

WSR 17-01-023
RULES OF COURT
STATE SUPREME COURT
[December 7, 2016]

DATED at Olympia, Washington this 7th day of December, 2016.

For the Court

Madsen, C.J.
CHIEF JUSTICE

IN THE MATTER OF PROPOSED ) ORDER
AMENDMENTS TO ELC 2.5—HEAR- ) NO. 25700-A-1164
ING OFFICERS, ELC 2.7—CONFLICTS )
REVIEW OFFICER, ELC 3.3—APPLI- )
CATION TO STIPULATIONS, DISABIL- )
ITY PROCEEDINGS, CUSTODIAN- )
SHIPS, AND DIVERSION CON- )
TRACTS, ELC 3.4—RELEASE OR )
DISCLOSURE OF OTHERWISE CONFID- )
ENTIAL INFORMATION, ELC 4.2— )
FILING; ORDERS, ELC 5.3—INVESTI- )
GATION OF GRIEVANCE, ELC 5.5— )
INVESTIGATORY SUBPOENAS, ELC )
5.6—REVIEW OF OBJECTIONS TO )
INQUIRIES AND MOTIONS TO DIS- )
CLOSE, ELC 6.6—AFFIDAVIT SUP- )
PORTING DIVERSION, ELC 9.3—RES- )
IGNATION IN LIEU OF DISCIPLINE, )
ELC 10.7—AMENDMENT OF FOR- )
MAL COMPLAINT, ELC 10.16—DECI- )
SION OF HEARING OFFICER, ELC )
TITLE 15—TRUST ACCOUNT EXAM- )
INATIONS OVERDRAFT NOTIFICA- )
TION, AND IOLTA, ELC 15.1—RAN- )
DOM EXAMINATION OF BOOKS AND )
RECORDS )

GR9 COVER SHEET

Suggested Amendments to
Rules for Enforcement of Lawyer Conduct (ELC)

A. Proponent

Washington State Bar Association
Board of Governors
Staff Contact:
Douglas J. Ende
Chief Disciplinary Counsel
Washington State Bar Association
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539 (Phone: 206-733-5917)

B. Spokesperson

Paula C. Littlewood
Executive Director
Washington State Bar Association
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539 (Phone: 239-2120)

C. Purpose

These amendments to the Rules for Enforcement of Lawyer Conduct (ELC) are suggested to correct typographical and other clerical errors, to improve internal rules-based processes in light of ongoing experience in the discipline system, or to clarify ambiguities in the rules where appropriate disciplinary procedures are unclear or inconsistent. Since the adoption and implementation of general amendments to the ELC effective January 1, 2014 (hereinafter 2014 ELC Amendments), WSBA staff in the Office of Disciplinary Counsel and Office of General Counsel have monitored and tracked the need for particular changes to the ELC and periodically submitted recommended amendments for adoption. At its July 2016 meeting, the Washington State Bar Association Board of Governors reviewed and approved these suggested amendments for submission to the Supreme Court.

The following are summaries and explanations of each suggested change:

- ELC 2.5: There are two suggested changes to this rule regarding hearing officers. First, as a technical change, it is suggested that the citation to ELC 10.7(b) in subsection (e)(2)(H) be changed to ELC 10.7(c) to conform to the suggested amendment to ELC 10.7 (described later in this GR 9 Cover Sheet), which, if adopted, would introduce a new subpart (b) to ELC 10.7. This suggested amendment is necessary only if the suggested change to ELC 10.7 is adopted.

The Washington State Bar Association, having recommended the proposed amendments to ELC 2.5—Hearing Officers, ELC 2.7—Conflicts Review Officer, ELC 3.3—Application to Stipulations, Disability Proceedings, Custodianships, and Diversion Contracts, ELC 3.4—Release or Disclosure of Otherwise Confidential Information, ELC 4.2—Filing; Orders, ELC 5.3—Investigation of Grievance, ELC 5.5—Investigatory Subpoenas, ELC 5.6—Review of Objections to Inquiries and Motions to Disclose, ELC 6.6—Affidavit Supporting Diversion, ELC 9.3—Resignation in Lieu of Discipline, ELC 10.7—Amendment of Formal Complaint, ELC 10.16—Decision of Hearing Officer, ELC Title 15—Trust Account Examinations Overdraft Notification, and IOLTA, ELC 15.1—Random Examination of Books and Records, and the Court having considered the amendments thereto;

Now, therefore, it is hereby ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are to be published for comment January 2017 in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet Email by no later than April 30, 2017. Comments maybe sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by email message must be limited to 1500 words.

Second, it is suggested that in subsection (e)(2)(H) of ELC 2.5 the term "or" be replaced with "of." This change will correct a clerical error in the 2014 ELC amendments.

- **ELC 2.7:** Existing ELC 2.7 (a)(1) concerning conflicts review officers contains an incorrect citation: As a technical change, it is suggested that the reference to ELC 5.6(a) be changed to ELC 5.7(a) in conformance with the renumbering of rule 5.7 in the 2014 ELC Amendments.
- **ELC 3.3:** Under existing ELC 3.3(d) and ELC 6.6, diversion contracts and declarations are confidential and may only be released with the consent of the respondent lawyer under ELC 3.4(c). Experience has shown that requiring authorization from the respondent lawyer to release a diversion contract or declaration is underinclusive and overly restrictive. ELC 3.4 identifies a number of situations in which release of otherwise confidential disciplinary information may be authorized, including but not limited to investigative disclosures; to correct false or misleading public statements; to protect the interests of clients, the public, or the integrity of the disciplinary process; to cooperate with law enforcement and other disciplinary authorities; etc. It is foreseeable there will be instances where obtaining a respondent's authorization will be impractical or may compromise an ongoing investigation. It is suggested that ELC 3.3(d) be amended to provide that a diversion contract or declaration may be released under the existing provisions of ELC 3.4, rather than only under ELC 3.4(c). A counterpart amendment to ELC 6.6, which discusses the confidentiality of diversion declarations, is also suggested.
- **ELC 3.4, section (j):** Custodians may be appointed under ELC 7.7 to protect client interests when a lawyer is deceased, disabled, missing, disbarred, or suspended. ELC 3.4(j) authorizes outside counsel to access otherwise confidential disciplinary information in order to perform their duties. Under existing ELC 3.4(j), custodians are omitted from the list of outside counsel who may access confidential disciplinary information, which is inconsistent with the access provided to other outside counsel under the rules. It is suggested that language in subsection (j) be amended to clarify that custodians have access to confidential disciplinary information necessary to perform their duties.
- **ELC 3.4, new section (n):** The ELC provide no explicit direction regarding whether confidential disciplinary information not subject to release under ELC Title 3 may be subject to subpoena in civil, criminal, or other proceedings and under what authority such subpoenas may be issued. This has led to the issuance of subpoenas in civil and criminal proceedings seeking confidential disciplinary information from WSBA, and to the ensuing entanglement of WSBA in legal disputes about the subpoena power of superior courts and courts of limited jurisdiction over information made confidential by Supreme Court rule. It is suggested that a new subsection (n) to ELC 3.4 be added to clarify that confidential disciplinary information is not subject to subpoena in other proceedings except by leave of the Supreme Court upon a showing of compelling need. This suggested change is intended to clarify the limits of the authority of a party outside of the discipline system to compel from WSBA the production of, or testimony about, information expressly made confidential by the ELC.
- **ELC 4.2:** The suggested changes to two subsections of ELC 4.2 regarding filing procedures are intended to make filing more efficient and align filing requirements with current and anticipated discipline-system document-management practices for electronic filings. First, existing ELC 4.2(a) does not require that documents filed with the Disciplinary Board Clerk be signed. However, it is the Clerk's practice to require a signature. It is suggested that subsection (a) be amended to reflect this practice by requiring that documents filed with the Clerk be signed. Additionally, existing subsection (a) addresses filing by first-class mail but does not include a reference to electronic filing under subsection (c). It is suggested that subsection (a) be amended to clarify that filing may be made by first-class mail or electronically under subsection (c).  
Second, existing ELC 4.2(c) permits electronic filing by e-mail or facsimile. However, a decreasing number of lawyers use facsimile machines, and the Clerk is in the process of developing an electronic filing system. It is suggested that subsection (c) be amended to remove filing by facsimile and to provide that filing can be made by an electronic system provided by the Clerk. Additionally, under existing subsection (c), original paper copies must be filed with the Clerk after being electronically filed. It is suggested that subsection (c) be amended to clarify that there is no need to file a paper version of such a document after it has been electronically filed.
- **ELC 5.3:** Under ELC 5.3 and ELC 5.5, a respondent may object to an investigative inquiry or subpoena as provided in ELC 5.6. ELC 5.6 provides procedures for review of an objection by a hearing officer. A series of recommended amendments to ELC 5.3, ELC 5.5, and ELC 5.6 addresses uncertainties regarding how objections to investigative inquiries and subpoenas are resolved by a hearing officer. Existing ELC 5.3(i) is silent about how objections to investigative inquiries are resolved. The suggested change to subsection (i) seeks to clarify that objections must be made in writing within 30 days of service of the inquiry and that they are reviewed by motion under ELC 5.6. Providing that an objection must be in writing clarifies the required form for an objection, and providing that an objection is reviewed by motion removes uncertainty regarding who bears the obligation to present such an objection to the hearing officer for resolution. Adding a time period for submitting an objection is intended to prevent unnecessary delay in disciplinary investigations. Counterpart amendments to ELC 5.5(e), regarding objections to investigative subpoenas and ELC 5.6(b) regarding review of objections, are also suggested.
- **ELC 5.5:** Under ELC 5.3 and ELC 5.5, a respondent may object to an investigative inquiry or subpoena as provided in ELC 5.6. ELC 5.6 provides procedures for review of an objection by a hearing officer. A series of recommended amendments to ELC 5.3, ELC 5.5, and

ELC 5.6 addresses uncertainties regarding how objections to investigative inquiries and subpoenas are resolved by a hearing officer. Existing ELC 5.5(e) is silent about how objections to investigative subpoenas are resolved. The suggested changes to subsection (e)(1) seek to clarify that objections must be in writing or on the record and that they are reviewed by motion under ELC 5.6. Providing that an objection must be in writing or on the record clarifies the required form for an objection, and providing that an objection is reviewed by motion removes uncertainty regarding who bears the obligation to present such an objection to the hearing officer for resolution. The suggested changes to subsection (e)(2) seek to clarify when an objection is considered timely made with the intent of preventing unnecessary delay in disciplinary investigations. Counterpart amendments to ELC 5.3(i), regarding objections to investigative inquiries, and ELC 5.6(b), regarding review of objections, are also suggested.

- **ELC 5.6:** Under ELC 5.3 and ELC 5.5, a respondent may object to an investigative inquiry or subpoena as provided in ELC 5.6. ELC 5.6 provides procedures for review of an objection by a hearing officer. A series of recommended amendments to ELC 5.3, ELC 5.5, and ELC 5.6 addresses uncertainties regarding how objections to investigative inquiries and subpoenas are resolved by a hearing officer. Existing ELC 5.6(b) provides no direction regarding how to obtain a ruling on an objection once an objection has been made, nor does it provide clear timelines for doing so. As an adjunct to the suggested changes to ELC 5.3(i) and ELC 5.5(e), it is suggested that a new subsection (b)(1) to ELC 5.6 be added to require a lawyer to file a motion seeking review of the objection within 15 days of the date of the objection. A 15-day period provides adequate time to prepare and file such a motion, and also creates an interval during which an objection may be resolved between the parties, potentially avoiding the need for a hearing officer to resolve the dispute. Counterpart amendments to ELC 5.3(i), regarding objections to investigative inquiries, and ELC 5.5(e), regarding objections to investigative subpoenas, are also suggested.
- **ELC 6.6:** Under existing ELC 3.3(d) and ELC 6.6, diversion contracts and declarations are confidential and may only be released with the consent of the respondent lawyer under ELC 3.4(c). Experience has shown that requiring authorization from the respondent lawyer to release a diversion contract or declaration is underinclusive and overly restrictive. ELC 3.4 identifies a number of situations in which release of otherwise confidential disciplinary information may be authorized, including but not limited to investigative disclosures; to correct false or misleading public statements; to protect the interests of clients, the public, or the integrity of the disciplinary process; to cooperate with law enforcement and other disciplinary authorities; etc. It is foreseeable there will be instances where obtaining a respondent's authorization will be impractical or may compromise an ongoing investigation. It is suggested that ELC 6.6 be amended to provide that a diversion declaration may be released under the existing provisions of ELC 3.4, rather than only under ELC 3.4(c). A counterpart amendment to ELC 3.3(d), regarding the confidentiality of diversion contracts and declarations, is also suggested.
- **ELC 9.3:** There are two suggested changes to this rule regarding resignations in lieu of discipline. First under existing ELC 9.3(b), a resignation form must be affirmed under oath and notarized. This is inconsistent with other disciplinary procedures, as no other notarization requirement exists under the ELC. This creates practical hurdles to resolving disciplinary matters efficiently and inexpensively. It is suggested that subsection (b) be amended to clarify that a resignation form need not be notarized. Second, under existing ELC 9.3(f), a respondent resigning under the rule must pay expenses of \$1,000 under ELC 13.9(c) plus costs under ELC 13.9(b). This often creates an impediment to resolving matters through resignation because respondents are unwilling, reluctant, or unable to pay these expenses. The suggested amendment removes the payment of these costs and expenses as a condition precedent to finalizing a resignation in lieu of discipline and instead requires that the respondent consent to the entry of an order assessing the expenses under ELC 13.9(e). Additionally, it is suggested that the amount of expenses be increased from \$1,000 to \$1,500 to conform to expense amounts in ELC 13.9(c) for matters that become final without review by the Disciplinary Board. The impact of the increase in expenses is offset by the suggested amendment's removal of the requirement that a respondent pay actual costs under ELC 13.9(b).
- **ELC 10.7:** ELC 10.7 concerns amendments of formal complaints. Under existing ELC 10.7, without chief hearing officer approval, disciplinary counsel may amend a formal complaint at any time to add facts and charges that relate to matters in the formal complaint. See ELC 10.7(a). However, disciplinary counsel may not amend a formal complaint to dismiss charges without leave of the chief hearing officer under ELC 10.7(b); this inconsistency creates a procedural hurdle to simplifying the facts and charges at issue in a disciplinary proceeding. It is suggested that a new subsection (b) be added to clarify that disciplinary counsel may dismiss charges and amend a formal complaint accordingly without seeking authorization from the chief hearing officer. The suggested amendment would require renumbering of ELC 10.7 subsections and a conforming amendment to ELC 2.5. A counterpart amendment to ELC 2.5(e), regarding the authority of the chief hearing officer, is also suggested. The suggested amendment to ELC 2.5 (e)(2)(H) is necessary only if this suggested amendment to ELC 10.7 is adopted.
- **ELC 10.16:** ELC 10.16 concerns decisions of hearing officers. Existing 10.16(b) states parties may submit proposed findings of fact, conclusions of law, and recommendation "as part of their argument of the case." This language, introduced in the 2014 ELC Amendments, has led to confusion about the required timing of proposed findings. It is suggested that subsection (b) be amended to provide a more certain deadline of 20 days after the

hearing has concluded by which parties should submit proposed findings, conclusions, and recommendation. This will eliminate uncertainty about the timeliness of such submissions and provide parties with a reasonable timeframe to submit their proposed findings.

- **ELC Title 15:** It is suggested that the word "audit" be stricken from the title to ELC Title 15. This change is suggested to correct a clerical error in amendments to the ELC effective on December 8, 2015. It was the intent of the 2015 amendments to remove the term audit from the entirety of the ELC in order to eliminate possible confusion between the two types of trust account examinations: investigative examinations and random examinations. Although the term was stricken from the text of the rules, the drafters of the suggested amendment neglected to remove the term from the heading for Title 15.
- **ELC 15.1:** Effective April 14, 2015, Rule 1.0 of the Rules of Professional Conduct (RPC) was divided into two rules, 1.0A and 1.0B. As such, the reference to RPC 1.0(c) in ELC 15.1(a) should be updated to RPC 1.0A(c) to cite to the appropriate rule.

#### D. Hearing

The proponent does not request a public hearing.

#### E. Expedited Consideration

The proponent does not request expedited consideration.

### SUGGESTED AMENDMENTS TO THE RULES FOR ENFORCEMENT OF LAWYER CONDUCT Redline Version

#### RULE 2.5 HEARING OFFICERS

(a) - (d) [No change]

#### (e) Chief Hearing Officer.

(1) [No change]

(2) Duties and Authority. The chief hearing officer:

(A) - (G) [No change]

(H) hears requests for amendment ~~or~~ of formal complaints under rule 10.7(b c),

(I) - (L) [No change]

(f) - (h) [No change]

#### RULE 2.7 CONFLICTS REVIEW OFFICER

(a) **Function.** [No change to introductory text]

(1) Authority. The Conflicts Review Officer's duties are limited to performing the initial review of grievances covered by this Rule. A Conflicts Review Officer may, under rule 5.3(b), obtain the respondent lawyer's response to the grievance, if he/she feels it necessary to do so, in his/her sole discretion. A Conflicts Review Officer may dismiss the grievance under rule 5.6 7(a), defer the investigation under rule 5.3(d), or assign the grievance to special disciplinary counsel for investigation under rules 2.8(b) and 5.3. If a grievant requests review of a dismissal under rule 5.7(b), the Conflicts Review Officer may either reopen the matter for investigation or refer it to a review committee under that rule.

(2) [No change]

(b) - (f) [No change]

#### RULE 3.3 APPLICATION TO STIPULATIONS, DISABILITY PROCEEDINGS, CUSTODIANSHIPS, AND DIVERSION CONTRACTS

(a) - (c) [No change]

(d) **Diversion Contracts.** Except as provided by rule 6.6, diversion contracts and supporting affidavits and declarations under rules 6.5 and 6.6 are confidential, despite rule 3.1 (b)(1). However, ~~a lawyer may authorize~~ release of a diversion contract or supporting affidavit may be authorized under rule 3.4(e). When a matter that has previously become public under rule 3.1(b) is diverted by a diversion contract, that contract and the supporting documents are confidential but the fact that the matter was diverted from discipline is public information and a notice of diversion will be placed in the public file. Upon the conclusion of the diversion, whether by successful completion of diversion and dismissal of the grievance, or by breach of the diversion contract, a notice of that result will be placed in the public file.

#### RULE 3.4 RELEASE OR DISCLOSURE OF OTHERWISE CONFIDENTIAL INFORMATION

(a) - (i) [No change]

(j) **Other Counsel.** Conflicts review officers, special disciplinary counsel, adjunct disciplinary counsel, Association counsel, ~~a custodian appointed under rule 7.7,~~ counsel for a petitioner under rule 8.9(d), counsel appointed under rule 8.10, and any lawyer representing the Association in any matter have access to any otherwise confidential disciplinary information necessary to perform their duties.

(k) - (m) [No change]

(n) Information Not Subject to Subpoena. Information made confidential under these rules shall not be subject to a subpoena in any civil, criminal, or other proceeding except by leave of the Supreme Court upon a showing of compelling need.

#### RULE 4.2 FILING; ORDERS

(a) **Filing and Signing of Originals.** Except in matters before the Supreme Court, the original of any pleading, motion, or other paper authorized by these rules, other than discovery, must be filed with the Clerk. Original documents filed with the Clerk must be signed by the party or person filing the document or the attorney of record for the party or person filing the document. Filing may be made by first-class mail or electronically as set forth in subsection (c) of this rule. Filing ~~may be~~ made by first-class mail ~~and~~ is deemed accomplished on the date of mailing. Filing of papers for matters before the Supreme Court is governed by the Rules of Appellate Procedure.

(b) [No change]

(c) **Electronic Filing.** Filing of documents with the Clerk under subsections (a) and (b) of this rule may be accomplished by e-mail ~~or by facsimile or an electronic system provided by the Clerk.~~ provided that a document so filed electronically with the Clerk after 5:00 p.m. or on weekends or legal holidays shall be deemed to have been filed on the next business day. A paper original of documents filed under this subsection (c) should thereafter be filed as well. A document filed electronically shall be considered an original under this rule.

**RULE 5.3 INVESTIGATION OF GRIEVANCE****(a) - (h)** [No change]

**(i) Objections.** Within 30 days of service of an investigative inquiry under section (g) of this rule, a lawyer may serve a written objection on disciplinary counsel who receives an investigative inquiry made under section (g) of this rule may object. An objection is reviewed by motion as provided in rule 5.6.

**RULE 5.5 INVESTIGATORY SUBPOENAS****(a) - (d)** [No change]**(e) Objections By Lawyers.**

(1) To protect confidential client information, or for other good cause shown, a lawyer may object ~~under rule 5.6 to an investigative subpoena issued pursuant to this rule or a disciplinary counsel request or inquiry during a deposition under this rule. An objection must be in writing or on the record and is reviewed by motion as provided in rule 5.6.~~

(2) A timely objection suspends any duty to respond as to the subpoena or to a request or inquiry under this rule until a ruling has been made under rule 5.6. An objection to a subpoena is timely if made prior to the date specified for production or the date of the deposition. An objection to a request or inquiry under this rule is timely if made in response to the request or inquiry during the course of the deposition.

**RULE 5.6 REVIEW OF OBJECTIONS TO INQUIRIES AND MOTIONS TO DISCLOSE****(a)** [No change]**(b) Procedure.**

(1) A lawyer who has objected under rules 5.3(i) or 5.5(e) must file a motion seeking review of the objection within 15 days of the date of the objection.

(2) An objection must clearly and specifically set out the challenged inquiry or request and the basis for the objection.

~~(2)~~ **(3)** [No change to text of former subsection (b)(2)]~~(3)~~ **(4)** [No change to text of former subsection (b)(3)]~~(4)~~ **(5)** [No change to text of former subsection (b)(4)]~~(5)~~ **(6)** [No change to text of former subsection (b)(5)]**(c) - (d)** [No change]**RULE 6.6 AFFIDAVIT SUPPORTING DIVERSION**

A diversion contract must be supported by the respondent lawyer's affidavit or declaration as approved by disciplinary counsel setting forth the respondent's misconduct related to the grievance or grievances to be deferred under this title. If the diversion contract is terminated due to a material breach, the affidavit or declaration is admissible into evidence in any ensuing disciplinary proceeding. Unless so admitted, or unless release is authorized by the respondent under rule 3.4(e), the affidavit or declaration is confidential and must not be provided to the grievant or any other individual outside the Office of Disciplinary Counsel, but may be provided to a review committee or the Board considering the grievance.

**RULE 9.3 RESIGNATION IN LIEU OF DISCIPLINE****(a)** [No change]

**(b) Process.** The respondent first notifies disciplinary counsel that the respondent intends to submit a resignation

and asks disciplinary counsel to prepare a statement of alleged misconduct and to provide a declaration of costs and a proposed resignation form. After receiving the statement and the declaration of costs, if any, the respondent may resign by signing and submitting to disciplinary counsel the resignation form prepared by disciplinary counsel, sworn to or affirmed under oath ~~and notarized~~, which must include the following:

**(c) - (e)** [No change]

**(f) Costs and Expenses.** If a respondent resigns under this rule, the expenses under rule 13.9(c) are ~~\$1,000~~ \$1,500 and respondent must consent to the entry of an order assessing these expenses under rule 13.9(e). With the resignation, the respondent must pay this \$1,000 expense, plus all actual costs as defined by rule 13.9(b). If the respondent demonstrates inability to pay these costs and expenses, instead of paying this amount, the respondent must execute, in disciplinary counsel's discretion, a confession of judgment or a deed of trust for that amount. Disciplinary counsel may file a claim under section (g) for costs not covered by this amount the payment, confession of judgment, or deed of trust.

**(g)** [No change]**RULE 10.7 AMENDMENT OF FORMAL COMPLAINT****(a)** [No change]

**(b) Amendments Dismissing Charges.** Disciplinary counsel may dismiss charges at any time and amend a formal complaint accordingly. The respondent may, within ten days of service of the amendment, object to the amendment by a motion to the hearing officer. The hearing officer will consider the motion under the procedure provided by rule 10.8.

**(b c) Other Amendments.** Disciplinary counsel must obtain authorization from the chief hearing officer for amendments other than those under sections (a) or (b) or rule 10.3(c). Disciplinary counsel must give respondent notice of a request for authorization to amend. A request to amend will be considered under the procedure provided by rule 10.8. The chief hearing officer, after consultation with any assigned hearing officer, may authorize the amendment, may require that the additional facts or charges be the subject of a separate formal complaint, or may direct disciplinary counsel to report the matter to a review committee under rule 5.7(c).

**(e d) Decision.** In ruling on a motion under ~~section (a) or (b)~~ this rule, a hearing officer or the chief hearing officer may grant or deny the motion in whole or part. Authorization to amend should be freely given when justice so requires.

**(d e) Service and Answer.** Disciplinary counsel serves an amendment to a formal complaint on the respondent as provided in rule 4.1 but need not serve a Notice to Answer with the amendment. Rule 10.5 governs the answer to an amendment except that any part of a previous answer may be incorporated by reference.

**RULE 10.16 DECISION OF HEARING OFFICER****(a)** [No change]

**(b) Preparation of Findings.** Either party may submit proposed findings of fact, conclusions of law, and recommendation ~~as part of their argument of the case. Proposed findings, conclusions, and recommendation, if any, must be submitted within 20 days after the disciplinary hearing is~~

concluded or as otherwise ordered by the hearing officer. The hearing officer either (1) writes findings of fact, conclusions of law, and recommendations without requiring submission of proposed findings, conclusions, or recommendations or (2) announces a tentative decision then requests one or both parties to prepare proposed findings, conclusions, and recommendations. After notice and an opportunity to respond, the hearing officer considers the proposals and responses and enters findings, conclusions, and recommendations.

(c) - (d) [No change]

**TITLE 15 - ~~AUDITS, AND~~ TRUST ACCOUNT EXAMINATIONS, OVERDRAFT NOTIFICATION, AND IOLTA**

**RULE 15.1 RANDOM EXAMINATION OF BOOKS AND RECORDS**

(a) **Authorization.** The Office of Disciplinary Counsel is authorized to examine the books and records of any lawyer or law firm selected at random to determine whether the lawyer or law firm is complying with RPC 1.15A, 1.15B, and other Rules of Professional Conduct referencing RPC 1.15A or RPC 1.15B. As used in this Title, the term law firm has the same meaning as prescribed in RPC 1.0A(c).

(b) - (e) [No change]

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

**WSR 17-01-024  
RULES OF COURT  
STATE SUPREME COURT  
[December 7, 2016]**

IN THE MATTER OF PROPOSED ) ORDER  
AMENDMENTS TO GR 12.1—REGU- ) NO. 25700-A-1165  
LATORY OBJECTIVES; GR 12.2— )  
WASHINGTON STATE BAR ASSOCIA- )  
TION: PURPOSES, AUTHORIZED )  
ACTIVITIES, AND PROHIBITED )  
ACTIVITIES; GR 12.3 WASHINGTON )  
STATE BAR ASSOCIATION ADMINIS- )  
TRATION OF SUPREME COURT-CRE- )  
ATED BOARDS AND COMMITTEES; )  
GR 12.4—WASHINGTON STATE BAR )  
ASSOCIATION ACCESS TO RECORDS; )  
GR 12.5—IMMUNITY )

The Washington State Bar Association, having recommended the proposed amendments to GR 12.1—Regulatory Objectives; GR 12.2—Washington State Bar Association: Purposes, Authorized Activities, and Prohibited Activities; GR 12.3 Washington State Bar Association Administration of Supreme Court-Created Boards and Committees; GR 12.4—Washington State Bar Association Access to Records; GR 12.5—Immunity, and the Court having considered the amendments thereto;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are to be published for comment January 2017, in the Washington Reports, Wash-

ington Register, Washington State Bar Association and Administrative Office of the Court's websites.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet Email by no later than April 30, 2017. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov). Comments submitted by email message must be limited to 1500 words.

DATED at Olympia, Washington this 7th day of December, 2016.

For the Court

Madsen, C.J.

CHIEF JUSTICE

**GR 9 COVER SHEET**

**Suggested Amendments to  
General Rules (GR)**

**A. Proponent**

Washington State Bar Association  
1325 4th Avenue, Suite 600  
Seattle, WA 98101-2539

Robin L. Haynes, WSBA President  
Washington State Bar Association  
1325 4th Avenue, Suite 600  
Seattle, WA 98101-2539

**B. Spokesperson**

Paula C. Littlewood  
Executive Director  
Washington State Bar Association  
1325 4th Avenue, Suite 600  
Seattle, WA 98101-2539

Douglas J. Ende  
Chief Disciplinary Counsel  
Washington State Bar Association  
1325 4th Avenue, Suite 600  
Seattle, WA 98101-2539

**C. Purpose**

General Rule (GR) 12 was first adopted by the Washington Supreme Court in 1987 at the suggestion of the Washington State Bar Association. In requesting the court rule, then-WSBA President William H. Gates wrote in his May 1987 cover letter to the Court that, among other things, the need for the rule was to set forth the purposes of the State Bar Association in a court rule. In his letter, Mr. Gates further outlined that the WSBA Board of Governors believed "this is a proper subject for the Court's consideration and action in light of the Court's control of the profession and the Association as set forth in the Graham [\*] case and other decisions." The letter also relays that "The Association is clearly an instrumentality of the Supreme Court and it is wholly appropriate for the par-

ent to, by rule, set the purposes of its instrumentality." In the accompanying GR 9 cover sheet, it was noted that GR 12 would set forth "the basic activities which the State Bar Association now engages in and has engaged in, with full authority, for many years." The Court adopted GR 12 later that year.

[\*] *Graham v. Washington State Bar Ass'n*, 86 Wn.2d 624, 548 P.2d 310 (1976).

GR 12 serves as the guiding instrument in establishing WSBA's purposes and authorized activities. Since 1987, GR 12 has been amended from time to time at the recommendation of the WSBA Board of Governors.

The suggested amendments to GR 12 submitted here are threefold. First, the amendments include a clear and comprehensive statement of the Supreme Court's authority to regulate the practice of law, recognizing that the Court's authority is broader in scope than its delegation of authority to the Washington State Bar and its licensure of lawyers. Second, the amendments conform the language of GR 12 with amendments to the WSBA Bylaws adopted by the Board of Governors on September 30, 2016. These bylaw amendments implement a number of WSBA Governance Task Force recommendations as approved in the BOG Response to the Governance Task Force Report. Third, the amendments incorporate the American Bar Association's (ABA) Model Regulatory Objectives into Washington's court rules. At its September 2016 meeting, the Washington State Bar Association Board of Governors reviewed and approved these suggested amendments for submission to the Supreme Court.

What follows is a summary of each of the suggested amendments:

- **GR 12:** This is a new introductory section intended to describe the Washington Supreme Court's existing authority to regulate the practice of law and the means by which it does so. The substance derives from principles stated in numerous decisions of the Supreme Court and existing court rules. Some of the language is modeled on the Preamble to Chapters 18 to 20 of the Colorado Supreme Court's Rules Governing the Practice of Law.
- **GR 12.1:** This is a new section adding to Washington's court rules the ABA Model Regulatory Objectives for the Provision of Legal Services. *See* Supporting Information. The Model Regulatory Objectives were discussed with the BOG and the Court this past year and it was determined that GR 12 was the best vehicle for codifying them in Washington. Existing GR 12.1 is renumbered as GR 12.2 (see below). The ABA House of Delegates adopted the Model Regulatory Objectives in February 2016 "to guide supreme courts and bar authorities when they assess their existing regulatory framework and any other regulations they may choose to develop concerning non-traditional legal service providers." The suggested language and organizational structure are identical to the ABA model version. Some of the language in the introductory paragraph to suggested GR 12.1 is modeled on the Preamble to the regulatory objectives adopted by the Colorado Supreme Court in April 2016.
- **GR 12.2:** Current GR 12.1 is renumbered as GR 12.2. A new introduction/preamble serves to define the source of

WSBA's governmental authority and the WSBA's relationship to the Washington Supreme Court, and to describe the delegation of authority from the Supreme Court to the WSBA. The substance is declarative of the existing delegation of authority and derives from principles stated in numerous decisions of the Supreme Court and existing court rules. These amendments do not authorize any new activities or purposes for the Washington State Bar Association. In addition, miscellaneous technical and clerical corrections have been made to update the rule and ensure conformity between GR 12 and the WSBA Bylaws.

- **GR 12.3:** Current GR 12.2 is renumbered as GR 12.3. Current GR 12.3 is renumbered as GR 12.5 (see below). The section is otherwise unchanged.
- **GR 12.4:** This section is unchanged except for revising the cross-reference to current GR 12.2.
- **GR 12.5:** Current GR 12.3 (Immunity) is renumbered as GR 12.5. This section is amended to update a reference to the Admission and Practice Rules and to include specific references to the disciplinary rules for the two limited licenses to practice law administered by the Washington State Bar Association.

#### **D. Hearing**

The proponent does not request a public hearing.

#### **E. Expedited Consideration**

The proponent does not request expedited consideration.

#### **F. Supporting Information**

- Resolution 105 and Report on ABA Model Regulatory Objectives for the Provision of Legal Services, adopted February 8, 2016

### SUGGESTED AMENDMENTS TO GENERAL RULE 12.1 TO 12.4 Redline Version

#### **RULE 12. REGULATION OF THE PRACTICE OF LAW**

The Washington Supreme Court has inherent and plenary authority to regulate the practice of law in Washington. The legal profession serves clients, courts, and the public, and has special responsibilities for the quality of justice administered in our legal system. The Court ensures the integrity of the legal profession and protects the public by adopting rules for the regulation of the practice of law and actively supervising persons and entities acting under the Supreme Court's authority.

#### **RULE 12.1. REGULATORY OBJECTIVES**

Legal services providers must be regulated in the public interest. In regulating the practice of law in Washington, the Washington Supreme Court's objectives include:

A. Protection of the public;

B. Advancement of the administration of justice and the rule of law;

C. Meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;

D. Transparency regarding the nature and scope of legal services to be provided, the credentials of those who provide them, and the availability of regulatory protections;

E. Delivery of affordable and accessible legal services;

F. Efficient, competent, and ethical delivery of legal services;

G. Protection of privileged and confidential information;

H. Independence of professional judgment;

I. Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;

J. Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

**RULE 12.3 2. WASHINGTON STATE BAR ASSOCIATION: PURPOSES, AUTHORIZED ACTIVITIES, AND PROHIBITED ACTIVITIES**

The Washington State Bar Association was created in 1933 by the State Bar Act (RCW 2.48.010) as an agency of the state. In the exercise of its inherent and plenary authority to regulate the practice of law in Washington, the Supreme Court authorizes and supervises the Washington State Bar Association's activities. The Washington State Bar Association carries out the administrative responsibilities and functions expressly delegated to it by this rule and other Supreme Court rules and orders enacted or adopted to regulate the practice of law, including the purposes and authorized activities set forth below.

**(a) Purposes: In General.** In general, the Washington State Bar Association strives to:

(1) Promote independence of the judiciary and the ~~bar~~ legal profession.

(2) Promote an effective legal system, accessible to all.

(3) Provide services to its members and the public.

(4) Foster and maintain high standards of competence, professionalism, and ethics among its members.

(5) Foster collegiality among its members and goodwill between the ~~bar~~ legal profession and the public.

(6) Promote diversity and equality in the courts; and the legal profession, and the bar.

(7) Administer admissions, regulation, to the bar and discipline of its members in a manner that protects the public and respects the rights of the applicant or member.

(8) Administer programs of legal education.

(9) Promote understanding of and respect for our legal system and the law.

(10) Operate a well-managed and financially sound association, with a positive work environment for its employees.

(11) Serve as a ~~state-wide~~ statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession.

**(b) Specific Activities Authorized.** In pursuit of these purposes, the Washington State Bar Association may:

(1) Sponsor and maintain committees; and sections, and divisions whose activities further these purposes;

(2) Support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system;

(3) Provide periodic reviews and recommendations concerning court rules and procedures;

(4) Administer examinations and review applicants' character and fitness to practice law;

(5) Inform and advise lawyers its members regarding their ethical obligations;

(6) Administer an effective system of discipline of its members, including receiving and investigating complaints of lawyer misconduct by legal professionals, taking and recommending appropriate punitive and remedial measures, and diverting less serious misconduct to alternatives outside the formal discipline system;

(7) Maintain a program, pursuant to court rule, requiring members to submit fee disputes to arbitration;

(8) Maintain a program for mediation of disputes between members and ~~their clients and~~ others;

(9) Maintain a program for lawyer legal professional practice assistance;

(10) Sponsor, conduct, and assist in producing programs and products of continuing legal education;

(11) Maintain a system for accrediting programs of continuing legal education;

(12) Conduct ~~audits~~ examinations of lawyers' legal professionals' trust accounts;

(13) Maintain a lawyers' fund for client protection in accordance with the Admission ~~to~~ and Practice Rules;

(14) Maintain a program for the aid and rehabilitation of impaired members;

(15) Disseminate information about ~~bar~~ the organization's activities, interests, and positions;

(16) Monitor, report on, and advise public officials about matters of interest to the ~~bar~~ organization and the legal profession;

(17) Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about ~~bar~~ the organization's positions and concerns;

(18) Encourage public service by members and support programs providing legal services to those in need;

(19) Maintain and foster programs of public information and education about the law and the legal system;

(20) Provide, sponsor, and participate in services to its members;

(21) Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the ~~bar's~~ organization's discretion, authorizing collective bargaining;

(22) Establish the amount of all license, application, investigation, and other related fees, as well as charges for services provided by the Washington State Bar Association, and collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged. The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable;

(23) Administer Supreme Court-created boards in accordance with General Rule 12.3.



**(c) Activities Not Authorized.** The Washington State Bar Association will not:

(1) Take positions on issues concerning the politics or social positions of foreign nations;

(2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or

(3) Support or oppose, in an election, candidates for public office.

**RULE 12.2 3. WASHINGTON STATE BAR ASSOCIATION ADMINISTRATION OF SUPREME COURT-CREATED BOARDS AND COMMITTEES**

[Unchanged.]

**RULE 12.3. IMMUNITY**

~~All boards, committees, or other entities, and their members and personnel, and all personnel and employees of the Washington State Bar Association, acting on behalf of the Supreme Court under the Admission to Practice Rules, the rules for Enforcement of Lawyer Conduct, and the Disciplinary Rules for Limited Practice Officers, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions.~~

**RULE 12.4. WASHINGTON STATE BAR ASSOCIATION ACCESS TO RECORDS**

(a) [Unchanged.]

**(b) Scope.** This rule governs the right of public access to Bar records. This rule applies to the Washington State Bar Association and its subgroups operated by the Bar including the Board of Governors, committees, task forces, commissions, boards, offices, councils, divisions, sections, and departments. This rule also applies to boards and committees under GR 12.2 3 administered by the Bar. A person or entity entrusted by the Bar with the storage and maintenance of Bar records is not subject to this rule and may not respond to a request for access to Bar records, absent express written authority from the Bar or separate authority in rule or statute to grant access to the documents.

(c) [Unchanged.]

(d) [Unchanged.]

(e) [Unchanged.]

(f) [Unchanged.]

(g) [Unchanged.]

(h) [Unchanged.]

(i) [Unchanged.]

(j) [Unchanged.]

**RULE 12.5. IMMUNITY**

All boards, committees, or other entities, and their members and personnel, and all personnel and employees of the Washington State Bar Association, acting on behalf of the Supreme Court under the Admission and Practice Rules, the Rules for Enforcement of Lawyer Conduct, or the disciplinary rules for limited practice officers and limited license legal technicians, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions.

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

**WSR 17-02-004**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
ENTERPRISE SERVICES**

(Capitol Campus Design Advisory Committee)

[Filed December 22, 2016, 9:50 a.m.]

Following are the capitol campus design advisory committee (CCDAC) meeting dates in the Washington State Register for 2017:

Thursday, February 16

Thursday, May 18

Thursday, September 14

Thursday, November 9

All CCDAC meetings will be held at 1500 Jefferson Street, Olympia, WA, conference room 2208 and will begin at 10:00 a.m.

If you have any questions regarding these meetings, please contact Nouk Leap at (360) 407-9256.

**WSR 17-02-009**

**NOTICE OF PUBLIC MEETINGS  
HEALTH CARE AUTHORITY**

(Pharmacy and Therapeutics Committee)

(Drug Utilization Review Board)

[Filed December 22, 2016, 1:22 p.m.]

2017 Meeting Schedule

Contact: Leta Evaskus, (206) 521-2029, leta.evaskus@hca.wa.gov.

**The February meeting date, time and location have changed.**

January 26, 2017	10:00 a.m. - 12:00 p.m.	Health Care Authority (HCA) Cherry Street Plaza Sue Crystal Conference Room 626 8th Avenue S.E. Olympia, WA 98504
February 22, 2017	10:00 a.m. - 12:00 p.m.	HCA Cherry Street Plaza Sue Crystal Conference Room 626 8th Avenue S.E. Olympia, WA 98504
April 19, 2017	9:00 a.m. - 4:00 p.m.	SeaTac Airport Conference Center International A Conference Room 17801 International Boulevard Seattle, WA 98158
June 21, 2017	9:00 a.m. - 4:00 p.m.	SeaTac Airport Conference Center International A Conference Room 17801 International Boulevard Seattle, WA 98158

August 16, 2017	9:00 a.m. - 4:00 p.m.	SeaTac Airport Conference Center International A Conference Room 17801 International Boulevard Seattle, WA 98158
October 18, 2017	9:00 a.m. - 4:00 p.m.	SeaTac Airport Conference Center International A Conference Room 17801 International Boulevard Seattle, WA 98158
December 20, 2017	9:00 a.m. - 4:00 p.m.	SeaTac Airport Conference Center International A Conference Room 17801 International Boulevard Seattle, WA 98158

**WSR 17-02-011**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF HEALTH**

(Athletic Training Advisory Committee)

[Filed December 22, 2016, 3:30 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 is the schedule of regular meetings for the department of health, athletic training advisory committee, for the year 2017. The athletic training advisory committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

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

Date	Time	Location
May 12, 2017	9:00 a.m.	Department of Health 111 Israel Road S.E. Room 145 Tumwater, WA
December 18, 2017	9:00 a.m.	Department of Health 111 Israel Road S.E. Room 158 Tumwater, WA

If you need further information, please contact Bruce Bronoske, Jr., Program Manager, Athletic Training Advisory Committee, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4843, fax (360) 236-2901, [bruce.bronoske@doh.wa.gov](mailto:bruce.bronoske@doh.wa.gov), [www.doh.wa.gov](http://www.doh.wa.gov).

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

**WSR 17-02-013**

**NOTICE OF PUBLIC MEETINGS  
OILSEEDS COMMISSION**

[Filed December 23, 2016, 9:39 a.m.]

The Washington oilseeds commission will be holding the following regular meetings in 2017:

Wednesday January 11	7:30 a.m.	Three Rivers Convention Center Kennewick, Washington Annual Meeting
Tuesday April 18	9:00 a.m.	Conference Call
Tuesday July 11	9:00 a.m.	Conference Call
Tuesday November 14	9:00 a.m.	Washington State Potato Commission Office Moses Lake, Washington

If you need further information contact Shane Johnson, 100 North Fruitland Street, Suite B, Kennewick, WA 99336, (509) 585-5460, [shanej@agmgt.com](mailto:shanej@agmgt.com).

**WSR 17-02-015**

**NOTICE OF PUBLIC MEETINGS  
CANCER RESEARCH ENDOWMENT AUTHORITY**

[Filed December 27, 2016, 10:33 a.m.]

**2017 Meeting Schedule**

The cancer research endowment authority board (CARE board) will be having regularly scheduled meetings during 2017 on the following dates:

Meetings	Time
February 10, 2017	3:00-5:00 p.m.
April 13, 2017	3:00-5:00 p.m.
July 13, 2017	3:00-5:00 p.m.
October 12, 2017	3:00-5:00 p.m.

Unless noted above all meetings will be held at the Department of Commerce, 2001 6th Avenue, Suite 2600, Seattle, WA.

Please contact Tanya Chiatovich at (206) 667-2828 for additional information.

**WSR 17-02-019**

**PUBLIC RECORDS OFFICER  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed December 27, 2016, 3:50 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the department of social and health services is Natasha House, P.O. Box 45135, Olympia, WA 98504, phone (360) 902-8484, fax (360) 902-7855, email [DSHSPublicDisclosure@dshs.wa.gov](mailto:DSHSPublicDisclosure@dshs.wa.gov).

Kathryn Ruckle  
Information Governance  
Administrator

**WSR 17-02-021**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Electrical Board)  
 [Filed December 27, 2016, 4:22 p.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the location of the electrical board meeting for April 2017 originally published under WSR 16-23-116 has been updated to April 27, 2017, at 9:00 a.m., at the Department of Labor and Industries, Tacoma Rhodes Center, 950 Broadway Avenue, Tacoma, WA 98402.

If you have any questions, please contact Alicia Curry, management analyst at (360) 902-6244 or Alicia.Curry@Lni.wa.gov.

**WSR 17-02-026**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
 [Filed December 28, 2016, 9:04 a.m.]

**Associated Students of Bellingham Technical College**  
**(ASBTC)**  
**Executive Team**  
**Regular Meeting Schedule**  
**2017**

Pursuant to RCW 42.30.075, the Bellingham Technical College ASBTC executive team's regular meetings during 2017 will be held the first and third Wednesday of each month, except where indicated, beginning January 11. All meetings will begin at 4:00 p.m. in the College Services Board Room (CS 215), unless indicated otherwise, at Bellingham Technical College, 3028 Lindbergh Avenue, Bellingham, WA 98225.

- January 11 and 25, 2017
- February 1 and 15, 2017
- March 1 and 15, 2017
- April 5 and 19, 2017
- May 3, 17, 31, 2017
- June 14, 2017
- No meetings held July - September*
- October 11 and 25, 2017  
(October 11 date in CC 233)
- November 8 and 22, 2017  
(November 8 date in CC 233)
- December 6, 2017

If you have questions, please contact Melisa Nelson at (360) 752-8443 or email mnelson@btc.edu.

**WSR 17-02-027**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
 [Filed December 28, 2016, 9:06 a.m.]

**Associated Students of Bellingham Technical College**  
**(ASBTC)**  
**Services and Activities (S&A) Fee**  
**Budget Committee**  
**Regular Meeting Schedule**  
**2017**

Pursuant to RCW 42.30.075, the Bellingham Technical College ASBTC S&A fee budget committee's regular meetings during 2017 will be held on the first and third Tuesdays of each month, except where indicated, beginning January 3. All meetings will begin at 3:30 p.m. in the College Services Building Board Room, Bellingham Technical College, 3028 Lindbergh Avenue, Bellingham, WA 98225.

- January 3 and 17, 2017
- February 7 and 21, 2017
- March 7 and 21, 2017
- April 18, 2017
- May 2 and 16, 2017
- June 6, 2017
- October 3 and 17, 2017
- November 7 and 21, 2017
- December 5, 2017

If you have questions, please contact Melisa Nelson at (360) 752-8443 or email mnelson@btc.edu.

**WSR 17-02-028**  
**NOTICE OF PUBLIC MEETINGS**  
**RENTON TECHNICAL COLLEGE**  
 [Filed December 28, 2016, 10:22 a.m.]

Pursuant to RCW 42.30.075, Renton Technical College board of trustees' regular meetings during 2017 will be held as follows:

<b>Date</b>	<b>Week/Day of the Month</b>
January 18, 2017	Third Wednesday
February 15, 2017	Third Wednesday
March 22, 2017	Fourth Wednesday
April 19, 2017	Third Wednesday
May 17, 2017	Third Wednesday
June 14, 2017	Second Wednesday
<b>July 2017</b>	<b>No meeting</b>
<b>August 2017</b>	<b>No meeting</b>
September 20, 2017	Third Wednesday
October 18, 2017	Third Wednesday

Date	Week/Day of the Month
November 15, 2017	Third Wednesday
December 13, 2017	Second Wednesday

There are no regular meetings during the months of July and August.

All meetings will be scheduled at 3:00 p.m., Roberts Campus Center Board Room, Room I-202, Renton Technical College, 3000 N.E. 4th Street, Renton, WA 98056-4195.

If you need further information, please contact Di Beers at (425) 235-2426.

**WSR 17-02-030**

**NOTICE OF PUBLIC MEETINGS  
PUGET SOUND PARTNERSHIP**

(Puget Sound Partnership Ecosystem Coordination Board)  
(Puget Sound Partnership Leadership Council)  
(Puget Sound Partnership Science Panel)

[Filed December 28, 2016, 10:31 a.m.]

At a regular meeting on December 6, 2016, the Puget Sound partnership leadership council adopted the following 2017 meeting schedule (see [http://www.psp.wa.gov/LC\\_meetings.php](http://www.psp.wa.gov/LC_meetings.php) for details):

Date	Days	Location
March 29/30, 2017	Wednesday/ Thursday	GA Auditorium Olympia
June 21/22, 2017	Wednesday/ Thursday	Padilla Bay Mt. Vernon
September 20/21, 2017	Wednesday/ Thursday	Port Gamble S'Klallam Tribe Kingston
December 5/6, 2017	Tuesday/ Wednesday	South Seattle Community College Georgetown Seattle

At a regular meeting on November 10, 2016, the Puget Sound partnership ecosystem coordination board adopted the following 2017 meeting schedule (see [http://www.psp.wa.gov/EB\\_meetings.php](http://www.psp.wa.gov/EB_meetings.php) for details):

Date	Days	Location
March 2, 2017	Thursday	GA Auditorium Olympia
June 15, 2017	Thursday	Edmonds Center for the Arts Edmonds
August 24, 2017	Thursday	Edmonds Center for the Arts Edmonds
November 8, 2017	Wednesday	Edmonds Center for the Arts Edmonds

At a regular meeting on December 15, 2016, the Puget Sound partnership science panel adopted the following 2017 meeting schedule (see [http://www.psp.wa.gov/SP\\_meetings.php](http://www.psp.wa.gov/SP_meetings.php) for details):

Date	Days	Location
February 16, 2017	Thursday	South Seattle Community College Georgetown Seattle

Date	Days	Location
May 18, 2017	Thursday	University of Washington Henderson Hall Seattle
July 19/20, 2017	Wednesday/ Thursday	University of Washington Henderson Hall Seattle
October 19, 2017	Thursday	University of Washington Henderson Hall Seattle
December 12/13, 2017	Tuesday/ Wednesday	South Seattle Community College Georgetown Seattle

**WSR 17-02-042**

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

[Filed December 29, 2016, 8:50 a.m.]

**Notice of Interpretive or Policy Statement**

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

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

Document Title: Policy Clarification Memo 16-004: 2017 Washington Minimum Wage Increase.

Subject: 2017 Washington minimum wage increase.

Effective Date: December 28, 2016.

Document Description: This policy clarification memo explains that the Washington minimum wage will increase from \$9.47 to \$11.00 per hour on January 1, 2017.

To receive a copy of the interpretive or policy statements, contact Lori Webb, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5236, TDD/TTY (360) 753-9122, fax (360) 586-3274, email [WebbL@dsht.wa.gov](mailto:WebbL@dsht.wa.gov), web site <http://www.dshs.wa.gov/dcs/>.

**WSR 17-02-043**

**NOTICE OF PUBLIC MEETINGS  
STATUTE LAW COMMITTEE**

[Filed December 29, 2016, 9:18 a.m.]

A statute law committee meeting has been scheduled for Thursday, January 19, 2017. The meeting will begin at 12:00 p.m. and will end at approximately 1:00 p.m. Agenda items include approval of minutes, a general overview of publications, current office activities, financial status of accounts, and code maintenance.

The meeting will be held in the senate rules room on the second floor of the legislative building.

Debbie Deibert or K. Kyle Thiessen are the contact persons for information concerning this meeting and can be reached at (360) 786-6777.

**WSR 17-02-044**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF HEALTH**

(Applied Behavior Analysis Advisory Committee)  
[Filed December 29, 2016, 9:33 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Business Practices [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, applied behavior analysis advisory committee for the year 2017. The applied behavior analysis advisory committee meetings are open to the public, and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

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

Date	Time	Location
March 3, 2017	10:00 a.m.	Department of Health Kent Regional Office Room 309 20425 72nd Avenue South Building 2 Suite 310 Kent, WA 98032
June 2, 2017	10:00 a.m.	Telephone/ GoToMeeting
September 15, 2017	10:00 a.m.	Department of Health Kent Regional Office Room 309 20425 72nd Avenue South Building 2 Suite 310 Kent, WA 98032
November 3, 2017	10:00 a.m.	Telephone/ GoToMeeting

If you need further information, please contact Brett Lorentson, Program Manager, Applied Behavior Analysis Advisory Committee, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4611, fax (360) 236-2901, email Brett.Lorentson@doh.wa.gov, <http://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/AppliedBehaviorAnalysis>.

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

**WSR 17-02-046**

**PUBLIC RECORDS OFFICER  
CRANBERRY COMMISSION**

[Filed December 29, 2016, 11:19 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington cranberry commission is Joseph Knapp, P.O. Box 597, Grayland, WA 98547, phone (360) 267-5481, email joey.knapp@ssbwa.com.

Joseph Knapp  
Secretary/Treasurer

**WSR 17-02-050**

**CANCER RESEARCH ENDOWMENT AUTHORITY**

[Filed December 29, 2016, 3:28 p.m.]

**PUBLIC NOTICE**

Subject: Public hearing regarding first annual spending plan for CARE fund.

Description: The cancer research endowment (CARE) authority and the cancer research endowment authority board (CARE board) was created by the Washington state legislature in 2015 to guide the cancer research endowment fund (CARE fund). The CARE fund is a ten year, up to \$10 million per year, state match to fund cancer research in Washington state. The CARE board oversees and guides the CARE fund, including the solicitation, selection and award of grants. The CARE fund will incentivize additional investment by requiring private or other nonstate resources to match public funds and ensure that funding proposals for cancer research are reviewed by an independent scientific panel.

The CARE board requires fiscal and public accountability through independent audits, open public meetings and hearings and annual reports to the public. Pursuant to RCW 43.348.040(2), the CARE board "must develop a plan for the allocation of projected amounts in the CARE fund, which it must update annually, following at least one annual public hearing."

Public Hearing: A public hearing will be held on February 10, at 3:00 p.m. at the Department of Commerce, 2001 6th Avenue, Suite 2600, Seattle, WA, on the first annual spending plan for the CARE fund. The purpose of the hearing is to explain to the general public the proposed priorities for cancer research funding developed by the CARE board and to provide an opportunity for people to comment on the proposed priorities.

**WSR 17-02-052**

**NOTICE OF PUBLIC MEETINGS  
WASHINGTON CITIZENS' COMMISSION ON  
SALARIES FOR ELECTED OFFICIALS**

[Filed December 30, 2016, 9:30 a.m.]

Following is the schedule of regular meetings for the citizens' commission on salaries for elected officials for 2017:

Date	Time	Meeting Location
January 25, 2017 January 26, 2017	8:30 a.m. to 4:30 p.m. 8:30 a.m. to 4:30 p.m.	Department of Enterprise Services 1500 Jefferson Street S.E. Olympia, WA 98504
February 22, 2017	6 p.m. to 8 p.m.	Radisson Gateway 18118 International Boulevard SeaTac, WA 98188
March 22, 2017	6 p.m. to 8 p.m.	Radisson Gateway 18118 International Boulevard SeaTac, WA 98188
April 19, 2017	6 p.m. to 8 p.m.	Radisson Gateway 18118 International Boulevard SeaTac, WA 98188
May 17, 2017	9 a.m. to 5 p.m.	Radisson Gateway 18118 International Boulevard SeaTac, WA 98188

**Meetings can be dismissed early if all business is complete.**

If you need further information contact Teri Wright, 302 Sid Synder Avenue S.W., Suite 110, Olympia, WA 98501, (360) 556-2744 or (360) 819-8818, Teri.Wright@salaries.wa.gov, www.salaries.wa.gov.

**WSR 17-02-053**  
**NOTICE OF PUBLIC MEETINGS**  
**PARKS AND RECREATION**  
**COMMISSION**  
 [Filed December 30, 2016, 10:16 a.m.]

As required by RCW 42.30.080, Open Public Meetings Act, Washington state parks and recreation commission is holding two special meetings. The first meeting to be held January 5, 2017, at 5:30 p.m. at Basytr University in Kenmore, Washington, to hear public comment on the Saint Edward Seminary Lease.

The second to be held January 9, 2017, at 9:00 a.m. at the Washington state parks and recreation commission headquarters in Olympia, Washington, or via conference call. This meeting is being held to consider approval to the exchange of the McDonald Property for the sixty-two year lease of the Seminary Building and associated land and structures, and delegate authority to the director to execute the exchange agreement and sixty-two year lease with Daniels Real Estate.

The services, programs and activities of the Washington state parks and recreation commission are covered by the Americans with Disabilities Act. If you need special accommodations to participate in this meeting, please contact the commission assistant Becki Ellison at (360) 902-8502 or becki.ellison@parks.wa.gov. Accommodation requests should be received at least five business days prior to the meeting to ensure availability. Please provide two weeks' notice for requests to receive information in an alternative format and for ASL/ESL interpretation requests.

**WSR 17-02-054**  
**NOTICE OF PUBLIC MEETINGS**  
**ECONOMIC DEVELOPMENT**  
**FINANCE AUTHORITY**  
 [Filed December 30, 2016, 2:23 p.m.]

**2017 Regular Meeting Dates and Locations**

March 2	2:00 p.m.	1000 2nd Avenue Suite 2700 Seattle, WA
June 15	2:00 p.m.	1000 2nd Avenue Suite 2700 Seattle, WA
September 21	2:00 p.m.	1000 2nd Avenue Suite 2700 Seattle, WA
December 7	2:00 p.m.	1000 2nd Avenue Suite 2700 Seattle, WA

**WSR 17-02-055**  
**NOTICE OF PUBLIC MEETINGS**  
**RECREATION AND CONSERVATION**  
**OFFICE**  
 (Invasive Species Council)  
 [Filed December 30, 2016, 3:40 p.m.]

Following is the schedule of regular meetings for the Washington invasive species council for 2017:

Date	Time	Location
March 23, 2017	9:00 a.m. to 3:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
June 8, 2017	9:00 a.m. to 3:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
September 21, 2017	9:00 a.m. to 3:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
December 14, 2017	9:00 a.m. to 3:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501

If you need further information, contact Justin Bush, Executive Coordinator, 1111 Washington Avenue [Street] S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone (360) 902-3088, fax (360) 902-3026, Justin.Bush@rco.wa.gov, www.InvasiveSpecies.wa.gov.

**WSR 17-02-056**  
**NOTICE OF PUBLIC MEETINGS**  
**RECREATION AND CONSERVATION**  
**OFFICE**

(Recreation and Conservation Funding Board)  
 [Filed December 30, 2016, 3:40 p.m.]

Following is the schedule of regular meetings for the recreation and conservation funding board for 2017:

Date	Time	Location
February 8, 2017	9:00 a.m. to 5:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 175 A&B Olympia, WA 98501
May 10-11, 2017	9:00 a.m. to 5:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
July 12-13, 2017	9:00 a.m. to 5:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
September 13-14, 2017	9:00 a.m. to 5:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 175 A&B Olympia, WA 98501
October 11-12, 2017	9:00 a.m. to 5:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501

[If you need further information, contact] Wendy Loosle, 1111 Washington Avenue [Street] S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone (360) 902-3000, fax (360) 902-3026, wendy.loosle@rco.wa.gov, http://www.rco.wa.gov/boards/rcfb\_meetings.shtml.

**WSR 17-02-057**  
**NOTICE OF PUBLIC MEETINGS**  
**RECREATION AND CONSERVATION**  
**OFFICE**

(Salmon Recovery Funding Board)  
 [Filed December 30, 2016, 3:40 p.m.]

Following is the schedule of regular meetings for the salmon recovery funding board for 2017:

Date	Time	Location
March 1-2, 2017	9:00 a.m. to 5:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
May 24, 2017	9:00 a.m. to 5:00 p.m.	Location to be determined. Please check web site for location details.
June 14-15, 2017	9:00 a.m. to 5:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
September 13-14, 2017	9:00 a.m. to 5:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 175 A&B Olympia, WA 98501
December 6-7, 2017	9:00 a.m. to 5:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501

If you need further information, contact Wendy Loosle, 1111 Washington Avenue [Street] S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone (360) 902-3000, fax (360) 902-3026, wendy.loosle@rco.wa.gov, http://www.rco.wa.gov/boards/srfb\_meetings.shtml.

**WSR 17-02-058**  
**AGENDA**  
**RECREATION AND CONSERVATION**  
**OFFICE**

(Recreation and Conservation Funding Board)  
 (Salmon Recovery Funding Board)  
 [Filed December 30, 2016, 3:56 p.m.]

Following is the semi-annual rule-making agenda for the recreation and conservation funding board and salmon recovery funding board, prepared by the recreation and conservation office, 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 Leslie Connelly, Rules Coordinator, P.O. Box 40917, Olympia, WA 98504-0917, (360) 902-3080, or leslie.connelly@rco.wa.gov.

WAC Chapter	Purpose of Rule Being Developed or Amended	Current Activity		
		Preproposal (CR- 101)	Proposal (CR-102) Expedited (CR-105)	Permanent (CR-103)
Chapter 286-26 WAC, Nonhighway road and off-road vehicle funds Chapter 286-27 WAC, Washington	Repeal chapters and move the rules into chapter 286-13 WAC, General grant assistance rules.	1/4/2017	3/1/207[2017]	5/12/2017

WAC Chapter	Purpose of Rule Being Developed or Amended	Current Activity		
		Preproposal (CR- 101)	Proposal (CR-102) Expedited (CR-105)	Permanent (CR-103)
wildlife and recreation program Chapter 286-35 WAC, Boating facilities program Chapter 286-40 WAC, Land and water conservation fund Chapter 286-42 WAC, Aquatic lands enhancement account program	Organize the rules by the type of project, not by program.			
WAC 286-04-010	Add definition for "project area."	1/4/2017	3/1/207[2017]	5/12/2017
Chapter 286-13 WAC, General grant assistance	Create new section on the requirements for documenting "project area."	1/4/2017	3/1/207[2017]	5/12/2017

**WSR 17-02-061**

**DEPARTMENT OF AGRICULTURE**

[Filed January 3, 2017, 8:49 a.m.]

2016 Petitions for Rule Making

The following information is being sent in order to implement RCW 1.08.112 (1)(g) and WAC 1-21-180. The Washington state department of agriculture received ten petitions for rule making during the fourth quarter of 2016.

Date	Requestor	Subject
<b>1ST QUARTER (JANUARY THROUGH MARCH)</b>		
<b>2ND QUARTER (APRIL THROUGH JUNE)</b>		
5/11/2016	Washington state bulb commission	Termination of the Washington state bulb commission.
5/16/2016	Washington turfgrass seed commission	Amendments to the marketing order.
<b>3RD QUARTER (JULY THROUGH SEPTEMBER)</b>		
7/14/2016	Washington pulse crops commission	Increasing the assessment to 1.5 percent for a three year period starting July 1, 2017.
<b>4TH QUARTER (OCTOBER THROUGH DECEMBER)</b>		
10/17/2016	Ann George, Washington hop commission	Modifying chapter 16-532 WAC to include procedures for public disclosure.
10/18/2016	Shane Johnson, Washington alfalfa seed commission	Modifying chapter 16-529 WAC to include procedures for public disclosure.
10/24/2016	Ben Kern, Sun Dance Orchards, Inc.	Modifying chapter 16-232 WAC by prohibiting low volatile ester 2,4-D applications from April 1 to November 1 in Kittitas County.
10/26/2016	Chris Voigt, Washington potato commission	Modifying chapter 16-516 WAC to include procedures for public disclosure.

Date	Requestor	Subject
10/29/2016	Washington state sheep producers	Modifying chapter 16-54 WAC by modifying the import requirement that sheep must test negative for <i>Brucella ovis</i> on an ELISA test from thirty to sixty days before entering Washington; and repeals the requirement that black face sheep imported for breeding purposes must be genetic tested before entry to be QR or RR at the 171 codon.
11/7/2016	Shane Johnson, Washington mint commission	Modifying chapter 16-540 WAC to include procedures for public disclosure.
11/7/2016	Shane Johnson, Washington oilseeds commission	Modifying chapter 16-573 WAC to include procedures for public disclosure.
11/7/2016	Shane Johnson, Washington turfgrass seed commission	Modifying chapter 16-545 WAC to include procedures for public disclosure
11/30/2016	Tri-State Seed	Modifying chapter 16-302 WAC by eliminating the requirement for zero tolerance in the field for rush skeleton weed.
12/14/2016	Glen Squires, Washington grain commission	Modifying chapter 16-531 WAC to include procedures for public disclosure.



**WSR 17-02-064**  
**NOTICE OF PUBLIC MEETINGS**  
**RECREATION AND CONSERVATION**  
**OFFICE**

(Habitat and Recreation Lands Coordinating Group)  
 [Filed January 3, 2017, 11:13 a.m.]

Following is the schedule of regular meetings and the monitoring forum for the habitat and recreation lands coordinating group for 2017:

**Regular Quarterly Meetings**

Date	Time	Location
February 23, 2017	9:00 a.m. to 12:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
September 19, 2017	9:00 a.m. to 12:00 p.m.	Location to be determined. Please check web site for location details.
December 12, 2017	9:00 a.m. to 12:00 p.m.	Location to be determined. Please check web site for location details.

**Joint Regular Meeting and Monitoring Forum**

June 1, 2016 [2017]	9:00 a.m. to 3:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 175 A&B Olympia, WA 98501
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If you need further information, contact Wendy Brown, 1111 Washington Avenue [Street] S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone (360) 902-3021, fax (360) 902-3026, wendy.brown@rco.wa.gov, http://www.rco.wa.gov/boards/hrlcg\_meetings.shtml.

**WSR 17-02-072**  
**NOTICE OF PUBLIC MEETINGS**  
**BENTON CLEAN AIR AGENCY**

[Filed January 3, 2017, 2:13 p.m.]

**Board of Directors**  
**Meeting Schedule for Calendar Year 2017**

Meetings are held on the fourth Thursday of each month at 5:00 p.m. at the agency offices, 526 South Steptoe Street, Kennewick, WA 99337.

**2016 [2017]**

- January 26
- February 23
- March 23
- April 27
- May 25
- June 22
- July 27
- August 24 - Canceled

- September 28
- October 26
- November 23 - Canceled
- December 28

**WSR 17-02-073**  
**NOTICE OF PUBLIC MEETINGS**  
**GAMBLING COMMISSION**

[Filed January 3, 2017, 2:29 p.m.]

**Approved 2017 Commission Meeting Schedule**

- January 12  
One-Day Only      Red Lion Olympia  
2300 Evergreen Park Drive S.W.  
Olympia, WA 98502  
(360) 349-4000
- February 9 and 10      Red Lion Olympia  
2300 Evergreen Park Drive S.W.  
Olympia, WA 98502  
(360) 349-4000
- March 9 and 10      Hampton Inn and Suites  
4301 Martin Way East  
Olympia, WA 98516  
(360) 459-5000
- April 13 and 14      Hampton Inn and Suites  
4301 Martin Way East  
Olympia, WA 98516  
(360) 459-5000
- May 11 and 12      Great Wolf Lodge  
20500 Old Highway 99 S.W.  
Grand Mound, WA 98531
- June      No meeting
- July 13 and 14      Quality Inn and Conference  
Center  
1700 South Canyon Road  
Ellensburg, WA 98926  
(509) 925-9800
- August 10 and 11      South Puget Sound Community  
College  
4220 6th Avenue S.E.  
Lacey, WA 98503
- September 14 and 15      Red Lion Spokane  
700 North Division  
Spokane, WA 99202  
(509) 323-2579
- October 12 and 13      Hampton Inn and Suites  
4301 Martin Way East  
Olympia, WA 98516  
(360) 459-5000

November 16 and 17 Washington State Labor and Industries  
7273 Linderson Way S.W.  
Tumwater, WA 98501  
I-5 Exit 101

December No meeting

Contact Julie Anderson, (360) 486-3453, Julie.anderson@wsgc.wa.gov.

Date	Time	Location
January 23, 2017	9:30 a.m. - 2:30 p.m.	Department of Commerce 1011 Plum Street S.E. Olympia, WA 98504 Building 5 1st Floor Conference Room
February 27, 2017	9:30 a.m. - 2:30 p.m.	
March 27, 2017	9:30 a.m. - 2:30 p.m.	
April 24, 2017	9:30 a.m. - 2:30 p.m.	
May 22, 2017	9:30 a.m. - 2:30 p.m.	
June 26, 2017	9:30 a.m. - 2:30 p.m.	
July 24, 2017	9:30 a.m. - 2:30 p.m.	
August 28, 2017	9:30 a.m. - 2:30 p.m.	
September 25, 2017	9:30 a.m. - 2:30 p.m.	
October 23, 2017	9:30 a.m. - 2:30 p.m.	
November 20, 2017	9:30 a.m. - 2:30 p.m.	
December 18, 2017	9:30 a.m. - 2:30 p.m.	

**WSR 17-02-077**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF COMMERCE**

(Achieving a Better Life Experience Governing Board)  
[Filed January 3, 2017, 5:13 p.m.]

Following is the schedule of monthly meetings for the Washington state department of commerce, achieving a better life experience (ABLE) governing board for 2017:

Please note, all meetings are open to the public, but a commerce staff member has a severe, life-threatening peanut allergy. Please refrain from bringing any peanuts or products with peanuts in them with you to these meetings.

If you need further information, please contact Peter Tassoni, Disabilities Workgroup Manager, Washington State Department of Commerce, Community Services Housing Division, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-3125, Peter.Tassoni@commerce.wa.gov, www.commerce.wa.gov.

**WSR 17-02-085**  
**AGENDA**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed January 4, 2017, 10:29 a.m.]

**Semi-Annual Rule-Making Agenda**  
**January through June 2017**

Below is the board of pilotage commissioner's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on this agenda. Refer to our web site for periodic updates.

Please direct any questions about this agenda to Jaimie Bever, Rules Coordinator, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, (206) 515-3904, fax (206) 515-3906, email BeverJ@wsdot.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102)	Permanent (CR-103P)
363-116	Pilotage Rules	WSR 17-02-080 1/14/17		

Jaimie Bever  
Rules Coordinator

**WSR 17-02-086**

**AGENDA**

**UNIVERSITY OF WASHINGTON**

[Filed January 4, 2017, 11:09 a.m.]

**Semi-Annual Agenda for Rules under Development  
(Per RCW 34.05.314)  
January 2017**

Rule-making activity not now anticipated may also be added as conditions warrant between semi-annual agendas:

1. Rule making will continue for chapter 478-160 WAC, Admission and registration procedures for the University of Washington, during the first half of 2017 (a CR-101 was filed on August 5, 2015).

2. Separate rule making will continue for WAC 478-160-163 Waivers of tuition and fees, during the first half of 2017 (a CR-101 was filed on August 3, 2016).

3. Rule making is anticipated for housekeeping amendments to multiple Title 478 WAC rules during the first half of 2017.

4. Rule making is anticipated for chapter 478-120 WAC, Student conduct code for the University of Washington, during the first half of 2017.

For more information concerning the above rules, please contact Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, Box 351210, Seattle, WA 98195-1210, phone (206) 543-9219, email rules@uw.edu, web www.washington.edu/rules/.

**WSR 17-02-087**

**HEALTH CARE AUTHORITY**

[Filed January 4, 2017, 11:57 a.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 17-0009 Home Care Agency Rates.

Effective Date: Anticipated on or after January 1, 2017.

Description: The health care authority in conjunction with the department of social and health services (DSHS) intends to submit medicaid SPA 17-0009. The purpose of this notice is to advise of potential medicaid rate changes as of January 1, 2017.

This notice is furnished in accordance with federal medicaid law, at 42 U.S.C. Sec. 1396a (a)(13)(A) and 42 C.F.R. Sec. 447.205, and state regulations, at WAC 388-96-718. Under these provisions, DSHS must publish proposed new methodologies for determining the payment rates, and the justification for those new methodologies, when the changes would amount to "material" changes that require DSHS to amend its medicaid state plan under Title XIX of the federal Social Security Act.

Beginning on January 1, 2017: The home care agency hourly rate increased to \$25.96 per hour, which is an increase of \$1.36 per hour. The estimated increase in total annual payments to home care agencies for the above changes in state fiscal year 2017 is \$9,800,000.

The individual providers mileage rate will be lowered from \$.54 to \$.535. This is per the IRS mileage rate.

If you would like more information, the proposed budget can be found at <http://leap.leg.wa.gov/leap/budget/lbns/2016Omni2376-S.SL.pdf>.

If you have comments on these changes, please contact Elizabeth Pashley, regulatory advisor, at [elizabeth.pashley@dshs.wa.gov](mailto:elizabeth.pashley@dshs.wa.gov) with a courtesy copy to Ann Myers, state plan coordinator, at [ann.myers@hca.wa.gov](mailto:ann.myers@hca.wa.gov). Comments must be submitted by March 1, 2017. Please note that all comments are subject to public review and disclosure, as are the names of those who comment.

The SPA is in the development process. A copy of the SPA will be provided on request as soon as it becomes available. To request a copy of the SPA, you may contact the agency in your county listed in the table below or the person named above.

<p><b>Adams County</b> Adams County Health Department 108 West Main Ritzville, WA 99169 Phone (509) 659-3315</p>
<p><b>Asotin County</b> Home and Community Services Clarkston HCS Office 525 Fifth Street Clarkston, WA 99403 Phone (509) 751-4672 Alt Phone 1-800-310-4881 Fax (509) 758-4593 <a href="http://www.altcWashington.com">http://www.altcWashington.com</a></p>
<p><b>Benton County</b> Tri-Cities Home and Community Services 500 North Morain Street Suite 2210 Kennewick, WA 99336 Phone (509) 374-2100 Alt Phone 1-800-310-4833 Fax (509) 734-7559</p>
<p><b>Chelan County</b> Chelan Community Services Office 805 South Mission Street Wenatchee, WA 98801 Phone (509) 667-6000</p>
<p><b>Clallam County</b> Port Angeles Home and Community Services 235 West 1st Street Port Angeles, WA 98362 Phone (360) 565-2160 Alt Phone 1-800-280-9891 TTY (360) 417-5651 Fax (360) 417-1416</p>

<p><b>Jefferson County</b> Port Townsend Home and Community Services 915 Sheridan Street Suite 201 Port Townsend, WA 98368 Phone (360) 379-4326 Alt Phone 1-800-280-9991 Fax (360) 344-4600</p>	<p><b>Ferry County</b> Republic Home and Community Services 89 East Delaware Republic, WA 99166 Phone (509) 775-2227 Alt Phone 1-888-437-0516 TTY (509) 775-2661 Fax (509) 775-2401</p>
<p><b>King County</b> King County Home and Community Services 1737 Airport Way South Suite 130 P.O. Box 24847 Seattle, WA 98134 Phone (206) 341-7750 Alt Phone 1-800-346-9257 TTY 1-800-833-6384</p>	<p><b>Lewis County</b> Chehalis Home and Community Services 3451 Galvin Road Centralia, WA 98531 Phone (360) 807-7150 Alt Phone 1-800-487-0360 Fax (360) 330-7552</p>
<p><b>Clark County</b> Vancouver Home and Community Services 800 N.E. 136th Avenue Suite 220 Vancouver, WA 98684 Phone (360) 397-9500 Alt Phone 1-800-280-0586 TTY (360) 750-4079 Fax (360) 992-7949</p>	<p><b>Lincoln County</b> Lincoln County Health Department 90 Nicholls Street Davenport, WA 99122 Phone (509) 725-1001</p>
<p><b>Columbia County</b> Columbia Office - Aging and Disability Resource Center 410 East Main Dayton, WA 99328 Phone (509) 382-4787 <a href="http://www.altc.washington.com">http://www.altc.washington.com</a></p>	<p><b>Franklin County</b> Franklin County Commissioners Office 1016 North 4th Avenue Pasco, WA 99301 (509) 545-3535</p>
<p><b>Cowlitz County</b> Kelso Home and Community Services 711 Vine Street Kelso, WA 98626 Phone (360) 501-2500 Alt Phone 1-800-605-7322 TTY (360) 577-7591 Fax (360) 578-4106</p>	<p><b>Garfield County</b> Garfield County District Court 789 West Main Street Pomeroy, WA 99347 Phone (509) 843-1002</p>
<p><b>Douglas County</b> Wenatchee Home and Community Services 50 Simon Street S.E. Suite B East Wenatchee, WA 98802 Phone (509) 886-6140 Alt Phone 1-800-670-8874 Fax (509) 886-6221</p>	<p><b>Grant County</b> Moses Lake Home and Community Services 1651 South Pilgrim Street Moses Lake, WA 98837 Phone (509) 764-5657 Alt Phone 1-800-671-8902 TTY 1-800-833-6388 Fax (509) 764-5656</p>
	<p><b>Grays Harbor County</b> Aberdeen Home and Community Services 415 West Wishkah Street Suite A2 Aberdeen, WA 98520 Phone (360) 533-9222 Alt Phone 1-800-487-0119 TTY (360) 533-9730 Fax (360) 533-9782</p>

<p><b>Island County</b> Oak Harbor Home and Community Services 900 East College Way Suite 210 Mt. Vernon, WA 98273 Phone (360) 429-2961 Alt Phone 1-866-608-0836 Fax (360) 429-2958</p>	<p><b>Spokane County</b> Home and Community Services Spokane HCS 1330 North Washington Street Suite 3000 Spokane[, WA] 99201 Phone (509) 568-3700 Alt Phone 1-800-459-0421 TTY (509) 568-3697 Fax (509) 568-3771</p>
<p><b>Pend Oreille County</b> Newport Home and Community Services 1600 West First Avenue Newport, WA 99156 Phone (509) 447-6223 Alt Phone 1-888-437-0516 Fax (509) 447-5256</p>	<p><b>Stevens County</b> Colville Home and Community Services 1100 South Main Colville, WA 99114 Phone (509) 685-5644 Alt Phone 1-888-437-0516 Fax (509) 684-7430</p>
<p><b>Pierce County</b> Tacoma Home and Community Services 1949 South State Street Tacoma, WA 98405 Phone (253) 476-7200 Alt Phone 1-800-442-5129 TTY (253) 593-5471 Fax (253) 597-4161</p>	<p><b>Mason County</b> Shelton Home and Community Services 2505 Olympic Highway North Suite 440 Shelton, WA 98584 Phone (360) 664-9050 Alt Phone 1-800-462-4957 Fax (360) 432-2045</p>
<p><b>Kitsap County</b> Bremerton Home and Community Services 4710 Auto Center Boulevard Bremerton, WA 98312 Phone (360) 473-2299 Alt Phone 1-800-422-7114 TTY (360) 478-4928 Fax (360) 478-6467</p>	<p><b>Okanogan County</b> Omak Home and Community Services 130 South Main Omak, WA 98841 Phone (509) 846-2103 Alt Phone 1-888-437-0529 TTY (509) 826-7389 Fax (509) 826-7439</p>
<p><b>Kittitas County</b> Ellensburg Home and Community Services 100 East Jackson Avenue Suite 100 Ellensburg, WA 98926 Phone (509) 925-0433 Alt Phone 1-800-310-4999 Fax (509) 962-7755</p>	<p><b>Pacific County</b> South Bend Home and Community Services 307 East Robert Bush Drive P.O. Box 87 South Bend, WA 98586 Phone (360) 875-4222 Alt Phone 1-800-458-3747 Fax (360) 875-0590</p>
<p><b>Klickitat County</b> White Salmon Home and Community Services 221 North Main Street White Salmon, WA 98672 Phone (509) 493-6157 Alt Phone 1-800-504-1180</p>	<p><b>Thurston County</b> Tumwater Home and Community Services (formerly Lacey HCS office) 6639 Capitol Boulevard S.W. Tumwater, WA 98512 Phone (360) 664-9050 Alt Phone 1-800-462-4957 TTY (360) 407-1678 Fax (360) 664-9107</p>
<p><b>Snohomish County</b> Smokey Point Home and Community Services 3906 172nd Street N.E. Suite 101 Arlington, WA 98223 Phone (360) 651-6800 Alt Phone 1-800-827-2984 Fax (360) 651-6832</p>	

**Wahkiakum County**

Health and Human Services  
 42 Elochoman Valley Road  
 Cathlamet, [WA] 98612  
 (360) 795-8630  
 1-800-635-5989

**Walla Walla County**

Walla Walla Home and Community Services  
 206 West Poplar  
 Walla Walla, WA 99362  
 Phone (509) 524-4960  
 Alt Phone 1-800-310-5678  
 Fax (509) 527-4142

**San Juan County**

San Juan County Health Services  
 145 Rhone Street  
 Friday Harbor, WA 98250  
 Phone (360) 378-4474  
 Fax (360) 378-7036

**Skagit County**

Mt. Vernon Home and Community Services  
 900 East College Way  
 Suite 210  
 Mt. Vernon, WA 98273  
 Phone (360) 429-2961  
 Alt Phone 1-866-608-0836  
 Fax (360) 416-7401

**Skamania County**

Stevenson Home and Community Services  
 266 S.W. Second Street  
 P.O. Box 817  
 Stevenson[, WA] 98648  
 Phone (509) 427-5611  
 Alt Phone 1-800-505-4203  
 Fax (509) 427-4604

**Whatcom County**

Bellingham Home and Community Services  
 600 Lakeway Drive  
 Bellingham, WA 98225  
 Phone (360) 756-5750  
 Alt Phone 1-800-239-8292  
 Fax (360) 676-2239

**Whitman County**

Home and Community Services  
 Colfax HCS  
 418 South Main Street  
 Suite 3  
 Colfax[, WA] 99111  
 Phone (509) 397-5091  
 Alt Phone 1-800-459-0421  
 Fax (509) 397-4323

**Yakima County**

Yakima Home and Community Services  
 1002 North 16th Avenue  
 Yakima, WA 98902  
 Phone (509) 225-4400  
 Alt Phone 1-800-822-2097  
 Fax (509) 575-2286