Similarly, when making referrals to other lawyers, the referring lawyer should discuss with the prospective client whether he or she wishes to be contacted directly. While all communications about a lawyer's services are subject to the general prohibition against false or misleading communication in RPC 7.1, in-person solicitation can create problems because of the particular circumstances in which the solicitation takes place, and those circumstances are, therefore, appropriately regulated. Subsection (a) of this rule prohibits solicitation in circumstances or through means that are not conducive to intelligent, rational decisions. Unwanted solicitations (after the subject has informed the lawyer not to make contact) or solicitations involving coercion, duress, or harassment are specifically prohibited. Such circumstances and means could be the harassment of early morning or late-night telephone calls to a potential client to solicit legal work, repeated calls at any time of day, solicitation of an accident victim or the victim's family shortly after the accident or while the victim is still in medical distress (particularly where a lawyer seeks professional employment by in-person or other real-time contact in such circumstances), or solicitation of vulnerable subjects, such as persons facing incarceration, or their family members, in or near a courthouse. The prohibition on solicitation of a subject who

cannot "exercise reasonable judgment in employing a lawyer" extends to an individual with diminished capacity who cannot adequately act in the individual's own interest, and the provisions of RPC 1.14 may provide guidance in evaluating "the physical, emotional, or mental" state of the subject.

[11] ~~Those in need of legal representation often seek assistance in finding a lawyer through a lawyer referral service. Washington adopted paragraph (a)(3) in order to facilitate communication between lawyers and potential clients who have specifically requested a referral from a not-for-profit lawyer referral service. Under this paragraph, a lawyer receiving such a referral may contact the potential client directly by in-person, live telephone, or real-time electronic contact to discuss possible representation. Under Rule 5.1, Rule 5.3, and Rule 8.4(a), the solicitation restrictions that apply to the lawyer's own acts or conduct also extend to acts or conduct by employees, agents, or any third persons acting on the lawyer's behalf.~~

[12] ~~Washington has not adopted subsection (e) of the Model Rule creating a safe harbor for in-person and telephonic solicitations in the context of a prepaid or group legal services plan because solicitations of professional employment by any means and in all contexts are permitted subject to the exceptions contained in subsections (a)(1)-(4). In addition, prior provisions and comments under RPC 7.3 in Washington relating to in-person, telephonic, or real-time electronic solicitations in the context of referrals from a third party or a lawyer referral service have been removed because solicitations by any means in this context are permitted subject to the exceptions contained in subsection (a)(1)-(4) of this rule.~~

Paying Others to Recommend a Lawyer

[13] ~~The phrase "directly or through a third person" in paragraph (a) was retained from former Washington RPC 7.3(a). Subsection (b) of this rule was derived from former Washington RPC 7.2(b).~~

[14] ~~The phrase "prospective client" in RPC 7.3(a) has been replaced with the phrase "possible client" because the phrase "prospective client" has become a defined phrase under RPC 1.18 with a different meaning. This is a departure from the ABA Model Rule which has dispensed altogether with the phrase "from a prospective client" in this rule. The rule is not intended to preclude lawyers from in-person conversations with friends, relatives or other professionals (i.e. intermediaries) about other friends, relatives, clients, or patients who may need or benefit from the lawyer's services, so long as the lawyer is not asking or expecting the intermediary to engage in improper solicitation. See RPC 8.4(a) which prohibits improper solicitation "through the acts of another." Absent limitation of prohibited in-person communications to "possible clients" there is danger that lawyers might mistakenly infer that the kind of benign conversations with non-client intermediaries described above are precluded by this rule. Except as permitted under subsections (b)(1)-(b)(5), lawyers are not permitted to pay others for recommending the lawyer's services or for channeling professional work in a manner that violates RPC 7.1 or RPC 7.3. A communication contains a recommendation if it endorses or vouches for a lawyer's credentials, abilities, competence, character, or other professional qualities. Subsection (b)(1),~~

~~however, allows a lawyer to pay for advertising and solicitations permitted by RPC 7.1 and this rule, including the costs of print directory listings, online directory listings, newspaper ads, television and radio airtime, domain-name registrations, sponsorship fees, Internet-based advertisements, and group advertising. A lawyer may compensate employees, agents, and vendors who are engaged to provide marketing or client-development services, such as publicists, public-relations personnel, business-development staff, and website designers, as long as the employees, agents, and vendors do not direct or regulate the lawyer's professional judgment (see RPC 5.4(c)). Moreover, a lawyer may pay others for generating client leads, such as Internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with RPC 1.5(e) (division of fees) and 5.4 (professional independence of the lawyer), and the lead generator's communications are consistent with RPC 7.1 (communications concerning a lawyer's services). To comply with RPC 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person's legal problems when determining which lawyer should receive the referral. See also RPC 5.3 (duties of lawyers and law firms with respect to the conduct of nonlawyers); RPC 8.4(a) (duty to avoid violating the rules through the acts of another). For the definition of "nonlawyer" for the purposes of RPC 5.3, see RPC 5.3 cmt. 5.~~

[15] ~~A lawyer may pay the usual charges of a legal service plan or a not-for-profit lawyer referral service. A "legal service plan" is a prepaid or group legal service plan or a similar delivery system that assists people who seek to secure legal representation. A "lawyer referral service," on the other hand, is any individual or entity that operates for the direct or indirect purpose of referring potential clients to lawyers, regardless of whether the term "referral service" is used. The "usual charges" of a legal service plan or not-for-profit lawyer referral service are fees that are openly promulgated and uniformly applied. Not-for-profit lawyer referral services are understood by the public to be consumer-oriented organizations that provide unbiased referrals to lawyers with appropriate experience in the subject matter of the representation and afford other client protections, such as complaint procedures or malpractice insurance requirements.~~

[16] ~~A lawyer also may agree to refer clients to another lawyer or LLLT or other nonlawyer professional in return for the undertaking of that person to refer clients or customers to the lawyer. Such reciprocal referral arrangements must not interfere with the lawyer's professional judgment as to making referrals or as to providing substantive legal services. See RPC 2.1, 5.4(c). Except as provided in RPC 1.5(e), a lawyer who receives referrals from a lawyer or LLLT or other non-lawyer professional must not pay anything solely for the referral, but the lawyer does not violate this rule by agreeing to refer clients to the other lawyer or LLLT or other nonlawyer professional, so long as the reciprocal referral agreement is not exclusive and the client is informed of the referral agreement. Conflicts of interest created by such arrangements are governed by RPC 1.7. Reciprocal referral agreements should not be of indefinite duration and should be~~

reviewed periodically to determine whether they comply with these rules. This rule does not restrict referrals or divisions of revenues or net income among lawyers within firms comprised of multiple entities. Under LLLT RPC 1.5(e), however, an LLLT may not enter into an arrangement for the division of a fee with a lawyer who is not in the same firm as the LLLT.

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.

2712, desk 360-725-5126, fax 360-586-8827, christine.masters@hca.wa.gov.

WSR 20-04-079

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF REVENUE

[Filed February 4, 2020, 11:23 a.m.]

INTERPRETIVE STATEMENT ISSUED

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

ETA 3054.2020 Sales to residents of states or possessions of the US, and territories or provinces of Canada, that do not impose a tax of at least three percent

This ETA explains changes to RCW 82.08.0273 regarding the qualified nonresident sales tax exemption. The exemption is no longer available at the point of sale, purchasers must submit a refund request to the department to receive the exemption in the form of a remittance. The exemption only applies to the state portion of the sales tax for eligible items. The ETA provides guidance on which nonresidents qualify, eligible and ineligible purchases, and instructions for submitting a refund request.

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

Atif Aziz
Tax Policy Manager
Rules Coordinator

WSR 20-04-095

HEALTH CARE AUTHORITY

(Health Technology Clinical Committee)

[Filed February 5, 2020, 10:42 a.m.]

The health technology clinical committee reached a final coverage decision for the following technology at their January 17, 2020, public meeting:

- Hip surgery for femoroacetabular impingement syndrome Decision No: 20191122-B

All documents related to this evidence assessment, including the final coverage decision, are available on the health care authority website.

For further information contact Christine Masters, Program Specialist, Washington Health Technology Assessment, P.O. Box 626, 8th Avenue S.E., Olympia, WA 98504-