

**WSR 17-18-008**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**EARLY LEARNING**

[Filed August 24, 2017, 12:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-11-107.

Title of Rule and Other Identifying Information: WAC 170-290-0200 Daily child care rates—Licensed or certified child care centers and DEL contracted seasonal day camps.

Hearing Location(s): On October 10, 2017, at 10:00 a.m., at 110 Jefferson Street S.E., Room 113, Olympia, WA. Request to participate by phone by contacting the rules coordinator at rules@del.wa.gov or 360-725-4670 on or before October 5, 2017.

Date of Intended Adoption: October 11, 2017.

Submit Written Comments to: Rules Coordinator, P.O. Box 40970, email rules@del.wa.gov, fax 360-725-4925, by October 10, 2017.

Assistance for Persons with Disabilities: Contact rules coordinator, phone 360-725-4925, fax 360-725-4925, email rules@del.wa.gov, by October 5, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendment will enact a six percent increase in working connections child care and seasonal child care subsidy program rates paid to child care centers and contracted seasonal day camps.

Reasons Supporting Proposal: SSB 5883 (2017-19 operating budget) funded a six percent increase to child care subsidies paid to child care centers and contracted seasonal day camps that the department of early learning (DEL) is now implementing.

Statutory Authority for Adoption: RCW 43.215.060 and 43.215.070.

Statute Being Implemented: Chapter 43.215 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DEL, governmental.

Name of Agency Personnel Responsible for Drafting: Matt Judge, Child Care Administrator, P.O. Box 40970, Olympia, WA 98504, 360-725-4665; Implementation and Enforcement: DEL and DSHS, statewide.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. DEL is not among the agencies listed as required to comply with RCW 34.05.328 (5)[(a)](i). Further, DEL does not voluntarily make that section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Explanation of exemptions: The proposal sets rates pursuant to legislative standards, an exemption provided for in RCW 34.05.310 (4)(f).

August 24, 2017  
 Heather Moss  
 Director

AMENDATORY SECTION (Amending WSR 16-19-107, filed 9/21/16, effective 10/22/16)

**WAC 170-290-0200 Daily child care rates—Licensed or certified child care centers and DEL contracted seasonal day camps.** (1) **Base rate.** DSHS pays the lesser of the following to a licensed or certified child care center or DEL contracted seasonal day camp:

- (a) The provider's private pay rate for that child; or
- (b) The maximum child care subsidy daily rate for that child as listed in the following table:

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	\$(( <del>32.10</del> ) <u>34.03</u> )	\$(( <del>27.00</del> ) <u>28.62</u> )	\$(( <del>25.50</del> ) <u>27.03</u> )	\$(( <del>24.02</del> ) <u>25.46</u> )
	Half-Day	\$(( <del>16.05</del> ) <u>17.02</u> )	\$(( <del>13.50</del> ) <u>14.31</u> )	\$(( <del>12.75</del> ) <u>13.52</u> )	\$(( <del>12.01</del> ) <u>12.73</u> )
Spokane County	Full-Day	\$(( <del>32.84</del> ) <u>34.81</u> )	\$(( <del>27.62</del> ) <u>29.28</u> )	\$(( <del>26.10</del> ) <u>27.67</u> )	\$(( <del>24.58</del> ) <u>26.05</u> )
	Half-Day	\$(( <del>16.42</del> ) <u>17.41</u> )	\$(( <del>13.81</del> ) <u>14.64</u> )	\$(( <del>13.05</del> ) <u>13.84</u> )	\$(( <del>12.29</del> ) <u>13.03</u> )
Region 2	Full-Day	\$(( <del>32.44</del> ) <u>34.39</u> )	\$(( <del>27.06</del> ) <u>28.68</u> )	\$(( <del>25.10</del> ) <u>26.61</u> )	\$(( <del>22.20</del> ) <u>25.53</u> )
	Half-Day	\$(( <del>16.22</del> ) <u>17.20</u> )	\$(( <del>13.53</del> ) <u>14.34</u> )	\$(( <del>12.55</del> ) <u>13.31</u> )	\$(( <del>11.10</del> ) <u>11.77</u> )
Region 3	Full-Day	\$(( <del>42.92</del> ) <u>45.50</u> )	\$(( <del>35.78</del> ) <u>37.93</u> )	\$(( <del>30.92</del> ) <u>32.78</u> )	\$(( <del>30.02</del> ) <u>31.82</u> )
	Half-Day	\$(( <del>21.46</del> ) <u>22.75</u> )	\$(( <del>17.89</del> ) <u>18.97</u> )	\$(( <del>15.46</del> ) <u>16.39</u> )	\$(( <del>15.01</del> ) <u>15.91</u> )
Region 4	Full-Day	\$(( <del>49.94</del> ) <u>52.94</u> )	\$(( <del>41.70</del> ) <u>44.20</u> )	\$(( <del>35.00</del> ) <u>37.10</u> )	\$(( <del>31.52</del> ) <u>33.41</u> )
	Half-Day	\$(( <del>24.97</del> ) <u>26.47</u> )	\$(( <del>20.85</del> ) <u>22.10</u> )	\$(( <del>17.50</del> ) <u>18.55</u> )	\$(( <del>15.76</del> ) <u>16.71</u> )
Region 5	Full-Day	\$(( <del>36.62</del> ) <u>38.82</u> )	\$(( <del>31.52</del> ) <u>33.41</u> )	\$(( <del>27.74</del> ) <u>29.40</u> )	\$(( <del>24.62</del> ) <u>26.12</u> )
	Half-Day	\$(( <del>18.31</del> ) <u>19.41</u> )	\$(( <del>15.76</del> ) <u>16.71</u> )	\$(( <del>13.87</del> ) <u>14.70</u> )	\$(( <del>12.31</del> ) <u>13.06</u> )

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 6	Full-Day	<del>\$(36.02)</del> <u>38.18</u>	<del>\$(30.92)</del> <u>32.78</u>	<del>\$(27.00)</del> <u>28.62</u>	<del>\$(26.42)</del> <u>28.01</u>
	Half-Day	<del>\$(18.04)</del> <u>19.09</u>	<del>\$(15.46)</del> <u>16.39</u>	<del>\$(13.50)</del> <u>14.31</u>	<del>\$(13.21)</del> <u>14.01</u>

(Chart effective ~~((07/01/16))~~ 09/01/17)

(i) Centers in Clark County are paid Region 3 rates.

(ii) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) The child care center WAC 170-295-0010 and 170-295-0050 allows providers to care for children from one month up to and including the day before their thirteenth birthday. The provider must obtain a child-specific and time-limited exception from their child care licenser to provide care for a child outside the age listed on the center's license. If the provider has an exception to care for a child who has reached the child's thirteenth birthday, the payment rate is the same as subsection (1) of this section, and the five through twelve year age range column is used for comparison.

(3) If the center provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited exception and the child must meet the special needs requirement according to WAC 170-290-0220.

Reasons Supporting Proposal: Align WAC with agency's current mission, location, efforts and national compliance. In addition, update outdated RCW references.

Statutory Authority for Adoption: RCW 43.59.070.

Statute Being Implemented: Not applicable.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington traffic safety commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Pam Pannkuk, 621 8th Avenue S.E., Suite 409, Olympia, WA 98504-0944, 360-725-9884.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

August 24, 2017  
Pam Pannkuk  
Deputy Director

**WSR 17-18-012**  
**PROPOSED RULES**  
**TRAFFIC SAFETY COMMISSION**

[Filed August 24, 2017, 3:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-13-057.

Title of Rule and Other Identifying Information: Title 467 WAC, Traffic safety commission, chapter 467-01 WAC, Public records disclosure, and chapter 467-03 WAC, Pedestrian bicycle safety equipment rules.

Hearing Location(s): On October 11, 2017, at 3:00 p.m., at 621 8th Avenue S.E., Suite 409, Olympia, WA 98504-0944.

Date of Intended Adoption: October 11, 2017.

Submit Written Comments to: Mandie Dell or Pam Pannkuk, 621 8th Avenue S.W., Suite 409, Olympia, WA 98504-0944, email mdell@wtsc.wa.gov or ppannkuk@wtsc.wa.gov, fax 360-586-6489, by October 10, 2017.

Assistance for Persons with Disabilities: Contact Mandie Dell, phone 360-725-9883, fax 360-586-6489, email mdell@wtsc.wa.gov, by October 10, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Revisions to current rules including: Updating the description of organization to align with our mission; updating references to our old address; updating references to RCW that have been recodified and updating pedestrian bicycle rules and language to reflect compliance with American National Standards Institute/International Safety Equipment Association.

AMENDATORY SECTION (Amending WSR 91-23-101, filed 11/20/91, effective 12/21/91)

**WAC 467-01-010 Description of organization.** The Washington traffic safety commission is a ten-member commission organized under the provisions of chapter 43.59 RCW, and under which the commission is to ~~((seek solutions to traffic problems caused by increases in motor vehicles on highways, plan and supervise accident prevention programs, coordinate state and local development of traffic safety programs, promote uniform enforcement of traffic safety laws and the establishment of standards for investigation and reporting of traffic accidents, and promote and improve driver education))~~ lead statewide efforts and build partnerships to save lives and prevent injuries on our roadways for the health, safety, and benefit of our communities. The commission consists of the governor, as chairman; the superintendent of public instruction; the director of department of licensing; the secretary of the department of transportation; the chief of the state patrol; the secretary of the department of social and health services; the secretary of the department of health; a representative of the association of Washington cities appointed by the governor; a member of the ~~((association of Washington counties))~~ Washington state association of

counties appointed by the governor; and a representative of the judiciary appointed by the governor. The director of the Washington traffic safety commission, appointed by the governor, serves as secretary to the commission and is responsible for carrying into effect the commissions orders and rules and regulations promulgated by the commission. The director is also authorized to employ staff necessary to carry out the orders, rules and regulations of the commission. As secretary, the director coordinates the activities of the commission and supervises the work of the staff of the commission.

AMENDATORY SECTION (Amending WSR 91-23-101, filed 11/20/91, effective 12/21/91)

**WAC 467-01-020 Time and place of meetings.** Regular public meetings of the Washington traffic safety commission are held quarterly on the ~~((fourth Tuesday))~~ third Thursday in January, April, July, and October ~~((in))~~ at the Washington traffic safety commission ~~((Conference Room, 1000 S. Cherry Street, Olympia, Washington,))~~ or at such other place named by the commission and all provisions of chapter 42.30 RCW shall apply.

AMENDATORY SECTION (Amending WSR 91-23-101, filed 11/20/91, effective 12/21/91)

**WAC 467-01-040 Special meeting.** A special meeting of the traffic safety commission may be called by the ~~((secretary))~~ director, or by a majority of the members of the commission, by delivering personally or by mail written notice to all members of the commission at least twenty-four hours before the time of such meeting as specified in the notice. The notice calling a special meeting shall state the purpose for which the meeting is called and the date, hour, and place of such meeting and all provisions of chapter 42.30 RCW shall apply.

AMENDATORY SECTION (Amending WSR 91-23-101, filed 11/20/91, effective 12/21/91)

**WAC 467-01-050 Emergency meeting.** If, by reason of an emergency, there is a need for expedited action by the commission to meet the emergency, the ~~((secretary))~~ director may provide for a meeting site, and the notice requirements of chapter 42.30 RCW shall be suspended during such emergency. To the extent possible, notice of such emergency meeting will be delivered personally, by telephone, telegram, email, or mail to the members of the commission and interested persons, and shall specify the time and place of the emergency meeting and the business to be transacted. Any action taken by the commission at such emergency meeting may be reconsidered by the commission at its next regular quarterly meeting.

AMENDATORY SECTION (Amending WSR 91-23-101, filed 11/20/91, effective 12/21/91)

**WAC 467-01-060 Address of the commission.** Persons wishing to obtain information or to make submissions or requests of any kind shall address their correspondence to:

Director  
Washington Traffic Safety Commission  
~~((1000 South Cherry Street, Mailstop: PD-11))~~  
P.O. Box 40944  
Olympia, WA 98504

AMENDATORY SECTION (Amending WSR 01-22-011, filed 10/26/01, effective 11/26/01)

**WAC 467-03-010 Pedestrian bicycle safety equipment rules.** ~~((The director will cause to be designed a))~~ High-visibility protective vests, traffic control flags, warning signs, and other equipment are designed to increase the visibility of persons assisting pedestrians and bicycles at crosswalks, including school and playground zones. This equipment will be ~~((of strong yellow-green fluorescent color or other highly visible materials and have retro-reflective stripes. Samples are to be made available for viewing at the Washington traffic safety commission office in Olympia, WA))~~ in compliance with the most current American National Standards Institute/International Safety Equipment Association (ANSI/ISEA) 107 standard for high visibility safety apparel and accessories.

The ~~((director))~~ Washington traffic safety commission may furnish this equipment to schools and other users through grants from the school zone safety account as provided by RCW 46.61.440~~((+3))~~ (5).

The use of uniforms and equipment designated for use by school patrols, pursuant to WAC 392-151-090 (Standard uniforms) and WAC 392-151-095 (Equipment), by persons assisting pedestrians and bicyclists in school and playground zones, will also be deemed in compliance with this rule.

## WSR 17-18-015

### PROPOSED RULES

### DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed August 25, 2017, 6:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-11-060.

Title of Rule and Other Identifying Information: WAC 246-933-295 Temporary practice permit—Military spouse eligibility and issuance, the veterinary board of governors (VBOG) proposes adding a new section to provide for temporary permits for military spouses or state-registered domestic partners who hold out-of-state credentials as veterinarians while they complete additional requirements not related to training or practice standards.

Hearing Location(s): On December 11, 2017, at 10:00 a.m., at the Washington State Department of Health, Creekside Two at CenterPoint, Room 309, 20425 72nd Avenue South, Kent, WA 98032.

Date of Intended Adoption: December 11, 2017.

Submit Written Comments to: Lorelei Walker, Department of Health, VBOG, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>,

fax 360-236-2901, other 360-236-4947, by November 27, 2017.

Assistance for Persons with Disabilities: Contact Lorelei Walker, phone 360-236-4947, TTY 360-833-6388 or 711, email [loralei.walker@doh.wa.gov](mailto:loralei.walker@doh.wa.gov), by November 27, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule establishes the process and criteria to issue a temporary practice permit to a military spouse or state-registered domestic partner applicant who moved to Washington state because of the transfer of the military person, and where the applicant must complete specific additional licensing requirements in Washington state for licensure as a veterinarian. The applicant must be credentialed in another state with substantially equivalent standards and meet other specific criteria. The proposed rule adopts secretary of health rules by reference.

Reasons Supporting Proposal: RCW 18.340.020 provides that military spouses may receive temporary permits while completing any specific additional requirements in Washington that are not related to a profession's training or practice standards. The proposed rule describes the requirements to obtain the temporary practice permit. The permit allows the person to work in the full scope of the profession for up to one hundred eighty days.

Statutory Authority for Adoption: RCW 18.92.030.

Statute Being Implemented: RCW 18.340.020.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, VBOG, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Lorelei Walker, Program Manager, 111 Israel Road S.E., Tumwater WA 98501, 360-236-4947.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(iii) exempts rules that adopt or incorporate by reference, without material change, federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

August 23, 2017

Lina M. Wachsmuth, DVM, Chair  
Veterinary Board of Governors

#### NEW SECTION

**WAC 246-933-295 Temporary practice permit—Military spouse.** A military spouse or state registered domestic partner of a military person may receive a temporary practice permit while completing any specific additional requirements that are not related to training or practice standards for the profession. The board adopts the procedural rules as adopted by the department of health in WAC 246-12-051.

#### **WSR 17-18-031**

#### **PROPOSED RULES**

#### **PROFESSIONAL EDUCATOR STANDARDS BOARD**

[Filed August 28, 2017, 1:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-19-108.

Title of Rule and Other Identifying Information: Amends WAC 181-02-002 to clarify that out-of-state teachers applying for Washington certification must verify three years' teaching experience with a school district in the same subject area in order to be exempt from the testing requirement.

Hearing Location(s): On November 29, 2017, at 8:30, at the Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662.

Date of Intended Adoption: November 29, 2017.

Submit Written Comments to: David Brenna, 600 Washington Street, Olympia, WA 98504, email [david.brenna@k12.wa.us](mailto:david.brenna@k12.wa.us), by November 29, 2017.

Assistance for Persons with Disabilities: Contact David Brenna, phone 360-725-6238, fax 360-586-4548, email [david.brenna@k12.wa.us](mailto:david.brenna@k12.wa.us), by November 22, 2017.

Reasons Supporting Proposal: Clarifies classroom experience verification for out-of-state teacher candidates.

Statutory Authority for Adoption: RCW 28A.410.220.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Olympia, 360-725-6238.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Clarification of regulation.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not

subject to violation by a nongovernment party; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

August 28, 2017  
David Brenna  
Senior Policy Analyst

**AMENDATORY SECTION** (Amending WSR 17-11-069, filed 5/17/17, effective 6/17/17)

**WAC 181-02-002 WEST-E exemptions.** (1) Individuals who hold a certificate through the National Board for Professional Teaching Standards are exempt from the ((WEST-E)) subject knowledge area requirement if there is a direct equivalency between the endorsement sought and the national board certificate((~~or~~)). The individual ((has)) with a second tier certificate from a state as approved by the professional educator standards board and published by the superintendent of public instruction is also exempt from subject area knowledge assessment. The equivalent National Board for Professional Teaching Standards and Washington endorsement table approved by the professional educator standards board may not be changed without prior professional educator standards board approval.

(2) Candidates applying for a Washington state residency or professional teaching certificate per WAC 181-79A-257 who have taken and passed equivalent content tests from other states as approved and published by the professional educator standards board((~~are exempt from~~)) have met the ((WEST-E)) subject area knowledge assessment requirement ((unless applying for a new endorsement)).

(3) Candidates applying for Washington state certification that have completed another state-approved program which included subject knowledge testing for the recommended endorsement area(s) are exempt from the WEST-E requirement on a case-by-case basis.

**WSR 17-18-035**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Children's Administration)  
[Filed August 29, 2017, 12:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-14-018.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-145-1555 What does the department require for my buildings and property?, 388-145-1600 What are the general requirements for bedrooms?, 388-145-1665 What are the fire safety requirements for all group residential facilities?, 388-145-1675 What requirements must be followed for smoke detectors?, 388-148-1465 What other emergency fire and safety requirements must I follow to become licensed?, 388-148-1470 What are the general requirements for bedrooms? and 388-148-1515

What are the requirements regarding food?, to provide further licensing instructions regarding fire safety, weighted blankets, and food requirements.

Hearing Location(s): On October 10, 2017, at 10:00 a.m., at the Office Building 2, Department of social and health services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than October 11, 2017.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAU RulesCoordinator@dshs.wa.gov, fax 360-664-6185, by October 10, 2017, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, phone 360-664-6092, TTY 360-664-6178, email KildaJA@dshs.wa.gov, by September 26, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The intent of amending WAC 388-145-1555(5), 388-145-1600(4), 388-145-1665(4), 388-145-1675 (1) and (2) and 388-148-1465 (3), (36) is to provide further instructions on fire safety and to align the division of licensed resources (DLR) WAC with the current building code requirements. The intent of amending WAC 388-148-1470 (14), (15) and 388-148-1515(9) is to include additional safety requirements regarding the use of weighted blankets and to clarify that neither formula nor breast milk can be warmed in the microwave oven. This WAC change is specific to infant and child safety and was recommended by the children's administration regional medical consultants.

Reasons Supporting Proposal: These changes have been requested by group care facilities, fire marshals, and the children's administration regional medical consultants.

Statutory Authority for Adoption: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kristina Wright, 1115 Washington Street S.E., Olympia, WA, 360-902-8349.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules do not meet the definition of a significant legislative rule under RCW 34.05.328 (5)(c)(iii).

The proposed rule does not impose more-than-minor costs on businesses.

Following is a summary of the agency's analysis showing how costs were calculated. The department has analyzed the proposed rules and determined that they do not impose more than minor costs on affected small businesses or small nonprofit organizations.

A copy of the detailed cost calculations may be obtained by contacting Kristina Wright, 1115 Washington Street S.E., P.O. Box 45710, Olympia, WA 98504-5710, phone 360-902-8349, fax 360-902-7903, email [wrightks@dshs.wa.gov](mailto:wrightks@dshs.wa.gov).

August 23, 2017  
Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

**WAC 388-145-1555 What does the department require for my buildings and property?** (1) You must maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair. You must furnish your facility appropriately, based on the age and activities of the children in your care. You must:

(a) Provide handrails for steps, stairways, and ramps if required by the department;

(b) Have emergency lighting devices available and in operational condition;

(c) Provide appropriate furnishings, based on the age and activities of the children in your care;

(d) Have washable, water-resistant floors in bathrooms, kitchens, and other rooms exposed to moisture. Washable short-pile carpeting may be approved in kitchen areas if kept clean and sanitary;

(e) Provide tamper-proof or tamper-resistant electrical outlets or blank covers installed in areas accessible to children under the age of six or other persons with limited capacity or who might be endangered by access to them; and

(f) Have easy access to rooms occupied by children in case an emergency arises.

(2) You must have adequate indoor and outdoor space, ventilation, toilet and bathing facilities, light, and heat to ensure the health and comfort of all members of the household.

(3) The cleanliness and care of your premises must meet generally accepted health standards for the storage and preparation of food.

(4) You must make reasonable attempts to keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

(5) People must be able to easily open doors from the inside and outside in all areas of the facility that are occupied, unless the building or structure has a fire sprinkler protection system and was previously approved by the local fire marshal or building official with jurisdiction. This includes closets, bathrooms, and bedrooms. You must also have easy access to the outside in case of an emergency.

(6) Facilities must have nonbreakable light fixture covers or shatter-resistant light bulbs or tubes in food preparation and dining areas. DLR will review your facility to determine other areas that may be a concern for the safety of children.

(7) You must have an immediate plan to address hazardous conditions on your property or in your facility. The department may remove children from your care if hazardous conditions are not immediately remedied.

(8) Your facility must be accessible to emergency vehicles and your address must be clearly visible on your facility or mailbox so that first responders can easily find your location.

(9) Your facility must be located on a well-drained site, free from hazardous conditions. You must discuss with your

licensor any potential hazardous conditions, considering the children's ages, behaviors, and abilities.

(10) You must have a working landline telephone at all times. Individuals calling your facility must be able to leave a message at all times.

(11) You must post emergency numbers and the physical address of the facility in an easily visible location near the telephone. This must include the Washington state poison control number (1-800-222-1222).

(12) Utility rooms with mop sinks that do not have windows opening to the outside must be ventilated with a mechanical exhaust fan to the outside of the building.

(13) The use of window blinds or other window coverings with pull cords capable of forming a loop and posing a risk of strangulation to children are prohibited ~~((per))~~ under RCW 43.215.360.

(14) ~~((Infants/toddlers))~~ Infants and toddlers are not allowed to use wheeled baby walkers.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

**WAC 388-145-1600 What are the general requirements for bedrooms?** (1) Each child ~~((shall))~~ must have or share a bedroom, approved by the licensor, with privacy and space that is appropriate and adequate to meet the child's developmental needs.

(2) For facilities licensed after December 31, 1986, bedrooms must have:

(a) Adequate ceiling height for the safety and comfort of the occupants ~~((:))~~ (normally this would be seven and a half feet); and

(b) A window that can open to the outside, allowing natural light into the bedroom and permitting emergency access or exit.

(3) Each bedroom must have unrestricted direct access to outdoors as well as one direct access to common use areas such as hallways, corridors, living rooms, day rooms, or other ~~((such))~~ common use areas.

(4) Approval may be granted to a building or structure that does not have direct access to the outdoors if it has a fire sprinkler protection system and was previously approved by the local fire marshal or building official with jurisdiction.

(5) You must not use hallways, kitchens, living rooms, dining rooms, ~~((and))~~ or unfinished basements as bedrooms.

~~((5))~~ (6) You must not use common areas of the facility such as hallways, kitchens, living rooms, and dining rooms ~~((must not be used))~~ as bedrooms for anyone in the household without permission of the DLR licensor and DSHS worker, if applicable.

~~((6))~~ (7) An adult must be on the same floor or within easy hearing distance and access to where children under six years of age are sleeping.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

**WAC 388-145-1665 What are the fire safety requirements for all group residential facilities?** (1) You must comply with the regulations developed by the chief of the Washington state patrol through the director of the fire pro-

tection bureau (WSP/FPB). These regulations are contained in the current fire code and Washington state amendments as adopted by the state of Washington. Contact the WSP/FPB for specific requirements.

(2) If you operate a staffed residential home for five or fewer children you must meet the fire safety requirements outlined in chapter 388-148 WAC for child foster homes.

(3) You and your staff must be familiar with safety procedures related to fire prevention, including fire drill procedures.

(4) You and your staff must be able to:

(a) Operate all fire extinguishers installed on the premises;

(b) Test smoke detectors (single station types);

(c) Conduct frequent inspections at your facility to identify fire hazards and take action to correct any hazards noted during the inspection;

(d) Ensure children are able to escape from every floor in your facility(;-) (in most cases, this includes a functional fire ladder available from upper stories); and

(e) Ensure windows open to the outside and are large enough for emergency personnel to enter and exit wearing rescue gear, unless the building or structure has a fire sprinkler protection system and was previously approved by the local fire marshal or building official with jurisdiction.

(5) You must have easy access to all rooms in your facility in case of emergencies.

(6) Barriers are required for fireplaces, wood stoves, and other heating systems for facilities licensed for children less than six years of age. You must not leave open-flame devices unattended or use them for a purpose other than for what they were designed.

(7) Emergency vehicles must be able to access your facility. Your address (~~and/or mailbox~~) must be clearly visible on your facility or mailbox so that emergency personnel can easily find your location.

(8) We may require you to have an inspection by WSP/FPB or the local fire authority if we have questions about fire safety, or if local ordinances or WSP/FPB require these inspections.

**AMENDATORY SECTION** (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

**WAC 388-145-1675 What requirements must be followed for smoke detectors?** (1) Staffed residential homes licensed for five or fewer children must meet all of the following:

(a) (~~If a sleeping or napping room has a ceiling height that is at least twenty-four inches higher than its adjoining hallway, you must install a smoke detector in both the hallway and the sleeping or napping room;~~) Your facility must have smoke detectors in operating condition both inside and outside of all sleeping areas. Smoke detectors must also be installed on each story of the facility, in all play areas, and in the basement. You must install and maintain smoke detectors according to the manufacturer's specifications.

(b) If a smoke detector is mounted on a wall, it must be twelve inches from the ceiling and a corner(~~;-and~~).

(c) Smoke detectors must be tested twice a year to ensure they are in working order. You must document the date and time of the test.

(2) All other group residential facilities must meet the regulations developed by the WSP/FPB. You must also meet all of the following:

(a) (~~Have~~) Smoke detectors (~~that are UL~~) must be Underwriter's Laboratory (UL) or Factory Mutual (FM) approved and in (~~each bedroom or in areas close to where children sleep, such as a hallway;~~

~~(b) Have smoke detectors on each level/story of the dwelling to include basements and habitable attics;~~) operating condition both inside and outside of all sleeping areas. Smoke detectors must also be installed on each story of the facility, in all play areas, and in the basement. You must install and maintain smoke detectors according to the manufacturer's specifications.

~~((e))~~ (b) Have smoke detectors with a strobe and be in compliance with the Americans with Disabilities Act (ADA).

~~((d))~~ (c) Test single-station smoke detectors monthly or in a manner specified by the manufacturer. You must maintain a written record of such testing on the premises that indicates the date and time the test was completed.

(3) If questions arise concerning fire danger, the department may require that the local fire protection authority be consulted.

**AMENDATORY SECTION** (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

**WAC 388-148-1465 What other emergency fire and safety requirements must I follow to become licensed?** (1) You must observe all state and local fire codes (WAC 212-12-005). We will determine that reasonable fire safety standards exist in your home based on the children placed in your home.

(2) Children must be able to escape from every floor in your home. In most cases, this includes a functional fire ladder available from upper stories.

(3) Windows must open to the outside and be large enough for a rescue person to enter and exit wearing rescue gear, unless the building or structure was previously approved by the local fire marshal or building official with jurisdiction.

(4) You must have easy access to all rooms in your home in case of emergency.

(5) We may require you to have an inspection by WSP/FPB or the local fire authority if we have questions about fire safety, or if local ordinances or WSP/FPB require these inspections.

(6) Your home must have smoke detectors in operating condition (~~to protect sleep areas, play areas and~~) both inside and outside of all sleeping areas. Smoke detectors must also be installed on each story of the home, in all play areas, and in the basement. You must install and maintain smoke detectors according to manufacturer's specifications.

(7) You must have at least one approved 2A10BC-rated (~~5lb~~) five pound or larger all-purpose fire extinguisher readily available at all times. You must maintain and service fire extinguishers according to manufacturer's specifications.

(8) Barriers are required for fireplaces, wood stoves, and other heating systems if you are licensed for children less than six years of age. You must not leave open-flame devices unattended or use them incorrectly.

(9) Emergency vehicles must be able to access your home. Your address must be clearly visible on your home or mailbox so that emergency personnel can easily find your home.

**AMENDATORY SECTION** (Amending WSR 16-17-101, filed 8/19/16, effective 9/19/16)

**WAC 388-148-1470 What are the general requirements for bedrooms?** (1) Each child ~~((shall))~~ must have a bedroom, approved by the licensor, with privacy and space that is appropriate and adequate to meet the child's developmental needs. Children may share bedrooms, in compliance with WAC 388-148-1475.

(2) Each bedroom must have unrestricted direct access to outdoors as well as one direct access to common use areas such as hallways, corridors, living rooms, day rooms, or other such common use areas.

(3) You ~~((may))~~ must not use hallways, kitchens, living rooms, dining rooms, ~~((and))~~ or unfinished basements as bedrooms.

(4) Children ~~((may))~~ must not be required to pass through private bedroom space in order to access common areas of the home.

(5) An adult must be on the same floor or within easy hearing distance and access to where children under six years of age are sleeping.

(6) You must provide an appropriately sized separate bed for each child with clean bedding~~((;))~~ and a mattress in good condition.

(7) Some children may soil the bed, and you may need to plan accordingly. You must provide waterproof mattress covers or moisture-resistant mattresses if needed. Each child's pillow must be covered with waterproof material or be washable.

(8) You must assure that children have access to clean clothing that is appropriate for their age. You must provide safe storage of children's clothing and personal possessions.

(9) You must provide an infant with a crib that ensures the safety of the infant, and complies with chapter 70.111 RCW~~((;))~~ and the Consumer Product Safety Improvement Act of 2008. These requirements include:

(a) A maximum of 2 3/8" between vertical slats of the crib; and

(b) Cribs, infant beds, bassinets, and playpens must ~~((have))~~ be made of wood, metal, or approved plastic, with secure latching devices and clean, firm, snug-fitting mattresses covered with waterproof material that can ~~((be))~~ easily be disinfected ~~((and be made of wood, metal, or approved plastic with secure latching devices))~~.

(10) You must place infants on their backs for sleeping, unless advised differently by the child's licensed health care provider.

(11) You ~~((may))~~ must not have loose blankets, pillows, crib bumpers, or stuffed toys with a sleeping infant.

(12) You may swaddle infants using one lightweight blanket upon the advice and training of a licensed health care provider. You must keep the blanket loose around the hips and legs when swaddling in order to avoid hip dysplasia. You may swaddle infants under two months of age unless a licensed health care provider directs otherwise. You ~~((may))~~ must not dress a swaddled infant in a manner that allows them to overheat.

(13) You ~~((may))~~ must not use wedges and positioners with a sleeping infant unless advised differently by the infant's licensed health care provider.

(14) You ~~((may))~~ must not use weighted blankets for children under three years of age or ~~((that have))~~ for children of any age with mobility limitations ~~((unless advised differently by the child's licensed health care provider))~~.

(15) ~~((If))~~ You may use a weighted blanket~~((;))~~ upon the advice and training from a licensed health care provider for children over the age of three years who do not have mobility limitations. You must meet the following requirements:

(a) The weight of the blanket ~~((may))~~ must not exceed ten percent of the child's body weight;

(b) Metal beads are choking hazards and ~~((may))~~ must not be used in a weighted blanket; ~~((and))~~

(c) You ~~((may))~~ must not cover the child's head with a weighted blanket or place it above the middle of the child's chest~~((;))~~;

(d) The weighted blanket must not hinder a child's movement; and

(e) The weighted blanket must not be used as a restraint.

(16) You ~~((may))~~ must not allow children to use the loft style beds or upper bunks if the child is vulnerable due to age, development, or condition~~((-Examples:)),~~ such as preschool children, expectant mothers, and children with a disability.

**AMENDATORY SECTION** (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

**WAC 388-148-1515 What are the requirements regarding food?** (1) Food served to children in your care must meet their nutritional and developmental needs, with a variety of options for adequate nutrition and meal enjoyment.

(2) Children's cultural needs should also be considered when planning meals.

(3) All home-canned foods must be preserved following published procedures and you must be able to provide the printed published procedures that you followed.

(4) Before you modify a child's diet, you must obtain written authorization from a ~~((physician))~~ licensed health care provider for children under the age of ten years.

(5) The milk or milk products you serve must be pasteurized. Children between the ages of twelve and twenty-four months must receive whole milk unless you have written authorization from a ~~((physician))~~ licensed health care provider not to serve whole milk.

(6) Children under the age of twelve months must receive formula or breast milk unless the child's ~~((physician))~~ licensed health care provider authorizes a different diet.

(7) Before serving a child breast milk you must have approval of the child's DSHS worker, ~~((physician))~~ licensed health care provider, and parent or guardian. If breast milk is



provided by anyone other than a baby's biological mother, it must be obtained through a licensed breast milk bank.

(8) When you are using bottles to feed infants, you must sterilize and use them according to product standards and commonly acceptable practices. You must refrigerate filled bottles if you do not use them immediately, and you must empty the bottle if not used within twenty-four hours.

(9) To prevent burns, formula or breast milk must not be warmed in a microwave oven (~~in the bottle that will be used for feeding the infant~~).

**WSR 17-18-062**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed September 1, 2017, 11:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-10-006.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-15-009 What is child abuse or neglect?

Hearing Location(s): On October 10, 2017, at 10:00 a.m., at Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than October 11, 2017.

Submit Written Comments to: Department of Social and Health Services (DSHS) Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., October 10, 2017.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, TTY 360-664-6178, email KildaJA@dshs.wa.gov, by September 26, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: PL 114-22 amended the Child Abuse Prevention and Treatment Act (CAPTA), a federal law for state receipt of federal funds, to require that a child be considered a victim of "child abuse and neglect" and of "sexual abuse" if the child is a victim of sex trafficking. To continue to qualify for federal funds, WAC 388-15-009 must be changed to incorporate sex trafficking, and this change must be implemented by May 29, 2017. These changes also align with anticipated changes to the Washington State Criminal Code.

In addition, the Washington state court of appeals has issued two published opinions related to RCW 26.44.020 (1) and (16): *Marcum v. Department of Social and Health Services*, 172 Wn.App. 546, 290 P.3d 1045 (2012), and *Brown v. Department of Social and Health Services*, 190 Wn.App. 572, 360 P.3d 875 (2015). Therefore, additional changes are

being made to WAC 388-15-009 to clarify the department's interpretation of RCW 26.44.020 (1) and (16) in light of those published opinions.

Additional changes are being made to strengthen and clarify the existing language.

Reasons Supporting Proposal: See Purpose statement above.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.13.031, chapter 26.44 RCW.

Rule is necessary because of federal law, PL 114-22, CAPTA.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Stephanie Frazier, DSHS Headquarters, 1115 Washington, Olympia, WA 98504, 360-902-7922.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required under RCW 34.05.328 (5)(b)(iii). Rules adopted by reference, without material change, to ensure WAC are consistent with federal requirements. The rule content is dictated by federal statute.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statutes or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted.

Citation and description: PL 114-22, CAPTA. This rule is being amended to align with new requirements for state receipt of federal funds.

August 31, 2017  
Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-14-011, filed 6/22/07, effective 7/23/07)

**WAC 388-15-009 What is child abuse or neglect?**

Child abuse or neglect means the injury, sexual abuse, or sexual exploitation of a child by any person under circumstances which indicate that the child's health, welfare, or safety is harmed, or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is one who has been subjected to child abuse or neglect as defined in this section.

(1) Physical abuse means the nonaccidental infliction of physical injury or physical mistreatment on a child that harms the child's health, welfare, or safety. (~~Physical abuse includes~~) It may include, but is not limited to, such actions as:

- (a) Throwing, kicking, burning, or cutting a child;
- (b) Striking a child with a closed fist;
- (c) Shaking a child under age three;
- (d) Interfering with a child's breathing;
- (e) Threatening a child with a deadly weapon; or

(f) Doing any other act that is likely to cause and ~~((which))~~ that does cause bodily harm greater than transient pain or minor temporary marks or ~~((which))~~ that is injurious to the child's health, welfare or safety.

(2) Physical discipline of a child, including the reasonable use of corporal punishment, is not considered abuse when it is reasonable and moderate and is inflicted by a parent or guardian for the purposes of restraining or correcting the child. The age, size, and condition of the child, and the location of any inflicted injury shall be considered in determining whether the bodily harm is reasonable or moderate. Other factors may include the developmental level of the child and the nature of the child's misconduct. A parent's belief that it is necessary to punish a child does not justify or permit the use of excessive, immoderate or unreasonable force against the child.

(3) Sexual abuse means committing or allowing to be committed any sexual offense against a child as defined in the criminal code. The intentional touching, either directly or through the clothing, of the sexual or other intimate parts of a child or allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the person touching the child, the child, or a third party. A parent or guardian of a child, a person authorized by the parent or guardian to provide child-care for the child, or a person providing medically recognized services for the child, may touch a child in the sexual or other intimate parts for the purposes of providing hygiene, child care, and medical treatment or diagnosis.

(4) Sexual exploitation includes, but is not limited to, sex trafficking and commercial sexual exploitation as those terms are defined by law and includes such actions as allowing, ~~((permitting,))~~ compelling, encouraging, aiding, or otherwise causing a child to ~~((engage))~~ participate in one or more of the following:

(a) ~~((Prostitution))~~ Any sex act when anything of value is given to or received by any person for the sex act;

(b) Sexually explicit, obscene, or pornographic activity to be photographed, filmed, or electronically reproduced or transmitted; ~~((or))~~

(c) Sexually explicit, obscene, or pornographic activity as part of a live performance~~((;))~~ or for the benefit or sexual gratification of another person.

(5) Negligent treatment or maltreatment means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, on the part of a child's parent, legal custodian, guardian, or caregiver that shows a serious disregard of the consequences to the child ~~((of such magnitude that it))~~ and creates a clear and present danger to the child's health, welfare, or safety.

(a) When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor must be given great weight.

(b) The fact that the siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment.

(c) Poverty, homelessness, or exposure to domestic violence perpetuated against someone other than the child does not, in and of itself, constitute negligent treatment or maltreatment.

(d) A child does not have to suffer actual damage or physical or emotional harm to be in circumstances ~~((which))~~ that create a clear and present danger to the child's health, welfare, or safety.

(e) Negligent treatment or maltreatment ~~((includes))~~ may include, but is not limited~~((;))~~ to one or more of the following:

~~((b))~~ (i) Failure to provide adequate food, shelter, clothing, supervision, or health care necessary for a child's health, welfare, or safety~~((-Poverty and/or homelessness do not constitute negligent treatment or maltreatment in and of themselves)), such that the failure shows a serious disregard of the consequence to the child and creates a clear and present danger to the child's health, welfare, or safety;~~

~~((b))~~ (ii) Actions, failures to act, or omissions that result in injury ~~((to or which create a substantial))~~ or risk of injury to the physical, emotional, and/or cognitive development of a child, such that it shows a serious disregard of the consequences to the child and creates a clear and present danger to the child's health, welfare, or safety; ~~((or~~

~~((;))~~ (iii) The cumulative effects of a pattern of conduct, behavior, or inaction by a parent or guardian in providing for the physical, emotional ~~((and))~~ or developmental needs of ~~((a child's))~~ the child, such that it shows a serious disregard of the consequences to the child and creates a clear and present danger to the child's health, welfare, or safety;

(iv) The effects of chronic failure on the part of a parent or guardian to perform basic parental functions, obligations, ~~((and))~~ or duties~~((, when the result is to cause))~~ that causes injury or ~~((create a))~~ substantial risk of injury to the physical, emotional, ~~((and/or))~~ or cognitive development of ~~((a))~~ the child, such that it shows a serious disregard of the consequences to the child and creates a clear and present danger to the child's health, welfare, or safety.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 17-18-065**  
**PROPOSED RULES**  
**HEALTH CARE AUTHORITY**  
(Washington Apple Health)  
[Filed September 1, 2017, 2:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-13-071.

Title of Rule and Other Identifying Information: WAC 182-531-0050 Physician-related services definitions, 182-531-0950 Office and other outpatient physician-related services, and 182-531-1850 Payment methodology for physician-related services—General and billing modifiers.

Hearing Location(s): On October 10, 2017, at 10:00 a.m., at Cherry Street Plaza, Sue Crystal Conference Room 106A, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at [www.hca.wa.gov/documents/directions](http://www.hca.wa.gov/documents/directions)

to\_csp.pdf or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than October 11, 2017.

Submit Written Comments to: Health Care Authority (HCA) Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax 360-589-9727, by October 10, 2017.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, TTY 800-848-5429 or 711, email [amber.lougheed@hca.wa.gov](mailto:amber.lougheed@hca.wa.gov), by October 6, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency will replace estimated acquisition cost with actual acquisition cost to comply with CMS-2345-FC, Covered Outpatient Drug Rule.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, 42 C.F.R. Part 447.

Statute Being Implemented: RCW 41.05.021, 41.05.160, 42 C.F.R. Part 447.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Vance Taylor, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1344; Implementation and Enforcement: Wendy Penquite, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-5145.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted.

Citation and description: 42 C.F.R. 447 Medicaid Program; Covered Outpatient Drugs (CMS-2345-FC); consequence for failure to follow the federal statute is potential suspension of federal matching funds.

September 1, 2017

Wendy Barcus  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 17-09-002, filed 4/5/17, effective 5/6/17)

**WAC 182-531-0050 Physician-related services definitions.** The following definitions and abbreviations and those found in chapter 182-500 WAC, apply to this chapter.

**"Acquisition cost"** - The cost of an item excluding shipping, handling, and any applicable taxes.

**"Acute care"** - Care provided for clients who are not medically stable. These clients require frequent monitoring by a health care professional in order to maintain their health status. See also WAC 246-335-015.

**"Acute physical medicine and rehabilitation (PM&R)"** - A comprehensive inpatient and rehabilitative program coordinated by a multidisciplinary team at an agency-approved rehabilitation facility. The program provides twenty-four hour specialized nursing services and an intense level of specialized therapy (speech, physical, and occupational) for a diagnostic category for which the client shows significant potential for functional improvement (see WAC 182-550-2501).

**"Add-on procedure(s)"** - Secondary procedure(s) that are performed in addition to another procedure.

**"Admitting diagnosis"** - The medical condition responsible for a hospital admission, as defined by the ICD diagnostic code.

**"Advanced registered nurse practitioner (ARNP)"** - A registered nurse prepared in a formal educational program to assume an expanded health services provider role in accordance with WAC 246-840-300 and 246-840-305.

**"Allowed charges"** - The maximum amount reimbursed for any procedure that is allowed by the agency.

**"Anesthesia technical advisory group (ATAG)"** - An advisory group representing anesthesiologists who are affected by the implementation of the anesthesiology fee schedule.

**"Bariatric surgery"** - Any surgical procedure, whether open or by laparoscope, which reduces the size of the stomach with or without bypassing a portion of the small intestine and whose primary purpose is the reduction of body weight in an obese individual.

**"Base anesthesia units (BAU)"** - A number of anesthesia units assigned to a surgical procedure that includes the usual preoperative, intraoperative, and postoperative visits. This includes the administration of fluids and/or blood incident to the anesthesia care, and interpretation of noninvasive monitoring by the anesthesiologist.

**"Bundled services"** - Services integral to the major procedure that are included in the fee for the major procedure. Bundled services are not reimbursed separately.

**"Bundled supplies"** - Supplies that are considered to be included in the practice expense RVU of the medical or surgical service of which they are an integral part.

**"By report (BR),"** see WAC 182-500-0015.

**"Call"** - A face-to-face encounter between the client and the provider resulting in the provision of services to the client.

**"Cast material maximum allowable fee"** - A reimbursement amount based on the average cost among suppliers for one roll of cast material.

**"Center of excellence (COE)"** - A hospital, medical center, or other health care provider that meets or exceeds standards set by the agency for specific treatments or specialty care.

**"Centers for Medicare and Medicaid Services (CMS),"** see WAC 182-500-0020.

**"Certified registered nurse anesthetist (CRNA)"** - An advanced registered nurse practitioner (ARNP) with formal training in anesthesia who meets all state and national criteria for certification. The American Association of Nurse Anesthetists specifies the national certification and scope of practice.

**"Children's health insurance plan (CHIP),"** see chapter 182-542 WAC.

**"Clinical Laboratory Improvement Amendment (CLIA)"** - Regulations from the U.S. Department of Health and Human Services that require all laboratory testing sites to have either a CLIA registration or a CLIA certificate of waiver in order to legally perform testing anywhere in the U.S.

**"Conversion factors"** - Dollar amounts the agency uses to calculate the maximum allowable fee for physician-related services.

**"Covered service"** - A service that is within the scope of the eligible client's medical care program, subject to the limitations in this chapter and other published WAC.

**"CPT,"** see "current procedural terminology."

**"Critical care services"** - Physician services for the care of critically ill or injured clients. A critical illness or injury acutely impairs one or more vital organ systems such that the client's survival is jeopardized. Critical care is given in a critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility.

**"Current procedural terminology (CPT)"** - A systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted and published annually by the American Medical Association (AMA).

**"Emergency medical condition(s),"** see WAC 182-500-0030.

**"Emergency services"** - Medical services required by and provided to a patient experiencing an emergency medical condition.

~~("Estimated acquisition cost (EAC)" - The agency's best estimate of the price providers generally and currently pay for drugs and supplies.)~~

**"Evaluation and management (E&M) codes"** - Procedure codes that categorize physician services by type of service, place of service, and patient status.

**"Expedited prior authorization"** - The process of obtaining authorization that must be used for selected services, in which providers use a set of numeric codes to indicate to the agency which acceptable indications, conditions, diagnoses, and/or criteria are applicable to a particular request for services.

**"Experimental"** - A term to describe a health care service that lacks sufficient scientific evidence of safety and effectiveness. A service is not "experimental" if the service:

(1) Is generally accepted by the medical profession as effective and appropriate; and

(2) Has been approved by the federal Food and Drug Administration or other requisite government body, if such approval is required.

**"Federally approved hemophilia treatment center"** - A hemophilia treatment center (HTC) that:

(1) Receives funding from the U.S. Department of Health and Human Services, Maternal and Child Health Bureau National Hemophilia Program;

(2) Is qualified to participate in 340B discount purchasing as an HTC;

(3) Has a U.S. Center for Disease Control (CDC) and prevention surveillance site identification number and is listed in the HTC directory on the CDC web site;

(4) Is recognized by the Federal Regional Hemophilia Network that includes Washington state; and

(5) Is a direct care provider offering comprehensive hemophilia care consistent with treatment recommendations set by the Medical and Scientific Advisory Council (MASAC) of the National Hemophilia Foundation in their standards and criteria for the care of persons with congenital bleeding disorders.

**"Fee-for-service,"** see WAC 182-500-0035.

**"Flat fee"** - The maximum allowable fee established by the agency for a service or item that does not have a relative value unit (RVU) or has an RVU that is not appropriate.

**"Geographic practice cost index (GPCI)"** - As defined by Medicare, means a Medicare adjustment factor that includes local geographic area estimates of how hard the provider has to work (work effort), what the practice expenses are, and what malpractice costs are. The GPCI reflects one-fourth the difference between the area average and the national average.

**"Global surgery reimbursement,"** see WAC 182-531-1700.

**"HCPCS Level II"** - Health care common procedure coding system, a coding system established by Centers for Medicare and Medicaid Services (CMS) to define services and procedures not included in CPT.

**"Health care financing administration common procedure coding system (HCPCS)"** - The name used for the Centers for Medicare and Medicaid Services (formerly known as the Health Care Financing Administration) codes made up of CPT and HCPCS level II codes.

**"Health care team"** - A group of health care providers involved in the care of a client.

**"Hospice"** - A medically directed, interdisciplinary program of palliative services which is provided under arrangement with a Title XVIII Washington licensed and certified Washington state hospice for terminally ill clients and the clients' families.

**"ICD,"** see "International Classification of Diseases."

**"Informed consent"** - That an individual consents to a procedure after the provider who obtained a properly completed consent form has done all of the following:

(1) Disclosed and discussed the client's diagnosis; and  
 (2) Offered the client an opportunity to ask questions about the procedure and to request information in writing; and

(3) Given the client a copy of the consent form; and

(4) Communicated effectively using any language interpretation or special communication device necessary per 42 C.F.R. Chapter IV 441.257; and

(5) Given the client oral information about all of the following:

(a) The client's right to not obtain the procedure, including potential risks, benefits, and the consequences of not obtaining the procedure; and

(b) Alternatives to the procedure including potential risks, benefits, and consequences; and

(c) The procedure itself, including potential risks, benefits, and consequences.

**"Inpatient hospital admission"** - An admission to a hospital that is limited to medically necessary care based on an evaluation of the client using objective clinical indicators, assessment, monitoring, and therapeutic service required to best manage the client's illness or injury, and that is documented in the client's medical record.

**"International Classification of Diseases (ICD)"** - The systematic listing that transforms verbal descriptions of diseases, injuries, conditions, and procedures into numerical or alphanumeric designations (coding).

**"Investigational"** - A term to describe a health care service that lacks sufficient scientific evidence of safety and effectiveness for a particular condition. A service is not "investigational" if the service:

(1) Is generally accepted by the medical professional as effective and appropriate for the condition in question; or

(2) Is supported by an overall balance of objective scientific evidence, that examines the potential risks and potential benefits and demonstrates the proposed service to be of greater overall benefit to the client in the particular circumstance than another generally available service.

**"Life support"** - Mechanical systems, such as ventilators or heart-lung respirators, which are used to supplement or take the place of the normal autonomic functions of a living person.

**"Limitation extension,"** see WAC 182-501-0169.

**"Long-acting reversible contraceptive (LARC)"** - Subdermal implants and intrauterine devices (IUDs).

**"Maximum allowable fee"** - The maximum dollar amount that the agency will reimburse a provider for specific services, supplies, and equipment.

**"Medically necessary,"** see WAC 182-500-0070.

**"Medicare clinical diagnostic laboratory fee schedule"** - The fee schedule used by Medicare to reimburse for clinical diagnostic laboratory procedures in the state of Washington.

**"Medicare physician fee schedule database (MPFSDB)"** - The official CMS publication of the Medicare policies and RVUs for the RBRVS reimbursement program.

**"Medicare program fee schedule for physician services (MPFSPS)"** - The official CMS publication of the Medicare fees for physician services.

**"Mentally incompetent"** - A client who has been declared mentally incompetent by a federal, state, or local court.

**"Modifier"** - A two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. The modifier provides the means by which the reporting physician can describe or indicate that a performed service or procedure has been altered by some specific circumstance but not changed in its definition or

code. The modifier can affect payment or be used for information only. Modifiers are listed in fee schedules.

**"Outpatient,"** see WAC 182-500-0080.

**"Peer-reviewed medical literature"** - A research study, report, or findings regarding a medical treatment that is published in one or more reputable professional journals after being critically reviewed by appropriately credentialed experts for scientific validity, safety, and effectiveness.

**"Physician care plan"** - A written plan of medically necessary treatment that is established by and periodically reviewed and signed by a physician. The plan describes the medically necessary services to be provided by a home health agency, a hospice agency, or a nursing facility.

**"Physician standby"** - Physician attendance without direct face-to-face client contact and which does not involve provision of care or services.

**"Physician's current procedural terminology,"** see "current procedural terminology (CPT)."

**"PM&R,"** see acute physical medicine and rehabilitation.

**"Podiatric service"** - The diagnosis and medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot and ankle.

**"Point-of-sale (POS) actual acquisition cost (AAC)"** - The agency determined rate paid to pharmacies through the POS system, which is intended to reflect pharmacy providers' actual acquisition cost.

**"Pound indicator (#)"** - A symbol (#) indicating a CPT procedure code listed in the agency's fee schedules that is not routinely covered.

**"Preventive"** - Medical practices that include counseling, anticipatory guidance, risk factor reduction interventions, and the ordering of appropriate laboratory and diagnostic procedures intended to help a client avoid or reduce the risk or incidence of illness or injury.

**"Prior authorization,"** see WAC 182-500-0085.

**"Professional component"** - The part of a procedure or service that relies on the provider's professional skill or training, or the part of that reimbursement that recognizes the provider's cognitive skill.

**"Prognosis"** - The probable outcome of a client's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the client's probable life span as a result of the illness.

**"Prolonged services"** - Face-to-face client services furnished by a provider, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services. The time counted toward payment for prolonged E&M services includes only face-to-face contact between the provider and the client, even if the service was not continuous.

**"Provider,"** see WAC 182-500-0085.

**"Radioallergosorbent test" or "RAST"** - A blood test for specific allergies.

**"RBRVS,"** see resource based relative value scale.

**"RBRVS RVU"** - A measure of the resources required to perform an individual service or intervention. It is set by Medicare based on three components - Physician work, practice cost, and malpractice expense. Practice cost varies depending on the place of service.

**"Reimbursement"** - Payment to a provider or other agency-approved entity who bills according to the provisions in WAC 182-502-0100.

**"Reimbursement steering committee (RSC)"** - An interagency work group that establishes and maintains RBRVS physician fee schedules and other payment and purchasing systems utilized by the agency and the department of labor and industries.

**"Relative value guide (RVG)"** - A system used by the American Society of Anesthesiologists for determining base anesthesia units (BAUs).

**"Relative value unit (RVU)"** - A unit that is based on the resources required to perform an individual service or intervention.

**"Resource based relative value scale (RBRVS)"** - A scale that measures the relative value of a medical service or intervention, based on the amount of physician resources involved.

**"RSC RVU"** - A unit established by the RSC for a procedure that does not have an established RBRVS RVU or has an RBRVS RVU deemed by the RSC as not appropriate for the service.

**"RVU,"** see relative value unit.

**"Stat laboratory charges"** - Charges by a laboratory for performing tests immediately. "Stat" is an abbreviation for the Latin word "statim," meaning immediately.

**"Sterile tray"** - A tray containing instruments and supplies needed for certain surgical procedures normally done in an office setting. For reimbursement purposes, tray components are considered by CMS to be nonroutine and reimbursed separately.

**"Technical advisory group (TAG)"** - An advisory group with representatives from professional organizations whose members are affected by implementation of RBRVS physician fee schedules and other payment and purchasing systems utilized by the agency and the department of labor and industries.

**"Technical component"** - The part of a procedure or service that relates to the equipment set-up and technician's time, or the part of the procedure and service reimbursement that recognizes the equipment cost and technician time.

AMENDATORY SECTION (Amending WSR 15-20-057, filed 10/1/15, effective 11/1/15)

**WAC 182-531-0950 Office and other outpatient physician-related services.** (1) The medicaid agency pays eligible providers for the following:

(a) Two calls per month for routine medical conditions for a client residing in a nursing facility; and

(b) One call per noninstitutionalized client, per day, for an individual physician, except for valid call-backs to the emergency room per WAC 182-531-0500.

(2) The provider must provide justification based on medical necessity at the time of billing for visits in excess of subsection (1) of this section and follow the requirements in WAC 182-501-0169.

(3) See the agency's physician-related services billing instructions for procedures that are included in the office call and that cannot be billed separately.

(4) Using selected diagnosis codes, the agency reimburses the provider at the appropriate level of physician office call for history and physical procedures in conjunction with dental surgery services performed in an outpatient setting.

(5) The agency may reimburse providers for injection procedures and/or injectable drug products only when:

(a) The injectable drug is administered during an office visit; and

(b) The injectable drug used is from office stock and which was purchased by the provider from a pharmacy, drug manufacturer, or drug wholesaler.

(6) The agency does not reimburse a prescribing provider for a drug when a pharmacist dispenses the drug.

(7) The agency does not reimburse the prescribing provider for an immunization when the immunization material is received from the department of health; the agency does reimburse an administrative fee.

(8) The agency reimburses immunizations (~~(at estimated acquisition costs (EAC) when the immunizations are not part of the vaccine for children program-)~~) as follows:

(a) For immunizations that are not part of the vaccines for children program through the department of health, the agency reimburses for the immunization:

(i) At the medicare Part B drug file price; or

(ii) When a medicare Part B price is not available, the agency uses the point-of-sale actual acquisition cost (POS AAC) rate effective July 1st of each year; or

(iii) Invoice cost.

(b) The agency reimburses a separate administration fee for these immunizations.

(c) Covered immunizations are listed in the professional administered drugs and physician related/professional services fee schedules.

(d) Refer to WAC 182-531-0150 (1)(r) for vaccines recommended or required for the sole purpose of international travel.

(9) The agency reimburses therapeutic and diagnostic injections subject to certain limitations as follows:

(a) The agency does not pay separately for the administration of intra-arterial and intravenous therapeutic or diagnostic injections provided in conjunction with intravenous infusion therapy services. The agency does pay separately for the administration of these injections when they are provided on the same day as an E&M service. The agency does not pay separately an administrative fee for injectables when both E&M and infusion therapy services are provided on the same day. The agency reimburses separately for the drug(s).

(b) The agency does not pay separately for subcutaneous or intramuscular administration of antibiotic injections provided on the same day as an E&M service. If the injection is the only service provided, the agency pays an administrative fee. The agency reimburses separately for the drug.

(c) The agency reimburses injectable drugs at **acquisition cost**. The provider must document the name, strength, and dosage of the drug and retain that information in the client's file. The provider must provide an invoice when requested by the agency. This subsection does not apply to drugs used for chemotherapy; see subsection (11) in this section for chemotherapy drugs.

(d) The provider must submit a manufacturer's invoice to document the name, strength, and dosage on the claim form when billing the agency for the following drugs:

(i) Classified drugs where the billed charge to the agency is over one thousand, one hundred dollars; and

(ii) Unclassified drugs where the billed charge to the agency is over one hundred dollars. This does not apply to unclassified antineoplastic drugs.

(10) The agency reimburses allergen immunotherapy only as follows:

(a) Antigen/antigen preparation codes are reimbursed per dose.

(b) When a single client is expected to use all the doses in a multiple dose vial, the provider may bill the total number of doses in the vial at the time the first dose from the vial is used. When remaining doses of a multiple dose vial are injected at subsequent times, the agency reimburses the injection service (administration fee) only.

(c) When a multiple dose vial is used for more than one client, the provider must bill the total number of doses provided to each client out of the multiple dose vial.

(d) The agency covers the antigen, the antigen preparation, and an administration fee.

(e) The agency reimburses a provider separately for an E&M service if there is a diagnosis for conditions unrelated to allergen immunotherapy.

(f) The agency reimburses for **RAST** testing when the physician has written documentation in the client's record indicating that previous skin testing failed and was negative.

(11) The agency reimburses for chemotherapy drugs:

(a) Administered in the physician's office only when:

(i) The physician personally supervises the E&M services furnished by office medical staff; and

(ii) The medical record reflects the physician's active participation in or management of course of treatment.

(b) At established maximum allowable fees that are based on ~~((the))~~ medicare Part B pricing ~~((method for calculating the estimated acquisition cost (EAC)))~~, or POS AAC, maximum allowable cost (MAC) ~~((when generics are available)), or invoice cost~~;

(c) For unclassified antineoplastic drugs, the provider must submit the following information on the claim form:

(i) The name of the drug used;

(ii) The dosage and strength used; and

(iii) The National Drug Code (NDC).

(12) Notwithstanding the provisions of this section, the agency reserves the option of determining drug pricing for any particular drug based on the best evidence available to the agency, or other good and sufficient reasons (e.g., fairness/equity, budget), regarding the actual cost, after discounts and promotions, paid by typical providers nationally or in Washington state.

(13) The agency may request an invoice as necessary.

**AMENDATORY SECTION** (Amending WSR 17-04-039, filed 1/25/17, effective 2/25/17)

**WAC 182-531-1850 Payment methodology for physician-related services—General and billing modifiers.**

**GENERAL PAYMENT METHODOLOGY**

(1) The medicaid agency bases the payment methodology for most physician-related services on medicare's RBRVS. The agency obtains information used to update the agency's RBRVS from the MPFSPS.

(2) The agency updates and revises the following RBRVS areas each January prior to the agency's annual update.

(3) The agency determines a budget-neutral conversion factor (CF) for each RBRVS update, by:

(a) Determining the units of service and expenditures for a base period. Then,

(b) Applying the latest medicare RVU obtained from the MPFSDB, as published in the MPFSPS, and GCPI changes to obtain projected units of service for the new period. Then,

(c) Multiplying the projected units of service by conversion factors to obtain estimated expenditures. Then,

(d) Comparing expenditures obtained in (c) of this subsection with base period expenditure levels. Then,

(e) Adjusting the dollar amount for the conversion factor until the product of the conversion factor and the projected units of service at the new RVUs equals the base period amount.

(4) The agency calculates maximum allowable fees (MAFs) in the following ways:

(a) For procedure codes that have applicable medicare RVUs, the three components (practice, malpractice, and work) of the RVU are:

(i) Each multiplied by the statewide GPCI. Then,

(ii) The sum of these products is multiplied by the applicable conversion factor. The resulting RVUs are known as RBRVS RVUs.

(b) For procedure codes that have no applicable medicare RVUs, RSC RVUs are established in the following way:

(i) When there are three RSC RVU components (practice, malpractice, and work):

(A) Each component is multiplied by the statewide GPCI. Then,

(B) The sum of these products is multiplied by the applicable conversion factor.

(ii) When the RSC RVUs have just one component, the RVU is not GPCI adjusted and the RVU is multiplied by the applicable conversion factor.

(c) For procedure codes with no RBRVS or RSC RVUs, the agency establishes maximum allowable fees, also known as "flat" fees.

(i) The agency does not use the conversion factor for these codes.

(ii) The agency updates flat fee reimbursement only when the legislature authorizes a vendor rate increase, except for the following categories which are revised annually during the update:

(A) Immunization codes are reimbursed at ~~((EAC))~~ the medicare Part B drug file price or POS AAC when there is no Part B rate. (See WAC 182-530-1050 for explanation of ~~((EAC))~~ POS AAC.) When the provider receives immunization materials from the department of health, the agency pays ~~((the provider))~~ only a flat fee ~~((only))~~ for administering the immunization.

(B) A cast material maximum allowable fee is set using an average of wholesale or distributor prices for cast materials.

(iii) Other supplies are reimbursed at physicians' acquisition cost, based on manufacturers' price sheets. Reimbursement applies only to supplies that are not considered part of the routine cost of providing care (e.g., intrauterine devices (IUDs)).

(d) For procedure codes with no RVU or maximum allowable fee, the agency reimburses "by report." By report codes are reimbursed at a percentage of the amount billed for the service.

(e) For supplies that are dispensed in a physician's office and reimbursed separately, the provider's acquisition cost when flat fees are not established.

(f) The agency reimburses at acquisition cost those HCPCS J and Q codes that do not have flat fees established.

(5) The technical advisory group reviews RBRVS changes.

(6) The agency also makes fee schedule changes when the legislature grants a vendor rate increase and the effective date of that increase is not the same as the agency's annual update.

(7) If the legislatively authorized vendor rate increase, or other increase, becomes effective at the same time as the annual update, the agency applies the increase after calculating budget-neutral fees. The agency pays providers a higher reimbursement rate for primary health care E&M services that are provided to children age twenty and under.

(8) The agency does not allow separate reimbursement for bundled services. However, the agency allows separate reimbursement for items considered prosthetics when those items are used for a permanent condition and are furnished in a provider's office.

(9) Variations of payment methodology which are specific to particular services and which differ from the general payment methodology described in this section are included in the sections dealing with those particular services.

#### CPT/HCFA MODIFIERS

(10) A modifier is a code a provider uses on a claim in addition to a billing code for a standard procedure. Modifiers eliminate the need to list separate procedures that describe the circumstance that modified the standard procedure. A modifier may also be used for information purposes.

(11) Certain services and procedures require modifiers in order for the agency to reimburse the provider. This information is included in the sections dealing with those particular services and procedures, as well as the fee schedule.

**WSR 17-18-067**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Developmental Disabilities Administration)  
 [Filed September 1, 2017, 3:15 p.m.]

Supplemental Notice to WSR 17-11-041.

Preproposal statement of inquiry was filed as WSR 17-07-091.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-825-083 Is there a comprehensive list of waiver and state-only DDA services?, 388-825-084 What are the limitations of state-only funded services or programs?, 388-828-9300 What is the DDD community access acuity scale?, 388-828-9310 How does DDD determine the number of hours you may receive each month for community access services?, 388-828-9330 How does DDD determine your employment status?, 388-828-9350 Are there conditions when DDD will authorize additional hours to your monthly employment service hours?, 388-845-0600 What are community access services?, 388-845-0605 Who are qualified providers of community access services?, 388-845-0610 Are there limits to community access services I can receive?, 388-845-1030 What are individual technical assistance services?, 388-845-1040 Are there limits to the individualized technical assistance services you can receive?, 388-845-1410 Are there limits to the prevocational services you can receive?, 388-845-2100 What are supported employment services?, and 388-845-2110 Are there limits to the supported employment services I can receive?

Hearing Location(s): On October 10, 2017, at 10:00 a.m., at 1115 Washington Street S.E., Olympia, WA 98504; and on October 11, 2017, at 1:00 p.m., at 500 North Morain Street, Suite 2210, Kennewick, WA 99336.

Date of Intended Adoption: Not earlier than October 12, 2017.

Submit Written Comments to: Name: DSHS Rules Coordinator I, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., October 11, 2017.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, TTY 360-664-6178, email KildaJA@dshs.wa.gov, by September 26, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to these rules clarify language and correct outdated information, including removing prevocational services. Removing prevocational services from these rules is part of Washington's statewide transition plan and complies with ESSB 6052 and 42 C.F.R Section 441.301 (c)(4)-(5). These amendments also distinguish Washington state's minimum wage from other minimum wages, such as SEA-TAC's regional minimum wage. This is not a change in the department's interpretation of minimum wage, but a clarification in response to recent changes in the state that may allow for multiple interpretations as there are multiple minimum wages in Washington. These amendments are also needed for consistency with amendments to WAC 388-845-0603 filed under permanent rule adoption WSR 17-08-102.

Reasons Supporting Proposal: Prevocational employment will be transitioned out by 2019. These rule changes are necessary to clarify the use of Washington state minimum wage because there are multiple minimum wages in locations throughout the state.

Statutory Authority for Adoption: RCW 71A.12.030.



Statute Being Implemented: RCW 71A.12.040.

Rule is necessary because of federal law, 42 C.F.R. Section 441.301 (c)(4)-(5).

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The department received comments and a request for additional public involvement in response to the CR-102 filed under WSR 17-11-041. During the permanent rule-making process, the department determined these rules are significant legislative rules and require a cost-benefit analysis. The department has prepared a cost-benefit analysis and is filing this supplemental CR-102 to provide additional opportunities for public comment in eastern and western Washington.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1581; Implementation and Enforcement: Branda Matson, P.O. Box 45310, Olympia, WA 98504-5310, 360-407-1522.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1581, fax 360-407-0955, email Chantelle.Diaz@dshs.wa.gov.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4) because the rules do not affect small businesses.

Explanation of exemptions, if necessary: The proposed amendments will impose no new or disproportionate costs on small businesses, so a small business economic impact statement is not required.

August 30, 2017  
Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-17-009, filed 8/4/16, effective 9/4/16)

**WAC 388-825-083 Is there a comprehensive list of waiver and state-only DDA services? The following is a list of waiver and state-only services that the developmental disabilities administration (DDA) may authorize:**

(1) For medicaid state plan services authorized by DDA, see WAC 388-825-068(~~(-The following is a list of waiver and state-only services that DDA can authorize and those services that can be either a waiver or a state-only service:)~~);

~~((1) Waiver personal care services that are not available with state-only funds include:~~

- ~~(a) In-home services;~~
- ~~(b) Adult family home; and~~
- ~~(c) Adult residential care;))~~

~~(2) ((Waiver services that can be funded as state-only services:)) The following waiver services may be funded as state-only services:~~

~~(a) ((Assistive technology)) Basic plus waiver services under WAC 388-845-0210;~~

~~(b) ((Behavior management and consultation)) Children's intensive in-home behavioral support waiver services under WAC 388-845-0225;~~

~~(c) Community ((engagement)) protection waiver services under WAC 388-845-0220;~~

~~(d) ((Community guide)) Core waiver services under WAC 388-845-0215; and~~

~~(e) ((Community transition)) Individual and family services under WAC 388-845-0230; and~~

~~((f) Environmental accessibility adaptations;~~

~~(g) Medical equipment and supplies;~~

~~(h) Occupational therapy;~~

~~(i) Peer mentoring;~~

~~(j) Person-centered planning facilitation;~~

~~(k) Physical therapy;~~

~~(l) Respite care;~~

~~(m) Sexual deviancy evaluation;~~

~~(n) Skilled nursing;~~

~~(o) Specialized clothing;~~

~~(p) Specialized nutrition;~~

~~(q) Specialized medical equipment or supplies;~~

~~(r) Specialized psychiatric services;~~

~~(s) Speech, hearing and language therapy;~~

~~(t) Staff/family consultation and training;~~

~~(u) Supported parenting services;~~

~~(v) Therapeutic equipment and supplies;~~

~~(w) Transportation/mileage;~~

~~(x) Vehicle modification;~~

~~(y) Residential habilitation services (RHS), including:~~

~~(i) Alternative living;~~

~~(ii) Companion homes;~~

~~(iii) Supported living;~~

~~(iv) Group home;~~

~~(v) Child foster care;~~

~~(vi) Child group care;~~

~~(vii) Staffed residential; and~~

~~(viii) State-operated living alternative (SOLA);~~

~~(z) Employment/day programs, including:~~

~~(i) Community access;~~

~~(ii) Prevocational services; and~~

~~(iii) Supported employment;~~

~~(aa) County programs, including child development services;~~

~~(bb) Behavioral health stabilization services, including:~~

~~(i) Behavior support and consultation;~~

~~(ii) Behavioral health crisis diversion bed services; and~~

~~(iii) Specialized psychiatric services;))~~

~~(3) ((State-only services that are not available as a waiver service:)) The following state-only funded services are not available as a waiver service:~~

~~(a) Adult day care;~~

~~(b) Attendant care;~~

~~(c) Child care for foster children;~~

~~(d) Child development services;~~

~~(e) Chore services;~~

~~((e)) (f) Community services grant;~~

~~((f)) (g) Individual and family assistance;~~

~~((g)) (h) Information~~(/)~~ and education;~~

~~((h)) (i) Medical and dental services;~~

- ~~((j))~~ (i) Medical insurance copays and costs exceeding other coverage;
- ~~((k))~~ (l) Overnight planned respite services;
- ~~((l))~~ (m) Parent and sibling education;
- ~~((m))~~ (n) Parent training and counseling;
- ~~((n))~~ (o) Personal care mileage reimbursement;
- ~~((o))~~ (p) Psychological counseling;
- ~~((p))~~ (q) Recreational opportunities;
- ~~((q))~~ (r) Reimbursement to families for the purchase of approved items or services;
- ~~((r))~~ (s) State supplementary payments;
- ~~((s))~~ (t) Training of the client; and
- ~~((t))~~ (u) Transportation ~~((cost))~~ costs of escort service or travel time;
- ~~((u))~~ (v) Reimbursement to families for the purchase of approved items or services; and
- ~~((v))~~ (w) Overnight planned respite services)).

AMENDATORY SECTION (Amending WSR 15-17-094, filed 8/18/15, effective 9/18/15)

**WAC 388-825-084** What are the ~~((limitations))~~ limits of state-only funded services or programs? In addition to any ~~((limitations))~~ limits for state-only funded services or programs that are contained in the program-specific rules, the following ~~((limitations apply to state-only funded services and programs.))~~ limits apply:

- (1) All state-only funded services are limited ~~((by))~~ to available funding~~((-)); and~~
- (2) ~~((The following programs are closed to clients not currently receiving the service:))~~ Adult day care; attendant care; and chore services) Adult day care is available only to a client who is currently receiving the service.

AMENDATORY SECTION (Amending WSR 13-01-080, filed 12/18/12, effective 1/18/13)

**WAC 388-828-9300** What is the ~~((DDD))~~ community access acuity scale? The ~~((DDD))~~ developmental disabilities administration (DDA's) community access acuity scale is an algorithm ~~((DDD))~~ DDA uses to determine the number of support hours you may receive ~~((when))~~ if you are approved for community access services.

AMENDATORY SECTION (Amending WSR 13-01-080, filed 12/18/12, effective 1/18/13)

**WAC 388-828-9310** How does ~~((DDD))~~ DDA determine the number of community access services hours you may receive each month ~~((for community access services))~~? (1) The number of hours of community access services you may receive each month is based on your community access service level.

(2) ~~((DDD))~~ The developmental disabilities administration (DDA) determines your community access service level based on your ~~((SIS))~~ SIS support intensity scale (SIS) support needs index percentile ranking ~~((WAC 388-828-4440))~~. DDA determines your SIS support needs index percentile

ranking under WAC 388-828-4440 and as detailed in the following table:

<del>((If your))</del> SIS support needs index percentile <del>((ranking according to WAC 388-828-4440 is:))</del>	<del>((Your))</del> Community access service level <del>((is:))</del>	<del>((The number of hours you may receive for community access services each month is:))</del> <u>Maximum service hours per month</u>
0 - 9th percentile	A	Up to 3 hours
10th - 19th percentile	B	Up to 6 hours
20th - 29th percentile	C	Up to 9 hours
30th - 44th percentile	D	Up to 12 hours
45th - 59th percentile	E	Up to 15 hours
60th - 74th percentile	F	Up to 18 hours
75th - 100th percentile	G	Up to 20 hours

AMENDATORY SECTION (Amending WSR 13-01-076, filed 12/18/12, effective 1/18/13)

**WAC 388-828-9330** How does ~~((DDD))~~ DDA determine your employment status? ~~((DDD determines your employment status to be:))~~

(1) ~~(("Working" when you meet one of the following conditions))~~ The developmental disabilities administration (DDA) considers your employment status "working" if:

(a) In the twelve months ~~((prior to))~~ before your assessment:

(i) You have been employed for nine consecutive months; and

(ii) You have earned at least Washington state's minimum wage~~((-)); or~~

(b) You are currently self-employed and ~~((meet one of the following))~~:

(i) The activities of your employment meet the Internal Revenue Service (IRS) rules for a business;

(ii) You have a business plan demonstrating feasibility as determined by the division of vocational rehabilitation or an impartial, agreed upon, third-party business expert; ~~((or))~~ and

(iii) You are licensed, if required, and follow all local, state, and federal regulations and rules.

(2) ~~(("In training/job development" when you do not meet either of the conditions for "working."))~~ DDA considers your employment status "in training/job development" if you do not meet the conditions in subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 13-01-076, filed 12/18/12, effective 1/18/13)

**WAC 388-828-9350** Are there conditions when ~~((DDD))~~ DDA will authorize additional hours to your monthly employment service hours? ~~((DDD))~~ The developmental disabilities administration (DDA) may authorize ~~((the use of add-on))~~ additional hours ~~((in addition))~~ to your monthly employment service hours when your employment

support plan identifies a need for additional service hours related to:

- (1) Your work schedule;
- (2) The number of jobs you have;
- (3) The appropriateness of your job match;
- (4) Natural supports available to you on the job;
- (5) Health limitations that affect your job;
- (6) Provider travel time and distance to your job;
- (7) Behavioral or physical needs that may affect the safety of you and others while at work;
- (8) Other factors ~~((detailed))~~ in your employment plan ~~((which))~~ that indicate a need for ((add-on)) additional hours ((to help you find or)) for a short-term volunteer opportunity, job development, or for you to maintain a job.

AMENDATORY SECTION (Amending WSR 12-16-095, filed 8/1/12, effective 9/1/12)

**WAC 388-845-0600 What are community access services?** Community access ~~((is an individualized service that provides clients with opportunities to engage in community based activities that support socialization, education, recreation and personal development for the purpose of:~~

(1) ~~Building and strengthening relationships with others in the local community who are not paid to be with the person;~~

(2) ~~Learning, practicing and applying skills that promote greater independence and inclusion in their community))~~ services:

(1) Are provided in typical integrated community settings;

(2) Are individualized services that promote skill development, independent living, and community integration for individuals learning how to actively and independently engage in their community; and

(3) Provide opportunities for individuals to develop relationships and increase independence.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

**WAC 388-845-0605 Who are qualified providers of community access services?** Providers of community access services must be:

(1) A county contracted with the developmental disabilities administration (DDA) to provide community access services; or

(2) An individual or agency contracted with a county ((or)) that is contracted with DDA to provide community access services.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

**WAC 388-845-0610 Are there limits to community access services ~~((I can)) you may receive?~~ ~~((The following limits apply to your receipt of community access services:))~~**

(1) You ~~((cannot))~~ must not receive community access services if you are receiving prevocational or supported employment services.

(2) The maximum hours of community access services you may receive are determined by the ~~((DDA))~~ developmental disabilities administration (DDA) assessment ((per)) under WAC 388-828-9310.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

**WAC 388-845-1030 What are ~~((individual))~~ individualized technical assistance services?** Individualized technical ~~((assistance service is assessment and consultation with the employment provider and/or client))~~ assistance services:

(1) Provide short-term, professional expertise to identify and address ~~((existing))~~ barriers to employment~~((This is))~~ services; and

(2) Are available in addition to supports received through supported employment services ~~((or prevocational services))~~ for ~~((individuals))~~ an individual who ~~((have))~~ has not yet achieved ~~((their employment))~~ his or her goal.

AMENDATORY SECTION (Amending WSR 16-17-009, filed 8/4/16, effective 9/4/16)

**WAC 388-845-1040 Are there limits to the individualized technical assistance services you ~~((can)) may receive?~~** (1) The developmental disabilities administration (DDA) may authorize a maximum of three months of individualized technical assistance ~~((service cannot))~~ at a time, not to exceed ~~((three))~~ six months in ~~((an individual's))~~ the plan year.

(2) ~~((These))~~ Individualized technical assistance services are available on the basic plus, core, and ~~((CP))~~ community protection waivers.

(3) ~~((Individual must be))~~ Individualized technical assistance services are available only to individuals who are receiving supported employment ~~((or prevocational))~~ services, unless approved by the regional administrator or his or her designee.

(4) Individualized technical assistance services are limited to additional hours ~~((per))~~ under WAC 388-828-9355 and 388-828-9360.

AMENDATORY SECTION (Amending WSR 16-17-009, filed 8/4/16, effective 9/4/16)

**WAC 388-845-1410 Are there limits to the prevocational services you ~~((can)) may receive?~~** The following ~~((limitations))~~ limits apply to your receipt of prevocational services:

(1) Effective September 1, 2015, no new referrals are accepted for prevocational services.

(2) Clinical and support needs for prevocational services are limited to those identified in your ~~((DDA))~~ developmental disabilities administration (DDA) assessment and documented in your person-centered service plan/individual support plan.

~~((2))~~ (3) You must be age twenty and graduating from high school ~~((prior to))~~ before your July or August twenty-first birthday, age twenty-one and graduated from high school, or age twenty-two or older to receive prevocational services.

~~((3))~~ Effective September 1, 2015, no new referrals are accepted for prevocational services.

(4) Prevocational services are a time limited step on the pathway toward individual employment and are dependent on your demonstrating steady progress toward gainful employment over time. Your annual employment plan will include exploration of integrated settings within your next service year. Criteria that would trigger a review of your need for these services include, but are not limited to:

(a) Compensation at more than fifty percent of the prevailing wage;

(b) Significant progress made toward your defined goals; and

(c) Recommendation by your individual support plan team.

(5) You will not be authorized to receive prevocational services in addition to community access services or supported employment services.

(6) Your service hours are determined by the assistance you need to reach your employment outcomes as described in WAC 388-828-9325.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

**WAC 388-845-2100 What are supported employment services?** (1) Supported employment services are for those interested in integrated gainful employment. These services provide you with intensive ongoing support if you need individualized assistance to gain ~~((and/or))~~ employment, maintain employment, or both. These services are tailored to your individual needs, interests, abilities, and promote your career development. These services are provided in individual or group settings and are available in the basic plus, core, and community protection waivers.

~~((4))~~ (2) Individual supported employment services include activities needed to sustain Washington state's minimum wage pay or higher. These services are conducted in integrated business environments and include the following:

(a) Intake: An initial meeting to gather and share basic information and a general overview of employment supports, resources in the community, and the type of available supports that the individual may receive;

(b) Discovery: A person-centered approach to learn the individual's likes and dislikes, job preferences, and employment goals and skills;

(c) Job preparation: Includes activities of work readiness resume development, work experience, volunteer support transportation training;

(d) Marketing: A method to identify and negotiate jobs, ~~((building))~~ build relationships with employers, and customize employment development;

(e) Job coaching: The supports needed to keep the job; and

(f) Job retention: The supports needed to keep the job, maintain a relationship with employer, identify opportunities, and negotiate a raise in pay, promotion ~~((and/or))~~, or increased benefits.

~~((2))~~ (3) Group supported employment services are a step on your pathway toward gainful employment in an integrated setting and include:

(a) Supports and paid training in an integrated business setting;

(b) Supervision by a qualified employment provider during working hours;

(c) Groupings of no more than eight workers with disabilities; and

(d) Individualized supports to obtain gainful employment.

AMENDATORY SECTION (Amending WSR 13-24-045, filed 11/26/13, effective 1/1/14)

**WAC 388-845-2110 Are there limits to the supported employment services ~~((I can))~~ you may receive?** The following ~~((limitations))~~ limits apply to your receipt of supported employment services:

(1) You must be age twenty and graduating from high school ~~((prior to))~~ before your July or August twenty-first birthday, age twenty-one and graduated from high school, or age twenty-two or older to receive supported employment services~~((:));~~

(2) ~~((Payment will be made only for the employment support you require as a result of your disabilities.~~

~~((3))~~ Payment for individual supported employment services excludes the supervisory activities rendered as a normal part of the business setting~~((:));~~

~~((4))~~ (3) You will not be authorized to receive supported employment services in addition to community access or prevocational services~~((:));~~ and

~~((5))~~ (4) Your service hours are determined by the assistance you need to reach your employment outcomes as described in WAC 388-828-9325 and might not equal the number of hours you spend on the job or in job related activities.

## WSR 17-18-071

### PROPOSED RULES

### PUBLIC DISCLOSURE COMMISSION

[Filed September 2, 2017, 10:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-15-027.

Title of Rule and Other Identifying Information: Removal of images of filer forms from various sections of Title 390 WAC.

Hearing Location(s): On October 10, 2017, at 1:00 p.m., at 711 Capitol Way South, Suite 206, Olympia, WA 98504-0908.

Date of Intended Adoption: October 26, 2017.

Submit Written Comments to: Barbara Sandahl, P.O. Box 40908, email Barbara.Sandahl@pdc.wa.gov, fax 360-753-1112, by October 10, 2017.

Assistance for Persons with Disabilities: Contact Jana Greer, phone 360-753-1111, fax 360-753-1112.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To remove images of filer forms contained in various sections of Title 390 WAC, to standardize the rules, centralize all forms on the public disclosure commission (PDC) web site, and allow for updates to clarify or improve forms.

Reasons Supporting Proposal:

- Some images of PDC forms have been previously removed from rule, this would standardize Title 390 WAC.
- All forms are housed on the PDC web site, as currently indicated by the above rules, and will continue to be provided there.
- Removing the images from rule allows for changes to improve accessibility.
- Clarifying language can be added to assist the public and filers understand requirements.

Statutory Authority for Adoption: RCW 42.17A.110(1).

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Currently, all filer forms are printed as images within various sections of Title 390 WAC, making it cost, time, and labor-intensive to make any modifications to formatting or language. This has resulted in language on our forms that is hard to understand for filers and the public.

Removing the forms from rule will allow us to update our formatting to keep pace with development of improved online filing platforms, quickly clarify language when it is unclear what is required to be disclosed, and adapt to the pace of technological progress (online advertising, electronic currency, etc.). Any substantive changes to the forms will be subject to approval and comment at open meetings of PDC, and notice of changes will be sent out to parties who have indicated their interest. This change retains the intent and impact of campaign finance law and regulation, while allowing PDC to be more responsive to the needs of the community.

Name of Proponent: PDC, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Sandahl, 711 Capitol Way, Room 206, Olympia, WA 98504, 360-753-1111.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. PDC is not listed in RCW 34.05.328 (5)(a)(i), and has not voluntarily applied this requirement as allowed by RCW 34.05.325 [34.05.328] (5)(a)(ii). In addition, the proposed rule does not meet the definition of a "significant legislative rule" provided by RCW 34.05.325 [34.05.328] (5)(c)(iii).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and

rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: The forms contained in these rules are duplicated on the PDC web site currently, and this proposed change only reduces that duplication. This change does not affect the intent or impact of the rules, and leaves intact the existing text verbiage about the forms and their location on the PDC web site.

This change allows for clarifying language to help the public and filers understand the requirements of chapter 42.17A RCW and Title 390 WAC. The rules implicated are forms to enact various sections of chapter 42.17A RCW and are not subject to violation themselves, nor shall this change create any new pathway for potential violation by any party.

August 31, 2017


B. G. Sandahl

Deputy Director

AMENDATORY SECTION (Amending WSR 16-04-027, filed 1/25/16, effective 2/25/16)

WAC 390-16-011 Forms—Registration statement for political committees. The official form for providing the statement of organization by political committees for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting is designated "C-1pc((;))" ((revised 2/16;)) Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, ((711 Capitol Way, Room 206, P.O. Box 40908;)) Olympia, Washington ((98504-0908)). Any attachments shall be on 8-1/2" x 11" white paper.

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 <b>PUBLIC DISCLOSURE COMMISSION</b> 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 Toll Free 1-877-601-2828		<b>Political Committee Registration</b>		<b>C1PC</b> (2/16)	
Committee Name (Include sponsor in committee name. See next page for definition of "sponsor." Show entire official name. Do not use abbreviations or acronyms in this box.)				Acronym: _____ Telephone: ( ) _____	
Mailing Address				Fax: ( ) _____	
City _____		County _____		Zip + 4 _____	
E-mail: _____		<b>NEW OR AMENDED REGISTRATION?</b> <input type="checkbox"/> NEW. Complete entire form. <input type="checkbox"/> AMENDS previous report. Complete entire form.			
<b>COMMITTEE STATUS</b> <input type="checkbox"/> Continuing (On-going; not established in anticipation of any particular campaign election.) <input type="checkbox"/> _____ election year only. Date of general or special election: _____ (Year)		<b>1. What is the purpose or description of the committee?</b> <input type="checkbox"/> <b>Bona Fide Political Party Committee</b> - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list of the names of the candidates you support. <input type="checkbox"/> <b>Ballot Committee</b> - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure: _____ Ballot Number _____ FOR <input type="checkbox"/> AGAINST <input type="checkbox"/> <input type="checkbox"/> <b>Other Political Committee</b> - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name: _____ <b>For single election-year only committees (not continuing committees):</b> Is the committee supporting or opposing (a) one or more candidates? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach a list of each candidate's name, office sought and political party affiliation. (b) the entire ticket of a political party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, identify the party: _____			
<b>2. Related or affiliated committees.</b> List name, address and relationship. _____ <input type="checkbox"/> Continued on attached sheet.				<b>3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.)</b> <b>If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.</b> <input type="checkbox"/> <b>MINI REPORTING</b> Mini Reporting is selected. No more than \$5,000 will be raised or spent and no more than \$500 in the aggregate will be accepted from any one contributor.	
<input type="checkbox"/> <b>FULL REPORTING</b> Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.		<b>4. Campaign Manager's or Media Contact's Name and Address</b> _____ Telephone Number: ( ) _____			
<b>5. Treasurer's Name and Address.</b> Does treasurer perform <u>only</u> ministerial functions? Yes ___ No ___ See WAC 390-05-243 and next page for details. List deputy treasurers on attached sheet. <input type="checkbox"/> Continued on attached sheet.		Daytime Telephone Number: ( ) _____			
<b>6. Persons who perform only ministerial functions on behalf of this committee and on behalf of candidates or other political committees.</b> List name, title, and address of these persons. See WAC 390-05-243 and next page for details. <input type="checkbox"/> Continued on attached sheet.					
<b>7. Committee Officers and other persons who authorize expenditures or make decisions for committee.</b> List name, title, and address. See next page for definition of "officer." <input type="checkbox"/> Continued on attached sheet.					
<b>8. Campaign Bank or Depository</b> _____		Branch _____		City _____	
<b>9. Campaign books must be open to the public by appointment between 8 a.m. and 8 p.m. during the eight days before the election, except Saturdays, Sundays, and legal holidays.</b> In the space below, provide contact information for scheduling an appointment and the address where the inspection will take place. It is not acceptable to provide a post office box or an out-of-area address. <b>Street Address, Room Number, City where campaign books will be available for inspection</b> _____ In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ( ) _____					
<b>10. Eligibility to Give to Political Committees and State Office Candidates:</b> A committee must receive \$10 or more each from ten Washington State registered voters before contributing to a Washington State political committee. Additionally, during the six months prior to making a contribution to a state office candidate your committee must have received contributions of \$10 or more each from at least ten Washington State registered voters. <input type="checkbox"/> A check here indicates your awareness of and pledge to comply with these provisions. Absence of a check mark means your committee does not qualify to give to Washington State political committees and/or state office candidates.			<b>11. Signature and Certification.</b> I certify that this statement is true, complete and correct to the best of my knowledge. _____ Committee Treasurer's Signature Date		

SEE INSTRUCTIONS ON NEXT PAGE

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Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by RCW 42.17A and WAC 390.

<b>C1pc</b> <small>(2/16)</small>	<b>POLITICAL COMMITTEE REGISTRATION</b>
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**Who Must File** – Persons, committees, organizations or groups that receive contributions or make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.

**When To File** – Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. **(Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.)**

Amend the C-1pc form within 10 calendar days of any material change to the registration information furnished previously. See “Sponsor” section below for further instructions.\* For single election-year only committees, a material change includes providing or modifying the list of candidates the committee is supporting or opposing.

Continuing political committees using Mini Reporting are required to file a C-1pc annually each January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.

**File** the initial C-1pc and any necessary amendments with the PDC. Keep copies with of the committee’s records.

**Committee Name** – Do not use the exact name of another active political committee – no two active committees may have the same name. Do not abbreviate or use acronyms in the committee name.

**“Sponsor” of a Political Committee** – Sponsor of a political committee includes any person, except a committee authorized by a candidate or by a public official against whom recall charges have been filed to whom any of the following applies:

- the committee receives 80% or more of its contributions either from the person or from the person’s members, officers, employees, or shareholders;
- the person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

“Person” is defined in RCW 42.17A.005(36).

\* A political committee shall include a known sponsor in its name when filing the initial C-1pc. In accordance with WAC 390-16-011A(6), the political committee must amend its registration 60 days before an election in which it participates if the political committee has a different sponsor at that time. See WAC 390-16-011A(6)(a) and (b) for information on calculating the 80% threshold for this amendment. Interim amendments are not required to show changes to a sponsor’s status.

**“Officer” of a Political Committee** – Officer of a political committee includes the following persons:

- any person designated as an officer on the C-1pc registration statement, and
- any person who alone or in conjunction with other persons makes, directs, or authorizes contribution, expenditure, strategic or policy decisions on behalf of the committee. [WAC 390-05-245]

**Persons who perform “Ministerial Functions” for two or more campaigns** – A person may perform ministerial functions for a candidate and a political committee without jeopardizing that political committee’s eligibility to make independent expenditures or electioneering communications regarding that candidate as long as:

- the person performs solely ministerial functions for both the candidate and the political committee;
- the person is identified on both the candidate’s and political committee’s registration statements as a person performing ministerial functions for the campaign; and
- the person does not share information from or about one of the campaigns with the other campaign, or does not use information from or about one of the campaigns to assist the other campaign. [See RCW 42.17A.005 (13)(b)(ix) and WAC 390-05-243 for more detailed information.]


“Ministerial functions” means activities carried out as part of the duties of an administrative office without exercise of personal judgment or discretion. RCW 42.17A.005(33). Also see WAC 390-05-243 for a non-exclusive list of ministerial functions and a definition of administrative office. Typically, persons performing ministerial functions may, under the supervision of a candidate or committee officer, file PDC reports, make deposits, pay bills and maintain campaign finance records. However, if a person performs functions for both a candidate and a political committee and those functions for one or both campaigns entail duties beyond those deemed ministerial, any expenditure by the committee benefiting the candidate may be a contribution, rather than an independent expenditure or electioneering communication. [RCW 42.17A.005(33) and WACs 390-05-243 and 390-05-210]

**Instruction Manuals and Reporting Forms are found under the “Filer Resources” tab at [www.pdc.wa.gov](http://www.pdc.wa.gov).**

AMENDATORY SECTION (Amending WSR 16-04-027, filed 1/25/16, effective 2/25/16)

WAC 390-16-012 Forms—Registration statement for candidates. The official form for providing the statement of organization by candidates and candidate's committees, for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting is designated "C-1((s))" ((revised 2/16.)) Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, ((711 Capitol Way, Room 206, P.O. Box 40908,)) Olympia, Washington((, 98504-0908)). Any attachments shall be on 8-1/2" x 11" white paper.

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 <b>PUBLIC DISCLOSURE COMMISSION</b> 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 Toll Free 1-877-601-2828		<b>Candidate Registration</b>		<b>C1</b> (2/16)	
Candidate's Name (Give candidate's full name.)				Telephone Number ( )	
Candidate's Committee Name (Do not abbreviate.)				Fax Number ( )	
Mailing Address				Candidate's E-Mail Address	
City		County		Zip + 4	
1. What office are you running for?		Legislative District, County or City		Position No. Do you now hold this office? Yes <input type="checkbox"/> No <input type="checkbox"/>	
2. Political party (if partisan office)			3. Date of general or special election		
4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. If no box is checked you are obligated to use Option II, Full Reporting. See instruction manuals for information about reports required and changing reporting options.					
<input type="checkbox"/> <b>Option I MINI REPORTING:</b> In addition to my filing fee of \$ _____, I will raise and spend no more than \$5,000, including any charges for inclusion in state and local voters pamphlets. I will not accept more than \$500 in the aggregate from any contributor except myself.					
<input type="checkbox"/> <b>Option II FULL REPORTING:</b> I will use the Full Reporting system. I will file the frequent, detailed campaign reports required by law.					
5. Treasurer's Name and Address. Does treasurer perform <u>only</u> ministerial functions? Yes ___ No ___ See WAC 390-05-243 and next page for details. List deputy treasurers on attached sheet.				Daytime Telephone Number ( )	
6. Persons who perform only ministerial functions on your behalf <u>and</u> on behalf of other candidates or political committees. List name, title and address of these persons. See WAC 390-05-243 and next page for details. <input type="checkbox"/> Continued on attached sheet.					
7. Committee Officers and other persons who authorize expenditures or make decisions on your behalf. List name, title and address. See next page for definition of "officer." <input type="checkbox"/> Continued on attached sheet.					
8. Campaign Bank or Depository		Branch		City	
9. Related or Affiliated Political Committees. List name, address and relationship. <input type="checkbox"/> Continued on attached sheet.					
10. Campaign books must be open to the public by appointment between 8 a.m. and 8 p.m. during the eight days before the election, except Saturdays, Sundays, and legal holidays. In the space below, provide contact information for scheduling an appointment and the address where the inspection will take place. It is not acceptable to provide a post office box or an out-of-area address.  Street Address, Room Number, City where campaign books will be available for inspection  In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ( )					
11. <b>CERTIFICATION:</b> I certify that this report is true, complete and correct to the best of my knowledge. Candidate's Signature _____ Date _____					

SEE INSTRUCTIONS ON NEXT PAGE

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Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by RCW 42.17A and WAC 390.



**Who Must File** – Candidates who seek:

- state office (legislative or statewide executive),
- a state supreme court or state court of appeals position,
- local office in jurisdictions having 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county,
- local office in jurisdictions of any size if the candidate receives or expects to receive \$5,000 or more in contributions.

**When To File** – Within 2 weeks of becoming a candidate. A person becomes a candidate for PDC purposes when he or she **first** does any of the following:

- receives contributions, makes expenditures, or reserves space or facilities with intent to promote his or her candidacy;
- purchases commercial advertising space or broadcast time to promote his or her candidacy;
- authorizes another person to take one of these above actions on his or her behalf;
- announces publicly that he or she is seeking office; or
- files a declaration of candidacy with the appropriate elections official.

File an amended registration within 10 days of a material change to information provided on previously filed C-1. Reports are considered filed as of the postmark date or date hand-delivered to PDC.

**Where To File** – Send the **original to PDC** at the address on the reverse side. Candidates for city offices are advised to contact their City Clerk to learn if local filing is required by local ordinance. Keep a copy for the campaign's records.

**“Officer” of a Candidate’s Committee** – Officer of a candidate’s committee includes the following persons:

- any person designated as an officer on the C-1 registration statement, and
- any person who alone or in conjunction with other persons makes, directs, or authorizes contribution, expenditure, strategic or policy decisions on behalf of the committee. [WAC 390-05-245]

**Persons who perform “Ministerial Functions” for two or more campaigns**

A person may perform ministerial functions for a candidate and a political committee without jeopardizing that political committee’s eligibility to make independent expenditures or electioneering communications regarding that candidate as long as:

- the person performs solely ministerial functions for both the candidate and the political committee;
- the person is identified on both the candidate’s and political committee’s registration statements as a person performing ministerial functions for the campaign; and
- the person does not share information from or about one of the campaigns with the other campaign, or does not use information from or about one of the campaigns to assist the other campaign. [See RCW 42.17A.005 (13)(b)(ix) and WAC 390-05-243 for more detailed information.]


“Ministerial functions” means activities carried out as part of the duties of an administrative office without exercise of personal judgment or discretion. RCW 42.17A.005(33). Also see WAC 390-05-243 for a non-exclusive list of ministerial functions and a definition of administrative office. Typically, persons performing ministerial functions may, under the supervision of a candidate or committee officer, file PDC reports, make deposits, pay bills and maintain campaign finance records. However, if a person performs functions for both a candidate and a political committee and those functions for one or both campaigns entail duties beyond those deemed ministerial, any expenditure by the committee benefiting the candidate may be a contribution, rather than an independent expenditure or electioneering communication. [RCW 42.17A.005(33) and WACs 390-05-243 and 390-05-210]

**For Instruction Manuals and Reporting Forms click on the “Filer Resources” tab at [www.pdc.wa.gov](http://www.pdc.wa.gov)**

AMENDATORY SECTION (Amending WSR 16-04-027, filed 1/25/16, effective 2/25/16)

**WAC 390-16-031 Forms for statement of contributions deposit.** The official form for statement of contributions deposit is designated "C-3((;))" ((revised 2/16-)) Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, ((Room 206, Evergreen Plaza Building,)) Olympia, Washington ((98504)). Any paper attachments shall be on 8-1/2" x 11" white paper.

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 <p><b>PUBLIC DISCLOSURE COMMISSION</b>                  711 CAPITOL WAY RM 206                  PO BOX 40908                  OLYMPIA WA 98504-0908                  (360) 753-1111                  TOLL FREE 1-877-601-2828</p>	<p><b>CASH RECEIPTS                  MONETARY                  CONTRIBUTIONS</b></p>	<div style="border: 1px solid black; padding: 5px; width: 40px; margin: 0 auto;"> <p style="font-size: 24pt; font-weight: bold; margin: 0;">C3</p> <p style="font-size: 8pt; margin: 0;">(2/16)</p> </div>	<p style="font-size: 8pt;">THIS SPACE FOR OFFICE USE</p>
Candidate or Committee Name (Do not abbreviate. Use full name.)			
Mailing Address			
City	Zip + 4	Office Sought (candidates)	Election Date
<b>1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT</b>			
<b>Date Received</b>		<b>Amount</b>	<b>Total</b>
	a. Anonymous.....	\$	\$
	b. Candidate's personal funds deposited in the bank (include candidate loans in 1c).....		
	c. Loans, notes, security agreements. Attach Schedule L.....		
	d. Miscellaneous receipts (interest, refunds, auctions, other). Attach explanation.....		
	e. Small contributions \$25.00 or less not itemized and number of persons giving _____ (persons)		
<b>2. CONTRIBUTIONS OVER \$25.00</b>			
<b>Date Received</b>	<b>Contributor's Name, Address, City, State, Zip</b>	<b>Contributions of more than \$100:*</b> <b>Employer's Name, City and State</b>	<b>Amount</b>
		P R I G E N	<b>Aggregate*</b> <b>Total</b>
			\$
	<b>Occupation</b>		\$
			\$
	<b>Occupation</b>		\$
			\$
	<b>Occupation</b>		\$
			\$
	<b>Occupation</b>		\$
			\$
		<b>Sub-total</b>	
		<b>Amount from attached pages</b>	
<input type="checkbox"/> Check here if additional pages are attached			<p><b>*See reverse for details.</b></p>
<b>3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT</b>			
Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.			
<b>4. Date of Deposit</b>		I certify that this report is true and complete to the best of my knowledge	
		Treasurer's Signature	Date
Treasurer's Daytime Telephone No.: (        ) -			

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<b>Page 2</b>	<b>C3</b>
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Reporting requirements are contained in and governed by chapters 42.17A RCW and 390-16 WAC. Consult PDC instruction manuals when completing this report.

**CONTRIBUTIONS OF MORE THAN \$100**

When an individual gives the campaign more than \$100 in the aggregate, that person's employer must be identified by name, city, state and the person's occupation must also be disclosed. Once an individual gives more than \$100, occupation and employer information will appear on every report showing additional contributions from the individual.

For all candidates – when an individual gives more than \$100 in the aggregate from the beginning of the campaign, show occupation and employer information.

For Single Election Political Committees (e.g., ballot issue committees) – when an individual gives more than \$100 in the aggregate from the beginning of the campaign, show occupation and employer.

For Continuing Political Committees (e.g., party committees & PACs) – when an individual gives more than \$100 in the aggregate from the beginning of the calendar year, show occupation and employer.

**PRIMARY/GENERAL ELECTION**

Candidates subject to contribution limits must specify in Part 2 of the C-3 form whether a contribution is designated for the primary or the general election. If a contribution is for the primary election, put a "X" in the PRI box; if it counts toward the contributor's general election limit, put an "X" in the GEN box. If one check is used to make both a primary and a general election contribution, use two separate contributor blocks – one each for the primary and general donations. See instruction manual for example.

Candidates not subject to limits, political committees and continuing political committees – primary and general election designations not required; disregard these boxes.

**AGGREGATE TOTAL**

The total put in the Aggregate Total column for each contributor will depend on who is filing the report. See below.

Candidates subject to contribution limits: Show the total given for each election. If the contributor is giving a primary election contribution, the Aggregate Total figure is the total of that person's primary election contributions. If the GEN box is checked, the Aggregate Total is the contributor's general election total. (Only your campaign records and PDC's computer records will keep track of the grand total for both elections.)

Candidates not subject to limits: Show the total given since the beginning of the campaign.

Political Committees Organized for One Election Only: Show the total given since the beginning of the campaign.

Continuing Political Committees: Show the total given since the beginning of the calendar year.

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**RECEIPTS CONTINUATION SHEET (Attachment to C-3 Form)**

Page \_\_\_\_\_

Candidate or Committee Name (Do not abbreviate. Use full name.)					Deposit Date	
---	--	--	--	--	--------------	--

2. CONTRIBUTIONS OVER \$25.00

Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100:* Employer's Name, City and State	P R I		Amount	Aggregate Total*
		Occupation	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
		Occupation	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
		Occupation	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
		Occupation	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
		Occupation	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
		Occupation	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
		Occupation	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
		Occupation	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
		Occupation	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
		Occupation	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
		Occupation	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
		Occupation	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$

Page Total \_\_\_\_\_

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AMENDATORY SECTION (Amending WSR 16-04-027, filed 1/25/16, effective 2/25/16)

**WAC 390-16-032 Forms—Auction report.** The official form for reporting items donated and sold at auctions, as required by RCW 42.17A.240 (2)(b), is designated "Attachment Au(;;)." ((revised 2/16.)) This attachment shall accompany each C-3 which reports the receipt of funds from an auction. Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, ((711 Capitol Way, Room 206, Evergreen Plaza Building, P.O. Box 40908,)) Olympia, Washington((, 98504-0908)).

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Item No. Description	Name and Address	P R I	G E N	Fair Market Value	Sale Price	Amount Over Fair Market Value	Aggregate Total*
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><b>AUCTION REPORT</b> Use this form as an attachment to C3 to report items donated and sold at auctions. Please see the reverse for an example of a report.</p> </div> <div style="width: 45%; text-align: right;"> <p><b>ATTACHMENT Au</b> TO C3 (2/16) Page ____</p> </div> </div>							
Candidate or Committee Name (Do not abbreviate. Use full name.)				Date Auction was held			
	<b>Contributor</b>	<input type="checkbox"/>	<input type="checkbox"/>				
	*Occupation and Employer:						
	<b>Buyer</b>	<input type="checkbox"/>	<input type="checkbox"/>				
	*Occupation and Employer:						
	<b>Contributor</b>	<input type="checkbox"/>	<input type="checkbox"/>				
	*Occupation and Employer:						
	<b>Buyer</b>	<input type="checkbox"/>	<input type="checkbox"/>				
	*Occupation and Employer:						
	<b>Contributor</b>	<input type="checkbox"/>	<input type="checkbox"/>				
	*Occupation and Employer:						
	<b>Buyer</b>	<input type="checkbox"/>	<input type="checkbox"/>				
	*Occupation and Employer:						
	<b>Contributor</b>	<input type="checkbox"/>	<input type="checkbox"/>				
	*Occupation and Employer:						
	<b>Buyer</b>	<input type="checkbox"/>	<input type="checkbox"/>				
	*Occupation and Employer:						
<p>*If an individual – whether a contributor or buyer – has given more than \$100 in the aggregate to the campaign, show his or her occupation and the name, city &amp; state of his or her employer.</p>				<p><b>Cash receipts, this page</b></p> <p>Total, sale price column →</p>			
				<p><b>Total from attached pages</b> →</p>			
				<p><b>Total cash receipts</b> (Put this amount in part 1d of C3 report) →</p>			
<p>I certify that the information herein is true, correct and complete to the best of my knowledge.</p> <p>Treasurer's signature _____ Date _____</p>							

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**INSTRUCTIONS**

**Item No./Description:** As each item to be auctioned is received, assign it a number and a brief description.

**Contributor:** The person or organization that donates an item or service to be auctioned. If the campaign purchases items for auction, state "purchased by committee" under contributor's name. If auction is held by candidate subject to contribution limits, designate which election (PRI or GEN) contribution is for. Contribution amount is fair market value of item or service and is subject to any applicable contribution limit. Adjust fair market value amount if sold for less than initial fair market value. See No. 2 below.

**Buyer:** The person who buys the item or service being auctioned. If auction is held by candidate subject to contribution limits, designate which election (PRI or GEN) buyer is giving to when purchase price exceeds fair market value amount.

**Fair Market Value:** The retail value of the article. Adjust if amount paid is less than fair market value. See No. 2 below.

**Sale Price:** The amount the buyer paid for the item or service.

**Amount Over Fair Market Value:** The amount the sale price exceeds fair market value. If sale price is less than or equal to the fair market value, leave blank. The amount paid in excess of fair market value is a contribution from the buyer and is subject to any applicable contribution limit.

**Aggregate Total:**

Contributor: Fair market value of the donation plus all previous contributions made during campaign (for candidates subject to contribution limits, all contributions made for election designated; for continuing political committees, all contributions made during calendar year).

Buyer: Amount over fair market value plus all previous contributions made during campaign (for candidates subject to contribution limits, all contributions made for election designated; for continuing political committees, all contributions made during calendar year).

**If Cash is Received:** RCW 42.17A.475 says that a political committee must make all of its monetary contributions by check (or other written instrument). However, individuals, businesses, unions and other entities may use currency to make small contributions. The maximum amount of a currency contribution is periodically adjusted by PDC. See WAC 390-05-400 or contact PDC. If the campaign receives cash contributions, each of which does not exceed the maximum, but is more than \$50, prepare a receipt – signed by the donor and either the candidate, treasurer or deputy treasurer – and keep it as part of the campaign records.

**Example of Auction Report**


Candidate or Committee Name (Do not abbreviate. Use full name.)				Date Auction was held			
Sam Smith for State Senate				09/14/XXXX			
Item No. Description	Name and Address	P R I	G E N	Fair market value	Sale price	Amount over fair market value	Aggregate Total*
No. 1 Use of Beach Cabin for Week	<b>Contributor</b> John Doe 200 "A" Street, Seattle, WA 98101 *Occupation and Employer: Accountant; CPA Firm, Seattle, WA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$ 500.00			\$ 500.00
	<b>Buyer</b> Mary Smith 400 "B" Street, Tacoma, WA 98402 *Occupation and Employer:	<input type="checkbox"/>	<input checked="" type="checkbox"/>		\$ 600.00	\$ 100.00	\$ 100.00
No. 2 Dinner For 4	<b>Contributor</b> Sam Brown 123 Military Road, Anytown, WA 98101 *Occupation and Employer: Contractor; Sam's Decks, Anytown, WA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$ 200.00			\$ 150.00
	<b>Buyer</b> Tom Mix Rt. 2, Box 1, Saddle Mt., WA 98900 *Occupation and Employer: Manager; ABC Retail, Saddle Mt., WA	<input type="checkbox"/>	<input type="checkbox"/>		\$ 150.00		
<b>Cash receipts, this page</b>							
Total, sale price column					\$ 750.00		
<b>Total from attached pages</b>					\$ 0		
<b>Total cash receipts</b>					\$ 750.00		
Put this amount in part 1d of C3 report							

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AMENDATORY SECTION (Amending WSR 17-03-028, filed 1/6/17, effective 2/6/17)

WAC 390-16-033 Earmarked contributions—Reporting—Form. The official form for reporting the details surrounding an earmarked contribution, as required by RCW 42.17A.270, is designated "Special Report E((;))" ((revised 2/17.)) This report shall be filed within two business days of receiving a contribution earmarked for another candidate or committee. Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, ((Room 206, Evergreen Plaza Building,)) Olympia, Washington ((98504-0908)).

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**PUBLIC DISCLOSURE COMMISSION**  

**711 CAPITOL WAY RM 206**  
**PO BOX 40908**  
**OLYMPIA WA 98504-0908**  
**(360) 753-1111**  
**TOLL FREE 1-877-601-2828**

**EARMARKED CONTRIBUTION**

**SPECIAL REPORT E**  
2/17

PDC OFFICE USE

1. Name of committee filing this report (Candidate or committee which received a contribution earmarked for another.)

Address \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

2. Original source of earmarked contribution

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

3. Contribution Date	Amount/Value	Description (Fully describe in-kind contributions)	If contribution is to benefit a state office candidate, designate whether it's for Primary or General Election. Primary _____ General _____

4. Name of candidate or committee to be benefited \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

If candidate, what office is the person seeking? \_\_\_\_\_

5. Certification: I certify that the information contained herein is true, complete and correct to the best of my knowledge.


Treasurer's signature \_\_\_\_\_ Date \_\_\_\_\_

The purpose of this report is to highlight receipt of an earmarked contribution. (That is, a contribution given to one candidate or political committee with the understanding, intent or instruction that it be used to benefit another candidate or committee.) This report is filed in addition to any other required reporting of the transaction.

A separate "Special Report E" is filed for each earmarked contribution received by any candidate or political committee.

File this report within two business days of receiving the earmarked contribution. Mail or deliver the original to the Public Disclosure Commission. Deliver a copy to the benefiting candidate or committee, also within two business days.

**NOTE: Candidates for legislative and statewide executive office are subject to state contribution limits. Earmarked contributions count toward the applicable limit and are attributed to the original source of the contribution (unless another person controlled the choice of recipient). It's a violation for anyone to accept a contribution in excess of the relevant limit. Verify with the campaign of a legislative or statewide office candidate before accepting a contribution earmarked for the benefit of such a candidate.**

PDC E 


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AMENDATORY SECTION (Amending WSR 16-04-027, filed 1/25/16, effective 2/25/16)

WAC 390-16-041 Forms—Summary of total contributions and expenditures. (1) The official form for reports of contributions and expenditures by candidates and political committees who use the "full" reporting option is designated "C-4," ((revised 2/16,)) and includes Schedule A, ((revised 1/04,)) Schedule B, ((revised 1/04,)) Schedule C, ((revised 3/93,)) and Schedule L((revised 1/12)).

(2) Copies of these forms are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, ((711 Capitol Way, Room 206, P.O. Box 40908,)) Olympia, Washington ((98504-0908)). Any paper attachments shall be on 8-1/2" x 11" white paper.

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 <b>PUBLIC DISCLOSURE COMMISSION</b> 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		<b>CAMPAIGN SUMMARY RECEIPTS &amp; EXPENDITURES</b>		<b>C4</b>  (2/16)	PDC OFFICE USE
Candidate or Committee Name (Do not abbreviate. Include full name)					
Mailing Address				City	
Zip + 4	Office Sought (Candidates)		Election Date	<b>*For PACs, Parties &amp; Caucus Committees:</b> During this report period, did the committee make an <b>independent expenditure</b> (i.e., an expense not considered a contribution supporting or opposing a state or local candidate)?	
Report Period Covered	From (last C-4)	To (end of period)	Final Report? Yes <input type="checkbox"/> No <input type="checkbox"/>	*See reverse Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>RECEIPTS</b>					
1. Previous total cash and in kind contributions (From line 8, last C-4) (if beginning a new campaign or calendar year, see instruction booklet) ..... \$ _____					
2. Cash received (From line 2, Schedule A) ..... \$ _____					
3. In kind contributions received (From line 1, Schedule B)..... _____					
4. Total cash and in kind contributions received this period (Line 2 plus 3)..... _____					
5. Loan principal repayments made (From line 2, Schedule L)..... ( ) _____					
6. Corrections (From line 1 or 3, Schedule C)..... Show + or (-) _____					
7. Net adjustments this period (Combine line 5 & 6)..... Show + or (-) _____					
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)..... _____					
9. Total pledge payments due (From line 2, Schedule B)..... <input type="text"/>					
<b>EXPENDITURES</b>					
10. Previous total cash and in kind expenditures (From line 17, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)..... _____					
11. Total cash expenditures (From line 4, Schedule A)..... _____					
12. In kind expenditures (goods & services) (From line 1, Schedule B)..... _____					
13. Total cash and in kind expenditures made this period (Line 11 plus line 12)..... _____					
14. Loan principal repayments made (From line 2, Schedule L)..... ( ) _____					
15. Corrections (From line 2 or 3, Schedule C)..... Show + or (-) _____					
16. Net adjustments this period (Combine lines 14 & 15)..... Show + or (-) _____					
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16)..... _____					
<b>CANDIDATES ONLY</b>			<b>CASH SUMMARY</b>		
	Won	Lost	Unopposed	Name not on ballot	
Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18. Cash on hand (Line 8 minus line 17) ..... [Line 18 should equal your bank account balance(s) plus your petty cash balance.] _____
General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19. Liabilities: (Sum of loans and debts owed)..... ( ) _____
Treasurer's Daytime Telephone No.: ( ) _____			20. Balance (Surplus or deficit) (Line 18 minus line 19)..... _____		
<b>CERTIFICATION:</b> I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.					
Candidate's Signature		Date		Treasurer's Signature	
				Date	

SEE INSTRUCTIONS ON REVERSE

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<b>Page 2</b>	<b>C4</b> <small>(2/16)</small>	<b>CAMPAIGN SUMMARY RECEIPTS &amp; EXPENDITURES</b>
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**Please consult PDC instruction manuals when completing this report.  
Reporting requirements are contained in and governed by RCW 42.17A and WAC 390.**

**WHO MUST FILE** Each candidate and political committee using Full Reporting.

**FILING DATES**

- 1) File with C-1 or C-1pc (Registration form) if you received contributions or made expenditures before registering.
- 2) File on the 10th of each month if contributions or expenditures are over \$200 since last C-4 was filed. (These 10th-of-the-month reports are not required if another C-4 must be filed during that month. See #3 below.)
- 3) For each primary, general and special election in which the candidate or political committee makes an expenditure, file
  - 21 days prior to the election
  - 7 days prior to the election
  - 10th of the first month after the election -- see note below

(Note: Not required after primary election from candidates who will be in the general election or from continuing political committees.)
- 4) File final report when campaign is finished or committee closes operation. Often, this coincides with the primary or general post-election, 10th-of-the-month report.

All reports are considered filed as of the postmark date or the date hand-delivered to PDC.

**WHERE TO SEND REPORTS** Send original C-4 reports, along with all schedules and attachments, to PDC. Keep a copy for the campaign's records.

Candidates for city offices, city ballot issue committees and other political committees who give to city candidates or ballot issue committees should check with city clerk regarding any local filing requirements.

**\*FOR ALL PACS, POLITICAL PARTIES & CAUCUS POLITICAL COMMITTEES**

The question posted near the top of the first page of this form regarding independent expenditures applies to **ALL POLITICAL COMMITTEES** required to file C-4 reports, **except ballot issue committees** that neither contribute to candidates nor make independent expenditures regarding them **and candidate committees** (because they are prohibited from making expenditures that are not directly related to their own campaigns).

**All other Political Committees and PACs must indicate whether they made any independent expenditures supporting or opposing one or more candidates for state or local office.**

If the response is "yes," the independent expenditure(s) **MUST** be itemized on the appropriate schedule (either Schedule A, or Part 3 of Schedule B), showing:

- the date of the expense;
- the name and address of the vendor or recipient of the funds;
- if using Schedule A, an "I" in the Code column;
- the name and office sought of the candidate supported or opposed;
- an indication of support or opposition; and
- a brief description of the expense (e.g., brochure mailed to absentee voters).

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# CASH RECEIPTS AND EXPENDITURE

SCHEDULE **A**  
to C4  
(1/04)

Candidate or Committee Name (Do not abbreviate. Use full name.) Report Date

1 CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Date of deposit	Amount	Date of deposit	Amount	Date of deposit	Amount	Total deposits
						\$

2. TOTAL CASH RECEIPTS Enter also on line 2 of C4 \$

**CODES FOR CLASSIFYING EXPENDITURES:** If one of the following codes is used to describe an expenditure, no other description is generally needed.

The exceptions are:

- 1) If expenditures are in-kind or earmarked contributions to a candidate or committee or independent expenditures that benefit a candidate or committee, identify the candidate or committee in the Description block;
- 2) When reporting payments to vendors for travel expenses, identify the traveler and travel purpose in the Description block; and
- 3) If expenditures are made directly or indirectly to compensate a person or entity for soliciting signatures on a statewide initiative or referendum petition, use code "V" and provide the following information in the Description block: name and address of each person/entity compensated, amount paid each during the reporting period, and cumulative total paid all persons to date to gather signatures.

CODE  
DEFINITIONS  
ON NEXT PAGE

C - Contributions (monetary, in-kind & transfers)  
 I - Independent Expenditures  
 L - Literature, Brochures, Printing  
 B - Broadcast Advertising (Radio, TV)  
 N - Newspaper and Periodical Advertising  
 O - Other Advertising (yard signs, buttons, etc.)  
 V - Voter Signature Gathering

P - Postage, Mailing Permits  
 S - Surveys and Polls  
 F - Fundraising Event Expenses  
 T - Travel, Accommodations, Meals  
 M - Management/Consulting Services  
 W - Wages, Salaries, Benefits  
 G - General Operation and Overhead

### 3. EXPENDITURES

- a) Expenditures of \$50 or less, including those from petty cash, need not be itemized. Add up these expenditures and show the total in the amount column on the first line below.
- b) Itemize each expenditure of more than \$50 by date paid, name and address of vendor, code/description, and amount.
- c) For each payment to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company, provide a detailed breakdown in the Description block of expenses included in the payment.

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
N/A	Expenses of \$50 or less	N/A	N/A	
				\$

Total from attached pages \$

4. TOTAL CASH EXPENDITURES Enter also on line 11 of C4 \$

CODE DEFINITIONS ON NEXT PAGE

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Page 2 - For information only. Do not file as part of report.

## EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B)

**NOTE:** Expenditures (including debts) for payments to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company require further detail in the Description block. See expenditure description on Schedule A, WAC 390-16-037 and WAC 390-16-205.

- C MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** your campaign legally makes to other campaigns. Put a "C" in the Code column, in the Description column specify who was benefited and, if in-kind, what was purchased.
- I INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column and fully describe purpose.
- L LITERATURE.** Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- B BROADCAST ADVERTISING** Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- N NEWSPAPER & PERIODICAL ADVERTISING.** Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- O OTHER ADVERTISING.** Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- V VOTER SIGNATURE GATHERING.** Use "V" for expenditures made directly or indirectly to compensate a person or entity for soliciting or pro-curing signatures on a statewide initiative or referendum petition. Attach itemization of each such payment.
- P POSTAGE.** Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.
- F FUNDRAISING EVENTS.** Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- S SURVEYS AND POLLS.** Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- T TRAVEL, ACCOMMODATIONS, MEALS.** Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveler in Description column. If travel payment was made to credit card company or traveler (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Schedule A.
- M MANAGEMENT AND CONSULTING SERVICES.** Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- W WAGES, SALARIES, BENEFITS.** Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- G GENERAL OPERATION AND OVERHEAD.** Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture for the campaign.

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**IN KIND CONTRIBUTIONS, PLEDGES,  
ORDERS, DEBTS, OBLIGATIONS**

**SCHEDULE  
TO C4**

**B**  
(1/04)

Candidate or Committee Name (Do not abbreviate. Use full name.) Report Date

**1. IN KIND CONTRIBUTIONS RECEIVED** (goods, services, discounts, etc.)

Date Received	Contributor's Name and Address	Description of Contribution*	Fair Market Value	Aggregate Total	P R I	G E N	If more than \$100, Employer Name, City, State & Occup.
							Occupation
							Occupation
							Occupation
<input type="checkbox"/> Check here if additional pages are attached.			<b>TOTAL</b> (Enter also on line 3 and line 12 of C4)				

**2. PLEDGES RECEIVED BUT NOT YET PAID.** List each pledge of \$100.00 or more.

Date Notified of Pledge	Name and Address of Pledge Maker	Fair Market Value	Aggregate Total	P R I	G E N	If more than \$100, Employer Name, City, State & Occup.
						Occupation
<input type="checkbox"/> Check here if additional pages are attached.		<b>TOTAL</b> (include new pledges above and all other outstanding pledges.) (Enter also on line 9 of C4)				Occupation

**3. ORDERS PLACED, DEBTS, OBLIGATIONS.** If debt is owed to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company, provide a detailed breakdown of expenses included in the debt. (Give estimate if actual amount not known. Exclude loans. Report loans on Schedule L.)

Expenditure Date	Vendor's/Recipient's Name and Address	Amount Owed	Code	OR	Description of Obligation*
		\$			
		\$			
		\$			
		\$			
		\$			
		\$			
<input type="checkbox"/> Check here if additional pages are attached.		<b>TOTAL</b> (Include in line 19 of C4)			

\*SEE NOTE AND CODE DEFINITIONS ON REVERSE

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## EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B)

**NOTE:** Expenditures (including debts) for payments to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company require further detail in the Description block. See expenditure description on Schedule A, WAC 390-16-037 and WAC 390-16-205.

- C MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** your campaign legally makes to other campaigns. Put a "C" in the Code column, in the Description column specify who was benefited and, if in-kind, what was purchased.
- I INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column and fully describe purpose.
- L LITERATURE.** Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- B BROADCAST ADVERTISING.** Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- N NEWSPAPER & PERIODICAL ADVERTISING.** Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- O OTHER ADVERTISING.** Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- V VOTER SIGNATURE GATHERING.** Use "V" for expenditures made directly or indirectly to compensate a person or entity for soliciting or procuring signatures on a statewide initiative or referendum petition. Attach itemization of each such payment.
- P POSTAGE.** Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.
- F FUNDRAISING EVENTS.** Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- S SURVEYS AND POLLS.** Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- T TRAVEL, ACCOMMODATIONS, MEALS.** Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveler in Description column. If travel payment was made to credit card company or traveler (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Schedule A.
- M MANAGEMENT AND CONSULTING SERVICES.** Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- W WAGES, SALARIES, BENEFITS.** Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- G GENERAL OPERATION AND OVERHEAD.** Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture for the campaign.

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### CORRECTIONS

SCHEDULE C  
to C4

Candidate or Committee Name (Do not abbreviate. Use full name.) Date

**1. CONTRIBUTIONS AND RECEIPTS (Include mathematical corrections.)**

Date of report	Contributor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
<b>Total corrections to contributions</b> Enter on line 6 of C4. Show + or (-).				

**2. EXPENDITURES (Include mathematical corrections.)**

Date of report	Vendor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
<b>Total corrections to expenditures</b> Enter on line 15 of C4. Show + or (-).				

**3. REFUNDS FROM VENDORS. The below listed amounts have been received as refunds on expenditures previously reported. The refund has been deposited and reported on C3 report, Line 1d.**

Date of refund	Source / person making refund	Amount of refund
<b>Total refunds</b> Enter as (-) on line 6 & line 15 of C4.		

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**LOANS**

**SCHEDULE TO C3 OR C4** **L** (1/02)

See instructions and Example on reverse

Candidate or Committee Name \_\_\_\_\_ Report Date \_\_\_\_\_

**1. MONETARY OR IN-KIND LOAN RECEIVED.** Loans are considered contributions and are subject to any applicable limit.

Date Loaned	Lender's Name and Address	P R I N T I O N A L	G E N E R A L	Amount of Loan	Annual Interest Rate	Repayment Schedule	Date Due

If Total Contributed is more than \$100, Show Lender's Occupation and Name, City & State of Employer

If monetary loan, also include this amount on line 1c, C3 report. →  
If in-kind loan, itemize in Part 1 of Schedule B.

Name and Address of Each Loan Endorser, Co-Signer	P R I N T I O N A L	G E N E R A L	Amount Liable For (Same as Loan Amount)	Aggregate Total	If Total Contributed is more than \$100, Show Endorser's Occupation and Name, City, & State of Employer

Continued on attached sheet

**2. LOAN PAYMENTS.** Candidates may be repaid no more than amount loaned or permitted by WAC 390-05-400, whichever is less. See instruction manual.

Date Paid	Lender's Name and Address	Principal Paid	Interest Paid	Total Payment	Balance Owed

Total Principal Paid → Enter also on lines 5 and 14, C-4 report  
Total Payments → Enter as an expenditure on Schedule A

**3. LOANS FORGIVEN.**

Date	Lender's Name and Address	Original Amount	Principal Repaid	Amount Forgiven	Balance Owed

**4. LOANS STILL OWED.** List each loan that has previously been reported and still has a balance due.

Date	Lender's Name and Address	Original Amount	Principal Repaid or Forgiven	Amount Owed

Subtotal \_\_\_\_\_  
New Loans Received (and listed in Item 1 above) \_\_\_\_\_  
Total Loans Owed Include in total on line 19, C-4 report \_\_\_\_\_

Continued on attached sheet.

**LOANS**



Please consult PDC instruction manuals when completing this schedule. Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

**WHO MUST FILE** Each candidate and political committee using full reporting that receives one or more campaign loans.

**FILING DATES** When a monetary loan is received by the campaign, complete Part 1 and file the Schedule L with the C-3 report that corresponds with the loan's deposit into the account. **Use a separate schedule for each loan received.**

When an in-kind loan is received, complete Part 1 and file Schedule L along with the Schedule B (to the C-4) that itemizes the in-kind contribution.

When a loan is paid or forgiven, in whole or in part, complete Part 2 and/or Part 3 and file the Schedule L with the C-4 covering the period when the payment or forgiveness occurred.

When one or more loans remain unpaid, complete Part 4 and file the schedule with each C-4 report until all loans are repaid in full or forgiven. (The same schedule may be used to show loan payments, forgiveness information and to show which loans remain unpaid.)

LOAN RECEIVED  
(Information would appear on separate Schedule L)

LOAN PAYMENTS

LOANS FORGIVEN

LOANS STILL OWED

**Example LOANS**

Candidate or Committee Name: Adrian Adams for State Representative  
Report Date: 12/22/XXXX

**1. MONETARY OR IN-KIND LOAN RECEIVED.** Loans are considered contributions and are subject to any applicable limit.

Date Loaned	Lender's Name and Address	Principal	Amount of Loan	Annual Interest Rate	Repayment Schedule	Date Due
2/12/XXXX	Tyler Adams PO Box 123 Olympia, WA	X	\$ 500.00	12%	\$100/month	Not fixed
If monetary loan, also include this amount on line 1c, C3 report.			\$ 500.00		If Total Contributed is more than \$100, Show Lender's Occupation and Name, City, & State of Employer Accountant; Best Accounting Firm; Tacoma, WA	
If in-kind loan, itemize in Part 1 of Schedule B.						
Name and Address of Each Loan Endorser, Co-Signer	Principal	Amount Liable For (Same as Loan Amount)	Aggregate Total	If Total Contributed is more than \$100, Show Endorser's Occupation and Name, City, & State of Employer		

Continued on attached sheet

**2. LOAN PAYMENTS.** Candidates may be repaid no more than amount loaned or permitted by WAC 390-05-400, which ever is less. See instruction manual.

Date Paid	Lender's Name and Address	Principal Paid	Interest Paid	Total Payment	Balance Owed
3/30/XXXX	Tyler Adams PO Box 123, Olympia, WA	\$ 100.00	\$ 10.00	\$ 110.00	\$ 400.00
3/31/XXXX	Michael Murray 201 Westway Rd, Tacoma, WA	100.00	0	100.00	250.00
Total Principal Paid Enter also on lines 5 and 14, C-4 report		\$ 200.00			
Total Payments Enter as an expenditure on Schedule A				\$ 210.00	

**3. LOANS FORGIVEN.**

Date	Lender's Name and Address	Original Amount	Principal Repaid	Amount Forgiven	Balance Owed
3/15/XXXX	Kelly Adams 2222 Riverfront Rd, Olympia, WA	\$ 250.00	\$ 0	\$ 150.00	\$ 100.00

**4. LOANS STILL OWED.** List each loan that has previously been reported and still has a balance due.

Date	Lender's Name and Address	Original Amount	Principal Repaid or Forgiven	Amount Owed
1/22/XXXX	Tyler Adams PO Box 123, Olympia, WA	\$ 500.00	\$ 100.00	\$ 400.00
2/12/XXXX	Michael Murray 201 Westway Rd, Tacoma, WA	350.00	100.00	250.00
3/01/XXXX	Kelly Adams 2222 Riverfront Rd, Olympia, WA	250.00	150.00	100.00
3/11/XXXX	K.M. Lawrence PO Box 3456, Olympia, WA	1,000.00	0	1,000.00
Subtotal				\$ 1,750.00
New Loans Received (and listed in Item 1 above)				\$ 0
Total Loans Owed Include in total on line 19, C-4 report				\$ 1,750.00

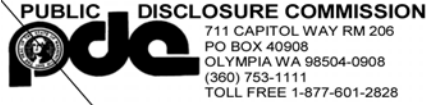
Continued on attached sheet.



AMENDATORY SECTION (Amending WSR 16-04-080, filed 1/29/16, effective 2/29/16)

**WAC 390-16-050 Forms for contributions and expenditures of out-of-state political committees.** The official form for the report required by RCW 42.17A.250 of contributions and expenditures of an out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17A.205 through 42.17A.240 is designated "C-5((?))" ((revised 2/16.)) Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, ((Room 206, Evergreen Plaza Building,)) Olympia, Washington ((98504-0908)). Any paper attachments shall be on 8 1/2" x 11" white paper.

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Form <b>C5</b> (2/16)	This space for office use P M A R K  R E C E I V E D
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**Out-of-State Political Committee Campaign Finance Report**

<b>1. Name and full address of committee making the contribution</b> Name Street address City / State / Zip	<b>2. Check appropriate box</b> <input type="checkbox"/> This is the first report submitted during 20__ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.
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**3. Provide the purpose of the committee and the identity of any business, union, association or person with which the committee is affiliated (e.g., a State Committee of the Oregon Republican Party, Idaho committee of United Workers Union or federal PAC of XYZ Trade Assn.)**

<b>4. Officers or responsible leaders of committee:</b> Name and full address	Title
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<b>5. States where this political committee is registered and has been actively reporting campaign finance information for the preceding two years:</b> Name of state(s) & administrative agency(s)	Agency(s) website address
--	---------------------------

**6. Candidate contributions: List each Washington candidate for state, local or judicial office to whom you have made a contribution of more than \$50.00.**

Candidate name	Office sought	Political party	Date	Amount

**7. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.**

Committee name & full address	Ballot number	For or Against?	Date	Amount

**8. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state, local or judicial candidate, ballot measure or political committee.**

Recipient name & full address	Purpose	Date	Amount

Check here  if continued on an attached sheet

**9. Total contributions and expenditures (Add parts 6, 7, 8) .....**

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**10. Aggregate contributions and expenditures made during this calendar year in Washington State.**  
 Include amounts shown on this report and C5 reports previously submitted this calendar year. . . . . \_\_\_\_\_

Does this aggregate total represent 20% or more of the committee's nationwide campaign activity to date for this calendar year? Y  N

**11. Contributions received from Washington residents.** List all contributions of more than \$25.00 in the aggregate to this out-of-state committee during the current calendar year from Washington residents or corporations with their headquarters or a primary place of business in Washington.

Name and full address	Date	Amount	Aggregate Total

Check here  if continued on an attached sheet

**12. Contributions received from persons residing outside of Washington.** List the name, address, and employer of each person or corporation residing outside the state of Washington who has made contributions of more than \$2,680.00 in the aggregate to this out-of-state committee during the current calendar year.

Name and full address	Employer name, city and state	Date	Amount	Aggregate Total

Check here  if continued on an attached sheet

**13. Eligibility to Give to Political Committees and State Office Candidates:** A committee must receive \$10 or more each from ten Washington State registered voters before contributing to a Washington State political committee. Additionally, during the six months prior to making a contribution to a state office candidate your committee must have received contributions of \$10 or more each from at least ten Washington State registered voters.

A check here indicates your awareness of and pledge to comply with these provisions. Absence of a check mark means your committee does not qualify to give to Washington State political committees and/or state office candidates.

**14. Certification:** I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official \_\_\_\_\_ Name – Typed or Printed \_\_\_\_\_

Title \_\_\_\_\_ Daytime Telephone No. (    ) \_\_\_\_\_

E-Mail Address \_\_\_\_\_

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**Instructions – (Statutory reference: RCW 42.17A.250)**

**Who Must Report on C5 Form:** An out-of-state political committee, including political committees filing with the Federal Election Commission, organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17A.205 through 42.17A.240 which has made contributions or expenditures to or on behalf of a state, local or judicial candidate or political committee in Washington state. See WAC 390-16-049 reprinted below. A political committee making contributions or expenditures to or on behalf of a state, local or judicial candidate or political committee in Washington state that fails to satisfy all of the conditions of WAC 390-16-049(3) shall not use the C5 form but instead shall register and report as a political committee pursuant to RCW 42.17A.205 through 42.17A.240 and as otherwise required by RCW 42.17A.

**When to Report:** A C5 report is due no later than the 10<sup>th</sup> day of the month following any month in which a contribution or other expenditure of more than \$50 is made to or on behalf of a Washington state candidate or political committee. After filing an initial C5 report, subsequent reports during the same calendar year shall be filed updating or amending the information previously reported. These follow-up reports are also due no later than the 10<sup>th</sup> day of the month following any month in which an additional contribution or other expenditure of more than \$50 is made. The C5 report is considered filed as of the postmark date.

**Send Report to:** Public Disclosure Commission, 711 Capitol Way, Room 206, PO Box 40908, Olympia, Washington 98504-0908

**Questions?** Contact PDC at [www.pdc.wa.gov](http://www.pdc.wa.gov), toll free at 1-877-601-2828 or 1-360-753-1111

**WAC 390-16-049 Out-of-state political committees – Implementation of RCW 42.17A.250**

(1) RCW 42.17A.250 governs campaign reporting in Washington State by committees located outside of Washington. The statute directs that an out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state (and that is not otherwise required to report as an in-state committee) reports the information listed in RCW 42.17A.250 on a C5 form (WAC 390-16-050). The committee begins reporting on a C5 form when it makes an expenditure supporting or opposing a Washington state candidate or political committee.

(2) To file as an out-of-state political committee, all the criteria in (a) and (b) below must be satisfied:

(a) **Out-of-State.** First, the committee must be located out-of-state. It must be maintaining its office or headquarters in another U.S. state or the District of Columbia, and has no office, street address or corporate registered agent in Washington State. If there is no office or headquarters in another state or the District of Columbia, and no corporate registered agent in Washington State, the political committee is deemed out-of-state if its treasurer resides in another U.S. state or the District of Columbia.

(b) **Organizational Purpose and Campaign Activities.** Second, the committee must also be currently organized primarily for engaging in campaign activities in another state. The political committee may be described in other states as a political committee, political action committee (PAC), group (Alaska) or similar terms to describe a committee. Therefore, to qualify as a current out-of-state committee, the committee must also:

(i) Be currently registered and actively filing campaign disclosure reports in one or more other states and has been so filing for the preceding two years; and,

(ii) Have organizational documents showing it was originally formed and is currently organized for the purpose of making expenditures in another state or soliciting contributions for use in another state's election campaigns; and,

(iii) Have spent less than 20 percent of its aggregate expenditures for all political campaign activity nationwide at any point in any calendar year to support and/or oppose Washington candidates for state, local and judicial office, Washington ballot measures and/or Washington political committees.

(3) A committee that does not satisfy the criteria subsection (2) shall file as an in-state committee under RCW 42.17A, including RCW 42.17A.205 – RCW 42.17A.240.


(4) Out-of-state political committees reporting under RCW 42.17A.250 are also subject to reporting pursuant to RCW 42.17A.260 (political advertising independent expenditures) and 42.17A.305 through 42.17A.315 (electioneering communications).

AMENDATORY SECTION (Amending WSR 12-01-047, filed 12/14/11, effective 1/14/12)

**WAC 390-16-060 Forms for report of independent expenditures and electioneering communications.** (1) The official form for reports of independent expenditures and electioneering communications as required by RCW 42.17A.255, 42.17A.260 and 42.17A.305 is designated "C-6((;))" ((revised 1/12-)) Copies of this form are available at the Commission Office, ((Room 206, Evergreen Plaza Building,)) Olympia, Washington ((98504)) and online at www.pdc.wa.gov. Any paper attachments shall be on 8 1/2" x 11" white paper.

(2) The C-6 report may be filed electronically consistent with WAC 390-19-040 by using an electronic filing alternative provided or approved by the commission. C-6 reports of electioneering communications shall be filed electronically as provided in RCW 42.17A.305.

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**PUBLIC DISCLOSURE COMMISSION**  
711 CAPITOL WAY RM 206  
PO BOX 40908  
OLYMPIA WA 98504-0908  
(360) 753-1111  
TOLL FREE 1-877-601-2828

Form  
**C6**  
1/12

**Reporting Form for:** (check one) **Instructions on Page 3**

**INDEPENDENT EXPENDITURES** (Occurring at any time) — **\$100 or more**  
 **INDEPENDENT EXPENDITURE ADS** (Appearing within 21 days of an election) — **\$1,000 or more**  
 **ELECTIONEERING COMMUNICATIONS, Except Contributions** (Appearing within 60 days of an election) — **\$1,000 or more**

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**1. Name and complete postal mailing address of sponsor:**

	<small>E-mail</small>
	<small>Telephone</small>

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**2. Itemize expenditures of more than \$100 associated with the independent expenditure or electioneering communication.**

Date Made	Date First Presented/ Mailed	Name and Address of Vendor or Recipient	Description of Expenditure (e.g., direct mail or newspaper, TV or radio ad)	Amount or Value ("See Below)
Expenditures \$100 or less not itemized above				\$
<b>Amount or Value</b>				<b>Total this report</b>
<small>*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.</small>				<small>Total independent expenditures and electioneering communications made during this election campaign. Include amounts shown in this report and previously submitted C-6 reports.</small>
				\$

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**3. List of candidate(s) or ballot proposition(s) identified in the advertising.**

Candidate/Proposition	Office/District/ Proposition No.	Party	Check Support or Oppose	Show portion of current expense attributable to each candidate or proposition	Show total C-6 expenses related to each candidate/ proposition during election campaign
			<input type="checkbox"/> <input type="checkbox"/>	\$	\$
			<input type="checkbox"/> <input type="checkbox"/>	\$	\$
			<input type="checkbox"/> <input type="checkbox"/>	\$	\$
			<input type="checkbox"/> <input type="checkbox"/>	\$	\$
			<input type="checkbox"/> <input type="checkbox"/>	\$	\$
Continued on attached sheet <input type="checkbox"/>				\$	\$

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**Filer Name:**

**4. If reporting an Electioneering Communication, it is necessary to disclose information concerning the source of funding for the communication. Select the description that applies:**

- a)  An individual using only personal funds.
- b)  An individual using personal funds and/or funds received from others.
- c)  A business, union, group, association, organization, or other person using only general treasury funds.
- d)  A business, union, group, association, organization, or other person using general treasury funds and/or funds received from others.
- e)  A political committee filing C-3 and C-4 reports. (RCW 42.17A.205 - .240)
- f)  A political committee filing C-5 reports. (RCW 42.17A.250)
- g)  Other

**If (b), (d), (f), or (g) applies, complete section 5 below. If (e) applies, also complete section 5 if the committee received funds that were requested or designated for the communication.**

**5. Sources giving in excess of \$250 for the electioneering communication:**

Date Received	Source's Name, Address, City, State, Zip	For individuals, Employer's Name, City and State	Amount
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
		Sub-Total	\$
		Amount from attached pages	\$
		<b>TOTAL FUNDS RECEIVED</b>	\$

Continued on attached sheet

Sponsor of Independent Expenditure or Electioneering Communication		
I certify (or declare) under penalty of perjury under the laws of the State of Washington that this expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or an agent of a candidate nor does it otherwise constitute a contribution under RCW 42.17A.005. I further certify that the above information is true, complete, and correct to the best of my knowledge.	Signature	Printed Name
	Street address	
	City/State/Zip	
	Date Signed	Place Signed (city and county)
	*RCW9A.72.040 provides that "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."	

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AMENDATORY SECTION (Amending WSR 15-01-066, filed 12/11/14, effective 1/11/15)

**WAC 390-16-071 Annual report of major contributors and persons making independent expenditures.** (1) Any person, other than an individual (a) who made contributions to state office candidates and statewide ballot proposition committees totaling more than the aggregate amount during the preceding calendar year for contributions referenced in WAC 390-05-400, code section .180 (1), or (b) who made independent expenditures regarding state office candidates and statewide ballot propositions totaling more than the aggregate amount during the preceding calendar year for independent expenditures referenced in WAC 390-05-400, code section .180(1), shall file with the commission an annual report required pursuant to RCW 42.17A.630. This report shall not be required of a lobbyist employer filing an annual L-3 report pursuant to RCW 42.17A.630 or of a candidate's authorized committee or a political committee provided the information has been properly reported pursuant to RCW 42.17A.235 and 42.17A.240.

(2) The report is entitled "Special Political Expenditures" and is designated "C-7<sub>2</sub>" (~~(revised 11/14)~~). Copies of this form are available on the commission's web site, [www.pdc.wa.gov](http://www.pdc.wa.gov), and at the Commission Office, (~~Room 206, Evergreen Plaza Building~~) Olympia, Washington (~~(98504)~~). Any attachments shall be on 8-1/2" x 11" white paper.

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**PUBLIC DISCLOSURE COMMISSION**  
  
 711 CAPITOL WAY RM 206  
 PO BOX 40908  
 OLYMPIA WA 98504-0908  
 (360) 753-1111  
 TOLL FREE 1-877-601-2828

### Special Political Expenditures

**C7**  
11/14

PDC OFFICE USE

1. Name (Use complete company, association, union or entity name.) \_\_\_\_\_

Attention (Identify person to whom inquiries about the information below should be directed.) \_\_\_\_\_

Mailing Address \_\_\_\_\_ Telephone \_\_\_\_\_  
( ) -

City \_\_\_\_\_ State \_\_\_\_\_ Zip + 4 \_\_\_\_\_

**THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY.** Disclose all payments or expenditures the reporting entity made and accrued during the previous calendar year for the types of activities described below. Complete all sections. Use "none" or "0" when applicable. Follow the directions on the attached instructions.

Summary of Expenditures

Amount

- 2. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. Also complete Item 8.
    - a. Aggregate contributions made by the filer. \_\_\_\_\_
    - b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this report.)  
Name of PAC \_\_\_\_\_
  - 3. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. Show aggregate amount. Also complete Item 9. \_\_\_\_\_
  - 4. Expenditures for entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families. Show aggregate amount. Also complete Item 10. \_\_\_\_\_
  - 5. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. Show aggregate amount. Also complete Item 13. \_\_\_\_\_
  - 6. Other expenditures related to lobbying state officials, whether payment is made to, through or on behalf of a registered lobbyist. Attach list itemizing each expense. Show date, recipient, purpose and amount. \_\_\_\_\_
- 7. Total Reportable Expenses** \_\_\_\_\_  
(Items 2 thru 6)

Itemized Expenditures

- 8. Contributions totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure.

Name of Recipient	Amount	Date
	\$	

Information continued on attached pages

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9. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot measure. See instructions for definition of "independent expenditure."

Candidate's Name, Office Sought & Party or Ballot Measure & Brief Description	Amount \$	Date and Description of Expense (Note if Support or Oppose)
<input type="checkbox"/> Information continued on attached pages		

10. Entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families.

Name and Title	Cost or Value \$	Date and Description of Entertainment, Gift or Travel
<input type="checkbox"/> Information continued on attached pages		

11. Compensation of \$2,400 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.

Name	Relationship to Candidate or Official, if Family Member	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

12. Compensation of \$2,400 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family hold office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

13. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount \$	Date and Description of Expense
<input type="checkbox"/> Information continued on attached pages		

14. This report must be certified by the president, secretary-treasurer or similar officer of reporting entity.

<b>Certification: I certify that this report is true, complete and correct to the best of my knowledge.</b>	Signature of Officer	Date
Printed Name and Title of Officer:		


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AMENDATORY SECTION (Amending WSR 15-01-064, filed 12/11/14, effective 1/11/15)

**WAC 390-20-020 Forms for lobbyist report of expenditures.** The official form for the lobbyist report of expenditures is designated "L-2," (~~(revised 1/15)~~) which includes the L-2 Memo Report (~~(dated 1/15)~~). Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington (~~(98504)~~). Any attachments shall be on 8-1/2" x 11" white paper.

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**PUBLIC DISCLOSURE COMMISSION**  
 711 CAPITOL WAY RM 206  
 PO BOX 40908  
 OLYMPIA WA 98504-0908  
 (360) 753-1111  
 TOLL FREE 1-877-601-2828

**L2**  
1/15

PDC OFFICE USE

**Lobbyist Monthly Expense Report**  
(as required by Chapter 397, 1995 Session Laws)

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1. Lobbyist Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip + 4 \_\_\_\_\_

New Address?  Yes  No

2. This report is for the period \_\_\_\_\_ (Month) \_\_\_\_\_ (Year)

This report corrects or amends the report for \_\_\_\_\_ (Month) \_\_\_\_\_ (Year)

Business Telephone ( ) - \_\_\_\_\_

	ALL COMPLETE THIS PART		COMPLETE IF YOU HAVE MORE THAN ONE EMPLOYER		
Expense Category	TOTAL AMOUNT THIS MONTH All employers plus own expense (Columns a + b + c + d and attached pages)	Amounts paid from lobbyist's own funds, not reimbursed or attributed to an employer. Column A	Amount attributed to each employer		
			Employer No. _____ Column B	Employer No. _____ Column C	Employer No. _____ Column D
3. COMPENSATION earned from employer for lobbying this period (salary, wages, retainer)	\$	\$	\$	\$	\$
4. PERSONAL EXPENSES for travel, food and refreshments		\$			
5. ENTERTAINMENT, GRATUITIES, TRAVEL, SEMINARS for state officials, employees, their families (See #15)					
6. CONTRIBUTIONS to elected officials, candidates and political committees (See #16)					
7. ADVERTISING, PRINTING, INFORMATIONAL LITERATURE					
8. POLITICAL ADS, PUBLIC RELATIONS, POLLING, TELEMARKETING, ETC. (See #17)					
9. OTHER EXPENSES AND SERVICES (See #18)					
10. TOTAL COMPENSATION AND EXPENSES INCURRED THIS MONTH	\$	\$	\$	\$	\$

(Attach additional page(s) if you lobby for more than three employers.)

11. EMPLOYERS' NAMES

No. \_\_\_\_\_ (B)

No. \_\_\_\_\_ (C)

No. \_\_\_\_\_ (D)

12. Subject matter of proposed legislation or other legislative activity or rulemaking the lobbyist was supporting or opposing.

<b>Subject Matter, Issue or Bill No.</b>	<b>Legislative Committee or State Agency Considering Matter</b>	<b>Employer Represented</b>
--	---	-----------------------------

Continued on attached pages

13. Of the time spent lobbying, what percentage was devoted to lobbying: \_\_\_\_\_ the Legislature \_\_\_\_\_% State Agencies \_\_\_\_\_%.

**14. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION)**

Date registration ends: \_\_\_\_\_ Employer's name: \_\_\_\_\_

I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new registration prior to lobbying for that employer in the future. All registrations terminate automatically on the second Monday in January of each odd numbered year.

I certify that this report is true and complete to the best of my knowledge.

CERTIFICATION

LOBBYIST SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**CONTINUE ON REVERSE**

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Page 2

L2

Lobbyist Name \_\_\_\_\_

Reporting Period \_\_\_\_\_ (Month) \_\_\_\_\_ (Year)

15. Itemize all of the following expenditures that were incurred by lobbyist or lobbyist employer(s) for legislators, state officials, state employees and members of their immediate families. **In the total amount column, show the total amount spent for each occasion including any staging costs, tax, and gratuity. Also show the actual amount spent entertaining each individual, as shown in the example.**
- **Entertainment expenditures exceeding \$50 per occasion** (including lobbyist's expense) for meals, beverages, tickets, passes, or for other forms of entertainment.
  - **Receptions.** See WAC 390-20-020A, L-2 Reporting Guide, to determine if per person cost is required.
  - **Travel, lodging and subsistence expenses** in connection with a speech, presentation, appearance, trade mission, seminar or educational program.
  - **Enrollment and course fees** in connection with a seminar or educational program.
- Lobbyists must provide an elected official with a copy of the L-2 or Memo Report if the lobbyist reports: 1) spending on one occasion over \$50 for food or beverages for the official and/or his or her family member(s); or 2) providing travel, lodging, subsistence expenses or enrollment or course fees for the official and, if permitted, the official's family.

Date mm/dd/year	Names of all Persons Entertained or Provided Travel, etc. Include actual amounts spent for entertainment Example: Sen Bow (\$32), Rep Arrow (\$28), and J. D. Lobbyist (\$36) tax & gratuity (\$25.41)	Description, Place, etc. Dinner at Anthony's, Olympia	Sponsoring Employer XYZ Corporation	Total Amount \$121.41
N/A	Total expenses itemized on attached Memo Reports			\$

Continued on attached pages.

16. If a monetary or in-kind contribution exceeding \$25 was given or transmitted by the lobbyist to any of the following, itemize the contribution below or on a Memo Report: local and state candidates or elected officials; local and state officers or employees; political committees supporting or opposing any candidate, elected official, officer or employee or any local or state ballot proposition. If a contribution exceeding \$25 was given to the following, itemize the contribution below: a caucus political committee, a political party, or a grass roots lobbying campaign.

Date	Name of Individual or Committee Receiving Contribution	Source of Contribution	Amount \$
N/A	Total contributions itemized on attached Memo Reports		\$

If contributions were made directly by a political action committee associated, affiliated or sponsored by your employer, show name of the PAC below. (Information reported by PAC on C-4 report need not be again included in this L-2 report.)

Continued on attached pages. PAC Name: \_\_\_\_\_

17. Expenditures for: a) political advertising supporting or opposing a state or local candidate or ballot measure; or b) public relations, telemarketing, polling or similar activities that directly or indirectly are lobbying-related must be itemized by amount, vendor or person receiving payment, and a brief description of the activity. Itemize each expenditure on an attached page that also shows lobbyist name and report date. Put the aggregate total of these expenditures on line 8.

18. Payments by the lobbyist for other lobbying expenses and services, including payments to subcontract lobbyists, expert witnesses and others retained to provide lobbying services or assistance in lobbying and payments for grass roots lobbying campaigns (except advertising/printing costs listed in Item 7).

Date	Recipient's Name and Address	Employer for Whom Expense was Incurred	Amount \$
Continued on attached page.			

Continued on attached page.

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**INFORMATION CONTINUED**

**L2**

(Use this page if you need additional space for Items 12, 15 or 16)

Lobbyist Name	Reporting Period	(Month)	(Year)
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12. Subject Matter, Issue or Bill No.	Legislative Committee or State Agency Considering Matter	Employer Represented
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15. Date	Names of all Persons Entertained or Provided Travel, etc.	Description, Place, etc.	Sponsoring Employer	Amount
				\$

16. Date	Name of Individual or Committee Receiving Contribution	Source of Contribution	Amount
			\$

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**INFORMATION CONTINUED**

**L2**

(Use this page if you need additional space for Items 17 or 18)

Lobbyist Name				
		Reporting Period	(Month)	(Year)
17. Date	Names of Vendor or Person Receiving Payment	Description, Place, etc.	Sponsoring Employer	Amount \$
18. Date	Recipient's Name and Address	Employer for Whom Expense was Incurred		Amount \$

))



**L-2 Memo Report**  
1/15

**Instructions:** This Memo Report may be used by a lobbyist to notify a state elected official or other recipient of contributions, meals, travel expenses or educational benefits that have been provided during the preceding calendar month. The specific list of persons to whom a copy of this report must be delivered is shown below in the "Contributions" and "Meals, Travel, Seminars" sections. If the expenditures disclosed on this Memo Report do not also appear on the lobbyist's L-2 Report, a copy of this Memo Report must accompany the L-2 filing. See L-2 instruction manual for further details.

<b>TO:</b>	Recipient's Name*	<b>PDC OFFICE USE</b>
<b>FROM:</b>	Lobbyist's Name	
	Mailing Address	
	City State Zip + 4	

This report is for the period _____ (Month) _____ (Year)	This report corrects or amends the report for _____ (Month) _____ (Year)	Business Telephone ( ) - _____
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**CONTRIBUTIONS** to state or local candidate, elected official, or employee, legislative staff person or ballot issue committee.

Date Made	Amount or Value	Description (if in-kind)	Source of Contribution (Employer's Name or Own Funds)
	\$		

**MEALS, TRAVEL, SEMINARS** to a state elected official, including a legislator, or members of the official's immediate family. Disclose: a) expenditures totaling over \$50 on one occasion for food or beverages for the official and/or the official's family, excluding certain receptions as defined in WAC 390-20-020A, L-2 Reporting Guide; or b) expenditures for providing permissible travel, lodging, subsistence expenses or enrollment or course fees for the official and the official's family.

Date Given	Amount or Value	Description	Source of Gift (Employer's Name or Own Funds)	Recipient (if family member)
	\$			


\_\_\_\_\_  
Lobbyist's Signature Date

**\*Recipients of Contributions** will report receipt of a cash donation on a C-3 report or in-kind on a Schedule B to the C-4 report; **recipients of meals, travel and seminars** will report receipt of these items on their annual F-1 statement.

AMENDATORY SECTION (Amending WSR 15-01-066, filed 12/11/14, effective 1/11/15)

WAC 390-20-110 Forms for lobbyist employers report. The official form for statement by employers of registered lobbyists as required by RCW 42.17.180 is designated "L-3(3)" ((revised 11/14.)) Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, ((711 Capitol Way, Room 206, Evergreen Plaza Building, P.O. Box 40908,)) Olympia, Washington((, 98504-0908)). Any paper attachments shall be on 8-1/2" x 11" white paper.

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 <b>PUBLIC DISCLOSURE COMMISSION</b> 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		<b>Employer's Lobbying Expenses</b>		<b>L3</b>  <small>11/14</small>	<small>THIS SPACE FOR OFFICE USE</small>
1. Employer's Name (Use complete company, association, union or entity name.)					
Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)					
Mailing Address			Telephone		
			( ) -		
City	State	Zip + 4	E-Mail Address	Year Report Covers	
<b>THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.</b>					
2. Identify each of your lobbyists/lobbying firms below. <b>In column 1</b> , show the full amount of salary or fee each earned for lobbying. <b>In column 2</b> , show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist and reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, reimbursement for entertainment expenses, etc.). Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.					
Names of Registered Lobbyists (if payments were to lobbying firm, list firm name)		Col 1-Salary	Col 2-Other	Total Amount	
		\$	\$	\$	
Total From Attached Page					
<input type="checkbox"/> Information continued on attached pages				Total Expenses By or Through Lobbyists \$	
<b>DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.</b>					
3. Other expenditures made by the employer for lobbying purposes. <b>Show total expenditures made/accrued:</b>					
a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment credit card purchases);				\$	
b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort;				_____	
c. for entertainment, tickets, passes, travel expenses (e.g., transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families; (Also complete Item 9.)				_____	
d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; and				_____	
e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union).				_____	
4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete Item 10.)					
a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c.				_____	
b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)				_____	
Name of PAC _____				_____	
5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete Item 11.)					
6. Expenditures to or on behalf of legislators, state officials, or their spouse, registered domestic partner and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete Item 14.)					
7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above.					
<b>Total Lobbying Expenses</b>				\$	
				(Items 2 thru 7)	
8. This report must be certified by the president, secretary-treasurer or similar office of lobbying employer.					
<b>Certification: I certify that this report is true, complete and correct to the best of my knowledge.</b>			Signature of Employer Officer	Date	
Printed Name and Title of Officer:					

CONTINUE ON REVERSE

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Page 2

L3

Employer's Name		Year report covers:	
9. Entertainment, tickets, passes, travel expenses (including transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.			
Name and Title	Cost or Value \$	Date and Description of Expense	
<input type="checkbox"/> Information continued on attached pages			
10. Contributions (not reported by the lobbyist) totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions.			
Name of Recipient	Amount \$	Date (and, if In-Kind, Description)	
<input type="checkbox"/> Information continued on attached pages			
11. Independent expenditures in support of or opposition to a legislative or statewide executive office candidate or b) a statewide ballot proposition. <b>See instruction manual for definition of "independent expenditure."</b>			
Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount \$	Date and Description of Expense (Note if Support or Oppose)	
<input type="checkbox"/> Information continued on attached pages			
12. Compensation of \$2,400 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.			
Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			
13. Compensation of \$2,400 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family hold office, partnership, directorship or ownership interest of 10% or more.			
Firm Name	Person's Name	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			
14. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.			
Name	Amount \$	Date and Purpose	
<input type="checkbox"/> Information continued on attached pages			

**\*\*DOLLAR  
CODE AMOUNT**  
 A - \$1 to \$4,499  
 B - \$4,500 to \$23,999  
 C - \$24,000 to \$47,999

**\*\*DOLLAR  
CODE AMOUNT**  
 D - \$48,000 to \$119,999  
 E - \$120,000 or more

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# INFORMATION CONTINUED

# L3

(Use this page if you need additional space for Items 2 or 9)

Employer's Name	Year report covers:
-----------------	---------------------

2. Names of Registered Lobbyists	Col 1-Salary	Col 2-Other	Total Amount
	\$	\$	\$
Total From This Page			

9. Entertainment, etc.		
Name and Title	Cost or Value	Date and Description of Expense
	\$	

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**INFORMATION CONTINUED**

**L3**

(Use this page if you need additional space for Items 10 or 11)

Employer's Name		Year report covers:	
<b>10. Contributions</b>			
Name of Recipient	Amount	Date (and, if In-Kind, Description)	
	\$		
<b>11. Independent expenditures</b>			
Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)	
	\$		

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**INFORMATION CONTINUED**

**L3**

(Use this page if you need additional space for Items 12 thru 14)

Employer's Name		Year report covers:	
<b>12. Compensation of \$2,400 or more for employment, etc.</b>			
Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation
<b>13. Compensation of \$2,400 or more for professional services</b>			
Firm Name	Person's Name	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation
<b>14. Any expenditure not otherwise reported</b>			
Name	Amount	Date and Purpose	
\$			

**\*\*DOLLAR  
CODE AMOUNT**  
 A - \$1 to \$4,499  
 B - \$4,500 to \$23,999  
 C - \$24,000 to \$47,999


**\*\*DOLLAR  
CODE AMOUNT**  
 D - \$48,000 to \$119,999  
 E - \$120,000 or more

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AMENDATORY SECTION (Amending WSR 14-15-015, filed 7/3/14, effective 12/1/14)

**WAC 390-20-111 Form for lobbyist employers report of political contributions.** The official form entitled "Employer of Lobbyist Monthly Political Contribution Report" as required by RCW 42.17A.630 (2)(a) is designated "L-3c." (~~(revised 12/14)~~) Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, (~~Room 206, Evergreen Plaza Building,~~) Olympia, Washington (~~(98504-0908)~~). Any attachments must be on 8-1/2" x 11" white paper.

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**PUBLIC DISCLOSURE COMMISSION**  
  
 711 CAPITOL WAY RM 206  
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 OLYMPIA WA 98504-0908  
 (360) 753-1111  
 TOLL FREE 1-877-601-2828

**Employer of Lobbyist Monthly  
Political Contribution Report**

**L-3c**  
12/14

THIS SPACE FOR OFFICE  
USE

---

Employer's Name (Use complete company, association, union or entity name.)

---

Mailing Address

---

City State Zip

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**Who Must File Report:** Employers of lobbyists registered in Washington State making one or more contributions, including in-kind contributions, during one calendar month totaling more than \$110 to a candidate for state or local office, an elected state or local official, an officer or employee of any public agency, or a political committee. *Employer contributions made through and reported by a registered lobbyist or an employer-affiliated PAC are not reportable on an L-3c.*

**What Must Be Reported:** Contributions, including a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, or transfer of anything of value, including personal and professional services for less than full consideration. Contributions to campaign accounts and public office fund accounts are reportable.

**When Is The Report Filed:** Within 15 days after the last day of each calendar month during which reportable contributions were made. Reports are considered filed as of the post mark or hand-delivery date to PDC.

**Itemize contributions that alone, or together with other contributions to the same recipient, total over \$110 during the calendar month specified above.** If space provided is insufficient, use additional L-3c forms or 8 1/2" x 11" white paper.

Date of Contribution	Name and Address of Recipient	Description of Contribution*	Amount or Value*
			\$

\*See next page for details.

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Certification: I certify that the information contained herein is true and complete to the best of my knowledge.

Name and title of person authorized to sign on employer's behalf	Signature	Date
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L3c

**Description of Contribution**

**Monetary**

Monetary contributions are those made in cash or by check, money order or other negotiable instrument. If total in amount column represents aggregate total given that recipient during the month (i.e., more than one contribution), indicate the date and amount of each contribution figured into the total.

For contributions given to incumbent candidates and elected officials, indicate whether the contribution is for the recipient's campaign account or public office account.

**In-Kind**

Donated goods or services qualify as reportable contributions. In-kind contributions include such things as discounts on products or services, free transportation, free or reduced-rate office space, personal services, polling services, professional assistance to campaign managers and help with preparation of political advertising.

**Amount or Value of Contribution**

If the aggregate amount or value contributed to one recipient (candidate, elected official, agency officer or employee, or political committee) during a calendar month was over \$110 -- and the aggregate contribution was not reported by your lobbyist on his/her monthly report or the aggregate contribution was not made through and reported by your affiliated PAC -- put the total contributed in the Amount or Value column and provide the other required information.

**In-Kind**

Value in-kind contributions at the amount you actually paid for the donated item or service or, if no purchase was made, value them at their fair market value. Fair market value is the amount a well-informed buyer or lessee, willing but not obligated to buy or lease, would pay; and what a well-informed seller, or lessor, willing but not obligated to sell or lease, would accept.

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AMENDATORY SECTION (Amending WSR 14-15-015, filed 7/3/14, effective 12/1/14)

**WAC 390-20-120 Forms for report of legislative activity by public agencies.** The official form for the report of legislative activity by public agencies as required by RCW 42.17A.635 is designated "L-5((;))" ((~~revised 12/14~~)). Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, ((~~Room 206, Evergreen Plaza Building~~)) Olympia, Washington ((~~98504-0908~~)). Any attachments shall be on 8-1/2" x 11" white paper.

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 <b>PUBLIC DISCLOSURE COMMISSION</b> 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828	PDC FORM <b>L-5</b> (Rev 12/14)	<b>LOBBYING BY STATE AND LOCAL GOVERNMENT AGENCIES</b>

Instructions Are Printed On Reverse

Agency or Governmental Entity Name and Address	Date prepared	Report for calendar quarter ending Month    Year
	County	

**PERSONS WHO LOBBIED THIS QUARTER**

Name	Job title	Annual salary \$	% of time spent lobbying during quarter
------	-----------	---------------------	---

General description of lobbying activities or objectives. (Include bill or WAC numbers, if any)

Check if person spent more than \$25 of non-public funds in lobbying. See instructions on reverse.

Name	Job title	Annual salary \$	% of time spent lobbying during quarter
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General description of lobbying activities or objectives. (Include bill or WAC numbers, if any)

Check if person spent more than \$25 of non-public funds in lobbying. See instructions on reverse.

Name	Job title	Annual salary \$	% of time spent lobbying during quarter
------	-----------	---------------------	---

General description of lobbying activities or objectives. (Include bill or WAC numbers, if any)

Check if person spent more than \$25 of non-public funds in lobbying. See instructions on reverse.

**EXPENDITURES FOR LOBBYING THIS QUARTER**  
Report only the separately identifiable and measurable expenditures incurred for lobbying purposes

Salaries Of Persons Who Lobbied (Include only portion of quarterly salary attributable to lobbying)	\$
Travel (Include food, lodging, per diem payments and cost of transportation used)	\$
Brochures And Other Publications Whose Principal Purpose Is To Influence Legislation	\$
Consultants Or Other Contractual Services	\$
<b>Total This Quarter</b>	\$
<b>Total To Date This Year</b>	\$

<b>CERTIFICATION:</b> I certify that to the best of my knowledge the above is a true, complete and correct statement in accordance with RCW 42.17A.635.	Name of employee completing report
	Signature of agency head  Work telephone Number Work E-mail

Attach additional sheets if more room is required

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**THESE INSTRUCTIONS APPLY ONLY TO GOVERNMENT AGENCIES REPORTING PURSUANT TO RCW 42.17A.635.**

**WHO SHOULD REPORT?**

Each state agency, county, city, town, municipal corporation, quasi-municipal corporation or special purpose district which expends public funds for "lobbying". Please study the definitions of what is and is not included in lobbying to determine if your agency is required to report.

"Lobbying" means attempting to influence the passage or defeat of any legislation by the state legislature or the adoption or rejection of any rule, standard, rate or other legislative enactment by any state agency under the state administrative procedure act, chapter 34.05 RCW. "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the Governor.

**LOBBYING DOES NOT INCLUDE**

1. Requests for appropriations by a state agency to OFM pursuant to RCW 43.88 or requests by OFM to the legislature for appropriations other than its own agency budget. Note that an agency representative who, in person, contacts a legislator or committee on appropriations matters is lobbying.
2. Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation or report on a particular subject.
3. Official reports including recommendations submitted annually or biennially by a state agency as required by law.
4. Requests, recommendations or other communications between or within state agencies or between or within local agencies.
5. Telephone conversations or preparation of written correspondence.
6. Preparation or adoption of policy positions within an agency or group of agencies. Note that once a position is adopted, further action to advocate it may constitute lobbying.
7. Attempts to influence federal or local legislation.

**LOBBYING NOT REPORTABLE**

1. In person lobbying totaling no more than four days or parts of days during any three month period in aggregate for all officials and employees of the agency. In person lobbying includes testifying at legislative committee hearings and state agency hearings on rules and regulations but does not include attendance merely to monitor or observe testimony and debate.
2. In person lobbying by any elected official on behalf of his agency or in connection with his powers, duties or compensation.

**EXPENDITURES OVER \$25 OF NON-PUBLIC FUNDS**

Any person (including an elected official) who expends more than \$25 of personal or non-public funds for or on behalf of one or more legislators, state elected officials or state public officers or employees in connection with in person lobbying must be listed on the L-5 report. Attach a page showing the spender's name, and date, the source of funds and amount spent, and for whom the money was spent. Examples of these expenditures include entertainment, dinners and campaign contributions.

**REPORTS REQUIRED**

The L-5 report is submitted to cover each calendar quarter in which lobbying occurs. No report is required if no reportable lobbying has taken place during the quarter.

**DUE DATES:**      April 30 (1st quarter)      July 31 (2nd quarter)  
                                  October 31 (3rd quarter)      January 31 (4th quarter)

ONE CONSOLIDATED REPORT SHOULD BE SUBMITTED TO INCLUDE LOBBYING ACTIVITIES OF ALL DIVISIONS OR OFFICES OF AN AGENCY.

**Send Reports To:**      **Public Disclosure Commission**  
                                  711 Capitol Way, Rm 206  
                                  PO Box 40908  
                                  Olympia, WA 98504-0908

SPECIAL NOTE: In lieu of reporting as provided in RCW 42.17A.635 any agency or lobbyist for an agency may elect to register and report as provided in RCW 42.17A.600, .610, .615 and .630. An agency so choosing must notify PDC of that fact and obtain necessary reporting forms and instructions.

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<b>NON-PUBLIC FUNDS ATTACHMENT</b>			<b>L-5</b>
Agency or Governmental Entity Name		Report for calendar quarter ending	
		Month	Year
Expenditures over \$25 of non-public funds			
Name of Lobbyist:			
Date	Source of funds	Person on Whom Funds Spent	Amount
Purpose:			
Date	Source of funds	Person on Whom Funds Spent	Amount
Purpose:			
Date	Source of funds	Person on Whom Funds Spent	Amount
Purpose:			
Date	Source of funds	Person on Whom Funds Spent	Amount
Purpose:			
Date	Source of funds	Person on Whom Funds Spent	Amount
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Date	Source of funds	Person on Whom Funds Spent	Amount
Purpose:			
Date	Source of funds	Person on Whom Funds Spent	Amount
Purpose:			
Date	Source of funds	Person on Whom Funds Spent	Amount
Purpose:			

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<b>SERVICES ATTACHMENT</b>			<b>L-5</b>
Agency or Governmental Entity Name		Report for calendar quarter ending Month Year	
<b>Date</b>	<b>Name</b>	<b>Amount</b>	
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Amount</b>	
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Amount</b>	
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Amount</b>	
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Amount</b>	
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Amount</b>	
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Amount</b>	
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Amount</b>	
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Amount</b>	
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<b>Date</b>	<b>Name</b>	<b>Amount</b>	
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Amount</b>	
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Amount</b>	
<b>Purpose</b>			

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<b>TRAVEL ATTACHMENT</b>			<b>L-5</b>
Agency or Governmental Entity Name		Report for calendar quarter ending Month    Year	
<b>Date</b>	<b>Name</b>	<b>Vendor Name</b>	<b>Amount</b>
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Vendor Name</b>	<b>Amount</b>
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Vendor Name</b>	<b>Amount</b>
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Vendor Name</b>	<b>Amount</b>
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Vendor Name</b>	<b>Amount</b>
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Vendor Name</b>	<b>Amount</b>
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Vendor Name</b>	<b>Amount</b>
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Vendor Name</b>	<b>Amount</b>
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Vendor Name</b>	<b>Amount</b>
<b>Purpose</b>			
<b>Date</b>	<b>Name</b>	<b>Vendor Name</b>	<b>Amount</b>
<b>Purpose</b>			

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AMENDATORY SECTION (Amending WSR 14-15-015, filed 7/3/14, effective 12/1/14)

WAC 390-20-125 Forms for registration and reporting by sponsors of grass roots lobbying campaigns. The official form for registration and reporting by sponsors of grass roots lobbying campaigns as required by RCW 42.17A.640 is designated "L-6(;;)" ((revised 12/14:)) Copies of this form are available on the commission's web site, pdc.wa.gov, and at the Commission Office, ((Room 206, Evergreen Plaza Building,)) Olympia, Washington ((98504-0908)). Any attachments shall be on 8-1/2" x 11" white paper.

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**PUBLIC DISCLOSURE COMMISSION**  
 **711 CAPITOL WAY RM 206**  
**PO BOX 40908**  
**OLYMPIA WA 98504-0908**  
**(360) 753-1111**  
**TOLL FREE 1-877-601-2828**

**GRASS ROOTS LOBBYING**

PDC FORM  
**L-6**  
(12/14)

THIS SPACE FOR OFFICE USE

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Sponsor's name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone \_\_\_\_\_

---

1. Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any. \_\_\_\_\_

2. This report covers:

Registration (Initial report)

Monthly report From \_\_\_\_\_ To \_\_\_\_\_

Final report (Campaign is ended)

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3. List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.

NAME	TITLE	ADDRESS

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4. Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.

NAME AND ADDRESS	OCCUPATION OR BUSINESS	TERMS OF COMPENSATION

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5. Expenditures Made Or Incurred In The Campaign:

1. Previous expenditures (from line 4, last L-6 report) \$ \_\_\_\_\_

2. Expenses this reporting period: \$ \_\_\_\_\_

- A. Radio \_\_\_\_\_
- B. Television \_\_\_\_\_
- C. Newspapers, magazines \_\_\_\_\_
- D. Brochures, signs \_\_\_\_\_
- E. Printing and mailing \_\_\_\_\_
- F. Consultants, public relations \_\_\_\_\_
- G. Office expense, travel, salaries \_\_\_\_\_
- H. Contributions \_\_\_\_\_
- I. Entertainment \_\_\_\_\_
- J. Other expenses \_\_\_\_\_

3. Total expenditures this period (lines 2a-2j) \$ \_\_\_\_\_

4. Total expenditures in the campaign (lines 1 + 3) \$ \_\_\_\_\_

Continue On Reverse

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**L-6**

**Page 2**

Sponsor's name

This report covers:

6. Contributions:

List each person or organization who has contributed \$25 or more during this report period

NAME	ADDRESS, CITY, ZIP	AMOUNT
		\$

List Total Amount From Any Attached Pages ..... \$

Total Amount Received In Contributions Less Than \$25 Where Contributor's Name Is Not Listed .....

Total Contributions This Period .....

Total Contributions During The Campaign .....

**CERTIFICATION:** I hereby certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Name and title	Signature	Date
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**INSTRUCTIONS**

**WHO SHOULD FILE THIS FORM:** Any person making grass roots lobbying expenditures not reported by a registered lobbyist, a candidate, or a political committee exceeding \$1,400 in the aggregate in any three month period or exceeding \$700 in the aggregate in any one month in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence state legislation.

**FILING DEADLINE:** Within 30 days after becoming a sponsor of a grass roots lobbying campaign. Thereafter, sponsors file monthly reports on the 10th of the month covering the preceding calendar month. Termination notice is to accompany the final monthly report.

**SEND REPORT TO:** Public Disclosure Commission  
711 Capitol Way, Rm 206  
PO Box 40908  
Olympia, WA 98504-0908


**QUESTIONS:** CALL (360) 753-1111, OR TOLL FREE 1-877-601-2828

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AMENDATORY SECTION (Amending WSR 16-04-027, filed 1/25/16, effective 2/25/16)

WAC 390-20-130 Forms for statement of employment of legislators, state officers, and state employees. The official form for statement of employment of legislators, state officers, and state employees as required by RCW 42.17A.645 is designated "L-7," ((revised 2/16.)) Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, ((Room 206, Evergreen Plaza Building.)) Olympia, Washington ((98504-0908)). Any paper attachments shall be on 8-1/2" x 11" white paper.

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 <b>PUBLIC DISCLOSURE COMMISSION</b> 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		<b>L7</b> 2/16	TO BE FILED BY <b>EMPLOYERS OF STATE LEGISLATORS          STATE OFFICERS OR          STATE EMPLOYEES</b>	
EMPLOYER'S NAME AND BUSINESS ADDRESS			THIS SPACE FOR OFFICE USE	
			POSTMARK	DATE RECEIVED
DATE PREPARED: _____		THIS FORM	<input type="checkbox"/> AMENDS PREVIOUS FILING <input type="checkbox"/> REPLACES PREPARED (DATE) _____	
ITEM 1	NAME OF PERSON BEING EMPLOYED			
ITEM 2	NATURE OF EMPLOYMENT BY REPORTING EMPLOYER			
ITEM 3	AMOUNT AND NATURE OF PAY OR CONSIDERATION			
ITEM 4	NATURE OF STATE OFFICE OR EMPLOYMENT			
<b>INSTRUCTIONS</b>  <b>WHO SHOULD FILE THIS FORM:</b> Any person registered or required to be registered as a lobbyist under this act or any employer of any person registered or required to be registered as a lobbyist under this act, who employs a member of the legislature, an employee of the legislature, a member of a state board or commission, or a full time state employee, if that employee remains partially employed by the state.  <b>FILING DEADLINE:</b> Within 15 days after commencement of employment.  <b>FORM TO BE SUBMITTED TO:</b> Public Disclosure Commission.			CERTIFICATION: I hereby certify under oath, that the above is a true, complete and correct statement in accordance with RCW 42.17A.645.  SIGNATURE _____  TITLE _____ DATE _____	
<b>EXCERPT FROM PUBLIC DISCLOSURE LAW</b> <b>RCW 42.17A.645 — Employment of legislators, board or commission members, or state employees -- Statement, contents.</b> If any person registered or required to be registered as a lobbyist, or any employer of any person registered or required to be registered as a lobbyist, employs a member or an employee of the legislature, a member of a state board or commission, or a full-time state employee, and that new employee remains in the partial employ of the state, the new employer must file within fifteen days after employment a statement with the commission, signed under oath, setting out the nature of the employment, the name of the person employed, and the amount of pay or consideration.				

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AMENDATORY SECTION (Amending WSR 15-01-066, filed 12/11/14, effective 1/11/15)

**WAC 390-24-010 Forms for statement of financial affairs.** The official form for statements of financial affairs as required by RCW 42.17A.700 is designated "F-1(~~;~~)" (~~(revised 1/15)~~). Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, (~~(711 Capitol Way, Room 206, Evergreen Plaza Building, P.O. Box 40908,~~) Olympia, Washington (~~(98504-0908)~~). Any paper attachments must be on 8-1/2" x 11" white paper.

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 <b>PUBLIC DISCLOSURE COMMISSION</b> 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		PDC FORM <b>F-1</b> (1/15)	<b>PERSONAL FINANCIAL AFFAIRS STATEMENT</b>	P M PDC OFFICE USE O S R K R E C E I V E D
Refer to instruction manual for detailed assistance and examples. <b>Deadlines:</b> Incumbent elected and appointed officials -- by April 15. Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position.		<b>DOLLAR CODE</b> <b>AMOUNT</b> A      \$1 to \$4,499 B      \$4,500 to \$23,999 C      \$24,000 to \$47,999 D      \$48,000 to \$119,999 E      \$120,000 or more		
<b>SEND REPORT TO PUBLIC DISCLOSURE COMMISSION</b> Last Name      First      Middle Initial		Names of immediate family members, including registered domestic partner. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse or registered domestic partner. See F-1 manual for details.		
Mailing Address (Use PO Box or Work Address) *				
City      County      Zip + 4				
Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ year _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office <input type="checkbox"/> Professional staff of the Governor's Office and the Legislature		Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____		
<b>1 INCOME</b> List each employer, or other source of income (pension, social security, legal judgment, etc.) from which you or a family member, including registered domestic partner, received \$2,400 or more during the period. Include stock options received during the reporting period that had a value of \$2,400 or more. (Report interest and dividends in Item 3.)				
Show Self (S) Spouse (SP; DP) Dependent (D)		Name and Address of Employer or Source of Compensation      Occupation or How Compensation Was Earned      Amount: (Use Code)		
Check Here <input type="checkbox"/> if continued on attached sheet				
<b>2 REAL ESTATE</b> List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$12,000 in which you or a family member, including registered domestic partner, held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)				
Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser		Nature and Amount (Use Code) of Payment or Consideration Received
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given      Mortgage Amount - (Use Code) Original      Current
All Other Property Entirely or Partially Owned				
Check here <input type="checkbox"/> if continued on attached sheet				

CONTINUE ON NEXT PAGE

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<b>3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS</b>		List bank and savings accounts, insurance policies, stock, bonds and other intangible property (including but not limited to stock options) held during the reporting period.		
A. Name and address of each bank or financial institution in which you, a family member, including registered domestic partner, had an account over \$24,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)	
B. Name and address of each insurance company where you, a family member, including registered domestic partner, had a policy with a cash or loan value over \$24,000 during the period.				
C. Name and address of each company, association, government agency, etc. in which you, a family member, including registered domestic partner, owned or had a financial interest worth over \$2,400. Include stocks, bonds, ownership, retirement plan, IRA, notes, stock options, and other intangible property. If you, your spouse, registered domestic partner and/or dependents had decision making authority regarding individual assets/investments list each asset or investment, the value and any income amount. EXAMPLE: If you self-directed an investment account identify each stock or other asset in that account.				
Check here <input type="checkbox"/> if continued on attached sheet.				
<b>4 CREDITORS</b>		List each creditor you or a family member, including registered domestic partner, owed \$2,400 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.		AMOUNT (USE CODE)
Creditor's Name and Address	Terms of Payment	Security Given	Original	Present
Check here <input type="checkbox"/> if continued on attached sheet.				
<b>5</b> All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.				
Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.				
A. At any time during the reporting period were you, your spouse, registered domestic partner or dependents (1) an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity or (2) a partner or member of any limited partnership, limited liability partnership, limited liability company or similar entity including but not limited to a professional limited liability company? ____ If yes, complete Supplement, Part A.				
B. Did you, your spouse, registered domestic partner or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? ____ If yes, complete Supplement, Part A.				
C. Did you, your spouse, registered domestic partner or dependents own a business at any time during the reporting period? ____ If yes, complete Supplement, Part A.				
D. Did you, your spouse, registered domestic partner or dependents prepare, promote or oppose state legislation, rules, rates or standards for compensation or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? ____ If yes, complete Supplement, Part B.				
E. <b>Only for Persons Filing Annual Report.</b> Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse, registered domestic partner or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? ____ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse, registered domestic partner and/or dependents to travel or to attend a seminar or other training? ____ If yes to either or both questions, complete Supplement, Part C.				
<b>ALL FILERS EXCEPT CANDIDATES.</b> Check the appropriate box.		<b>CERTIFICATION:</b> I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.		
<input type="checkbox"/> I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.		Signature _____ Date _____		
<input type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17A.555 regarding the use of public facilities in campaigns.		Contact Telephone: (    ) *		
*CANDIDATES: Do not use public agency addresses or telephone numbers for contact information.		Email: _____ (work) *		
		Email: _____ (Home) Optional		

REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE

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 <p><b>PUBLIC DISCLOSURE COMMISSION</b>  711 CAPITOL WAY RM 206  PO BOX 40908  OLYMPIA WA 98504-0908  (360) 753-1111  TOLL FREE 1-877-601-2828  EMAIL: pdc@pdc.wa.gov</p>	PDC FORM <b>F-1</b> SUPPLEMENT (1/15)	<b>SUPPLEMENT PAGE</b> PERSONAL FINANCIAL AFFAIRS STATEMENT	
<b>PROVIDE INFORMATION FOR YOURSELF, SPOUSE, REGISTERED DOMESTIC PARTNER, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD</b>			
Last Name	First	Middle Initial	DATE
<b>A OFFICE HELD, BUSINESS INTERESTS:</b>			
Provide the following information if, during the reporting period, you, your spouse, registered domestic partner or dependents <ol style="list-style-type: none"> <li>(1) were an officer, director, general partner, trustee, or 10 percent or more owner of a corporation, non-profit organization, union, partnership, joint venture or other entity; and/or</li> <li>(2) were a partner or member of a limited partnership, limited liability partnership, limited liability company or similar entity, including but not limited to a professional limited liability company.</li> </ol> <ul style="list-style-type: none"> <li>• Legal Name: Report name used on legal documents establishing the entity.</li> <li>• Trade or Operating Name: Report name used for business purposes if different from the legal name.</li> <li>• Position or Percent of Ownership: The office, title and/or percent of ownership held.</li> <li>• Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.</li> <li>• Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.</li> <li>• Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$12,000 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.</li> <li>• Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.</li> </ul>			
<b>ENTITY NO. 1</b>		Reporting For: Self <input type="checkbox"/> Spouse <input type="checkbox"/> Registered Domestic Partner <input type="checkbox"/> Dependent <input type="checkbox"/>	
LEGAL NAME:		POSITION OR PERCENT OF OWNERSHIP	
TRADE OR OPERATING NAME:			
ADDRESS:			
BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:			
PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:		Amount (actual dollars)	
Purpose of payments		\$	
PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$12,000 OR MORE:		Purpose of payment (amount not required)	
Agency name:			
PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$12,000 OR MORE		Purpose of payment (amount not required)	
Customer name:			
WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$24,000. List street address, assessor parcel number, or legal description and county for each parcel)			
Check here <input type="checkbox"/> if continued on attached sheet			
<b>CONTINUE PARTS B AND C ON NEXT PAGE</b>			

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Page 2

F-1 Supplement

Name \_\_\_\_\_

**ENTITY NO. 2** Reporting For: Self  Spouse   
 Registered Domestic Partner  Dependent

LEGAL NAME: \_\_\_\_\_ POSITION OR PERCENT OF OWNERSHIP \_\_\_\_\_  
 TRADE OR OPERATING NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION: \_\_\_\_\_

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:  
 Purpose of payments \_\_\_\_\_ Amount (actual dollars) \_\_\_\_\_  
 \$ \_\_\_\_\_

PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$12,000 OR MORE:  
 Agency name: \_\_\_\_\_ Purpose of payment (amount not required) \_\_\_\_\_

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$12,000 OR MORE  
 Customer name: \_\_\_\_\_ Purpose of payment (amount not required) \_\_\_\_\_

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$24,000. List street address, assessor parcel number, or legal description and county for each parcel): \_\_\_\_\_

Check here  if continued on attached sheet

**B LOBBYING:** List persons for whom you, or any immediate family member, including registered domestic partner, lobbied or prepared state legislation or state rules, rates, or standards for compensation or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)

Check here  if continued on attached sheet

**C FOOD TRAVEL SEMINARS** Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse, registered domestic partner or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion, excluding certain receptions as defined in WAC 390-20-020A, L-2 Reporting Guide; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
			\$	

Check here  if continued on attached sheet

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**Information Continued**

**F-1 Supplement**

Name \_\_\_\_\_

**ENTITY NO.** \_\_\_\_\_ Reporting For: Self  Spouse   
 Registered Domestic Partner  Dependent

LEGAL NAME: \_\_\_\_\_ POSITION OR PERCENT OF OWNERSHIP \_\_\_\_\_

TRADE OR OPERATING NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION: \_\_\_\_\_

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:  
 Purpose of payments \_\_\_\_\_ Amount (actual dollars) \_\_\_\_\_  
 \$ \_\_\_\_\_

PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$12,000 OR MORE:  
 Agency name: \_\_\_\_\_ Purpose of payment (amount not required) \_\_\_\_\_

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$12,000 OR MORE  
 Customer name: \_\_\_\_\_ Purpose of payment (amount not required) \_\_\_\_\_

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$24,000. List street address, assessor parcel number, or legal description and county for each parcel):

**B LOBBYING:** (Continued)

Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)

**C FOOD TRAVEL SEMINARS** (continued)

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
			\$	

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AMENDATORY SECTION (Amending WSR 15-01-066, filed 12/11/14, effective 1/11/15)

**WAC 390-24-020 Forms for amending statement of financial affairs.** (1) The official form for amending statements of financial affairs as required by RCW 42.17A.700 for all persons who have previously filed the Form F-1 is designated Form "F-1A((;))" (~~revised 1/15~~)

(2) No more than three F-1A forms may be filed to amend a previously submitted statement of financial affairs (Form F-1). The form can be used only to update information required on an F-1.

(3) The commission reserves the right to reject amendatory forms and require a new statement of financial affairs (Form F-1) at any time the amendments are confusing or create misunderstandings. Authority is delegated to the commission's executive director to make this determination.

(4) Copies of Form F-1A are available on the commission's web site, [www.pdc.wa.gov](http://www.pdc.wa.gov) and at the Commission Office, (~~711 Capitol Way, Room 206, Evergreen Plaza Building, P.O. Box 40908~~) Olympia, Washington (~~98504-0908~~). Any paper attachments must be on 8-1/2" x 11" white paper.

 <b>PUBLIC DISCLOSURE COMMISSION</b> 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		PDC FORM <b>F-1A</b> (1/15)	<b>PERSONAL FINANCIAL AFFAIRS STATEMENT</b> Short Form	P M PDC OFFICE USE O A S R T K
The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed. <b>A complete F-1 form must be filed at least every four years;</b> an F-1A form may be used for no more than three consecutive reports. <b>Deadlines:</b> Incumbent elected and appointed officials -- by April 15. Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position.		<b>DOLLAR CODE</b> A \$1 to \$4,499 B \$4,500 to \$23,999 C \$24,000 to \$47,999 D \$48,000 to \$119,999 E \$120,000 or more	RECEIVED	
Last Name First Middle Initial Mailing Address (Use PO Box or Work Address) * City County Zip + 4		Names of immediate family members, including registered domestic partner. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse or registered domestic partner. See F-1 manual for details.		
Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ year _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office <input type="checkbox"/> Professional staff of the Governor's Office and the Legislature		Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____		
Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information. <input type="checkbox"/> <b>NO CHANGE REPORT.</b> I have reviewed my last complete F-1 report dated _____ and F-1A reports (if any) dated (1) _____ and (2) _____. The information disclosed on those reports is accurate for the current reporting period. <input type="checkbox"/> <b>MINOR CHANGES REPORT.</b> I have reviewed my last complete F-1 report dated _____. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers and describe changes. Provide all information required on F-1 report.				
Check here <input type="checkbox"/> if continued on attached sheet				
<b>FOOD TRAVEL SEMINARS</b> Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse, registered domestic partner or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion, excluding certain receptions as defined in WAC 390-20-020A, L-2 Reporting Guide; 2) Travel occasions; or 3) Seminars, educational programs or other training.				
Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
Check here <input type="checkbox"/> if continued on attached sheet				
<b>ALL FILERS EXCEPT CANDIDATES.</b> Check the appropriate box. <input type="checkbox"/> I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns. <input type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17A.555 regarding the use of public facilities in campaigns. *CANDIDATES: Do not use public agency addresses or telephone numbers for contact information		<b>CERTIFICATION:</b> I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge. _____ Signature Date Contact Telephone: ( ) * Email: _____ (work) * Email: _____ (Home) Optional		

Report Not Acceptable Without Filer's Signature

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**Information Continued**

**F-1A**

Name \_\_\_\_\_

Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information.

**NO CHANGE REPORT.** I have reviewed my last complete F-1 report dated \_\_\_\_\_ and F-1A reports (if any) dated (1) \_\_\_\_\_ and (2) \_\_\_\_\_. The information disclosed on those reports is accurate for the current reporting period.

**MINOR CHANGES REPORT.** I have reviewed my last complete F-1 report dated \_\_\_\_\_. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers and describe changes. Provide all information required on F-1 report.

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**FOOD  
TRAVEL  
SEMINARS** (Continued)

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount \$	Value (Use Code)

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**WSR 17-18-073  
PROPOSED RULES  
BOARD OF  
PILOTAGE COMMISSIONERS**

[Filed September 5, 2017, 8:24 a.m.]

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 363-116-185 Pilotage rates for the Grays Harbor pilotage district.

Hearing Location(s): On October 19, 2017, at 10:00 a.m., at 2901 Third Avenue, 1st Floor, Agate Conference Room, Seattle, WA 98121.

Date of Intended Adoption: October 19, 2017.

Submit Written Comments to: Sheri J. Tonn, Chair, 2901 Third Avenue, Suite 500, email BeverJ@wsdot.wa.gov, fax 206-515-3906, by October 12, 2017.

Assistance for Persons with Disabilities: Contact Shawna Erickson, phone 206-515-3647, fax 206-515-3906, by October 16, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to establish a 2018 Grays Harbor pilotage district annual tariff.

The proposal as detailed calls for the following adjustments: *Pension Charge*: A decrease from \$528 to \$500\*.

\*As the administrator of Grays Harbor pension funds for retired Grays Harbor pilots, Puget Sound pilots provide this calculation.

Reasons Supporting Proposal: RCW 88.16.035 requires that a tariff be set annually.

Statutory Authority for Adoption: Chapter 88.16 RCW.

Statute Being Implemented: RCW 88.16.035.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Current rates for the Grays Harbor pilotage district expire December 31, 2017. New rates must be set accordingly. All requirements necessary to amend the existing Grays Harbor pilotage district tariff as set forth in chapter 53.08 RCW have been met. The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from the public and any other interested party.

Name of Proponent: Port of Grays Harbor, public.

Name of Agency Personnel Responsible for Drafting: Jaimie C. Bever, 2901 Third Avenue, Seattle, WA 98121, 206-515-3887; Implementation and Enforcement: Board of Pilotage Commissioners, 2901 Third Avenue, Seattle, WA 98121, 206-515-3904.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to the adoption of these rules. The Washington state board of pilotage commissioners is not a listed agency in RCW 34.05.328 (5)(a)(i).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

September 5, 2017

Jaimie C. Bever

Executive Director (Interim)

**AMENDATORY SECTION** (Amending WSR 16-22-034, filed 10/26/16, effective 1/1/17)

**WAC 363-116-185 Pilotage rates for the Grays Harbor pilotage district.** Effective 0001 hours January 1, (~~2017~~) 2018, through 2400 hours December 31, (~~2017~~) 2018.

**CLASSIFICATION**

**RATE**

Charges for piloting of vessels in the inland waters and tributaries of Grays Harbor shall consist of the following:

**Draft and Tonnage Charges:**

Each vessel shall be charged according to its draft and tonnage for each vessel movement inbound to the Grays Harbor pilotage district, and for each movement outbound from the district.

Draft	\$114.97 per meter or \$35.04 per foot
Tonnage	\$0.329 per net registered ton
Minimum Net Registered Tonnage	\$1,152.00
Extra Vessel (in case of tow)	\$646.00

Provided that, due to unique circumstances in the Grays Harbor pilotage district, vessels that call, and load or discharge cargo, at Port of Grays Harbor Terminal No. 2 shall be charged \$6,387.00 per movement for each vessel movement inbound to the district for vessels that go directly to Terminal No. 2, or that go to anchor and then go directly to Terminal No. 2, or because Terminal No. 2 is not available upon arrival that go to layberth at Terminal No. 4 (without loading or discharging cargo) and then go directly to Terminal No. 2, and for each vessel movement outbound from the district from Terminal No. 2, and that this charge shall be in lieu of only the draft and tonnage charges listed above.

CLASSIFICATION	RATE
<b>Boarding Charge:</b>	
Per each boarding/deboarding from a boat or helicopter	\$1,092.00
<b>Harbor Shifts:</b>	
For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage	\$803.00
Delays per hour	\$189.00
Cancellation charge (pilot only)	\$315.00
Cancellation charge (boat or helicopter only)	\$944.00

**Two Pilots Required:**

When two pilots are employed for a single vessel transit, the second pilot charge shall include the harbor shift charge of \$803.00 and in addition, when a bridge is transited the bridge transit charge of \$346.00 shall apply.

**Pension Charge:**

Charge per pilotage assignment, including cancellations	\$(( <del>528.00</del> ) <u>500.00</u> )
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**Travel Allowance:**

Transportation charge per assignment	\$105.00
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Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$1,064.00 for each day or fraction thereof, and the travel expense incurred.

**Bridge Transit:**

Charge for each bridge transited	\$346.00
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Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam	\$946.00
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**Miscellaneous:**

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

**WSR 17-18-077****PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed September 5, 2017, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-15-103.

Title of Rule and Other Identifying Information: WAC 308-124A-700 Application for a license—Fingerprinting.

Hearing Location(s): On October 26, 2017, at 10:00 a.m., at the Department of Licensing, Real Estate Program, 2000 4th Avenue West, Building 3, Room 3204, Olympia, WA 98502.

Date of Intended Adoption: October 27, 2017.

Submit Written Comments to: Jerry McDonald, Department of Licensing, Real Estate Program, P.O. Box 48053, Olympia, WA 98502-48053 [98502-8053], email [jmcdonald@dol.wa.gov](mailto:jmcdonald@dol.wa.gov), 360-664-6525, by October 25, 2017.

Assistance for Persons with Disabilities: Contact Jerry McDonald, phone 360-664-6525, TTY 711, email [jmcdonald@dol.wa.gov](mailto:jmcdonald@dol.wa.gov), by October 25, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Modify existing

rule language to reflect how the program handles fingerprint cards and process.

Reasons Supporting Proposal: To reflect how the program handles fingerprint cards.

Statutory Authority for Adoption: RCW 18.85.171 and 18.85.191.

Statute Being Implemented: RCW 18.85.191.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jerry McDonald, 2000 4th Avenue West, Olympia, WA 98502, 360-664-6525.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Department of licensing is exempt under RCW 24.05.328 [34.05.328] (5)(a).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal is exempt under RCW 19.85.020(3).

Explanation of exemptions: This rule affects only individual applicants or licensees.

September 5, 2017  
 Damon Monroe  
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-05-064, filed 2/12/16, effective 3/14/16)

**WAC 308-124A-700 Application for a license—Fingerprinting.** (1) New applicants applying for their first broker's license under chapter 18.85 RCW will be required to submit to a fingerprint background check with the department's authorized vendor.

(2) Applicants applying for their first managing broker's license using alternative qualifications will be required to submit to a fingerprint background check with the department's authorized vendor.

(3) Fingerprint background checks are required for every active renewal every six years. If the department background check was within the last six years, then no new background check is required to activate a license.

(4) An application submitted without the required fingerprint background check is considered incomplete.

(5) When fingerprints are rejected, the ~~((department will contact the licensee or applicant via the email address on file with the department. The))~~ licensee or applicant must follow the authorized vendor's procedures for resubmitting fingerprints within twenty-one calendar days ~~((of the date the department sends the email))~~. Failure to follow the vendor's fingerprint procedures within twenty-one days will result in a suspension of the real estate license until the vendor's fingerprint procedures are followed. The licensee or applicant will be responsible for any additional fees due.

Reasons Supporting Proposal: SHB 1420, an act relating to theatrical wrestling, was passed during the 2017 legislative session requiring the department of licensing to establish rules.

Statutory Authority for Adoption: RCW 67.08.330(4), 67.08.017, 43.24.086.

Statute Being Implemented: Chapter 67.08 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Susan Colard, Administrator, 405 Black Lake Boulevard S.W., Olympia, WA 98502, 360-664-6647.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Department of licensing is exempt from this requirement under RCW 34.05.328 (5)(a).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045; and rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

September 5, 2017  
 Damon Monroe  
 Rules Coordinator

**WSR 17-18-078**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed September 5, 2017, 11:28 a.m.]

**Chapter 36-13 WAC**

**~~((PROFESSIONAL))~~ WRESTLING**

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-12-106.

Title of Rule and Other Identifying Information: Chapter 36-13 WAC, Professional wrestling.

Hearing Location(s): On October 10, 2017, at 11:00 a.m., at the Valley View Library, 17850 Military Road, SeaTac, WA 98188.

Date of Intended Adoption: October 11, 2017.

Submit Written Comments to: Cameron Dalmas, P.O. Box 9026, Olympia, WA 98507, email plssunit@dol.wa.gov, fax 360-664-2550, by October 9, 2017.

Assistance for Persons with Disabilities: Contact Cameron Dalmas, phone 360-664-6643, fax 360-664-2550, TTY 711, email plssunit@dol.wa.gov, by October 9, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed language amends rules to establish licensing requirements, fees, and standards of practice for the new theatrical wrestling school license.

AMENDATORY SECTION (Amending WSR 15-23-055, filed 11/12/15, effective 12/13/15)

**WAC 36-13-010 License fees, renewals and requirements.** (1) The license year is one year from date of issue. License fees are paid annually. Fees shall be as follows:

Wrestling participant	-	\$25.00
Inspector	-	\$65.00
Event physician	-	No charge
Promoter	-	\$200.00
<u>Theatrical wrestling school</u>	-	<u>\$500.00</u>

(2) No license fee is required for persons licensed under chapter 36-12 or 36-14 WAC as an inspector, event physician or promoter.

(3) In addition to license requirements found in chapter 67.08 RCW((:);

(a) Wrestling participants shall submit a small photograph of themselves that is not more than two years old.

(b) Theatrical wrestling schools:

(i) Must provide proof of having an established place of business that offers training in theatrical wrestling.

(ii) Must provide proof of having an active tax registration through the department of revenue.

(iii) Must reapply for licensure when there is a change in the location or change in ownership.

AMENDATORY SECTION (Amending WSR 02-20-094, filed 10/1/02, effective 1/1/03)

**WAC 36-13-020 Definitions.** (1) "Participant" is defined as any person engaged physically in the wrestling exhibition or show.

(2) "On-site" is defined as the premises at the theatrical wrestling school training facility.

(3) "Off-site" is defined as any location off the theatrical wrestling school training facility premises.

AMENDATORY SECTION (Amending WSR 02-20-094, filed 10/1/02, effective 1/1/03)

**WAC 36-13-030 Ring and safety zone.** ~~((+))~~ The promoter and/or theatrical wrestling school, excluding on-site theatrical wrestling school events, shall:

(1) Supply a ring that meets the following standards:

(a) The ring platform shall not be less than a ~~((sixteen-foot))~~ twelve-foot square ~~((within the ropes)).~~

(b) The ring floor shall be padded to a thickness of at least one inch. A regular one-piece wrestling mat is preferred, although soft padding of a proper thickness may be used, with a top covering of clean canvas tightly stretched and laced to the ring platform.

(c) ~~((The promoter shall))~~ Keep the mat and covering in a clean and sanitary condition.

(2) ~~((There shall be))~~ Ensure there is a six-foot safety zone between the ring and the first row of spectator seats. The floor in the safety zone may be covered by padded floor mats. The safety zone may extend in an aisle from ringside directly to the locker room. The safety zone shall have a barrier approved by the department, which is at least three feet high. The barrier shall be of sufficient strength and durability to prevent the audience from coming in physical contact with the ~~((wrestling))~~ participants. No person other than security, department representatives, ~~((wrestling))~~ participants or event licensees shall be permitted in the safety zone during any part of an event unless expressly approved by the department representative. The ~~((wrestling))~~ participants shall not leave the confines of the safety zone during a match. Wrestling activities ~~((which))~~ may not include any member of the audience and will be considered unprofessional conduct and subject to penalties under RCW 67.08.180(5) and 67.08.240.

AMENDATORY SECTION (Amending WSR 02-20-094, filed 10/1/02, effective 1/1/03)

**WAC 36-13-040 Department inspector.** (1) An inspector shall attend all wrestling events and may attend theatrical wrestling school events. The inspector shall ensure all

participants are properly licensed (unless exempt from licensure) and all laws, rules, and regulations are enforced. ~~((Wrestling))~~ Participants scheduled to ~~((work))~~ perform at an event shall provide proof of their identity by:

(a) Presenting picture identification to the inspector; and

(b) Signing their legal name that matches the picture identification on a form provided by the inspector.

(2) Inspector, other than a department employee, shall receive a fee not to exceed two percent of the net gate of each event up to a maximum of four hundred dollars and a minimum of thirty-five dollars which shall be paid by the promoter.

AMENDATORY SECTION (Amending WSR 15-23-055, filed 11/12/15, effective 12/13/15)

**WAC 36-13-110 Miscellaneous provisions for promoters and/or theatrical wrestling schools.** (1) Dangerous conduct; punishment. The referee shall not permit physically dangerous conduct or tactics by any participant. Any participant who fails to discontinue such tactics, after being warned by the referee or a department official shall be disqualified and subject to disciplinary action.

(2) ~~((Wrestling))~~ Participants or other licensees shall not engage in the practice known as "juicing." "Juicing" is the practice of using a razor blade or similar contrivance, or any other means to draw blood from oneself, one's opponent, or from any other participant of the wrestling exhibition or show. The referee shall immediately terminate any match in which blood from a participant appears from "juicing," and the participants shall cease the wrestling match and return to the dressing room. Should an accidental cut to a ~~((wrestling))~~ participant occur, the match may continue but should be concluded as soon as possible at the discretion of the referee.

(3) Duties of licensees. It shall be the duty of the promoter and/or theatrical wrestling school, his/her agents, employees, and the participants in any wrestling show or exhibition to maintain peace and order in the conduct of any show or exhibition. There shall be no abuse of a department official at any time.

(4) ~~((Responsibility of))~~ The promoter(-) and/or theatrical wrestling school:

(a) ~~((Each promoter))~~ Shall be directly responsible to the department for the conduct of its employees and any violation of the laws, rules, or regulations of the department by any employee of a promoter and/or theatrical wrestling school shall be deemed to be a violation by the promoter and/or theatrical wrestling school.

(b) ~~((Promoters))~~ Are responsible for any violations of the law or department rules by their participants.

(c) ~~((Promoters))~~ Shall provide an ambulance or paramedical unit with transport and resuscitation capabilities, with a minimum of two attendants, to be present at the event location at all times during the event. A theatrical wrestling school may satisfy this requirement by having an emergency medical technician, as required under RCW 67.08.330, at the event location at all times during the event.

(5) Discrimination. Discrimination against any participant in regard to sex, race, color, creed or national origin shall be referred to the human rights commission.



## (6) Appeals.

(a) Licensees may appeal any suspension or revocation to the department in the manner provided in chapter 34.05 RCW.

(b) Such appeals must be received in the department office within twenty days from the date of the notice sent by the department.

## (7) Theatrical wrestling schools:

(a) Must notify the department in writing fourteen days prior to holding an off-site event. The notice must include the location, date, and time of the event.

(b) Must maintain a list all participants' names who performed in each event for a minimum of three years and be available at the request of the department.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this proposed rule under the provisions of RCW 34.05.328 (5)(a)(i) and (b)(v).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

September 5, 2017

Damon Monroe

Rules Coordinator

**WSR 17-18-080**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed September 5, 2017, 1:18 p.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 17-13-091.

Title of Rule and Other Identifying Information: WAC 308-107-090 Ignition interlock device—Medical exemption.

Hearing Location(s): On October 11, 2017, at 9:00 a.m., at the Highway[s]-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA 98507. Check in at the first floor counter.

Date of Intended Adoption: October 12, 2017.

Submit Written Comments to: Stephanie Sams, Policy and Legislative Analyst, Department of Licensing (DOL), P.O. Box 9030, Olympia, WA 98507-9030, email [ssams@dol.wa.gov](mailto:ssams@dol.wa.gov), by October 9, 2017.

Assistance for Persons with Disabilities: Contact Stephanie Sams, Policy and Legislative Analyst, phone 360-902-0131, fax 360-664-0116, email [ssams@dol.wa.gov](mailto:ssams@dol.wa.gov), by October 9, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule outlines the process the department will follow to waive the ignition interlock device (IID) tolling requirement from an individual's record for medical purposes as required in RCW 46.20.720 (3)(e).

Reasons Supporting Proposal: E2SHB 1614, enacted by the 2017 legislature, requires DOL to allow individuals to obtain a medical exemption to their IID tolling requirement if they have a physical disability preventing them from operating an IID.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: RCW 46.20.720 (3)(e).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DOL, governmental.

Name of Agency Personnel Responsible for Drafting: Stephanie Sams, Highway[s]-Licenses Building, Olympia, Washington, 360-902-0131; Implementation and Enforcement: Andrea Nygard, Highway[s]-Licenses Building, Olympia, Washington, 360-902-3745.

NEW SECTION

**WAC 308-107-090 Ignition interlock device—Medical exemption.** (1) A person applying for an ignition interlock device tolling medical exemption under RCW 46.20.720 (3)(e) must obtain and submit a statement on a department prescribed form certifying the person's condition and have the form signed by a licensed physician or other proper authority designated by the department.

(2) The department may approve or deny the exemption based on the department's evaluation.

(3) The medical exemption decision is for the confidential use of the director, the chief of the Washington state patrol, and any other public officials designated by law. It is exempt from public inspection and copying notwithstanding chapter 42.56 RCW.

(4) The medical exemption shall only be effective during an ignition interlock device period of restriction under RCW 46.20.720 (1)(c) and (d).

(5) Exemptions shall not waive the ignition interlock device duration of restriction.

(6) A person with a medical exemption shall not be eligible to drive, apply for an ignition interlock license, or receive day-for-day credit.

(7) The medical exemption shall be valid for not more than three hundred sixty-six days. For renewal of the medical exemption, a person must submit a new form as outlined in subsection (1) of this section.

(8) The department may invalidate a medical exemption if a person has an ignition interlock device installed.

(9) The department may develop procedures to certify that a person with an ignition interlock device tolling medical exemption meets the removal requirements as outlined in RCW 46.20.710(4).

(10) The department may invalidate the medical exemption and require an application for a new medical exemption if the person's license is subsequently suspended, revoked or canceled for a different violation.

**WSR 17-18-081**  
**PROPOSED RULES**  
**EDMONDS COMMUNITY COLLEGE**

[Filed September 5, 2017, 1:30 p.m.]

September 5, 2017  
Dennis Curran  
Associate Vice President  
for Human Resources

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-11-105.

Title of Rule and Other Identifying Information: Chapter 132Y-136 WAC, Facilities scheduling and use rule—First amendment activities—Edmonds Community College.

Hearing Location(s): On Friday, October 27, 2017, at 11:00 a.m.-1:00 p.m., at the Edmonds Community College, Clearview Building, Room 121, 7030 196th Street S.W., Lynnwood, WA 98036.

Date of Intended Adoption: Tuesday, November 14, 2017.

Submit Written Comments to: Christina Castorena, Vice President for Student Services, 20000 68th Avenue West, Lynnwood, WA 98036, email Christina.castorena@email.edcc.edu, fax 425-640-1159, by Thursday, October 26, 2017.

Assistance for Persons with Disabilities: Contact Nadescha Bunje, Executive Assitant [Assistant] to the AVP for HR, phone 425-640-1036, email nadescha.bunje@email.edcc.edu, by Thursday, October 19, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of these proposed rules is to establish procedures for the use of college facilities for first amendment activities for both college and noncollege groups. The rules were drafted by attorneys representing the Washington state community and technical colleges system for colleges to adopt as written or customize to meet their needs. The proposed policy was vetted to various campus stakeholders. The policy establishes clear procedures and requirements in order to use Edmonds Community College without disrupting the educational process.

Reasons Supporting Proposal: The college administration anticipates that these proposed rules will provide guidance, clarity and consistency in the use of college facilities for campus and noncampus groups.

Statutory Authority for Adoption: RCW 28B.50.140.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Edmonds Community College, governmental.

Name of Agency Personnel Responsible for Drafting: Christina Castorena, Vice President, Student Services, Lynnwood Hall, Room 142, 425-640-1668; Implementation: Kevin McKay, Vice President, Finances/Operations, Clearview, Room 207B, 425-640-1547; and Enforcement: Vincent Livingston, Director, Safety and Security, Woodway, Room 221, 425-640-1058.

A cost-benefit analysis is not required under RCW 34.05.328. Not a listed agency under subsection (5)(a)(i).

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. These sections are additions to the already existing chapter 132Y-136 WAC, Facilities scheduling and use rule. The purpose is to provide clarification and further definitions to the existing rule. The new sections do not impose any cost on businesses.

**USE OF COLLEGE FACILITIES FOR FIRST  
AMENDMENT ACTIVITIES—EDMONDS COMMUNITY COLLEGE**

NEW SECTION

**WAC 132Y-136-010 Statement of purpose.** Edmonds Community College is an educational institution provided and maintained by the people of the state of Washington. College facilities are reserved primarily for educational use including, but not limited to, instruction, research, public assembly of college groups, student activities and other activities directly related to the educational mission of the college. The public character of the college does not grant to individuals the right to substantially interfere with, or otherwise disrupt the normal activities for and to which the college's facilities and grounds are dedicated. Accordingly, the college is a designated public forum opened for the purposes recited herein and further subject to the time, place, and manner provisions set forth in these rules.

The purpose of the time, place, and manner regulations set forth in this policy is to establish procedures and reasonable controls for the use of college facilities for both college and noncollege groups. It is intended to balance the college's responsibility to fulfill its mission as a state educational institution of Washington with the interests of college groups and noncollege groups who are interested in using the campus for purposes of constitutionally protected speech, assembly or expression.

The college recognizes that college groups should be accorded the opportunity to utilize the facilities and grounds of the college to the fullest extent possible. The college intends to open its campus to noncollege groups to the extent that the usage does not conflict with the rights of college groups or substantially disrupt the educational process.

NEW SECTION

**WAC 132Y-136-020 Definitions.** (1) "College facilities" includes all land, buildings, facilities, structures, grounds, office space, parking lots and other property in the possession of, owned, controlled, or leased/rented by the college, and agencies or institutions that have educational agreements with the college, including associated web sites and distance learning classroom environments.

(2) "College group" means individuals who are currently enrolled students or current employees of Edmonds Community College or guests of the college who are sponsored by a recognized student organization, employee organization, or the administration of the college.

(3) "First Amendment activities" includes, but is not limited to, informational picketing, petition circulation, the distribution of informational leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, protests, meetings to display group feelings or

sentiments and/or other types of constitutionally protected assemblies to share information, perspectives or viewpoints.

(4) "Noncollege group" means individuals, or combinations of individuals, who are not currently enrolled students or current employees of Edmonds Community College or who are not officially affiliated with, or invited guests of a recognized student organization, recognized employee group, or the administration of the college.

(5) "Public forum areas" means those areas of the campus that the college has designated as places for expressive activities protected by the First Amendment, subject to reasonable time, place, or manner provisions.

(6) "Sponsor" means that when a college group invites a noncollege group onto campus, the college group will be responsible for the activity and will designate an individual to be present at all times during the activity. The sponsor will ensure that those participating in the sponsored activity are aware of the college's rules and policies governing the activity. This definition does not apply to noncollege groups that rent college facilities.

#### NEW SECTION

**WAC 132Y-136-030 Use of facilities.** (1) There shall be no camping on college facilities or grounds between the hours of 9:00 p.m. and 7:00 a.m. Camping is defined to include sleeping, cooking activities, or storing personal belongings, for personal habitation, or the erection of tents or other shelters or structures used for purposes of personal habitation.

(2) Any sound amplification device may only be used at a volume which does not disrupt the normal use of classrooms, offices or laboratories, or any previously scheduled college event or activity.

(3) College groups are encouraged to notify the center for student engagement/leadership no later than forty-eight hours in advance of the activity. However, unscheduled activities are permitted so long as the activity does not displace any other activities occurring at the college.

(4) All sites used for First Amendment activities should be cleaned up and left in their original condition and may be subject to inspection by a representative of the college after the activity. Reasonable charges may be assessed against the sponsoring organization for the costs of extraordinary cleanup or for the repair of damaged property.

(5) All college and noncollege groups must comply with fire, safety, sanitation or special regulations specified for the activity. The college cannot and will not provide utility connections or hookups for purposes of First Amendment activities conducted pursuant to this policy.

(6) The activity must not be conducted in such a manner to obstruct vehicular, bicycle, pedestrian or other traffic or otherwise interfere with ingress or egress to the college, college buildings or facilities, or college activities. The activity must not create safety hazards or pose safety risks to others.

(7) The activity must not substantially interfere with educational activities inside or outside any college building or otherwise prevent the college from fulfilling its mission and achieving its primary purpose of providing an education to its students. The activity must not substantially infringe on the

rights and privileges of college students, employees or invitees to the college.

(8) College facilities may not be used for commercial sales, solicitations, advertising or promotional activities, unless:

(a) Such activities serve educational purposes of the college; and

(b) Such activities are under the sponsorship of a college department or office or officially chartered student club.

(9) The activity must also be conducted in accordance with any other applicable college policies and rules, college, local ordinances, state, and federal laws.

#### NEW SECTION

**WAC 132Y-136-040 Additional requirements for noncollege groups.** (1) College facilities may be rented by noncollege groups in accordance with the college's facilities use policy. Noncollege groups may otherwise use college facilities as identified in these rules.

(2) The college designates on the campus map its grounds and outdoor spaces as the public forum area(s) for use by noncollege groups for First Amendment activities on campus. Nothing in these rules prohibits noncollege groups from engaging in First Amendment activities at open public meetings, subject to the requirements of RCW 42.30.050.

(3) Noncollege groups may use the public forum areas for First Amendment activities between the hours of 7:00 a.m. and 9:00 p.m., and for no longer than five hours from beginning to end.

(4) Before engaging in First Amendment activities, all noncollege groups are encouraged to provide notice to and register with campus safety and security no later than forty-eight hours prior to the activity of the noncollege group's presence on campus and to acknowledge receipt of these rules and to ensure that there are not scheduling conflicts. The notice does not involve any application or approval process, and therefore, the ability to use designated public forum areas will not be denied unless they are already reserved for use by another group. This notice is intended to provide the college with knowledge of the noncollege group's presence on campus so that the college can notify the appropriate members of its staff whose services might be needed or impacted by the use of the designated public forum area. When registering, the individual or group should provide the following information:

(a) The name, address and telephone number of the individual, group, entity or organization sponsoring the event (hereinafter "the sponsoring organization");

(b) The name, address and telephone number of a contact person for the sponsoring organization;

(c) The date, time and requested location of the activity;

(d) The type of sound amplification devices to be used in connection with the activity, if any; and

(e) The estimated number of people expected to participate in the activity.

#### NEW SECTION

**WAC 132Y-136-050 Distribution of materials.** Information may be distributed as long as it is not obscene or does

not promote the imminent prospect of actual violence or harm. The distributor is encouraged, but not required, to include its name and address on the distributed information. College groups may post information on bulletin boards, kiosks and other display areas designated for that purpose, and may distribute materials throughout the open areas of campus. Noncollege groups may distribute materials only on the grounds and outside spaces of the campus designated as public forum areas.

#### NEW SECTION

**WAC 132Y-136-060 Consequences for violation of provisions in this chapter.** (1) Noncollege groups who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, will be subject to an order from the college public safety department to leave the college campus. Such a request will be deemed to withdraw the license or privilege to enter onto or remain upon any portion of the college premises of the person or group of persons requested to leave, and subject such individuals to the provisions of chapter 9A.52 RCW or municipal ordinance. Persons failing to comply with such an order to leave the college or reentering college property after one's license or privilege to be on college property has been revoked shall constitute trespass and such individual shall be subject to criminal trespass proceedings.

(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or department for action in accordance with established college policies.

**WSR 17-18-086**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed September 5, 2017, 2:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-13-051.

Title of Rule and Other Identifying Information: WAC 308-104-160 Moving and nonmoving violations defined, 308-108-165 Prohibition on wireless communication devices during instruction, and 308-330-464 RCW sections adopted—Operation and restrictions.

Hearing Location(s): On October 10, 2017, at 9:00 a.m., at the Highway[s]-Licenses Building, Conference Room 410, 1125 Washington Street S.E., Olympia, WA 98507. Check in at the first floor counter.

Date of Intended Adoption: October 10, 2017.

Submit Written Comments to: Stephanie Sams, Policy and Legislative Analyst, Department of Licensing, P.O. Box 9030, Olympia, WA 98507-9030, email [ssams@dol.wa.gov](mailto:ssams@dol.wa.gov), fax 360-664-0116, by October 6, 2017.

Assistance for Persons with Disabilities: Contact Stephanie Sams, Policy and Legislative Analyst, phone 360-902-0131, fax 360-664-0116, email [ssams@dol.wa.gov](mailto:ssams@dol.wa.gov), by October 6, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule amendments reflect changes in the distracted driving laws. Specifically, "use of a personal electronic device while driving" and "dangerously distracted driving" will be included in the model traffic ordinance and the moving and nonmoving violations rules. The driver training school WAC is updated to reflect the accurate RCW reference for "use of a personal electronic device while driving."

Reasons Supporting Proposal: This rule making is necessary to meet the requirements of SSB 5289 (2017), modifying the infraction of and penalties for distracted driving. Amendments will align WAC with the new statutes and include updating and repealing references.

Statutory Authority for Adoption: RCW 46.01.110, 46.20.2891, 46.82.290, and 46.90.010.

Statute Being Implemented: RCW 46.61.672 and 46.61.673.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Stephanie Sams, Highway[s]-Licenses Building, Olympia, Washington, 360-902-0131; Implementation and Enforcement: George Price, Highway[s]-Licenses Building, Olympia, Washington, 360-902-0120.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule making is exempt from a cost-benefit analysis under RCW 34.05.328 (5)(b)(iii) because it adopts reference of Washington state statutes without material change.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

September 5, 2017  
Damon Monroe  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-16-101, filed 8/2/16, effective 9/2/16)

**WAC 308-104-160 Moving and nonmoving violations defined.** For purposes of RCW 46.20.2891, 46.65.020, and this chapter, the term "moving violation" means any violation of vehicle laws listed in this section that is committed by the driver of a vehicle, while the vehicle is moving. How-

ever, being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug is also considered a moving violation for the purposes of this section. Parking violations, equipment violations or paperwork violations relating to insurance, registration, licensing and inspection are considered "nonmoving violations." Moving violations are those violations included in the following list or violations of substantially similar laws, administrative regulations, local laws, ordinances, regulations, or resolutions of a political subdivision of this state, the federal government, or any other state:

(1) Driving while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502;

(2) Physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.504;

(3) Vehicular homicide, as defined by RCW 46.61.520;

(4) Vehicular assault, as defined by RCW 46.61.522;

(5) Reckless driving, as defined by RCW 46.61.500;

(6) Racing, as defined by RCW 46.61.530;

(7) Embracing, as defined by RCW 46.61.665;

(8) Hit and run (injury, death, striking the body of a deceased person, or occupied vehicle), as defined by RCW 46.52.020;

(9) Attempting to elude a police vehicle, as defined by RCW 46.61.024;

(10) Driving while driving privilege suspended or revoked, as defined by RCW 46.20.342, 46.20.345, or 46.20.394;

(11) Reckless endangerment of roadway workers, as defined in RCW 46.61.527;

(12) Driver under twenty-one driving or being in physical control of a motor vehicle after consuming alcohol or marijuana, as defined in RCW 46.61.503;

(13) Driving or in physical control of commercial motor vehicle while having alcohol in system, as defined in RCW 46.25.110;

(14) Open container violation (driver), as defined by RCW 46.61.519 or 46.61.745;

(15) Negligent driving in the first degree, as defined by RCW 46.61.5249;

(16) Negligent driving in the second degree, as defined by RCW 46.61.525 or 46.61.526;

(17) Hit and run (unattended vehicle or property), as defined by RCW 46.52.010;

(18) Disobey road sign, as defined by RCW 46.61.050, 46.61.070, or 46.61.450;

(19) Disobey signalman, officer, or firefighter, as defined by RCW 46.61.015, 46.61.020, 46.61.021, or 46.61.-022;

(20) Disobey school patrol, as defined by RCW 46.61.-385;

(21) Speed too fast for conditions, as defined by RCW 46.61.400;

(22) Speed in excess of maximum limit, as defined by RCW 46.61.400 or 46.61.460;

(23) Speeding in a school zone, as defined by RCW 46.61.440;

(24) Failure to stop, as defined by RCW 46.61.055, 46.61.065, 46.61.195, 46.61.200, 46.61.340, 46.61.345, 46.61.350, 46.61.365, 46.61.370, or 46.61.375;

(25) Failure to yield right of way, as defined by RCW 46.61.180, 46.61.183, 46.61.185, 46.61.190, 46.61.202, 46.61.205, 46.61.210, 46.61.212, 46.61.215, 46.61.220, 46.61.235, 46.61.245, 46.61.261, 46.61.300, or 46.61.427;

(26) Failure to keep to the right, as defined by RCW 46.61.100 or 46.61.105;

(27) Wrong way on a one-way street or rotary traffic island, as defined by RCW 46.61.135;

(28) Improper lane change or travel, as defined by RCW 46.61.140;

(29) Straddling or driving over centerline, as defined by RCW 46.61.140;

(30) Driving on the wrong side of the road, as defined by RCW 46.61.150;

(31) Crossing divider, as defined by RCW 46.61.150;

(32) Improper entrance to or exit from freeway, as defined by RCW 46.61.155;

(33) Violating restrictions on a limited access highway while driving a motor vehicle, as defined by RCW 46.61.160;

(34) High occupancy vehicle lane violation, as defined by RCW 46.61.165;

(35) Improper overtaking or passing, as defined by RCW 46.61.110, 46.61.115, 46.61.120, 46.61.125, 46.61.130, or 46.61.428;

(36) Passing stopped school bus, as defined by RCW 46.61.370;

(37) Passing stopped private carrier bus, as defined by RCW 46.61.375;

(38) Following too closely, as defined by RCW 46.61.-145;

(39) Following fire apparatus, as defined by RCW 46.61.635;

(40) Crossing fire hose, as defined by RCW 46.61.640;

(41) Driving on sidewalk, as defined by RCW 46.61.606;

(42) Driving through safety zone, as defined by RCW 46.61.260;

(43) Driving with wheels off roadway, as defined by RCW 46.61.670;

(44) Impeding traffic, as defined by RCW 46.61.100, 46.61.425, or 46.20.427;

(45) Improper turn, as defined by RCW 46.61.290;

(46) Prohibited turn, as defined by RCW 46.61.295;

(47) Failure to signal or improper signal, as defined by RCW 46.61.305, 46.61.310, or 46.61.315;

(48) Improper backing, as defined by RCW 46.61.605;

(49) Unlawful operation of motorcycle on roadway, as defined by RCW 46.61.608, 46.61.612, or 46.61.614;

(50) Reckless endangerment, as defined by RCW 9A.36.050;

(51) Failure to maintain control, as defined by RCW 46.61.445;

(52) Violation of license restriction(s), as defined by RCW 46.20.041 or 46.20.740;

(53) Violation of instruction permit restrictions, as defined by RCW 46.20.055;

(54) Violation of out-of-service order, as defined by RCW 46.25.090;

(55) Obstructed vision or control, as defined by RCW 46.61.615;

(56) Carrying persons or animals outside of vehicle, as defined by RCW 46.61.660;

(57) Carrying passenger in towed vehicle, as defined by RCW 46.61.625;

(58) Coasting on downgrade, as defined by RCW 46.61.-630;

(59) Violation of child restraint requirements, as defined by RCW 46.61.687;

(60) Carrying child under the age of five years old on motorcycle, as defined by RCW 46.37.530;

(61) Carrying passenger improperly on motorcycle, as defined by RCW 46.61.610;

(62) No helmet, goggles, mirrors, windshield or face shield, as defined by RCW 46.37.530;

(63) Operating moped on freeway or sidewalk, as defined by RCW 46.61.710;

(64) Driving without lights, as defined by RCW 46.37.-020;

(65) Failure to dim lights, as defined by RCW 46.37.230;

(66) Operating motorcycle without lights, as defined by RCW 46.37.522;

(67) No lamp, reflector, or flag on extended load, as defined by RCW 46.37.140;

(68) Wearing earphones or viewing television in vehicle, as defined by RCW 46.37.480;

(69) Failure to secure load, as defined by RCW 46.37.-490;

(70) Spilling load, as defined by RCW 46.61.655;

(71) Improper towing, as defined by RCW 46.44.070;

(72) Using a ~~((hand held mobile telephone))~~ personal electronic device while driving ~~((a commercial motor vehicle))~~, as defined by RCW ~~((46.61.667(1)(b)))~~ 46.61.672; and

(73) ~~((Texting while driving a commercial motor vehicle))~~ Dangerously distracted driving, as defined by RCW ~~((46.61.668(1)(b)))~~ 46.61.673.

AMENDATORY SECTION (Amending WSR 09-21-093, filed 10/20/09, effective 11/20/09)

**WAC 308-108-165 Prohibition on wireless communication devices during instruction.** (1) Driving school instructors must not use ~~((wireless communication))~~ personal electronic devices, hands-free or otherwise, that distract from or interfere with the behind the wheel or classroom instruction task. This includes the use of any communications devices that result in verbal or written text responses while conducting instruction. While supervising the operation of a vehicle, instructors are additionally prohibited from sending or receiving messages with these devices. Ring volumes for these devices, or any phone in proximity, are to be silenced so as not to interfere in any way with the student learning or interacting with the instructor.

(2) This section does not apply to voice activated GPS devices or classroom devices that are being used as part of an approved curriculum. This section also does not preclude the use of devices to report illegal activity, summon medical or

other emergency help, or prevent injury to a person or property, as permitted under RCW ~~((46.61.667))~~ 46.61.672.

(3) An unreasonable risk associated with a failure to obey this section is a violation of RCW 18.235.130(4).

AMENDATORY SECTION (Amending WSR 15-24-085, filed 11/30/15, effective 12/31/15)

**WAC 308-330-464 RCW sections adopted—Operation and restrictions.** The following sections of the Revised Code of Washington (RCW) pertaining to the operation of vehicles and the restriction of certain acts and practices of vehicle operators and passengers as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.600, 46.61.605, 46.61.606, 46.61.608, 46.61.610, 46.61.611, 46.61.612, 46.61.614, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, ~~((46.61.667, 46.61.668,))~~ 46.61.670, 46.61.672, 46.61.673, 46.61.675, 46.61.680, 46.61.685, 46.61.687, 46.61.688, 46.61.690, 46.61.700, 46.61.705, 46.61.710, 46.61.720, 46.61.723, 46.61.725, 46.61.730, 46.61.735, and 46.61.740.

## WSR 17-18-088

### PROPOSED RULES

### DEPARTMENT OF HEALTH

[Filed September 5, 2017, 5:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-11-022.

Title of Rule and Other Identifying Information: New WAC 246-824-035 and 246-824-045; amending WAC 246-824-040 and 246-824-071; and repealing WAC 246-824-060, 246-824-065, and 246-824-070. The department of health is proposing to create, amend, and repeal sections of rule related to the dispensing optician examination and licensure.

Hearing Location(s): On October 10, 2017, at 1:00 p.m., at the Department of Health, Point Plaza East, Room 153, 310 Israel Road S.E., Tumwater, WA 98501.

Date of Intended Adoption: October 17, 2017.

Submit Written Comments to: Debra Mendoza, Department of Health, Dispensing Optician Program, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, other 360-236-4841, by October 10, 2017.

Assistance for Persons with Disabilities: Contact Debra Mendoza, phone 360-236-4841, fax 360-236-2901, TTY 360-833-6388 or 711, email [debra.mendoza@doh.wa.gov](mailto:debra.mendoza@doh.wa.gov), by October 3, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules designate the American Board of Opticianry and National Contact Lens Examiners (ABO-NCLE) as the examination requirement for dispensing optician licensure and repealing WAC 246-824-065, the requirement that the examining committee must administer the state licensing examination. The rules also clarify licensure requirements by

amending WAC 246-824-040 to add licensure eligibility and adding WAC 246-824-045 to establish application requirements. The proposed rules also remove the requirement of the jurisprudence exam for out-of-state applicants and repeal sections related to the state administered exam. Finally, the proposed rules update the sections to be current and consistent with other secretary profession rules.

Reasons Supporting Proposal: RCW 18.34.080 requires the exam to determine whether an applicant has a thorough knowledge of the principles governing the practice of a dispensing optician and authorizes the examining committee to approve an exam prepared or administered by a private testing agency or association of licensing authorities. The proposed rules implement the statute's objectives by setting an effective examination to measure applicants' knowledge, skills, abilities, and competence by adopting the ABO-NCLE national examinations as Washington state's requirement for licensure. The proposed rules are necessary to set the examination and application requirements in rule. The updates are also needed to remove restrictive requirements for out-of-state applicants and to make the rules current and understandable for applicants and licensees.

Statutory Authority for Adoption: RCW 43.70.040.

Statute Being Implemented: RCW 18.34.080.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Debra Mendoza, 111 Israel Road, Tumwater, WA 98501, 360-236-4841.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Debra Mendoza, Dispensing Optician Program, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4841, fax 360-236-2901, TTY 360-833-6388 or 711, email [debra.mendoza@doh.wa.gov](mailto:debra.mendoza@doh.wa.gov).

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rule does not impose costs on businesses. The proposed rules amend licensing requirements for individual practitioners.

August 30, 2017

John Wiesman, DrPH, MPH  
Secretary

#### NEW SECTION

**WAC 246-824-035 Examination.** The examining committee approves the examinations from the American Board of Opticianry and National Contact Lens Examiners (ABO-NCLE) for dispensing optician licensure.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-824-040 ((Application for examination.))  
Licensure eligibility. (((1) An individual shall make applica-**

~~tion for examination, in accordance with RCW 18.34.070, on an application form prepared and provided by the secretary.~~

~~(2) The apprenticeship training requirement shall be supported with certification by the licensed individual (or individuals) who provided such training.~~

~~(3) If an applicant is unable to attend his or her scheduled examination, and so notifies the secretary in writing at least 7 days prior to the scheduled examination date, the applicant will be rescheduled at no additional charge. Otherwise, the fee will be forfeited. (Emergencies considered.)~~

~~(4) If an applicant takes the examination and fails to obtain a satisfactory grade, he or she may be scheduled to retake the examination by submitting an application and paying the statutory examination fee.~~

~~(5) Applications and fees for examination and all documents required in support of the application must be submitted to the division of professional licensing, department of health, at least sixty days prior to the scheduled examination. Failure to meet the deadline will result in the applicant not being scheduled until the next scheduled examination.~~

~~(6) Apprenticeship training shall be completed prior to the application deadline.) To be eligible for licensure, applicants must:~~

~~(1) Be eighteen years or more of age; and~~

~~(2) Graduate from an accredited high school or receive a general equivalency degree; and~~

~~(3) Complete one of the following:~~

~~(a) At least six thousand hours of certified apprenticeship training that must be completed in no less than three years as required under chapter 18.34 RCW; or~~

~~(b) An accredited opticianry course as described in WAC 246-824-050; or~~

~~(c) Practice as a dispensing optician in a state other than Washington for at least five years except as provided in WAC 246-824-071.~~

~~(4) Successfully pass one of the following examinations:~~

~~(a) The state examination offered on or before August 31, 2017;~~

~~(b) On or after June 1, 2015, the basic competency examination, basic contact lens examination, and the practical examinations from ABO-NCLE. This requirement can also be met by successfully passing the ABO-NCLE advanced competency examination, advanced contact lens examination, and the practical examinations on or after June 1, 2015.~~

#### NEW SECTION

**WAC 246-824-045 License application.** An applicant for a dispensing optician license must submit the following:

(1) A completed application on forms provided by the department;

(2) Proof of eligibility under WAC 246-824-040;

(3) Verification of passing the examination under WAC 246-824-040(4);

(4) Proof of completing four clock hours of AIDS education and training as required by chapter 246-12 WAC, Part 8; and

(5) Fees required under WAC 246-824-990.

AMENDATORY SECTION (Amending WSR 02-18-025, filed 8/23/02, effective 9/23/02)

**WAC 246-824-071 (~~Licensure by endorsement.~~)**  
**Applicants currently licensed in other states.** ~~((1) A license))~~ Before licensure to any individual currently licensed to practice as a dispensing optician ~~((may be issued without examination to an individual who is currently licensed in another state that has licensing standards substantially equivalent to those currently applicable in Washington state.~~

~~(2) The department will issue a license by endorsement upon receipt of:~~

~~(a) A completed application and application fee;~~

~~(b) The applicant will provide documentation from the state in which the applicant is currently licensed sufficient to establish that the state's licensing standards are substantially equivalent to the licensing standards currently applicable in Washington state;~~

~~(c) A completed open book state law questionnaire;~~

~~(d) Documentation of)) in another state, as provided in chapter 18.34 RCW, applicants must provide evidence of:~~

~~(1) Verification of credential from any state and the state's substantially equivalent licensing standards;~~

~~(2) Completion of four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8;~~

~~((e)) (3) Verification from all states in which the applicant has ever held a license, whether active or inactive, indicating that the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment.~~

~~((3) If licensure by endorsement is not granted, and the applicant is otherwise qualified for the licensing examination, he or she may apply for licensure by examination in accordance with RCW 18.34.070 and WAC 246-824-040.~~

~~(4) Endorsement application fees may be applied towards the examination fee if licensure by endorsement is not granted.))~~

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-824-060 Dispensing optician examination.

WAC 246-824-065 Duties and responsibilities of the dispensing optician examining committee.

WAC 246-824-070 Informal review of examination results.

**WSR 17-18-089**  
**PROPOSED RULES**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**

[Filed September 5, 2017, 5:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-01-065.

Title of Rule and Other Identifying Information: The subject of this rule making relates to the statewide all-payer health care claims database. Specifically, the rules will

address the format for the calculation and display of aggregate cost data.

Hearing Location(s): On October 10, 2017, at 9:30 a.m., at the Office of Financial Management (OFM), Insurance Building, 302 Sid Snyder Avenue S.W., Conference Room 440, Olympia, WA 98501.

Date of Intended Adoption: October 30, 2017.

Submit Written Comments to: Mandy Stahre, OFM, P.O. Box 43113, Olympia, WA 98504-3113, email apcd@ofm.wa.gov, fax 360-725-5517, by October 10, 2017.

Assistance for Persons with Disabilities: Contact OFM, phone 360-902-3092, TTY 360-753-4107, by October 5, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the rule is to establish the format requirements for the calculation and display of aggregate cost data received from the all-payer claims database. The rules is [are] to ensure compliance with the requirements of maintaining privacy of certain data elements.

Reasons Supporting Proposal: Chapter 43.371 RCW directs OFM to establish a statewide all-payer health care claims database to support transparent public reporting of health care information. To accomplish this requirement, OFM is further directed to select a lead organization to coordinate and manage the database. Specifically, RCW 43.371.050(6) provides that OFM shall approve by rule a format for the calculation and display of aggregate cost data consistent with this chapter that will prevent the disclosure or determination of proprietary financial information.

Statutory Authority for Adoption: RCW 43.371.050(6).

Statute Being Implemented: Chapter 43.371 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: OFM, governmental.

Name of Agency Personnel Responsible for Drafting: Roselyn Marcus, 302 Sid Snyder Avenue S.W., Olympia, WA 98501, 360-902-0434; Implementation and Enforcement: Thea Mounts, General Administration Building, Olympia, WA 98501, 360-902-0552.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The rules are not significant legislative rules, as defined in statute. These rules are not subject to this requirement.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Explanation of exemptions: The rules do not have an impact to small businesses, as that term is defined in statute.

September 6, 2017

Roselyn Marcus  
Assistant Director for  
Legal and Legislative Affairs



AMENDATORY SECTION (Amending WSR 16-04-068, filed 1/29/16, effective 2/29/16)

**WAC 82-75-020 Definitions required by chapter 43.371 RCW.** The following definitions apply throughout this chapter unless the context clearly indicates another meaning.

"Allowed amount" means the maximum dollar amount contractually agreed to for an eligible health care service covered under the terms of an insurance policy, health benefits plan or state labor and industries program.

"Billed amount" means the dollar amount charged for a health care service rendered.

"Claim file" means a data set composed of health care service level remittance information for all nondenied adjudicated claims under the terms of an insurance policy, health benefits plan or state labor and industries program including, but not limited to, covered medical services files, pharmacy files and dental files.

"Covered medical services file" means a data set composed of service level remittance information for all nondenied adjudicated claims for Washington covered persons that are authorized under the terms of an insurance policy, health benefits plan or state labor and industries program including, but not limited to, member demographics, provider information, charge and payment information including facility fees, clinical diagnosis codes and procedure codes.

"Data file" means a data set composed of member or provider information including, but not limited to, member eligibility and enrollment data and provider data with necessary identifiers.

"Dental claims file" means a data set composed of service level remittance information for all nondenied adjudicated claims for dental services for Washington covered persons including, but not limited to, member demographics, provider information, charge and payment information including facility fees, and current dental terminology codes as defined by the American Dental Association.

"Member eligibility and enrollment data file" means a data set containing data about Washington covered persons who receive health care coverage from a payer for one or more days of coverage during the reporting period including, but not limited to, subscriber and member identifiers, member demographics, plan type, benefit codes, and enrollment start and end dates.

"Paid amount" means the ((~~actual~~)) dollar amount paid for a health care service rendered under the terms of an insurance policy, health benefits plan or state labor and industries program for covered services, excluding member copayments, coinsurance, deductibles and other sources of third-party payment. This dollar amount includes incentive payments that are captured in the claims financial fields in the WA-APCD Data Submission Guide; such incentive payments include, but are not limited to, withholds, shared savings payments, case or episode payments, and pay-for-performance amounts. For capitated services the fee-for-service equivalent is to be reported as the paid amount.

"Pharmacy claims file" means a data set containing service level remittance information for all nondenied adjudicated claims for pharmacy services for Washington covered persons including, but not limited to, enrolled member demo-

graphics, provider information, charge and payment information including dispensing fees, and national drug codes.

"Provider data with necessary identifiers" means a data file containing information about health care providers that submitted claims for providing health care services, equipment or supplies, to subscribers or members and such other data as required by the data submission guide.

AMENDATORY SECTION (Amending WSR 17-08-079, filed 4/4/17, effective 5/5/17)

**WAC 82-75-030 Additional definitions authorized by chapter 43.371 RCW.** The following additional definitions apply throughout this chapter unless the context clearly indicates another meaning.

"Capitation payment" means a payment model where providers receive a payment on a per "covered person" basis, for specified calendar periods, for the coverage of specified health care services regardless of whether the patient obtains care. Capitation payments include, but are not limited to, global capitation arrangements that cover a comprehensive set of health care services, partial capitation arrangements for subsets of services, and care management payments.

"Claim" means a request or demand on a carrier, third-party administrator, or the state labor and industries program for payment of a benefit.

"Coinsurance" means the percentage or amount an enrolled member pays towards the cost of a covered service.

"Copayment" means the fixed dollar amount a member pays to a health care provider at the time a covered service is provided or the full cost of a service when that is less than the fixed dollar amount.

"Data management plan" or "DMP" means a formal document that outlines how a data requestor will handle the WA-APCD data to ensure privacy and security both during and after the project.

"Data release committee" or "DRC" is the committee required by RCW 43.371.020 (5)(h) to establish a data release process and to provide advice regarding formal data release requests.

"Data submission guide" means the document that contains data submission requirements including, but not limited to, required fields, file layouts, file components, edit specifications, instructions and other technical specifications.

"Data use agreement" or "DUA" means the legally binding document signed by the lead organization and the data requestor that defines the terms and conditions under which access to and use of the WA-APCD data is authorized, how the data will be secured and protected, and how the data will be destroyed at the end of the agreement term.

"Deductible" means the total dollar amount an enrolled member pays on an incurred claim toward the cost of specified covered services designated by the policy or plan over an established period of time before the carrier or third-party administrator makes any payments under an insurance policy or health benefit plan.

"Director" means the director of the office of financial management.

"Fee-for-service payment" means a payment model where providers receive a negotiated or payer-specified rate for a specific health care service provided to a patient.

"Health benefits plan" or "health plan" has the same meaning as in RCW 48.43.005.

"Health care" means care, services, or supplies related to the prevention, cure or treatment of illness, injury or disease of an individual, which includes medical, pharmaceutical or dental care. Health care includes, but is not limited to:

(a) Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status, of an individual or that affects the structure or function of the body; and

(b) Sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

"Lead organization" means the entity selected by the office of financial management to coordinate and manage the database as provided in chapter 43.371 RCW.

"Member" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

"Office" means the Washington state office of financial management.

"PFI" means the proprietary financial information as defined in RCW 43.371.010(12).

"PHI" means protected health information as defined in the Health Insurance Portability and Accountability Act (HIPAA). Incorporating this definition from HIPAA, does not, in any manner, intend or incorporate any other HIPAA rule not otherwise applicable to the WA-APCD.

"Subscriber" means the insured individual who pays the premium or whose employment makes him or her eligible for coverage under an insurance policy or member of a health benefit plan.

"WA-APCD" means the statewide all payer health care claims database authorized in chapter 43.371 RCW.

"Washington covered person" means any eligible member and all covered dependents where the state of Washington has primary jurisdiction, and whose laws, rules and regulations govern the members' and dependents' insurance policy or health benefit plan.

AMENDATORY SECTION (Amending WSR 16-22-062, filed 11/1/16, effective 12/2/16)

**WAC 82-75-240 Data release.** (1) Upon approval of a request for data, the lead organization must provide notice to the requestor. The notice must include the following:

(a) The data use agreement (DUA). The DUA will include a confidentiality statement to which the requesting organization or individual must adhere.

(b) The confidentiality agreement that requestors and all other individuals who will have access to the released data, whether an employee of the requestor, subcontractor or other contractor or third-party vendor including data storage or other information technology vendor, who will have access to or responsibility for the data must sign. At a minimum, the

confidentiality agreement developed for recipients must meet the requirements of RCW 43.371.050 (4)(a).

(c) Requestors must comply with the requirements for data release in WAC 82-75-500 through 82-75-520.

(2) A person with authority to bind the requesting organization must sign the DUA; or in the case of an individual requesting data, the individual must sign the DUA.

(3) All employees or other persons who will be allowed access to the data must sign a confidentiality agreement.

(4) No data may be released until the lead organization receives a signed copy of the DUA from the data requestor and signed copies of the confidentiality agreement.

(5) The lead organization must maintain a record of all signed agreements and retain the documents for at least six years after the termination of the agreements.

(6) Data fees, if applicable, must be paid in full to the lead organization. Itemized data fees assessed for each data request are subject to public disclosure and should be included in the approval that is posted on the WA-APCD web site.

## FORMAT FOR THE CALCULATION AND DISPLAY OF DATA

### NEW SECTION

**WAC 82-75-500 Additional definitions related to the format for the calculation and display of data.** The following additional definitions apply throughout this chapter unless the context clearly indicates another meaning. These definitions are related to the rules regarding the format for the calculation and display of cost data.

(1) "Aggregate cost data" means data collected from individual-level records that are maintained in a form that does not permit the identification of individual records.

(2) "Arithmetic mean" means the sum of a set of values, divided by the number of values in the set.

(3) "Average" means the arithmetic mean.

(4) "Cell size suppression" means a method used to report data that restricts or suppresses disclosure of subsets of data to protect the identity and privacy of data subjects and to avoid the risk of identification of individuals or providers in small population groups.

(5) "Median" means the middle value of a list of values where the values have been sorted in size order. If the list has an even number of values, the median is the arithmetic mean of the two middle values.

(6) "Outlier" means an observation that is well outside of the expected range of values in a study or experiment, and which is often discarded from the data set.

(7) "Proportion" means a comparative relation between things or magnitudes as to size, quantity, number, or ratio.

(8) "Range" is the largest value in the set of numbers minus the smallest value in the set. Often, a range is expressed to denote a particular span, e.g., 25th to 75th percentile range. Note that as a statistical term, the range is a single number, not a range of numbers.

NEW SECTION

**WAC 82-75-510 Data formatting rules apply to proprietary financial information.** (1) The format rules apply to all proposed uses of proprietary financial data submitted to the WA-APCD. The format rules apply to three categories of users for which proprietary financial data may be disclosed in accordance with chapter 43.375 RCW:

(a) Lead organization;

(b) Federal agencies, Washington state agencies, and units of Washington local government; and

(c) Researchers with IRB approval.

(2) The lead organization shall assess a data requestor's proposed methods submitted in compliance with RCW 43.371.050 (1)(c) and WAC 82-75-210(2), which require the data requestor to submit a description of the proposed methodology for data analysis. The lead organization's assessment shall include evaluating the data requestor's methodology as it pertains to the calculation and presentation of cost information that rely upon proprietary financial information.

(3) To evaluate data requestor methodology, the lead organization shall adopt criteria to prevent the disclosure or determination of proprietary financial information.

(4) The data release advisory committee shall advise the lead organization on the criteria to be adopted.

(5) Nothing in this rule shall contravene the authorized uses of proprietary financial data as provided in RCW 43.371.050.

NEW SECTION

**WAC 82-75-520 Elements to safeguard the use of proprietary financial information.** All reports, analytics or other information drawn from the WA-APCD that an approved WA-APCD data user as defined in WAC 82-75-510(1) shares with any third party shall comply with the following restrictions.

(1) Allowed amount data may be made available for public use.

(2) Allowed amount data shall be provider or payer deidentified.

(3) Provider-specific allowed amount data shall be suppressed if that payer accounts for more than fifty percent of that provider's patient market share that payer deidentified data could readily be payer reidentified.

(4) Absolute or relative allowed cost information shall be communicated in ways that mitigate the potential to mislead data users including, but not limited to:

(a) Median cost mitigates the impact of outlier cases;

(b) Cost variation statistics (ranges, confidence intervals) illustrate the typical distribution of costs around a point estimate;

(c) Categorization, stratification or risk-adjustment techniques make like-comparisons of patient populations;

(d) Minimum case volume rules and/or reporting of volume alerts users to the universe or sample underlying the cost result; and

(e) Cell size suppression rules are followed whereby cells containing cost data based on a number of patients or providers that is below a minimum threshold count is suppressed.

**WSR 17-18-090****PROPOSED RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Filed September 5, 2017, 5:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-15-078 on July 14, 2017.

Title of Rule and Other Identifying Information: Amending and repealing WAC affected by legislative changes made by passage of HB 1597 during the 2017 legislative session.

Hearing Location(s): On October 27, 2017, at 8:00 a.m., at the Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: October 27, 2017.

Submit Written Comments to: Scott Bird, Washington Department of Fish and Wildlife, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, email Rules.Coordinator@dfw.wa.gov, fax 360-902-2155, by October 27, 2017.

Assistance for Persons with Disabilities: Contact Delores Noyes, phone 360-902-2349, TTY 360-902-2207, email Delores.Noyes@dfw.wa.gov, by October 21, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HB 1597 introduces new commercial fish license terms that are not currently defined elsewhere in the fish and wildlife code. Because of the passage of HB 1597, the department must repeal and amend existing rules.

Amending the following related WAC based on legislative changes made by HB 1597, WAC 220-340-420, 220-340-520, 220-352-010, 220-352-030, 220-352-040, 220-352-140, 220-352-160, 220-352-180, 220-352-190, 220-352-200, 220-352-220, 220-352-230, 220-352-240, 220-352-250, 220-353-030, 220-353-110, 220-353-120, 220-354-030, 220-354-290, 220-356-050, 220-356-160, 220-356-180, 220-359-060, 220-359-080, 220-359-110, and 220-360-140.

Repealing the following related WAC based on legislative changes made by HB 1597, WAC 220-305-050, 220-352-260, and 220-352-270.

Reasons Supporting Proposal: Because of the introduction of new license terms in and passage of HB 1597 during the 2017 legislative session, the department must amend and repeal certain rules in order to ensure that both its laws and rules are consistent and can be followed by the public and department staff.

Statutory Authority for Adoption: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, 77.65.520.

Statute Being Implemented: RCW 77.08.010, 77.12.170, 77.12.177, 77.15.096, 69.04.933, 69.04.934, 77.15.110, 77.15.170, 77.15.500, 77.15.565, 77.15.620, 77.15.630, 77.15.640, 77.65.010, 77.65.020, 77.65.090, 77.65.110, 77.65.120, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.240, 77.65.280, 77.65.310, 77.65.320, 77.65.330, 77.65.340, 77.65.350, 77.65.370, 77.65.390, 77.65.440, 77.65.480, 77.65.490, 77.65.500, 77.65.510, 77.15.160, 77.65.580, 77.65.590, 77.70.150, 77.70.190, 77.70.220, 77.70.280, 77.70.290,

77.70.300, 77.70.430, 77.70.490, 82.27.020, 82.27.070, 69.07.100, 36.71.090, HB 1597, sections 1, 15, 57, 58 and 59.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: [WDFW], governmental.

Name of Agency Personnel Responsible for Drafting: Trisha Anderson, 1111 Washington Street, Olympia, WA 98501, 360-902-2211; Implementation: Peter Vernie, 1111 Washington Street, Olympia, WA 98501, 360-902-2302; and Enforcement: Chief Chris Anderson, 1111 Washington Street, Olympia, WA 98501, 360-902-2936.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules do not affect hydraulics. Furthermore, the proposed rules serve as a clarification of terms and do not require a cost-benefit analysis under RCW 34.05.328, subsection (5)(b)(iv), which excludes rules that only "clarify language of a rule without changing its effect."

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

September 5, 2017  
Scott Bird  
Rules Coordinator

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-305-050 Requirements to possess Indian caught anadromous game fish or roe.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

#### **WAC 220-352-010 Fish receiving ticket definitions.**

The following definitions apply to this chapter:

(1) ~~("Broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together. A broker is not required to have a wholesale fish dealer's license if the fish or shellfish only transit the state of Washington, and no storage, handling, processing, or repackaging occurs within the state.~~

~~(2) A broker who takes physical possession of fish or shellfish is an original receiver and must complete a fish receiving ticket. A broker acting strictly as an intermediary is not required to complete a fish receiving ticket for fish or shellfish that are delivered to an original receiver in the state of Washington. A broker must complete a fish receiving ticket for brokering an interstate or foreign sale from a Washington fisher who is not a holder of a direct retail endorsement, or a sale of fish or shellfish that have entered the state from another state, territory, or country, if the fish or shellfish are placed into interstate or foreign commerce without having been delivered to an original receiver in the state of Washington.~~

~~(3)) "Department" means the Washington Department of Fish and Wildlife, Fish Program - Commercial Harvest Data Team, 600 Capitol Way North, Olympia, Washington 98501-1091.~~

~~((4)) (2) "Delivery" means arrival at a place or port and includes arrivals from offshore waters to waters within the state, arrivals ashore from state or offshore waters, and arrivals within the state from interstate or foreign commerce.~~

~~((5)) (3) "Electronic fish receiving ticket" means the groundfish catch reporting system described in 50 C.F.R., Part 660 that is used to submit harvest and fishing information to the department and the National Marine Fisheries Service.~~

~~((6)) (4) "Fish" means food fish classified under WAC 220-12-010 and game fish taken by treaty fishers and sold commercially.~~

~~((7)) (5) "Fish broker" means a person who facilitates the sale or purchase of raw or frozen fish or shellfish on a fee or commission basis, without assuming title to the fish or shellfish and is required to have a fish dealer license.~~

~~(a) A broker is not required to have a fish dealer license if the fish or shellfish only transit the state of Washington, and no storage, handling, processing, or repackaging occurs within the state.~~

~~(b) A broker who takes physical possession of fish or shellfish is an original receiver and must complete a fish receiving ticket. A broker acting strictly as an intermediary is not required to complete a fish receiving ticket for fish or shellfish that are delivered to an original receiver in the state of Washington.~~

~~(c) A broker must complete a fish receiving ticket for brokering an interstate or foreign sale from a Washington commercial fisherman when:~~

~~(i) The fisherman is not a holder of a limited fish seller endorsement; or~~

~~(ii) The sale involves fish or shellfish that have entered the state from another state, territory, or country, and the fish or shellfish are placed into interstate or foreign commerce without first having been delivered to an original receiver in the state of Washington.~~

~~(6) "Fish buyer," ((or) "buyer," or "wholesale fish buyer" means a person who ((receives)) holds a wholesale fish buyer endorsement:~~

~~(a) Takes first possession or ownership of fish or shellfish ((and who is required to complete a fish receiving ticket. A wholesale fish dealer or a retail seller who)) directly ((receives fish or shellfish taken by)) from a commercial fisher((, or receives)) that is landed into the state of Washington; or~~

~~(b) Takes first possession or ownership of raw or frozen fish or shellfish in the state of Washington from interstate or foreign commerce ((is acting in the capacity of a buyer and is required to complete a fish receiving ticket. A buyer who is acting)); or~~

~~(c) Engages in the wholesale buying or selling of fish or shellfish harvested by Indian fishers lawfully exercising fishing rights.~~

~~(d) Acts as an agent for a wholesale fish ((dealer is required to have a fish buyer's license issued by the department.~~

~~(8))~~ buyer, to include purchasing or receiving fish or shellfish on a contractual basis.

~~(7)~~ "Fish receiving ticket" means a document produced by the department for commercial catch accounting purposes and includes nontreaty fish receiving tickets, such as Puget Sound salmon, troll, marine, utility, and shellfish receiving tickets; treaty Indian fish receiving tickets; and treaty Indian shellfish receiving tickets.

~~((9))~~ (8) "Fisher" means a person engaged in commercial fishing activities.

~~((10))~~ (9) "Fresh" means unprocessed and unfrozen, regardless of whether the fish or shellfish are in the round, cleaned, or packaged for retail sale.

~~((11))~~ (10) "Frozen" means completely frozen throughout. Flash frozen and surface glaze frozen fish and shellfish are unfrozen fish and shellfish.

~~((12))~~ (11) "Nontreaty" means all entities not qualified by definition as "treaty."

~~((13))~~ (12) "Original receiver" or "receiver" means a person who holds a wholesale fish buyer endorsement or a limited fish seller endorsement. Except as provided, an original receiver means the first person in possession of fish or shellfish in the state of Washington who is acting in the capacity of a buyer(-):

(a) A fisher who is not the holder of a ~~((direct retail))~~ limited fish seller endorsement and who sells fish or shellfish to anyone other than a ~~((dealer))~~ wholesale fish buyer, or a fisher who delivers fish or shellfish and places the fish or shellfish into interstate or foreign commerce, is the original receiver of the fish or shellfish(-);

(b) A cold storage facility that holds fish or shellfish for a fisher is not an original receiver, provided that the facility does not process, package, or otherwise handle the fish or shellfish(-);

(c) A person transporting fish or shellfish on behalf of a fisher, and who is in possession of an accurately completed commercial food fish and shellfish transportation ticket, is not an original receiver, provided that the fish or shellfish are transported only to a cold storage facility or to a wholesale fish buyer.

~~((14))~~ (13) "Processed" means preparing and preserving and requires a ~~((wholesale))~~ fish ~~((dealer's))~~ dealer license. Preserving includes treating with heat, including smoking and kippering. Cooked crab is processed. Preserving also includes freezing fish and shellfish.

~~((15))~~ (14) "Shellfish" means shellfish classified under WAC 220-12-020.

~~((16))~~ (15) "Treaty" and "treaty Indian," for purposes of fish receiving tickets only, means persons who are members of federally recognized Indian tribes who harvest fish or shellfish in Washington pursuant to an Indian treaty, whether such harvest is on or off reservation.

~~((17))~~ "Wholesale fish dealer" or "dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce. A wholesale fish dealer must be licensed. A fisher who is not a holder of a direct retail endorsement and sells fish or shellfish

to anyone other than a wholesale fish dealer is required to have a wholesale dealer's license. A retail seller who receives fish or shellfish in interstate or foreign commerce, or from a person who is not a wholesale fish dealer, is required to have a wholesale fish dealer's license.

~~(18))~~ (16) "Working day" means Monday through Friday, exclusive of a Washington state or federal holiday.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-352-030** ~~((When))~~ State of Washington fish receiving tickets ~~((are))~~ —When not required— **Unlawful acts.** ~~((State of Washington fish receiving tickets are not required for:))~~

(1) ~~((Purchase or delivery of))~~ It is unlawful for a person to fail to complete a fish receiving ticket upon purchasing or receiving fish or shellfish ~~((from a wholesale dealer or holder of a direct retail endorsement, provided the dealer or holder has))~~ unless the fish or shellfish have previously ~~((prepared))~~ been documented on a completed fish receiving ticket. ~~((For such purchase or delivery, it is unlawful for the person taking possession of the))~~ This section does not apply to:

(a) Fish or shellfish ~~((to fail to obtain the name, address, dealer number, or direct retail endorsement number, together with sales receipt documents sufficient to show the quantity of fish or shellfish and date of transaction,))~~ purchased from a licensed wholesale fish buyer or limited fish seller provided that the receiver or buyer complies with the recordkeeping requirements under RCW 77.15.568 and retains this information with the fish or shellfish.

~~((a))~~ Violation of this subsection by a wholesale dealer is a gross misdemeanor, punishable under RCW 77.15.640.

~~((b))~~ Violation of this subsection by a retail fish seller is a misdemeanor, punishable under RCW 77.15.568.

~~((2))~~ (b) Fish or shellfish purchased at retail.

(c) Fresh or frozen fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

~~((3))~~ (2) Private sector cultured aquatic products.

~~((4))~~ (3) Processed fish or shellfish except frozen fish or shellfish not previously delivered in another state, territory or country.

~~((5))~~ (4) Any importation of fish that are not classified food fish under WAC 220-300-370 or importation of shellfish that are not classified shellfish under WAC 220-370-010.

(5) Violation of this subsection by a wholesale fish buyer is a gross misdemeanor, punishable under RCW 77.15.640.

(6) Violation of this subsection by a limited fish seller is a misdemeanor, punishable under RCW 77.15.568.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-352-160 Fish receiving ticket accountability.** (1) Only current state of Washington fish receiving tickets may be used.

(2) Official state of Washington fish receiving tickets may be ordered free of charge from the department.

(3) It is unlawful:

(a) To fail to use fish receiving ticket books and fish receiving tickets in numerical sequence, starting with the lowest numbered ticket issued to the original receiver;

(b) ~~For a wholesale fish buyer to transfer fish receiving tickets ((or ticket books from one original receiver to another original receiver without)), except to another licensed wholesale fish buyer or limited fish seller with~~ written permission from the department;

(c) For any purchaser or receiver terminating business to fail to notify the department in writing and to fail to return all unused fish receiving tickets and ticket books to the department within thirty days after termination of business;

(d) To fail to return the state copy of all fish receiving tickets to the state. All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, must be submitted to the department accompanying, and in sequence with, other fish receiving tickets;

(e) To fail to account for all lost, destroyed, or otherwise missing fish receiving tickets in writing to the department;

(f) ~~((To transfer fish receiving tickets to anyone who is not a licensed wholesale fish dealer, licensed fish buyer, or holder of a direct retail sale license endorsement;~~

~~(g))~~ For any person who is not a licensed wholesale fish ~~((dealer, licensed fish))~~ buyer, or holder of a ~~((direct retail sale license))~~ limited fish seller endorsement to have fish receiving tickets in his or her possession; and

~~((h))~~ (g) For a wholesale ~~((dealer))~~ fish buyer or holder of a ~~((direct retail sale))~~ limited fish seller endorsement to fail to maintain the ~~((dealer))~~ buyer copy or copies of a completed fish receiving ticket at the ~~((dealer's))~~ buyer's or holder's regular place of business for three years after the date of use of the fish ticket.

(4) A violation of this section is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting—Penalty.

AMENDATORY SECTION (Amending WSR 17-12-105, filed 6/6/17, effective 7/7/17)

**WAC 220-352-180 Duties of commercial purchasers and receivers.** (1) It is unlawful for any person originally receiving or buying fresh, iced, or frozen fish or shellfish, whether or not the fish or shellfish was previously delivered in another state, territory, or country, to fail to:

(a) Be a licensed wholesale fish ~~((dealer or fish))~~ buyer; and

(b) Immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket for each and every purchase or receipt of such commodities.

(i) The original receiver must record each delivery on a separate fish receiving ticket; and

(ii) The original receiver must prepare a fish receiving ticket for purchases of fish or shellfish from fishers who are also fish ~~((dealers))~~ buyers if the ~~((fisher/dealer))~~ fisher or buyer has not previously completed a fish receiving ticket and provided a copy of the fish receiving ticket or the ticket number as proof.

(2) Failure to be licensed under subsection (1) of this section is punishable under RCW 77.15.620. Failure to properly prepare a fish receiving ticket is punishable under RCW 77.15.630.

(3) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. If delivery of the catch takes more than one day, the original receiver must enter the date that the delivery is completed on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the date the vessel leaves the delivery site on the fish receiving ticket.

(4) It is unlawful for any original receiver of shellfish to fail to record all shellfish aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish that are unmarketable, discards, or weigh backs must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for those fish or shellfish.

(5) Any employee of a licensed wholesale ~~((dealer))~~ fish buyer who is authorized to receive or purchase fish or shellfish for that ~~((dealer))~~ buyer on the premises of the primary business address or any of its plant locations as declared on the license application, is authorized to initiate and sign fish receiving tickets on behalf of his or her employer. The business, firm, and/or licensed wholesale fish ~~((dealer the buyers are operating under))~~ buyer is responsible for the accuracy and legibility of all documents initiated in its name by any employee or agent.

(6) This section does not apply to purchases or receipts made by individuals or consumers at retail.

(7) Subsections (1) through (4) of this section do not apply to persons delivering or receiving fish taken by the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660 if such persons are in compliance with the provisions of WAC 220-352-050(5) and:

(a) Complete electronic fish receiving tickets prior to either processing fish or removing the fish from the delivery site;

(b) Electronically submit the electronic fish receiving tickets to the National Marine Fisheries Service and the department no later than twenty-four hours after the date the fish are received; and

(c) Electronically submit any amendments made to the mandatory information required under WAC 220-352-120 after the initial submission required under (b) of this subsection.

(8) For purposes of this section;

(a) The term "completed" means that scale weights have been recorded for all delivered fish; and

(b) The term "submitted" means that all mandatory information required under WAC 220-352-120 has been entered and timelines under subsection (7)(b) of this section have been met.

(9) Forage fish and mackerel:

(a) It is unlawful for any person receiving forage fish or mackerel to fail to report the forage fish or mackerel on fish

receiving tickets initiated and completed on the day the forage fish or mackerel are delivered.

(i) Herring must also be reported on herring harvest logs.

(ii) The harvested amount of forage fish or mackerel must be entered upon the fish ticket when the forage fish are off-loaded from the catcher vessel.

(iii) An estimate of herring, candlefish, anchovy, sardine or mackerel caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

(b) In the coastal sardine fishery or coastal mackerel fishery, it is unlawful to purchase, per sardine or mackerel fishery vessel, more than fifteen percent cumulative weight of sardine or mackerel for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, other fishery products, or by-products, for purposes other than human consumption or fishing bait during the sardine or mackerel fishery season. Sardine and mackerel purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

(c) In any forage fish fishery or in the mackerel purse seine fishery, it is unlawful to purchase anchovy in excess of fifteen percent, by weight, of the total landing weight per vessel, for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products. Anchovy purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

(10) Geoduck: It is unlawful for any person receiving geoduck, whether or not the receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual delivery of geoduck from the harvesting vessel onto the shore. This fish receiving ticket must accompany the harvested geoduck from the department of natural resources harvest tract to the point of delivery.

(11) Puget Sound shrimp - Pot gear:

(a) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, to fail to record 23A-C, 23A-E, 23A-W, or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-340-520.

(b) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-340-520.

(c) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-340-520.

(d) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, to fail to record 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-340-520.

(12) Puget Sound shrimp - Trawl gear:

(a) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to

fail to report to the department the previous day's purchases by 10:00 a.m. the following morning.

(b) Reports must be made by fax at 360-796-0108 or by text message or email at [shrimpreport@dfw.wa.gov](mailto:shrimpreport@dfw.wa.gov).

(c) Reports must include, for each fish receiving ticket prepared:

(i) The wholesale fish buyer name, fisher name, and date of sale;

(ii) The fish receiving ticket number, including the first alphanumeric letter;

(iii) The total number of pounds caught per shrimp species; and

(iv) The Marine Fish-Shellfish Management and Catch Reporting Area where the shrimp was harvested.

(13) Puget Sound crab:

(a) It is unlawful for any wholesale (~~dealer~~) fish buyer acting in the capacity of an original receiver of Dungeness crab taken from Puget Sound by nontreaty fishers to fail to report to the department the previous day's purchases by 10:00 a.m. the following business day.

(b) Reports must be made to the Mill Creek Regional Office by fax at 425-338-1066, or by email at [crabreport@dfw.wa.gov](mailto:crabreport@dfw.wa.gov).

(c) Reports must include:

(i) The (~~dealer's~~) wholesale fish buyer's name;

(ii) The (~~dealer's~~) wholesale fish buyer's phone number;

(iii) The date of delivery of crab to the original receiver; and

(iv) The total number of pounds of crab caught by nontreaty fishers, by Crab Management Region or by Marine Fish-Shellfish Management and Catch Reporting Area.

(14) Salmon and sturgeon:

(a) During any Puget Sound fishery opening that is designated as "quick reporting required," per WAC 220-354-090:

(i) It is unlawful for any wholesale (~~dealer~~) fish buyer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a (~~direct retail endorsement (DRE) holder~~) limited fish seller to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include:

(A) The (~~dealer or DRE holder~~) wholesale fish buyer or limited fish seller name and purchasing location;

(B) The date of purchase;

(C) Each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and

(D) The following catch data for each fish ticket used: The total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale (~~dealer~~) fish buyer or sold (~~DRE~~) limited fish seller).

(iii) When quick reporting is required, Puget Sound reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be submitted via fax at 360-902-2949; via email at [psfishtickets@dfw.wa.gov](mailto:psfishtickets@dfw.wa.gov); or via phone at 1-866-791-1279. In fisheries under Fraser Panel Control within Fraser

Panel Area Waters (area defined under Art. XV, Annex II, Pacific Salmon Treaty 1985), other reporting requirements not listed in this subsection may be necessary under Subpart F of the International Fisheries Regulations, 50 C.F.R. Ch. III § 300.93.

(b) During any coastal troll fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale ~~((dealer))~~ fish buyer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a ~~((DRE holder))~~ limited fish seller to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include ~~((dealer or DRE holder))~~ wholesale fish buyer or limited fish seller name and purchasing location; date of purchase; each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale ~~((dealer))~~ fish buyer) or sold (~~((DRE))~~ limited fish seller).

(iii) When quick reporting is required, coastal troll reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-902-2949; via email at trollfishtickets@dfw.wa.gov; or via phone at 1-866-791-1279.

(c) During any Grays Harbor or Willapa Bay fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale ~~((dealer))~~ fish buyer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a ~~((DRE holder))~~ limited fish seller to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include ~~((dealer or DRE holder))~~ wholesale fish buyer or limited fish seller name and purchasing location; date of purchase; each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used:

(A) The total number of days fished;

(B) The gear used;

(C) The catch area fished; and

(D) The species, number, and total weight for each species purchased and all take home fish not purchased (wholesale ~~((dealer))~~ fish buyer) or sold (~~((DRE))~~ limited fish seller).

(iii) When quick reporting is required, Grays Harbor and Willapa Bay reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-249-1229; email at harborfishtickets@dfw.wa.gov; or phone at 1-866-791-1280.

(d) During any Columbia River fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale ~~((dealer))~~ fish buyer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon, or for a ~~((DRE holder))~~ limited fish seller to fail to report all salmon offered, for retail sale.

(ii) The report must include ~~((dealer or DRE holder))~~ wholesale fish buyer or limited fish seller name and purchasing location; date of purchase; each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale ~~((dealer))~~ fish buyer) or sold (~~((DRE))~~ limited fish seller).

(iii) When quick reporting is required, Columbia River reports must be submitted within 5, 8, 12, or 24 hours of closure of the designated fishery.

(A) The department establishes the time frame for submitting reports at the time of adoption of the quick reporting fishery. Adoption and communication of the quick reporting regulations for a given fishery occurs in conjunction with the adoption of the fishery through the Columbia River Compact.

(B) Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-906-6776 or 360-906-6777; via email at crfishtickets@dfw.wa.gov; or via phone at 1-866-791-1281.

(e) Faxing or reporting electronically in portable document format (PDF) a copy of each fish receiving ticket used, within the previously indicated time frames specified per area, satisfies the quick reporting requirement.

(15) Sea urchins and sea cucumbers:

(a) It is unlawful for any ~~((wholesale dealer))~~ original receiver acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day.

(i) Wholesale ~~((dealers))~~ fish buyers must report by:

(A) Fax at 360-902-2943;

(B) Toll-free telephone at 866-207-8223; or

(C) Text message or email at seaurchinreport@dfw.wa.gov for sea urchins or seacucumberreport@dfw.wa.gov for sea cucumbers.

(ii) For red sea urchins, the report must specify the number of pounds received from each sea urchin district.

(iii) For green sea urchins and sea cucumbers, the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area.

(iv) For sea cucumbers, the report must specify whether the landings were "whole-live" or "split-drained."

(b) It is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken and the name of the port of landing where the sea urchins were landed ashore.

(c) It is unlawful for the original receiver of sea cucumbers to fail to record on the fish receiving ticket whether the sea cucumbers were delivered "whole-live" or "split-drained."



(16) A violation of the documentation or reporting requirements in this section is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting—Penalty.

**AMENDATORY SECTION** (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-352-190 Duties of commercial fishers.** (1)

It is unlawful for a fisher who does not possess a valid wholesale ~~((dealer's))~~ fish buyer's license or a ~~((direct-retail))~~ limited fish seller endorsement to:

(a) Sell fish or shellfish to a consumer, restaurant, or other retail outlet;

(b) Donate fish or shellfish that have not been previously delivered to an original receiver to a nonprofit or other organization; and

(c) Place, or attempt to place, into interstate commerce any fish or shellfish previously landed in Washington state, or caught or harvested from the territorial waters of Washington state.

(2) A violation of subsection (1) of this section is punishable under RCW 77.15.620, Engaging in fish ~~((dealing))~~ buying activity—Unlicensed—Penalty.

(3) It is unlawful for fishers engaging in activities described in subsection (1) of this section to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in the fisher's own name for each delivery of fish or shellfish. The fish receiving ticket must show the total of all fish and shellfish aboard the harvesting vessel upon delivery. A violation of this subsection is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting—Penalty.

(4) It is unlawful for a fisher selling at retail to fail to complete the appropriate fish receiving ticket before offering fish or shellfish for retail sale, except a fisher may complete a fish receiving ticket with an estimated number or weight if the fisher offers the fish or shellfish for sale directly off the catcher vessel. After the retail activity is completed, the fisher who completed a fish receiving ticket with an estimated number or weight of fish or shellfish is required to complete a corrected fish receiving ticket with the actual number and weight of fish or shellfish sold at retail. A violation of this subsection is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting—Penalty.

(5) It is unlawful for a fisher offering fish or shellfish for retail sale to fail to maintain a sequentially numbered receipt book. The fisher must give each purchaser of fish or shellfish a receipt showing the number, weight, and value of fish or shellfish sold to that purchaser. The receipt book must contain a duplicate copy of the receipt given to the purchaser that remains with the receipt book. The fisher must retain the duplicate receipts for one year.

A violation of this subsection is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting—Penalty.

(6)(a) In the commercial geoduck fishery, it is unlawful for a vessel operator designated by the geoduck tract holder to fail to be present at all times on each vessel commercially

harvesting geoducks or having commercially harvested geoducks aboard.

(b) For each day's harvest of geoducks from each tract, it is unlawful for the designated operator to fail to completely, legibly and accurately enter the following information on a fish receiving ticket before leaving the department of natural resources geoduck harvest tract:

(i) Enter in the "~~((dealer's))~~ buyer's use" column the number of cages of geoducks harvested;

(ii) Write the harvest vessel name, its Washington department of fish and wildlife identification number, and the date across the top of the fish receiving ticket directly below the tear strip; and

(iii) Sign the fish receiving ticket as the fisher.

(7) A violation of subsection (6) of this section is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting—Penalty.

(8)(a) It is unlawful for operators of commercial fishing vessels catching forage fish for the purposes of using them as bait to fail to accurately report those harvests on a state of Washington fish receiving ticket along with the target fish or shellfish when those fish or shellfish are delivered to an original receiver.

(b) A violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.630.

(9)(a) It is unlawful for an operator of a commercial fishing vessel to allow the distribution or transfer of forage fish for monetary consideration from the nets or other holding devices under his or her control to anyone other than a licensed wholesale fish ~~((dealer))~~ buyer unless the operator of the commercial fishing vessel:

(i) Possesses a wholesale fish ~~((dealers))~~ buyers license; and

(ii) Completes a fish receiving ticket for those transfers.

(b) A violation of this subsection is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting—Penalty.

**AMENDATORY SECTION** (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-352-230 Commercial food fish and shellfish transportation ticket.** (1) Except as provided in subsection (6) of this section, it is unlawful for commercial fishers or their designees, who are neither wholesale ~~((dealers))~~ fish buyers nor holders of a ~~((direct-retail))~~ limited fish seller endorsement, to fail to complete a commercial food fish and shellfish transportation ticket as required by this section. These tickets must be completed prior to transporting fish or shellfish harvested for commercial purposes or in commercial quantities. For a fishery that does not require a vessel, a transportation ticket must be completed prior to leaving the catch site. The purpose of this rule is to ensure catch accountability when fish or shellfish are transported by the fisherman or his or her designee from the catching vessel to an original receiver. Fish receiving ticket requirements under this chapter are still in effect. A violation of this subsection or subsection (2) of this section is punishable as a gross misdemeanor under RCW 77.15.290.

(2) A transportation ticket must contain all of the following information and space for that information:

- (a) The name of the fisherman who caught the fish;
- (b) The fisherman's vessel registration number;
- (c) The signature of the fisherman or additional operator;
- (d) The name of the transporter;
- (e) The signature of the transporter;
- (f) The catch area where the food fish or shellfish were caught;
- (g) The species of food fish or shellfish being transported; and
- (h) The number or approximate pounds of food fish or shellfish being transported.

(3) It is unlawful for an original receiver or someone acting in the capacity of an original receiver to fail to mail the transportation ticket, together with the state copy of the fish receiving ticket as required in WAC 220-352-060, 220-352-090, and 220-352-130, when the person delivering the fish or shellfish does not sign the fish receiving ticket as required in WAC 220-352-140. If the commercial fisher signs the fish receiving ticket, only the fish receiving ticket must be mailed in, and the transportation ticket is not required to be submitted with it. Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

(4) It is unlawful to fail to keep the transportation ticket with the fish or shellfish until a fish receiving ticket is completed. Violation of this subsection is a gross misdemeanor under RCW 77.15.290.

(5) It is unlawful for any person transporting commercially taken fish or shellfish or commercial quantities of fish or shellfish to fail to provide a transportation ticket for inspection upon demand by a fish and wildlife officer. Violation of this subsection is a gross misdemeanor under RCW 77.15.290.

(6) The provisions of this section do not apply to:

- (a) Food fish and shellfish purchased at retail, provided the purchaser has, in his or her possession, a sales receipt documenting the purchase;
- (b) Food fish or shellfish for which a fish receiving ticket has been completed and a copy of the fish receiving ticket is in the possession of the person transporting;
- (c) Food fish or shellfish being transported by the department;
- (d) Hatchery carcass sales;
- (e) Private sector cultured aquatic products in transport;
- (f) Food fish being transported on a completed Oregon transportation ticket, provided that the fish were caught in the concurrent waters of the Columbia River and were landed on Washington's shore; and
- (g) Fish or shellfish being transported in the catching vessel, provided that the vessel is not being transported or towed over land.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-352-250 Sale under a ~~((direct retail))~~ limited fish seller endorsement.** It is unlawful for any fisher selling salmon, sturgeon or Dungeness crab taken by that fisher under a ~~((direct retail))~~ limited fish seller endorsement,

or for a wholesale ~~((dealer))~~ fish buyer accepting salmon, sturgeon or crab from such a fisher, to fail to comply with the requirements of this section.

(1) A ~~((direct retail))~~ limited fish seller endorsement will not be issued to a licensee who is other than a natural person. Applicants for the endorsement must present a letter from the county health department of the fisher's county of residence certifying that the methods used by the fisher for transport, storage and display of product meet the county and statewide standards for food service operations. If the fisher is landing product from a documented vessel, the letter may be from the county health department of the hailing port of the vessel. Additionally, applicants must present a valid food and beverage service worker's permit at the time of application, and pay the direct retail administrative cost of fifty dollars. The health department letter, permit, and administrative cost are required for each application or renewal for a ~~((direct retail))~~ limited fish seller endorsement.

(2) Any fisher who offers salmon, sturgeon or crab for retail sale must complete a fish receiving ticket for all salmon, sturgeon or crab aboard the harvesting vessel before the product is offered for retail sale, except if the salmon, sturgeon or crab are being offered for sale directly off the catcher vessel, the fisher may complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to enter the actual number and weight of salmon, sturgeon or crab that were sold at retail. The price shown on the fish receiving ticket must be the actual sale price of the salmon, sturgeon or crab.

(3) Any fisher selling salmon, sturgeon or crab at retail if the product is taken from an area under the quick reporting requirements of WAC 220-352-180, is required to comply with the quick reporting requirement.

(4) Sturgeon and crab offered for retail sale must be landed in the round. Salmon may be cleaned or headed but not steaked or filleted prior to landing.

(5) In order to allow inspection and sampling, each fisher offering salmon, sturgeon or crab for retail sale at any location other than the harvesting vessel or, if from the harvesting vessel, in an amount having a retail value greater than one hundred fifty dollars must notify the department eighteen hours prior to sale and identify the location of the fisher's vessel, temporary food service establishment or restaurant or other business which prepares and sells food at retail to which the fisher is selling the salmon, sturgeon or crab. The only acceptable notification is by telephone to 360-902-2936, fax to 902-2155, or email to enforcement-web@dfw.wa.gov.

(6) Each fisher offering salmon, sturgeon or crab for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon, sturgeon or crab a receipt showing the number, weight and value of salmon, sturgeon or crab sold to that purchaser. The duplicate receipts must be retained by the seller for one year.

(7) If salmon, sturgeon or crab offered for retail sale and documented on a fish receiving ticket are subsequently sold to a licensed wholesale ~~((dealer))~~ fish buyer, the sale must be documented by a sale receipt, not a fish receiving ticket, and it is the responsibility of the wholesale ~~((dealer))~~ fish buyer to

maintain the product separately, until the product is resold or processed.

(8) Violations of this section are punishable under RCW 77.15.640, Wholesale fish buying ~~((and dealing))~~—Rules violations.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-352-260 Commercial buying and processing of anadromous game fish or roe.

WAC 220-352-270 Records for purchase and receipt of anadromous game fish and roe.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-352-040 Description of Washington state nontreaty fish receiving tickets.** (1) The department creates, prepares, prints, and distributes upon request the following nontreaty fish receiving ticket forms:

- (a) Puget Sound salmon;
- (b) Troll;
- (c) Marine;
- (d) Utility; and
- (e) Shellfish.

(2) Fish receiving ticket forms must contain space for the following information:

- (a) Fisherman: The name of the licensed deliverer.
- (b) Address: The address of the licensed deliverer.
- (c) Boat name: The name or Coast Guard number of the landing vessel.
- (d) WDFW boat registration: The Washington department of fish and wildlife boat registration number.
- (e) Gear: The code number or name of the specific type of gear used.
- (f) Fisherman's signature: The signature of the licensed deliverer.
- (g) Date: Date of landing.
- (h) ~~((Dealer))~~ Original receiver: Name of ~~((dealer))~~ original receiver and the department number assigned to ~~((dealer))~~ original receiver.
- (i) Buyer: The name of buyer and the department number assigned to buyer.
- (j) Receiver's signature: The signature of the original receiver.
- (k) Number of days fished: Days spent catching fish.
- (l) Fish or shellfish caught inside or outside 3-mile limit: Check one box.
  - (m) Catch area:
    - (i) The salmon catch area code if salmon are caught.
    - (ii) The marine fish/shellfish catch area code if marine fish are caught or shellfish are caught or harvested.
  - (n) Tally space for ~~((dealer's))~~ wholesale fish buyer's use: Used at the ~~((dealer's))~~ wholesale fish buyer's discretion.
  - (o) Species code: The department assigned species code.
  - (p) Individual number of salmon and sturgeon.

(q) Individual numbers of other fish species if fish other than salmon or sturgeon are landed as part of an incidental catch allowance or catch ratio restriction.

(r) The number of ghost shrimp in dozens, the number of oysters in dozens or gallons, and the species description for all fish and shellfish.

(s) The original total weight in round pounds of all shellfish or fish, except that pounds of legally dressed fish and shellfish may be recorded in original dressed weight so long as dressed fish and shellfish are designated as dressed on the fish receiving ticket.

(t) Value of fish and shellfish sold or purchased: Summary information for species, or species groups landed.

(u) All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC 220-355-100).

(v) Work area for ~~((dealer's))~~ wholesale fish buyer's use: Used at ~~((dealer's))~~ wholesale fish buyer's discretion, except:

(i) Federal sablefish endorsed limited entry permit numbers for each delivery of sablefish landed under the authority of the permit must be recorded on the fish receiving ticket in the space reserved for ~~((dealer's))~~ wholesale fish buyer's use. Separate fish tickets are required for each permit number used.

(ii) At the time of landing of coastal bottomfish into a Washington port, the wholesale fish buyer receiving the fish must clearly record all legally defined trawl gear aboard the vessel at the time of delivery of the bottomfish on the fish receiving ticket in the space reserved for ~~((dealer's))~~ wholesale fish buyer's use. The 3 trawl gear types are: Midwater trawl, roller trawl, and small foot rope trawl (foot rope less than 8 inches in diameter). The gear type(s) aboard the vessel must be recorded on the fish receiving ticket before the vessel representative signs the fish receiving ticket.

(w) Total amount: Total value of landing.

(x) Take-home fish: Species, number, and pounds of fish or shellfish retained for personal use.

(y) Crew: The name and signature of crew members who take home fish for personal use.

(3) A Puget Sound salmon fish receiving ticket must be completely, accurately, and legibly prepared for:

(a) Deliveries of nontreaty salmon caught in inland waters; and

(b) Any imports of fresh salmon into the state of Washington.

(4) A troll fish receiving ticket must be completely, accurately, and legibly prepared for:

(a) Deliveries of nontreaty coastal salmon and incidental catch;

(b) Any imports of fresh salmon into the state of Washington; and

(c) Any bottomfish or halibut subject to a catch allowance or ratio restriction, when those species are taken incidental to salmon fishing.

(5) A marine fish receiving ticket must be completely, accurately, and legibly prepared for:

(a) Nontreaty deliveries of marine fish or bottomfish that do not include salmon; and

(b) Any imports of fresh marine fish or bottomfish.

(6) A marine or utility fish receiving ticket must be completely, accurately, and legibly prepared for:

(a) Any nontreaty deliveries that do not include salmon, where other fish receiving tickets are not appropriate; and

(b) Any imports of fresh fish or shellfish that do not include salmon.

(7) A shellfish receiving ticket must be completely, accurately, and legibly prepared for:

(a) Any nontreaty deliveries of shellfish;

(b) Any imports of fresh shellfish; and

(c) Any incidental catch of bottomfish made while fishing for shellfish. The species name, total pounds, and price per pounds must be entered for each species of bottomfish caught.

AMENDATORY SECTION (Amending WSR 17-12-105, filed 6/6/17, effective 7/7/17)

**WAC 220-352-140 Signatures—Fish receiving tickets.** (1) It is unlawful for the deliverer or original receiver of nontreaty fish or shellfish to fail to sign the complete nontreaty fish receiving ticket to certify that all entries on the ticket are accurate and correct.

(2) It is unlawful for the deliverer of treaty fish or shellfish to fail to sign the tribal copy of the treaty Indian fish receiving ticket to certify that all entries on the ticket are accurate and correct. It is unlawful for the original receiver of treaty (~~food~~) fish or shellfish to fail to sign the completed treaty Indian fish receiving ticket.

(3) It is unlawful for the deliverer or original receiver of fish from the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660 to fail to print and sign a copy of the completed electronic fish receiving ticket to certify that all entries on the ticket are accurate and correct.

(a) A fisher who fails to sign a fish receiving ticket is in violation of RCW 77.15.630.

(b) An original receiver who fails to sign a fish receiving ticket is in violation of RCW 77.15.630.

(4) Where the fisherman is unable to deliver the catch, an agent of the fisherman is authorized to sign the fish receiving ticket if the agent has first obtained an alternate operator's license for the fishing vessel operated by the fisherman.

(5) If the receiver receives the fish or shellfish by any method other than direct delivery, the receiver shall affix his or her signature to the fish receiving ticket, and the fish receiving ticket shall be completed and submitted without the deliverer's signature and together with the transportation ticket. The receiver shall assume complete responsibility for the correctness of all entries on the fish receiving ticket.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-352-200 Duties of commercial shellfish shuckers.** Every person shucking shellfish for resale, excluding privately cultured aquatic products, is required to have a wholesale (~~dealer's license~~) fish buyer endorsement. It is unlawful for shellfish shuckers originally receiving shellfish that are not private sector cultured aquatic products to fail to

completely, accurately, and legibly prepare a state of Washington shellfish receiving ticket for each day's activities.

(1) Failure to be licensed under this section is punishable under RCW 77.15.620.

(2) Failure to prepare a fish receiving ticket under this section is punishable under RCW 77.15.630.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-352-240 Annual production report.** There is hereby created a state of Washington annual production report form to be prepared, printed, and distributed annually by the department to all (~~wholesale~~) fish dealers, canners, custom canners, and by-product manufacturers. The annual production report shall be completed and returned to the department not later than January 31 for the preceding year of business activities.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-352-220 (~~Dealer and~~) Wholesale fish buyer plates.** (1) Upon lawful application for a wholesale (~~dealer's license, a dealer's~~) fish buyer's endorsement, a wholesale fish buyer's plate will be issued by the department for any receiver acting as or intending to act as an original receiver. The receiver's plate will be designed for use with an approved mechanical imprinting device and shall contain the (~~dealer's~~) wholesale fish buyer's name, (~~dealer's license~~) wholesale fish buyer's endorsement number, year for which the (~~license~~) endorsement is valid, and department (~~dealer~~) wholesale fish buyer number.

(2) Upon lawful application for a wholesale fish buyer's license or a branch plant license, a wholesale fish buyer's plate will be issued by the department for any wholesale fish buyer acting or intending to act on the behalf of an original receiver. The wholesale fish buyer's plate will be designed for use with an approved mechanical imprinting device and shall contain the (~~dealer's~~) wholesale fish buyer's name, (~~dealer's license~~) wholesale fish buyer's endorsement number, year for which the (~~license~~) endorsement is valid, department (~~dealer~~) wholesale fish buyer number, buyer name, and department buyer number.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-353-030 General provisions—Lawful and unlawful acts—Food fish other than salmon.** (1) It is unlawful to fish for or possess for commercial purposes any round, undressed sturgeon less than 43 inches in fork length or greater than 54 inches in fork length.

(2) It is unlawful to fish for, possess, or retain green sturgeon taken with commercial gear. Any green sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(3) It is unlawful to fish for or possess for commercial purposes or possess aboard a commercial fishing vessel for any purpose any species of halibut (*Hippoglossus*) unless

permitted by the current regulations of the International Pacific Halibut Commission.

(4) It is unlawful to fish for or possess for commercial purposes sturgeon taken from any of the waters of Puget Sound or tributaries. Any sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(5) It is unlawful to fish for food fish for commercial purposes in the waters of Shilshole Bay, inland and inside a line projected in a southwesterly direction from Meadow Point to West Point.

(6) It is unlawful to fish for or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial gear, in all Puget Sound Marine Fish-Shellfish Areas.

(7) It is unlawful to harvest herring eggs naturally deposited on marine vegetation or other substrate unless a person has a permit issued by the director.

(8) It is unlawful to fish for or possess carp taken for commercial purposes except as authorized by written permit from the director. However, carp taken incidental to a commercial fishery for other species may be retained for commercial purposes. Failure to comply with the provisions of the carp permit constitutes unlawful use of the carp commercial fishery license and may result in revocation of the carp permit.

(9) It is unlawful to fin sharks in Washington state waters, and it is unlawful to possess shark fins in the field unless the carcass of the shark is retained. However, once a commercially taken shark carcass has been delivered to a ~~((licensed))~~ wholesale ~~((dealer or a person acting in that capacity))~~ fish buyer, and the sale of the shark has been recorded on a fish receiving ticket, the shark fins need not be retained with the shark carcass.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-353-110 Sale of commercially caught sturgeon, bottomfish and halibut.** (1) It is unlawful for any person while engaged in commercial fishing for sturgeon, bottomfish or halibut to:

(a) Keep sturgeon smaller or greater than the size limits provided for in WAC 220-353-030, keep more than one sturgeon for personal use, or keep more than the equivalent of one daily limit of sport caught bottomfish for personal use. Any lingcod to be retained for personal use taken east of the mouth of the Sekiu River must be greater than 26 inches in length and may not exceed 40 inches in length. All commercially taken sturgeon, bottomfish, and halibut retained for personal use must be recorded on fish receiving tickets.

(b) Sell any sturgeon, bottomfish, or halibut taken under such license to anyone other than a ~~((licensed))~~ wholesale ~~((dealer))~~ fish buyer within or outside the state of Washington ~~((, except that a person who is licensed as a wholesale dealer under the provisions of RCW 77.65.280))~~ may sell to individuals or corporations other than licensed ~~((wholesale))~~ fish dealers.

(c) Remove from the body cavity of the sturgeon any eggs or roe prior to the time the sturgeon is sold to a wholesale ~~((dealer licensed under RCW 77.65.280))~~ fish buyer.

(2) It is unlawful for any wholesale ~~((dealer licensed under RCW 77.65.280))~~ fish buyer to purchase or attempt to purchase sturgeon eggs from sturgeon taken by any person licensed to take sturgeon for commercial purposes under chapter 77.65 RCW if the sturgeon eggs have been removed from the body cavity of the sturgeon prior to the sale of the sturgeon.

(3) It is unlawful to purchase, sell, barter or attempt to purchase, sell, or barter any sturgeon eggs taken from sturgeon caught in the Columbia River below Bonneville Dam.

(4) It is unlawful to remove either the head or tail from a sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 77.65.280 and delivered to a fish processing plant.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-353-120 Requirement to provide sales documents.** It is unlawful for ~~((any))~~ anyone acting in the capacity of a wholesale fish ~~((dealer, fish))~~ buyer ~~((;))~~ or ~~((holder of a direct retail endorsement))~~ limited fish seller to fail to submit for inspection any state of Washington fish receiving tickets or sales documents upon demand of a fish and wildlife officer. Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640 (1)(d).

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-340-420 Commercial crab fishery—Unlawful acts.** (1) **Crab size and sex restrictions.** It is unlawful for any person acting for commercial purposes to take, possess, deliver, or otherwise control:

(a) Any female Dungeness crab; or

(b) Any male Dungeness crab measuring less than 6-1/4 inches, caliper measurement, at the widest part of the shell immediately in front of the points (tips).

(2) Violation of subsection (1) of this section is a gross misdemeanor or class C felony depending on the value of fish or shellfish taken, possessed, or delivered, punishable under RCW 77.15.550 (1)(c).

(3) **Incidental catch may not be retained.** It is unlawful to retain salmon, food fish, or any shellfish other than octopus that is taken incidental to any commercial crab fishing.

(4) **Net fishing boats must not have crab on board.** It is unlawful for any person to possess any crab on board a vessel geared or equipped with commercial net fishing gear while fishing with the net gear for commercial purposes or while commercial quantities of food fish or shellfish are on board. Violation of this subsection is a gross misdemeanor or class C felony punishable under RCW 77.15.550(1), depending on the quantity of crab taken or possessed.

(5) **Area must be open to commercial crabbing.** It is unlawful for any person to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crab for commercial purposes in any area or time that is not open for commercial crabbing by rule of the department, except

when acting lawfully under the authority of a valid gear recovery permit as provided in WAC 220-340-450.

(6) Violation of subsection (5) of this section is a gross misdemeanor or class C felony punishable under RCW 77.15.550, or a gross misdemeanor punishable under RCW 77.15.522 depending on the circumstances of the violation.

(7) **When it is unlawful to buy or land crab from the ocean without a crab vessel inspection.** It is unlawful for any fisher(~~(, wholesale dealer,)~~) or wholesale fish buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, the Columbia River, or Washington coastal or adjacent waters of the Pacific Ocean from any vessel that has not been issued a Washington crab vessel inspection certificate during the first 30 days following the opening of a coastal crab season.

(a) Authorized department personnel will perform inspections for Washington crab vessel inspection certificates no earlier than 12 hours prior to the opening of the coastal crab season and during the following 30-day period.

(b) A Washington crab vessel inspection certificate may be issued to vessels made available for inspection at a Washington coastal port that:

- (i) Are properly licensed commercial crab fishing; and
- (ii) Contain no Dungeness crab on board the vessel.

(8) Violation of subsection (7) of this section is a gross misdemeanor, punishable under RCW 77.15.550 (1)(a) Violation of commercial fishing area or time—Penalty.

(9) **Coastal - Barging of crab pots by undesignated vessels.** It is unlawful for a vessel not designated on a Dungeness crab coastal fishery license to deploy crab pot gear except under the following conditions:

(a) The vessel deploys pot gear only during the 64-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date;

(b) The undesignated vessel carries no more than 250 crab pots at any one time; and

(c) The primary or alternate operator of the crab pot gear named on the license associated with the gear is on board the undesignated vessel while the gear is being deployed.

(10) Violation of subsection (9) of this section is a gross misdemeanor or class C felony punishable under RCW 77.15.500 Commercial fishing without a license—Penalty, depending on the circumstances of the violation.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-340-520 Commercial shrimp fishery—Puget Sound.** (1) A Puget Sound shrimp pot license or a Puget Sound shrimp trawl license will only be issued to an individual who is a natural person, and this person shall be the primary operator. Holders of Puget Sound shrimp pot licenses and Puget Sound shrimp trawl licenses may designate a single alternate operator per license.

(2) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except during seasons opened by emergency rule:

(a) Gear restrictions -

(i) In all areas, maximum 100 pots per fisher except for dual licensees as provided for in RCW 77.70.410.

(ii) In all areas:

(A) Buoys must be orange in color and consist of durable material that will remain floating on the surface with five pounds attached; bleach or antifreeze bottles or other containers may not be used as floats.

(B) The line attaching the pot to the buoy must be weighted sufficiently to prevent the line from floating on the surface.

(C) The maximum perimeter of shrimp pots must not exceed ten feet and the maximum height must not exceed two feet.

(D) It is unlawful to set or pull shrimp pot gear from one hour after official sunset to one hour before official sunrise.

(b) Spot shrimp size restriction: It is unlawful to retain spot shrimp taken by shellfish pot gear that have a carapace length less than 1 and 3/16 inches. Carapace length is defined as the length between the posterior mid-dorsal margin to the posterior-most part of the eye-stalk orbit.

(c) Area restrictions:

(i) Pot gear closed in all Puget Sound Shrimp Districts except the Port Townsend Shrimp District.

(ii) Pot gear closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.

(3) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using trawl gear except during seasons opened by emergency rule and authorized by a permit issued by the director.

(a) Gear restrictions - Beam trawl gear only. Otter trawl gear may not be used.

(i) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 22A is 25 feet.

(ii) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 25A, 25B, and 29 is 60 feet.

(b) It is unlawful to retain spot shrimp.

(c) Area restrictions:

(i) Shrimp trawl fishing closed in all Puget Sound Shrimp Districts.

(ii) Shrimp trawl fishing closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.

(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(e) It is lawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A only in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(f) The following restrictions apply to shrimp beam trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(g) It is unlawful to operate shrimp beam trawl gear in Puget Sound from one hour after official sunset to one hour before official sunrise.

(h) It is unlawful to fish for, retain, land or deliver shrimp taken with trawl gear without a valid Puget Sound shrimp trawl fishery permit.

(i) It is unlawful to take, retain, land, or deliver any shrimp taken with trawl gear without complying with all provisions of a Puget Sound shrimp trawl fishery permit.

(j) A violation of this subsection is punishable under RCW 77.15.750.

(4) All shrimp taken in the Puget Sound commercial shrimp fishery must be landed and recorded on Washington state fish receiving tickets within 24 hours of harvest. No fisher may land shrimp without immediate delivery to a ~~((licensed))~~ wholesale ~~((dealer))~~ fish buyer, or if transferred at sea, without transfer to a ~~((licensed))~~ wholesale ~~((dealer))~~ fish buyer. A fisher who is a ~~((licensed))~~ wholesale ~~((dealer))~~ fish buyer or a limited fish seller may complete and return a fish receiving ticket to satisfy the requirements of this subsection.

(5) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, the Marine Fish-Shellfish Management and Catch Reporting Areas (catch areas) are modified as follows:

(a) That portion of Catch Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island to Davis Point on Lopez Island, then south of the shores of Lopez Island to Point Colville shall be considered to be part of Catch Area 23A.

(b) Catch Area 23A is divided into four subareas:

(i) 23A-E (east) is those waters of Catch Area 23A east of 122°57'W. Long. and north of 48°22.5'N. Lat.

(ii) 23A-W (west) is those waters of Catch Area 23A west of 122°57'W. Long. and north of 48°22.5'N. Lat.

(iii) 23A-C (central) is those waters of Catch Area 23 south of 48°22.5'N. Lat. and east of a line projected 335° true from the Dungeness lighthouse.

(iv) 23A-S (south) is those waters of Catch Area 23A west of a line projected 335° true from the Dungeness lighthouse.

(c) Catch Area 26A is divided into two subareas:

(i) 26A-E (east) is those waters of Catch Area 26A north and east of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(ii) 26A-W (west) is those waters of Catch Area 26A south and west of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(d) Catch Area 26B is divided into two subareas:

(i) 26B-1 is those waters of Catch Area 26B westerly of a line projected from West Point to Alki Point.

(ii) 26B-2 is those waters easterly of a line projected from West Point to Alki Point.

(6) For purpose of shrimp trawl harvest allocation and catch reporting, 23A East is that portion of Catch Area 23A, east of a line projected true north from the Dungeness light-

house. 23A West is that portion of Catch Area 23A, west of the line described herein.

(7) The following areas are defined as Puget Sound Shrimp Management Areas:

(a) Shrimp Management Area 1A: Waters of Catch Area 20B west of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary, and all waters of Catch Area 22A west of a line projected true north and south from the western tip of Crane Island, west of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island.

(b) Shrimp Management Area 1B: Waters of Catch Area 20B east of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary, and waters of Catch Area 22A east of a line projected true north and south from the western tip of Crane Island, east of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island, and east of a line projected true south from Point Colville, and all waters of Catch Area 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(c) Shrimp Management Area 1C: Waters of Catch Areas 20A, 21B, 22B, and waters of Catch Area 21A not included in Management Area 1B.

(d) Shrimp Management Area 2E: Waters of Catch Areas 24A, 24B, 24C, 24D, and 26A-E (east).

(e) Shrimp Management Area 2W: Waters of Catch Areas 25B, 25C, 25D, and 26A-W (west).

(f) Shrimp Management Area 3: Waters of Catch Areas 23A, 23B, 23C, 23D, 25A, 25E, and 29.

(g) Shrimp Management Area 4: Waters of Catch Areas 26B and 26C.

(h) Shrimp Management Area 5: Waters of Catch Areas 27A, 27B, and 27C.

(i) Shrimp Management Area 6: Waters of Catch Areas 26D, 28A, 28B, 28C, and 28D.

(8) In Shrimp Management Areas 1A, 1B and 1C, all catch must be reported by Management Area and Catch Area combined, either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, 1C-20A, 1C-21A, 1C-21B, or 1C-22B.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-354-030 Sale and purchase of commercial caught salmon.** (1) It is unlawful for any person licensed to take salmon for commercial purposes as required under chapter 77.65 RCW to:

(a) Retain for personal use more than the equivalent of one daily sport bag limit for the area being fished. All salmon taken under commercial license must be recorded on state of Washington fish receiving tickets. The daily limit and possession limit described in this subsection also apply to crew members of the licensed fishing vessel.

(b) Sell any salmon he takes under such license to anyone other than a ~~((licensed))~~ wholesale ~~((dealer))~~ fish buyer located within or outside the state of Washington: Provided, That a person who is himself ~~((licensed as))~~ a wholesale ~~((dealer under the provisions of RCW 77.65.280))~~ fish buyer

may sell his catch to individuals or corporations other than ~~((licensed))~~ wholesale ~~((dealers))~~ fish buyer.

(c) Sell, barter or attempt to sell or barter salmon eggs that have been removed from the body cavity of salmon unless all carcasses from which eggs have been removed are sold to the same buyer except this subsection does not apply to troll caught salmon or the eggs from such salmon.

(d) Discard salmon that may be lawfully retained except fishers may discard salmon that are unmarketable due to pin-niped predation.

(2) It is unlawful for ~~((any person licensed as a wholesale dealer as required under RCW 77.65.280 and acting in the capacity as an original receiver))~~ a wholesale fish buyer to purchase or attempt to purchase salmon eggs without also purchasing all male and female salmon taken by the fisher, including the salmon carcasses from which the eggs were removed.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-354-290 Grays Harbor salmon fall fishery.**

From August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

**Fishing periods:**

(1) Gillnet gear may be used to fish for Chinook, coho, and chum salmon, and shad as provided in this section and in the times and area identified in the chart below.

Time:	Areas:
7:00 a.m. through 7:00 p.m. October 24;	Area 2A and Area 2D
7:00 a.m. through 7:00 p.m. October 25;	
AND	
7:00 a.m. through 7:00 p.m. October 26.	
6:30 a.m. through 6:30 p.m. October 17;	Area 2C
6:30 a.m. through 6:30 p.m. October 18.	
7:00 a.m. through 7:00 p.m. October 30;	
AND	
7:00 a.m. through 7:00 p.m. October 31.	

**Gear:**

(2) Gear restrictions:

(a) It is permissible to have on board a commercial vessel more than one net, provided that the length of any one net does not exceed one thousand five hundred feet in length. Nets not specifically authorized for use in this fishery may be

onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches in diameter or greater.

(b) Areas 2A and 2D from October 1 through November 30: Gillnet gear only.

(i) It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed six and one-half inch maximum. Nets may be no more than fifty-five meshes deep.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. The lead line must not rest on the bottom in such a manner as to prevent the net from drifting. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

(c) Area 2C from October 1 through November 30: Gillnet gear only.

(i) It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed nine inches.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. The lead line must not rest on the bottom in such a manner as to prevent the net from drifting. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

**Other:**

(3) Recovery boxes and soak times:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing Areas 2A, 2C, and 2D.

(i) Each box and chamber must be operating during any time the net is being retrieved or picked and any time a fish is being held in accordance with (b) and (c) of this subsection. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches



above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river or fresh bay water into each chamber.

(b) When fishing in Grays Harbor Areas 2A and 2D, all steelhead and wild (unmarked) Chinook must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(c) When fishing in Grays Harbor Area 2C, all steelhead must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(d) All fish placed in recovery boxes must remain until they are not lethargic and not bleeding and must be released to the river or bay prior to landing or docking.

(e) For Areas 2A and 2D, soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(4) Retention of any species other than coho, chum, hatchery Chinook marked by a healed scar at the site of the adipose fin, or shad is prohibited in Areas 2A and 2D from October 1 through November 30.

(5) Retention of any species other than Chinook, chum, coho or shad, is prohibited in Area 2C from October 1 through November 30.

(6) Quick reporting is required for (~~wholesale dealers and fishers retailing their catch under a "direct retail endorsement."~~) original receivers. According to WAC 220-352-180, reports must be made by 10:00 a.m. the day following landing.

(7) Report all encounters of green sturgeon to the quick reporting office via phone at 866-791-1280, fax at 360-249-1229, or email at harborfishtickets@dfw.wa.gov. Fishers may have wholesale (~~dealers~~) fish buyers use the "buyer only" portion of the fish ticket and include encounters with each day's quick reporting.

(8) Do NOT remove tags from white or green sturgeon. Please obtain available information from tags without removing tags. Submit tag information to:

Washington Department of Fish and Wildlife  
48 Devonshire Rd.  
Montesano, WA 98563.

(9)(a) Fishers must take department observers, if requested, by department staff when participating in these openings.

(b) Fishers also must provide notice of intent to participate by contacting Quick Reporting by phone, fax or email. Notice of intent must be given prior to 12:00 p.m. on October 1, for openings in Areas 2A, 2C, or 2D.

(10) It is unlawful to fish for salmon with tangle net or gillnet gear in Areas 2A, 2C, and 2D unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in his or her possession a department-issued certification card.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-356-050 Puget Sound forage fish commercial fisheries—General provisions.** (1) It is unlawful to fish for or possess Puget Sound forage fish taken for commercial purposes except at the times, during the seasons and using the gear provided for in this chapter.

(2) It is unlawful to fish for or possess candlefish taken for commercial purposes. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(3) The total annual quota for the Puget Sound smelt commercial fishery may not exceed sixty thousand pounds.

(4) It is unlawful for vessel operators engaged in the commercial harvest of smelt from Puget Sound to fail to report their daily catch to the department by 2:00 p.m. the day following the harvest of smelt.

(a) Catch reports may be submitted to the department as follows:

(i) By emailing the catch report or a picture of the fish receiving ticket to smeltreport@dfw.wa.gov; or

(ii) By phone at 1-844-611-3822.

(b) Catch reports must include the following information as it is recorded on the fish receiving ticket:

(i) Fisher name;

(ii) Wholesale fish (~~dealer~~) buyer name;

(iii) Pounds of smelt landed;

(iv) Marine fish/shellfish catch area, as described in WAC 220-301-040;

(v) Date of harvest;

(vi) Date of sale;

(vii) Complete fish ticket serial number, including the first alphanumeric letter; and

(viii) If a picture of the fish receiving ticket is emailed as the daily harvest report, the date of harvest must be recorded on the bottom half of the ticket.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-356-160 Herring reporting.** (1) Herring fishers:

(a) All commercial herring fishers are required to obtain a department-issued herring reporting monthly logbook, and, pursuant to this section, enter the required information and remit the department's copies of the monthly logs.

(b) It is unlawful for the operator of the harvest vessel to fail to keep the logbook aboard the vessel while the vessel is engaged in herring fishing or has herring onboard. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.280.

(c) It is unlawful for any vessel operator engaged in herring fishing to fail to submit the department's copy of each month's log in which fishing activity occurs within ten days of the end of the month, as evidenced by the mailing date on the envelope or the fax date, except that the operator may submit all logs of monthly activity prior to the month in which fishing activity commences at one time, and, when fishing activity terminates for the year may submit the logs for the remainder of the year at one time. Harvest logs must

be submitted in ascending consecutive order of log serial numbers. The logs are required to be mailed to: Department of Fish and Wildlife, Marine Resources, P.O. Box 1100, La Conner, WA 98257, or faxed to 360-466-0515. Violation of this subsection is a misdemeanor, punishable under RCW 77.15.280.

(d) Herring vessel operators responsible for submitting logs to the department must maintain the fisher's copy of all logs for one year, and have them available for inspection. It is unlawful for the vessel operator to fail to submit harvest logs for inspection upon request by fish and wildlife officers or authorized department marine fish-shellfish program employee. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.360.

(e) It is unlawful for vessel operators engaged in commercial herring fishing or possessing herring, to fail to permanently and legibly record in ink the following information within the following time constraints:

(i) Before each vessel trip, record the operator name, operator phone number, license holder name, the department issued registration number, date of fishing trip.

(ii) Immediately after the completion of each set, and prior to making a new set, record the set number, set start time, Marine Fish-Shellfish Catch Area, nearest landmark type, gear type, and weight in pounds of herring retained.

(iii) Immediately after each landing of fish, record the fish receiving ticket serial number and the names of the receivers of fish landed or pen number delivered to if the vessel operator also holds a wholesale fish ~~((dealer license))~~ buyer endorsement and is acting in the capacity of an original receiver. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.280.

(2) Herring baitfish processors:

(a) It is unlawful for original receivers who sell herring as baitfish to fail to report by January 15th of each year the total number of dozens of herring sold the previous year. The report must be made on a department supplied herring baitfish report form, and must report sales by size class. The form is required to be mailed to: Department of Fish and Wildlife, Marine Resources, P.O. Box 1100, La Conner, WA 98257, or faxed to 360-466-0515. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.280.

(b) Herring processors responsible for submitting herring baitfish report forms must maintain the processor's copy of the form for one year, and have it available for inspection. It is unlawful for the processor to fail to submit herring baitfish report forms for inspection upon request by fish and wildlife officers or authorized department marine fish-shellfish program employee. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.360.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-356-180 Spawn on kelp license (SOK license) contract conditions.** (1) Spawn on kelp license (SOK license) contracts shall protect the environment, prevent waste, ensure compliance with applicable laws and regulations, and ensure faithful performance of lease terms and conditions.

(2) SOK licensees shall not sell any spawn on kelp to anyone who is not a ~~((licensed))~~ wholesale ~~((dealer))~~ fish buyer, except that the licensee may be a ~~((licensed))~~ wholesale ~~((dealer))~~ fish buyer, and, after completing a state of Washington fish receiving ticket, may sell the spawn on kelp to someone who is not a wholesale ~~((dealer))~~ fish buyer.

(3) SOK licenses are ~~((transferable))~~ transferable only in the case of hardship and then only to any person holding a herring fishery license except the SOK license is not transferable to a person currently holding a SOK license. The transfer shall be made on a form provided by the department, and the transferee shall be subject to the same terms and conditions of the original SOK license. For purposes of this section, hardship means death or disablement of the licensee or loss of the licensee's vessel through no fault of the licensee.

(4) Every SOK licensee may surrender the SOK license and shall be relieved of any obligation under the license except as otherwise provided. The licensee must notify the department in writing of intention to surrender the license. If operations under the license have been conducted, the licensee shall correct any adverse environmental effects caused by the operations, including but not limited to, release of any entrapped herring, removal of any herring enclosure, and placement of any herring spawn upon habitat suitable for hatch and release of herring fry. If the license is surrendered, the department will retain the amount of the bid.

(5) The SOK license shall provide for revocation for noncompliance with the terms of the license. Grounds for revocation for noncompliance shall include, but not be limited to, failure to provide catch records as required, failure to provide required data on fishing and harvesting related activities, and failure to notify the department of anticipated times of fishing and harvesting. The SOK licensee shall be notified, in writing, of noncompliance, the necessary corrective measures and the amount of time allowed to take corrective action. The licensee's remedying of the noncompliance within the specified time shall result in no revocation of the license. The licensee may appeal any cancellation under chapter 34.05 RCW.

(6) The SOK license contract shall allow the SOK licensee to conduct operations reasonably necessary for the production of spawn on kelp. Nothing in this section shall relieve the licensee of any responsibility under applicable laws or regulations.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-359-060 Off-reservation Indian subsistence fishing.** (1) It is unlawful for any person, including treaty Indian fishermen, to take, fish for, or possess salmon or other food fish for subsistence purposes except in accordance with the provisions of this section.

(2) It is lawful for individuals possessing treaty fishing rights pursuant to the Yakima Treaty, the Warm Springs Treaty, the Umatilla Treaty, and the Nez Perce Treaty to fish for food fish for subsistence family-use purposes subject to the following provisions:

(a) Such fishing is permitted year-round in the following areas: That area of the mainstem Columbia River from a line

between a marker on the Washington shore and a marker on the Oregon shore, such line located approximately one-half mile upstream from the mouth of Eagle Creek, upstream to a point at the four-second flashing light #67 approximately 1/2 mile downstream of the Dalles Bridge; that area of the mainstem Columbia River from a point 200 feet above the Dalles Dam fishway exit upstream to a point 600 feet downstream of the John Day Dam fishway entrance; that area of the mainstem Columbia River from a point 200 feet above the John Day Dam fishway exit upstream to a point at the downstream end of the wingwall of the McNary Dam boat lock; that area of Columbia River from a point 200 feet above the McNary Dam fishway exit upstream to the Highway 12 bridge; excluding those areas within 1/4 mile radius of the mouth of Wind River, Little White Salmon River (Drano Lake), Klickitat River, and Spring Creek Hatchery fishway entrance.

(b) Lawful fishing gear by treaty Indians in the above-designated area includes dip nets and bag nets of a mesh size not exceeding 5 inches attached to a hoop 24 feet or less in circumference, spear, gaff, club, and foul hook.

(c) It is lawful to use sport angling gear in places and at times allowed under chapter 220-310 WAC series for treaty Indian subsistence purposes.

(d) It is unlawful to use drift gillnets or set gillnets for treaty Indian subsistence fishing in the mainstem of the Columbia River except as authorized by the director of the department of fish and wildlife under the provisions of WAC 220-359-110.

(e) It is unlawful to use gillnets, set nets, hoop nets, dip or bag nets with a mesh size exceeding 5 inches, set lines, or any other type of fishing gear not otherwise specifically authorized except during times and in areas where such gear is authorized for commercial fishing purposes.

(3) In accordance with RCW 77.12.453, it is lawful for the following Wanapum Indians to take, fish for, and possess food fish for subsistence purposes in the vicinity of Priest Rapids Dam in specified areas at specified times using specified gear authorized by the director of the department of fish and wildlife. The individuals designated below may be revised from time to time by agreement between the Wanapum Indians and the director of the department of fish and wildlife:

Frank Buck	Jade Buck
Stanley Buck	Robert S. Tomanawash, Sr.
Willie Buck	Lester Umtuch
Harry Buck	Grant Wyena
Ken Buck	Jerry Wyena
Rex Buck, Jr.	Douglas Wyena
Phillip Buck	Jimmy Wyena
Richard Buck	Patrick Wyena

The following provisions apply to this fishery:

(a) It is unlawful to fish at any time, place, or using gear other than that designated by the director of the department of fish and wildlife and authorized by regulation.

(b) It is unlawful for Wanapum Indian fishermen to fail to report, in writing, their total catch to the department of fish

and wildlife within five days of the end of fishing activity under subsection (3)(a) of this section.

(c) Should any Wanapum Indian be convicted of violating the provisions of this section, or sell, barter, or attempt to sell or barter any fish taken in this fishery or any treaty Indian fishery, that fishermen will be ineligible to further participate in the Wanapum Indian subsistence fishery unless otherwise determined by the director of the department of fish and wildlife.

(4) It is unlawful to sell, barter, or offer for sale or barter, buy, or for a commercially licensed (~~buyer~~) fish dealer or wholesale fish (~~dealer~~) buyer to have in possession food fish taken in an Indian subsistence fishery under the provisions of subsections (2) and (3) of this section.

(5) It is unlawful for fishermen participating in an Indian subsistence fishery to fail to submit their catch to department of fish and wildlife employees for the conduct of biological sampling or to fail to allow necessary biological samples to be taken.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-359-110 Columbia River—Columbia River off-reservation treaty Indian ceremonial fishing.** (1)

It shall be unlawful for any Indian (~~or group of Indians~~) to conduct ceremonial fishing on the Washington side of the Columbia River or in Washington Columbia River tributaries outside of an Indian reservation without first providing at least one week advance written notification to the director of the Washington state department of fish and wildlife, including all of the following information:

(a) Name, place, and time of ceremony for which fish will be used.

(b) Name of individuals and helpers who will be fishing and transporting fish. Only these individuals will be allowed to fish on the occasion covered by the notice.

(c) Exact location(s) of fishing and the amount of gear to be used at each location.

(d) Exact beginning and ending dates of ceremonial fishing.

(e) Type of gear to be used in ceremonial fishing.

(f) Estimated number of pounds of fish needed for ceremonial fishing.

(g) If fish are to be stored prior to a ceremony, the location of storage must be identified. If they are not to be stored, it must be so indicated.

(h) The signature of the designated tribal official certified to the Washington department of fish and wildlife in advance.

(2) It shall be unlawful to:

(a) Fish for ceremonial purposes with commercial fishing gear except in those areas where such fishing gear is authorized for commercial fishing.

(b) Engage in ceremonial fishing during any portion of a week within a commercial fishing season which is closed to commercial fishing.

(c) Sell or barter, offer for sale or barter, buy, or for a commercial (~~licensed~~) wholesale fish buyer or (~~whole-~~

~~sale~~) fish dealer to have in his possession fish taken for ceremonial purposes.

(d) Engage in ceremonial fishing unless done in compliance with all provisions contained in the advance notice to the department of fish and wildlife of the state of Washington.

(3) Any individual engaged in ceremonial fishing must have in his possession a signed copy or duplicate copy of the written tribal notification to the director of the Washington state department of fish and wildlife that such fishing is to be conducted.

(4) All fishing gear shall be marked and identified at all times while fishing for ceremonial purposes.

(5) A record of the numbers of fish taken for ceremonial purposes will be made and sent promptly to the director of the Washington state department of fish and wildlife upon conclusion of each ceremonial fishing activity.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-359-080 Season—Sturgeon.** (1) It is unlawful to take, fish for or possess sturgeon taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H except individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for sturgeon with setline gear from January 1 through January 31, and during seasons opened under emergency rule by the department and as provided in this section.

(2) During the open season, it is unlawful to:

(a) Retain for commercial or subsistence purposes sturgeon less than 38 inches in fork length or greater than 54 inches in fork length in Columbia River Salmon Management and Catch Reporting Area (SMCRA) 1F. It is unlawful to retain for commercial or subsistence purposes sturgeon less than 43 inches in fork length or greater than 54 inches in fork length in Columbia River SMCRA 1G and 1H;

(b) Sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of a sturgeon prior to the sale of the sturgeon to a wholesale (~~dealer licensed~~) fish buyer endorsed under chapter 77.65 RCW, or to sell or barter sturgeon eggs at retail; or

(c) Deliver to a wholesale (~~dealer licensed~~) fish buyer endorsed under chapter 77.65 RCW any sturgeon that are not in the round with the head and tail intact.

(3) Gear:

(a) Maximum 100 hooks per setline;

(b) Minimum hook size 9/0;

(c) Treble hooks prohibited; and

(d) Visible buoys required, with operator name and tribal identification clearly marked on the buoy.

Preproposal statement of inquiry was filed as WSR 17-15-122.

Title of Rule and Other Identifying Information: The university's rules regarding public records, chapter 504-45 WAC.

Hearing Location(s): On October 11, 2017, at 4:00 p.m., at Lighty 401, WSU Pullman, Pullman, Washington; SAC 501, WSU Spokane, Spokane, Washington; Floyd 247, WSU Tri-Cities, Richland, Washington; VMMC 202Q, WSU Vancouver, Vancouver, Washington; and Conference Room 340, WSU North Puget Sound at Everett, Washington.

Date of Intended Adoption: November 17, 2017.

Submit Written Comments to: Deborah Bartlett, Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, email [prf.forms@wsu.edu](mailto:prf.forms@wsu.edu), fax 509-335-3969, by October 11, 2017.

Assistance for Persons with Disabilities: Contact Joy Faerber, phone 509-335-2005, fax 509-335-3969, email [prf.forms@wsu.edu](mailto:prf.forms@wsu.edu), by October 9, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The university is updating the procedures regarding requests for public records from Washington State University (WSU). The changes include, but are not limited to, rules regarding costs and available media for providing copies of public records.

Reasons Supporting Proposal: The university is updating procedures regarding requests for public records in order to comply with legislative changes to the Public Records Act (chapter 42.56 RCW) pursuant to RCW 42.56.120(2), as amended by section 3, chapter 304, Laws of 2017, which are effective July 23, 2017. WSU is required to properly use state resources in responding to public records requests and adoption of the fee structure furthers that purpose. RCW 42.56.120 as amended requires that before an agency uses the amended statutory default copy fee schedule in the new law (rather than determining actual costs of copies), the agency must have a rule declaring the reason that it is not calculating actual costs because to do so would be unduly burdensome. The statute as amended also allows an agency to waive any charge assessed for a public record pursuant to a rule.

Statutory Authority for Adoption: RCW 28B.30.150.

Statute Being Implemented: Chapter 42.56 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state attorney general's office, governmental.

Name of Agency Personnel Responsible for Drafting: Adam Malcolm, Assistant Attorney General, Attorney General's Office, WSU Division, French Administration 332, Pullman, Washington 99164-1031, 509-335-2636; Implementation: Victoria Murray, Executive Director and University Public Records Officer, Finance and Administration, French Administration 442, Pullman, Washington 99164-1048, 509-335-2600; and Enforcement: Stacy Pearson, Vice President, Finance and Administration, French Administration 442, Pullman, Washington 99164-1048, 509-335-2600.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The rule has no impact on small business.

**WSR 17-18-092**

**PROPOSED RULES**

**WASHINGTON STATE UNIVERSITY**

[Filed September 6, 2017, 8:28 a.m.]

Original Notice.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; rule content is explicitly and specifically dictated by statute; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

September 6, 2017  
Deborah L. Bartlett, Director  
Procedures, Records, and Forms  
and University Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 07-04-027, filed 1/29/07, effective 3/1/07)

**WAC 504-45-010 Authority and purpose.** (1) RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.

(2) The purpose of these rules is to establish the procedures Washington State University ~~((will))~~ is to follow in order to provide full access to public records. Washington State University ~~((shall))~~ is hereinafter ~~((be))~~ referred to as the "university." Where appropriate, the term university also refers to the staff and employees of Washington State University. These rules provide information to persons wishing to request access to public records of the university and establish processes for both requestors and university staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules ~~((will be))~~ are interpreted in favor of disclosure. In carrying out its responsibilities under the act, the university ~~((will be))~~ is guided by the provisions of the act describing its purposes and interpretation.

**AMENDATORY SECTION** (Amending WSR 13-24-028, filed 11/25/13, effective 12/26/13)

**WAC 504-45-020 Agency description—Contact information—Public records officer.** (1) Washington State University is an institution of higher education, authority for which is located in chapter 28B.30 RCW. The administrative offices of the university are located at the university's main campus at Pullman, Washington. ~~((Regional))~~ Other cam-

puses are located ~~((in))~~ at Spokane, Tri-Cities, ~~((and))~~ and Vancouver, and Everett, Washington. Agricultural research centers are located at Mt. Vernon, Prosser, Puyallup, Vancouver, and Wenatchee, Washington. Cooperative extension offices are maintained ~~((in))~~ at the county seats of all counties in the state. The university also has operations offices ~~((in))~~ at Seattle and Olympia, Washington.

(2) Any person wishing to request access to public records of the university, or seeking assistance in making such a request, should contact the university's public records office located at the Pullman administrative offices. Current contact information and additional information regarding release of public records ~~((can be found))~~ are available on the ~~((university))~~ university's web site at ~~((http://www.wsu.edu))~~ https://wsu.edu.

(3) The public records officer ~~((will))~~ oversees compliance with the act, but another university staff member may process the request. Therefore, these rules ~~((will))~~ refer to the public records officer or "designee." The public records officer or designee and the university ~~((will))~~ provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the university.

**AMENDATORY SECTION** (Amending WSR 13-24-028, filed 11/25/13, effective 12/26/13)

**WAC 504-45-030 Availability of public records.** (1) Hours for inspection of records. Public records are available for inspection and copying during normal business hours of the university. For the purposes of this chapter, the normal business hours for the public records office ~~((shall be))~~ are from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding the university's holidays and scheduled and emergency closure periods. Records must be inspected at the offices of the university.

(2) Index of records. An index of final orders, declaratory orders, interpretive statements, and policy statements entered after June 30, 1990, is available at the office of the university's rules coordinator at the Pullman campus. The university ~~((will))~~ posts links to many of these records on its web site at ~~((http://www.wsu.edu))~~ https://wsu.edu.

(3) Organization of records. The university ~~((will))~~ maintains its records in a reasonably organized manner. The university ~~((will))~~ takes reasonable actions to protect records from damage and disorganization. A requestor ~~((shall))~~ must not take university records from university offices without the permission of the public records officer or designee. Certain records are available on the ~~((university))~~ university's web site at ~~((www.wsu.edu))~~ https://wsu.edu. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy public records of the university should make the request in writing on the university's request form, or by letter, fax, or email addressed to the public records officer or designee. The following information must be included in the request:

(i) Name of the person requesting records;

- (ii) Mailing address of requestor;
- (iii) Other contact information, including telephone number and any email address;
- (iv) Identification of the public records adequate for the public records officer or designee to locate the records; and
- (v) The date of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to RCW 42.56.120, standard photocopies ~~((will be))~~ or electronically produced copies are provided at ~~((a rate of no more than fifteen cents per page. The university may charge the current approved rate for scanned images of paper records if images are requested))~~ the rates established in WAC 504-45-070. A requestor may also refer to the ~~((university))~~ university's web site at ~~((http://www.wsu.edu))~~ <https://wsu.edu> for current rates.

(c) A form is available for use by requestors at the public records office and on the university's web site at ~~((http://www.wsu.edu))~~ <https://wsu.edu>.

(d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she ~~((will))~~ confirms receipt of the information and the substance of the request in writing.

**AMENDATORY SECTION** (Amending WSR 13-24-028, filed 11/25/13, effective 12/26/13)

**WAC 504-45-040 Processing of public records requests—General.** (1) Providing "fullest assistance." The university is charged by statute with adopting rules which provide for how it ~~((will))~~ is to "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with the essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee ~~((will process))~~ processes requests in the order allowing the most requests to be processed in the most efficient manner.

(2) Acknowledging receipt of request. Within five business days of receipt of the request, the public records officer or designee ~~((will do))~~ does one or more of the following:

(a) Makes the records available for inspection or copying;

(b) If copies are requested and payment for the copies, if any, is made or terms of payment are agreed upon, sends the copies to the requestor;

(c) Provides a reasonable estimate of when records will be available;

(d) If the request is unclear or does not sufficiently identify the requested records, requests clarification from the requestor. Such clarification may be requested and provided by telephone, email, or mail. Based upon that clarification, the public records officer or designee may revise the estimate of when records will be available; or

(e) ~~((Deny))~~ Denies the request.

(3) Consequences of failure to respond. If the university does not respond in writing within five business days of

receipt of the request for disclosure, the requestor should consider contacting the public records officer or designee to determine the reason for the failure to respond.

(4) Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons ~~((will))~~ includes a copy of the request.

(5) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If the university believes that a record is exempt from disclosure and should be withheld, the public records officer or designee ~~((will))~~ states the specific exemption and provides a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer or designee ~~((will))~~ redacts the exempt portions, provides the non-exempt portions, and indicates to the requestor why portions of the record are being redacted.

(6) Inspection of records.

(a) Consistent with other demands, the university ~~((shall))~~ must promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor ~~((shall))~~ must indicate which documents he or she wishes the university to copy.

(b) The requestor must claim or review the assembled records within thirty days of the university's notification to him or her that the records are available for inspection or copying. The university ~~((will notify))~~ notifies the requestor in writing of this requirement and informs the requestor that he or she should contact the university to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the university may close the request. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(7) Providing copies of records. After inspection is complete, the public records officer or designee ~~((shall))~~ makes any copies of records requested by the requestor or arranges for copying.

(8) Providing records in installments. When the request is for a large number of records, the public records officer or designee ~~((will))~~ provides access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(9) Completion of inspection. When the inspection of the requested records is complete and all requested copies are

provided, the public records officer or designee (~~will~~) indicates that the university has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(10) Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer or designee (~~will~~) closes the request and indicates to the requestor that the university has closed the request.

(11) Later discovered documents. If, after the university has informed the requestor that it has provided all available records, the university becomes aware of additional responsible documents existing at the time of the request, it (~~will~~) must promptly inform the requestor of the additional documents and (~~will~~) make them available for inspection or provide copies upon payment on an expedited basis.

AMENDATORY SECTION (Amending WSR 13-24-028, filed 11/25/13, effective 12/26/13)

**WAC 504-45-050 Processing of public records requests—Electronic records.** (1) Requesting electronic records. The process for requesting electronic public records is the same as for requesting paper public records.

(2) Providing electronic records. When a requestor requests records in an electronic format, the public records officer or designee (~~will~~) provides the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record.

(3) Customized access to databases. With the consent of the requestor, the university may provide customized access under RCW 43.41A.130 if the record is not reasonably locatable or not reasonably translatable into the format requested. The university may charge a fee consistent with RCW 43.41A.130 for such customized access. (See WAC 504-45-070.)

AMENDATORY SECTION (Amending WSR 07-04-027, filed 1/29/07, effective 3/1/07)

**WAC 504-45-060 Exemptions.** (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the university for inspection and copying. This is not an exhaustive list as numerous exemptions exist outside the act. The university's failure to list an exemption here (~~shall~~) does not affect the efficacy of any exemption.

- (a) RCW 5.60.060(~~—~~)- Privileged communications;
- (b) 20 U.S.C. 1232g(~~—~~)- Family Education Rights and Privacy Act (FERPA);
- (c) 42 U.S.C. 405 (c)(2)(vii)(1)(~~—~~)- Social Security numbers;

(d) 45 C.F.R. (~~16-0164—HIPAA Privacy Rule~~) parts 106 and 164 - Health Insurance Portability and Accountability Act of 1996 (HIPAA);

(e) Chapter 19.108 RCW and RCW 4.24.601(~~—~~)- Uniform Trade Secrets Act; and

(f) Chapter 10.97 RCW (~~40.97—~~)- Regarding criminal history information.

(2) The university is prohibited by statute from providing lists of individuals for commercial purposes.

AMENDATORY SECTION (Amending WSR 13-24-028, filed 11/25/13, effective 12/26/13)

**WAC 504-45-070 Costs of providing copies of public records.** (1) Costs for copies of (~~paper~~) public records. There is no fee for inspecting public records. (~~A requestor may obtain standard black and white photocopies for fifteen cents per page or scanned images at the current approved rate per image. Before beginning to make the copies or images, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The university will not charge sales tax when it makes copies of public records. The university may charge actual costs for special arrangements necessary for providing copies of records when required by the requestor, e.g., costs of color copying.~~)

(2) ~~Costs of mailing. The university may also charge actual costs of mailing, including the cost of the shipping container.)~~ The following fees apply to copies of public records:

(a) Ten cents per page for records scanned into electronic format;

(b) Five cents for every four electronic files or attachments uploaded to an email, cloud storage service, or other electronic delivery system;

(c) Ten cents per gigabyte for transmitting records electronically;

(d) Fifteen cents per page for photocopies of public records and/or printed copies of electronic public records when requested;

(e) The actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge;

(f) Under RCW 42.56.120, the university may charge other copy fees authorized by statutes outside chapter 42.56 RCW.

(2) In addition to the charge imposed for providing copies of public records and for the use by any person of university equipment, the university may include a customized service charge. The university charges for customized services pursuant to RCW 42.56.120(3). The customized service charge may reimburse the university up to the actual cost of providing the services in this section. The university provides the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service

charge. The university may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request, including a customized service charge. If the university makes a request available on a partial or installment basis, the university may charge for each part of the request as it is provided.

(3) Payment. Payment may be made by cash, check, or money order to the university.

(a) All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. The university notifies the requestor of when payment is due.

(b) The university closes a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

(4) Pursuant to RCW 42.56.120(2), as amended by section 3, chapter 304, Laws of 2017, Washington State University declares that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records for the following reasons:

(a) Funds were not allocated for performing a study to calculate such actual costs and the agency lacks the necessary funds to perform a study and calculations;

(b) Staff resources are insufficient to perform a study and to calculate such actual costs; and

(c) A study would interfere with and disrupt other essential agency functions.

AMENDATORY SECTION (Amending WSR 08-08-055, filed 3/27/08, effective 4/27/08)

**WAC 504-45-080 Review of denials of public records.** (1) Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a review of that decision. The petition ~~((shall))~~ must include a copy of, or reasonably identify, the written statement by the public records officer or designee denying the request.

(2) Consideration of petition for review. The public records officer ~~((will))~~ must immediately consider the petition and either affirm or reverse such denial within two business days following the university's receipt of the petition, or within such other time as the university and the requestor mutually agree ~~((to))~~.

(3) Review by the attorney general's office. Pursuant to RCW 42.56.530, if the university denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office ~~((to))~~ review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Judicial review. Any person may ~~((obtain))~~ request court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

## WSR 17-18-094

### PROPOSED RULES

## DEPARTMENT OF HEALTH

[Filed September 6, 2017, 9:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-02-006.

Title of Rule and Other Identifying Information: Chapter 246-71 WAC, Medical marijuana authorization database and chapter 246-72 WAC, Medical marijuana consultant certificate. The department of health (department) proposes amendments to chapter 246-71 WAC to clarify language regarding authorization forms, recognition cards and regulation of card fees. The department proposes amendments to chapter 246-72 WAC to clarify language regarding fees, issuing recognition cards, requirements for applicant certification and training programs.

Hearing Location(s): On October 10, 2017, at 10:30 a.m., at the Department of Health, 310 Israel Road S.E., Rooms 152 and 153, Tumwater, WA 98501.

Date of Intended Adoption: October 17, 2017.

Submit Written Comments to: Shelly Rowden, P.O. Box 47852, Tumwater, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, by October 10, 2017.

Assistance for Persons with Disabilities: Contact Shelly Rowden, phone 360-236-2820, TTY 360-833-6388 or 711, email [shellyrowden@doh.wa.gov](mailto:shellyrowden@doh.wa.gov), by October 6, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to chapter 246-71 WAC, Medical marijuana authorization database, clarify quality standards for the process of creating recognition cards to promote security and protection of patient health care information. The proposed amendments to chapter 246-72 WAC, Medical marijuana consultant certificate, clarify certificate fees, training and renewal requirements, as well as adding clarifying language for approval requirements for the medical marijuana training programs.

Reasons Supporting Proposal: Since these rules were implemented in early 2016, the initial months of operations have revealed policy issues affecting the authorization database and consultant certification training requirements that need to be addressed. Most of the proposed amendments are administrative improvements. However, one of the amendments addresses potential conflicts of interest between consultant training programs and licensed marijuana producers, processors and retailers.

Statutory Authority for Adoption: RCW 69.51A.230.

Statute Being Implemented: RCW 69.51A.290.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Shelly Rowden, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2820; Implementation: Chris Baumgartner, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4844; and Enforcement: Lisa Hodgson, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2927.



A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Shelly Rowden, P.O. Box 47852, Tumwater, WA 98504-7852, phone 360-236-2820, TTY 360-833-6388 or 711, email shely.rowden@doh.wa.gov [shelly.rowden@doh.wa.gov].

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rule provides additional specifications requiring recognition cards to be printed in full color and laminated through a heat process that will increase the quality and security of the card. The costs of laminate type (heat process versus self-adhesive) were compared and averaged over a nine month period resulting in an average compliance cost per retailer of \$8.61 for the proposed heat process compared to .81 for self-adhesive laminate. The compliance cost of \$8.61 was considerably lower than the cost threshold of \$2,461 (average annual sales of \$88,023 x .3%). Similarly, the proposed rules authorize the department to remove a store's access to the medical marijuana authorization database for failure to remit a \$1 fee for each recognition card issued to qualifying patients. Collected from retailers quarterly, the recognition card fee will impact a retail store's ability to create additional recognition cards only if they fail to remit the required \$1 fee. The same sales-based demonstration model described previously was relied upon to show that the cost of compliance would not exceed the threshold level for recognition card sales per quarter, as follows: There are one hundred forty-nine stores reporting recognition card sales. These stores average thirty-eight cards per quarter. Over a nine month period, the estimated cost per store is \$114.00, again considerably lower than the cost threshold of \$2,461.00.

September 6, 2017  
John Wiesman, DrPH, MPH  
Secretary

**AMENDATORY SECTION** (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

**WAC 246-71-020 Adding qualifying patients and designated providers to the database.** A qualifying patient or designated provider may take their authorization to an endorsed outlet to be entered into the database.

(1) Only a consultant employed by an endorsed outlet is allowed to enter a qualifying patient's or designated provider's information into the database.

(2) Consultants must register with the department to receive credentials to access the database. The process for registration will be established by the department.

(3) The department shall verify the consultant's identity and certificate status before providing credentials to access the database.

(4) The consultant shall access the database using the credentials issued by the department or the department's designee. If the credentials are lost or missing, or the security of the credentials is compromised, the consultant shall notify the

department by telephone and in writing within one business day.

(5) The consultant shall ensure that the authorization form provided is valid, complete, unaltered, and meets all requirements specified in RCW 69.51A.030 and complies with the instructions on the form. If any requirement is not met, or the form is altered or incomplete, the person cannot be entered into the database.

(6) The consultant shall verify the identity of every patient age eighteen and older and every designated provider by inspecting the patient's or designated provider's valid photographic identification. Except for patients under the age of eighteen, a person cannot be entered into the database without valid photographic identification.

(7) In the event of an inexact match of names on the identification and the authorization, the consultant shall ensure that the patient or designated provider named on the authorization form is the same person presenting the authorization for entry into the database.

(8) The consultant shall check the database to ensure that a designated provider is not currently associated with a different patient in the database before associating the designated provider with a new patient in the database. If a designated provider is still associated with a different patient, the consultant cannot enter the designated provider into the database as associated with the new patient.

(9) The consultant shall enter the following information into the database for each patient and designated provider (unless specified below):

(a) The type of valid photographic identification verified and the unique number from the identification;

(b) Full legal name, as it appears on the valid photographic identification, including first name, middle initial, last name, and generational suffixes, if any;

(c) Date of birth;

(d) Actual physical address if different from the address on the identification;

(e) Gender;

(f) Name of the authorizing health care practitioner;

(g) Authorizing health care practitioner's full license number;

(h) Business address of the authorizing health care practitioner;

(i) Telephone number of the authorizing health care practitioner, as listed on the authorization form;

(j) The patient's qualifying condition(s);

(k) For the designated provider only, the patient the designated provider is authorized to assist;

(l) The date the authorization was issued;

(m) The date the authorization expires; and

(n) The number of plants the patient is allowed to grow.

If the authorizing health care practitioner does not indicate a specific number, the presumptive number is six plants. The health care practitioner cannot authorize more than fifteen plants. An authorization for more than fifteen plants is invalid.

(10) All requests for, uses of, and disclosures of information from the database by authorized persons must be consistent with chapter 69.51A RCW and this chapter.

AMENDATORY SECTION (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

**WAC 246-71-040 Requirements for recognition cards.** (1) An endorsed outlet must have the following equipment readily available and maintained in good working order:

- (a) A computer with internet access and capability of running a supported version of a common web browser;
- (b) A digital camera with at least 10 megapixel resolution;
- (c) A standard color printer able to print at least 300 dots per inch;
- (d) A laminator; and
- (e) A solid white, off-white, or light blue backdrop that is free of patterns, objects or textures, to use as the background for each picture.

(2) When issuing a recognition card to a qualifying patient or designated provider, an endorsed outlet must comply with the following requirements:

- (a) Only a consultant employed by the endorsed outlet is allowed to print and create a card;
- (b) The consultant shall take a picture of the face of the patient or designated provider at the same time they are entered into the database following the process specified by the department;
- (c) The consultant shall create, print (~~and~~) the card in full color, permanently laminate the card using a heat process, and issue it to the patient or designated provider following the process specified by the department; and
- (d) The consultant shall return the authorization to the patient or designated provider. The endorsed outlet shall not retain a copy of the authorization.

(3) The database vendor shall ensure recognition cards contain the following:

- (a) A randomly generated and unique identification number;
- (b) The name of the patient or designated provider;
- (c) For designated providers, the unique identification number of the patient they are assisting;
- (d) A photograph of the patient or designated provider;
- (e) The amounts of marijuana concentrates, usable marijuana, or marijuana-infused products the patient or designated provider is authorized to purchase or obtain at an endorsed outlet;
- (f) The number of plants the patient or designated provider is authorized to grow;
- (g) The effective date and expiration date of the card;
- (h) The name of the health care professional who issued the authorization; and
- (i) Additional security features required by the department to ensure the validity of the card.

AMENDATORY SECTION (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

**WAC 246-71-100 Confidentiality.** (1) Under RCW 42.56.625, records in the database containing names and other personally identifiable information of qualifying patients and designated providers are exempt from public disclosure, inspection, or copying.

(2) The vendor must retain database records for at least five calendar years to permit the WSLCB and Washington department of revenue to verify eligibility for tax exemptions.

(3) Authorization forms cannot be retained or copied by an endorsed outlet, and information from the form cannot be retained by the endorsed outlet or entered into other manual or electronic data collection or point of sale systems unless required by law or expressly authorized in writing by the patient or designated provider.

(4) Recognition cards cannot be retained by an endorsed outlet, and may only be copied by the endorsed outlet when required by law.

AMENDATORY SECTION (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

**WAC 246-71-130 Removal of a qualifying patient or designated provider from the database.** (1) The vendor must automatically deactivate patient and designated provider records in the database upon expiration of a recognition card.

(2) Patients and designated providers may request to be (~~removed from~~) deactivated in the database before the expiration of their recognition card using the process established by the department.

(3) The authorizing health care practitioner may request (~~removal~~) deactivation of a patient or designated provider from the database if the patient no longer qualifies for the medical use of marijuana. This request must be made using the process established by the department.

AMENDATORY SECTION (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

**WAC 246-71-990 Recognition card fees.** (1) Endorsed outlets must collect a one dollar fee for each initial, replacement, and renewal recognition card. The fee shall be collected by the endorsed outlet from the patient or designated provider when the card is issued.

(2) Endorsed outlets must periodically remit fees collected using the process established by the department.

(3) Failure by an endorsed outlet to promptly remit fee revenue when due will result in notice to the WSLCB, removal of a store and store employee access to the database, and any other action necessary to ensure compliance.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

**WAC 246-72-010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Approved training program" means a school, college, or program approved by the secretary that meets the requirements of this chapter.

(2) "Certificate holder" means a person holding a valid medical marijuana consultant certificate issued by the secretary.

(3) "Customer" means any patron of a retail outlet licensed under RCW 69.50.354 and holding a medical endorsement under RCW 69.50.375.

(4) "Department" means the Washington state department of health.

(5) "Marijuana product" means marijuana, marijuana concentrates, usable marijuana, and marijuana-infused products as defined in RCW 69.50.101.

(6) "Secretary" means the secretary of the department of health or the secretary's designee.

(7) "Service" means either personal delivery or mail that is properly stamped, addressed, and deposited in the United States mail.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

**WAC 246-72-020 Certificate requirements.** An applicant for a medical marijuana consultant certificate must submit to the department:

(1) ~~((An))~~ A completed initial application on forms provided by the department;

(2) Fees required under WAC 246-72-110;

(3) ~~((Proof))~~ Certificate of successful completion ~~((of))~~ from an approved training program;

(4) Proof of being age twenty-one or older. Acceptable forms of proof are a copy of the applicant's valid driver's license or other government-issued identification card, United States passport, or certified birth certificate;

(5) Proof of current CPR certification from a course requiring completion of both a written and skills demonstration test; and

(6) Any other documentation required by the secretary.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

**WAC 246-72-030 Practice parameters.** (1) A certificate holder may only provide services when acting in the capacity of an owner, employee, or volunteer of a retail outlet licensed under RCW 69.50.354 and holding a medical endorsement under RCW 69.50.375.

(2) A certificate holder may:

(a) Assist a customer with the selection of marijuana products and other items sold at the retail outlet that may benefit the customer's medical condition;

(b) Describe the risks and benefits of marijuana products and other items sold at the retail outlet;

(c) Describe the risks and benefits of methods of administration of marijuana products sold at the retail outlet. Whenever practicable, a certificate holder shall encourage methods of administration other than smoking;

(d) Advise a customer about the safe handling and storage of marijuana products, including strategies to reduce access by minors; and

(e) Provide instruction and demonstration to a customer about proper use and application of marijuana products. However, nothing in this section allows a certificate holder to:

(i) Provide free samples of a marijuana product to a customer except pursuant to RCW 69.50.375;

(ii) Open or allow a customer to open a marijuana product on the premises; ~~((of))~~

(iii) Consume or allow a customer to consume a marijuana product on the premises.

(3) When discussing a marijuana product with a customer, a certificate holder shall refer to the product using the cannabinoid profile labeling required by the Washington state liquor and cannabis board in addition to the represented strain name.

(4) A certificate holder shall not:

(a) Offer or undertake to diagnose or cure any human or animal disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, by use of marijuana products or any other means or instrumentality;

(b) Recommend or suggest modification or elimination of any course of treatment that does not involve the medical use of marijuana products;

(c) Solicit or accept any form of remuneration directly or indirectly, overtly or covertly, in cash or any other form in return for recommending a certain product, producer, processor, clinic, or health care practitioner;

(d) Provide medical marijuana consultant services in any capacity other than as an owner, employee, or volunteer of retail outlets licensed under RCW 69.50.354 and holding a medical endorsement under RCW 69.50.375; ~~((of))~~

(e) Provide medical marijuana consultant services at any location other than at retail outlets licensed under RCW 69.50.354 and holding a medical endorsement under RCW 69.50.375 for which the certificate holder serves as an owner, employee, or volunteer; or

(f) Create his or her own recognition card pursuant to chapter 246-71 WAC.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

**WAC 246-72-040 Display of certificate.** (1) A certificate holder shall ~~((conspicuously))~~ display his or her certificate in his or her principal place of business in a place and manner visible to customers.

(2) A certificate holder who owns, is employed by, or volunteers at more than one business location shall ~~((conspicuously))~~ display a duplicate certificate or an unaltered photocopy of his or her certificate in each business location in a place and manner visible to customers.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

**WAC 246-72-080 Renewals and updating license information.** (1) Certificates must be renewed every year on the certificate holder's birthday. Initial certificates issued within ninety days of the certificate holder's birthday do not expire until the person's next birthday.

(2) Renewals:

(a) Prior to the certificate expiration date, courtesy renewal notices are mailed to the address on file. Certificate holders must return the renewal notice when renewing their credential. Failure to receive a courtesy renewal notice does not relieve or exempt the renewal requirement.

(b) The certificate holder must attest to completion of annual certification requirements, including current CPR certification.

(c) Renewal fees are accepted by the department no sooner than ninety days prior to the expiration date.

(3) Duplicate certificate: A certificate holder may obtain a duplicate certificate by submitting a written request to the department and paying the fee as required in WAC 246-72-990.

(4) Name changes: It is the responsibility of each certificate holder to maintain his or her correct name on file with the department. Requests for name changes must be submitted in writing to the department along with documentation showing the name was legally changed.

(5) Address changes: It is the responsibility of each certificate holder to maintain his or her current address on file with the department. Requests for address changes (~~(may)~~) must be made (~~(either by telephone or)~~) in writing. The mailing address on file with the department will be used for mailing of all official matters to the certificate holder.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

**WAC 246-72-090 Expired certificate.** (1) A certificate holder may not practice at any time while his or her certificate is expired. The certificate is expired if the certificate holder does not renew on or before the expiration date. Any renewal that is postmarked or presented to the department after midnight on the expiration date is expired and is subject to a late renewal penalty fee.

(2) If the certificate has been expired for more than three months and less than three years, the certificate holder must:

- (a) Complete a late renewal application form;
- (b) Pay the renewal fee;
- (c) Pay the late renewal penalty fee;
- (d) Pay the expired certificate reissuance fee;

(e) Provide proof of successful completion of required continuing education under WAC 246-72-100;

- ~~((e))~~ (f) Provide proof of current CPR certification; and
- ~~((f))~~ (g) Provide any other documentation required by the secretary.

(3) If the certificate has been expired for three years or more, the certificate holder must:

- (a) Complete (~~(a new)~~) an initial application form;
- (b) Pay the current application fee;
- (c) Retake and provide proof of successful completion of an approved training program within the prior six months;
- (d) Provide proof of current CPR certification; and
- (e) Provide any other documentation required by the secretary.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

**WAC 246-72-110 Training program requirements.**

(1) Training programs must include:

- (a) A minimum of twenty total instruction hours in the following subjects:
  - (i) Five hours about Washington state laws and rules relating to marijuana;

- (ii) Two hours about qualifying conditions and the common symptoms of each;

- (iii) Two hours about the short- and long-term positive and negative effects of cannabinoids;

- (iv) Five hours about products that may benefit qualifying patients based on the patient's condition, any potential contraindications and the risks and benefits of various routes of administration;

- (v) Two hours about safe handling of marijuana products, including strategies to reduce access by minors;

- (vi) Two hours about ethics and customer privacy and rights; and

- (vii) Two hours about the risks and warning signs of overuse, abuse and addiction.

(b) An examination comprised of at least five questions for each hour of instruction must be given for each subject. The applicant must pass the examination for each subject with a minimum score of seventy percent. Questions must be randomly selected from a sufficient supply of questions to ensure the validity of the examination. The secretary reserves the right to approve or deny individual questions and answers.

(2) Training may be provided in-person or electronically. If the training is provided electronically, students must have real-time access to the instructor during at least half of the instruction hours for each subject.

(3) Instructors must have demonstrated knowledge and experience related to marijuana and to the subject matter, and hold:

- (a) An active license to practice as a health care professional as defined in RCW 69.51A.010(5);

- (b) An active license to practice law in the state of Washington;

- (c) A bachelor's degree or higher from an accredited college or university in agriculture, botany, or horticulture; or

- (d) A bachelor's degree or higher in nursing and an active license to practice as a registered nurse under chapter 18.79 RCW.

(4) An owner, agent, principal, or instructor of a training program shall not have a direct or indirect financial interest in a marijuana business licensed by the Washington state liquor and cannabis board under chapter 69.50 RCW.

AMENDATORY SECTION (Amending WSR 16-07-086, filed 3/17/16, effective 3/18/16)

**WAC 246-72-120 Approval of training program.** The secretary will consider for approval any training program which meets the requirements as outlined in this chapter.

(1) The authorized representative of the training program shall request approval on (~~(a form)~~) an application provided by the department.

(2) The application for approval of a training program must include, but is not limited to, documentation required by the secretary pertaining to:

- (a) Detailed syllabus;
- (b) Identification and qualifications of instructors;
- (c) Training locations and facilities;
- (d) Outline of curriculum plan specifying all subjects, and the length in hours each subject is taught;

- (e) Class objectives;
- (f) Whether the training will be provided in-person or electronically;
- (g) Methods of evaluating the course and instructors by the training program and training participants; ~~(and)~~
- (h) Policies and procedures for maintaining training and testing records; and
- (i) A sample of the training program's certificate of successful completion. At minimum, the certificate must contain the following information:
- (i) Name and license number of the training program;
- (ii) Name of the student; and
- (iii) Date the student successfully completed the program.
- (3) Any training program that is required to be licensed by private vocational education under chapter 28C.10 RCW or Title 28B RCW, or any other statute, must complete these requirements before being considered by the secretary for approval.
- (4) The secretary will evaluate the application and may conduct a site inspection of the training program prior to granting approval.
- (5) Upon the evaluation of a complete application, the secretary will grant or deny approval.
- (6) If the secretary notifies the training program of the secretary's intent to deny an application, the training program, through its authorized representative, may request an adjudicative proceeding. A request for an adjudicative proceeding must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice and be ~~((served on and))~~ received by the department within twenty-eight days of ~~((the applicant's receipt))~~ service of the adverse notice. The authorized representative of the training program may submit a new application for the secretary's consideration.
- (7) Training and testing records must be kept for a minimum of three years. The secretary may audit the records at any time.
- (8) The authorized representative of an approved training program shall notify the secretary in writing of all changes with respect to information provided in the application, including changes in instructors, within thirty days of such changes.
- (9) The secretary may inspect, audit or review an approved training program at reasonable intervals for compliance or to investigate a complaint. The secretary may withdraw approval if the secretary finds failure to comply with the requirements of statute, administrative rules, or representations in the application.
- (10) If the secretary notifies an approved training program of the secretary's intent to revoke approval, the training program, through its authorized representative, may request an adjudicative proceeding. A request for an adjudicative proceeding must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice and be served on and received by the department within twenty-eight days of ~~((the applicant's or license holder's receipt))~~ service of the adverse notice. If a request for adjudicative proceeding is not received by the department within twenty-eight days of ~~((the date of the training program's receipt))~~ ser-

vice of the adverse notice, the secretary's decision is final. The authorized representative of the training program must provide proof that the deficiencies which resulted in withdrawal of the secretary's approval have been corrected before requesting reapproval. Training programs seeking reapproval shall follow the requirements outlined in this section.

### WSR 17-18-096

#### PROPOSED RULES

#### THE EVERGREEN STATE COLLEGE

[Filed September 6, 2017, 9:50 a.m.]

Preproposal statement of inquiry was filed as WSR 17-14-040.

Title of Rule and Other Identifying Information: Weapons prohibited.

Hearing Location(s): On October 10, 2017, at 12-1 p.m., at Purce Hall, Lecture Hall 2, The Evergreen State College, 2700 Evergreen Parkway N.W., Olympia, WA 98505.

Date of Intended Adoption: October 12, 2017.

Submit Written Comments to: John Carmichael, 2700 Evergreen Parkway N.W., Olympia, WA 98505, email [carmichj@evergreen.edu](mailto:carmichj@evergreen.edu), fax 360-867-6577, by October 10, 2017.

Assistance for Persons with Disabilities: Andrew Corn, phone 360-867-6296, fax 360-867-6886, email [corna@evergreen.edu](mailto:corna@evergreen.edu), by October 9, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule defines circumstances when weapons, as defined by the rule, are prohibited or allowed on the college's campus and at college-sponsored events.

Reasons Supporting Proposal: Appropriate regulation of weapons on college campuses and at college-sponsored events is necessary for the safety of the campus.

Statutory Authority for Adoption: RCW 28B.40.120.

Name of Proponent: The Evergreen State College, governmental.

Name of Agency Personnel Responsible for Drafting: Andrew Corn, Library 3009, The Evergreen State College, 2700 Evergreen Parkway N.W., Olympia, WA 98505, 360-867-6296; Implementation: Wendy Endress, Library 3009, The Evergreen State College, 2700 Evergreen Parkway N.W., Olympia, WA 98505, 360-867-6296; and Enforcement: Ed Sorger, Sem 2150, The Evergreen State College, 2700 Evergreen Parkway N.W., Olympia, WA 98505, 360-867-6832.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. No costs or other impacts on businesses were identified.

September 6, 2017  
John Carmichael  
Rules Coordinator

NEW SECTION

**WAC 174-136-043 Weapons prohibited.** (1) Possession, display, storage, wearing, or use of firearms, explosives (including fireworks), dangerous chemicals or other weapons are prohibited on the college campus, college-owned property, college-approved housing, and at college-sponsored events, unless prior written approval has been obtained consistent with subsection (6) of this section.

(2) Firearm means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder, whether loaded or unloaded.

(3) Weapon includes, but is not limited to:

(a) Any weapon that it is unlawful to possess under Washington law including, but not limited to, slungshot, sand club, metal knuckles, or spring blade knife;

(b) Stun guns, electroshock weapons, longbows, hunting bows, throwing weapons, air guns, pellet guns, paint ball guns, or other pneumatic propellant;

(c) Dagger, sword, weapon replica, knife or other cutting or stabbing instrument with a blade longer than three inches, club, bat, or any other object or instrument apparently capable of producing bodily harm, that is carried, exhibited, displayed or drawn in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(4) Possession of a valid concealed pistol license authorized by the state of Washington is not an exemption under this section. However, nothing in this section shall prevent an individual holding a valid concealed pistol license from securing their pistol in a vehicle as authorized under RCW 9.41.050, provided the vehicle is locked and the weapon is concealed from view; or securing their pistol with Evergreen police services under subsection (6) of this section.

(5) Individuals authorized to carry firearms or other weapons on the college campus, college-owned property, college-approved housing, and at college-sponsored events include, but are not limited to:

(a) Bank-related security personnel required by their office to carry such firearms or weapons;

(b) Duly appointed and commissioned law enforcement officers in the state of Washington, or commissioned by agencies of the United States government while on duty and engaged in their regular duties. A law enforcement agent must notify Evergreen police services of their presence on campus on arrival.

(6) Individuals seeking to bring a firearm or other weapon onto campus, college-owned property, or a college-sponsored event for display or demonstration purposes directly related to a legitimate pedagogical and/or other authorized or educational activity, must obtain prior written authorization from Evergreen police services, or any other person designated by the president of the college. Evergreen police services, or authorized designees, will review any such request and, if it is granted, may establish conditions to the authorization. If the request is denied, the requestor will be informed of the available appeal process, if any.

Other than individuals referenced in subsection (5) of this section, individuals who bring firearms or other weapons to campus must immediately place the firearms or weapons

in the college provided storage facility. The storage facility is located at Evergreen police services.

Weapons that are owned by the college for use in organized recreational activities or by special groups, such as college-sponsored clubs or teams, must be stored in a location approved by the Evergreen police services. These weapons must be checked out by the advisor or coach and are to be used only in organized recreational activities or by legitimate members of the club or team in the normal course of the club or team's related activity.

Individuals may possess a personal protection spray device, as authorized by RCW 9.91.160, when possessed and/or used for self-defense while on college-owned property.

(7) Violations of the subsections of this section are subject to appropriate disciplinary or legal action including, but not limited to, exclusion from campus or expulsion.

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

**WSR 17-18-104****PROPOSED RULES****SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed September 6, 2017, 11:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-22-072.

Title of Rule and Other Identifying Information: Chapter 392-400 WAC regarding student discipline.

Hearing Location(s): On October 17, 2017, at 1:30-4:30 p.m. at NorthEast Washington, Educational Service District 101, Classroom 1, 4202 South Regal Street, Spokane, WA 99223; on October 30, 2017, at 3:00-6:00 p.m., at Educational Service District 105, Klickitat Room, 33 South Second Avenue, Yakima, WA 98902; on November 7, 2017, at 1:00-5:00 p.m., at Puget Sound Educational Service District 121, Cedar/Duwamish Room, 800 Oakesdale Avenue, Renton, WA 98057; and on November 13, 2017, at 1:00-4:00 p.m., at the Office of Superintendent of Public Instruction (OSPI), Brouillet Room, 600 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: March 1, 2018.

Submit Written Comments to: Dierk Meierbachtol, P.O. Box 47200, Olympia, WA 98504-7200, email DisciplineRuleComments@k12.wa.us, fax 360-753-4201, by November 13, 2017.

Assistance for Persons with Disabilities: Contact Kristin Murphy, phone 360-725-6133, fax 360-753-4201, TTY 360-664-3631, email kristin.murphy@k12.wa.us, by October 10, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 28A.600-015 requires OSPI to adopt lawful and reasonable rules prescribing the substantive and procedural due process guaran-

tees of students in public schools. These rules are found in chapter 392-400 WAC.

The proposed revisions to chapter 392-400 WAC would (1) align student discipline definitions with new requirements and statutory language in HB 1541 (chapter 72, Laws of 2016); (2) provide further guidance on the requirements in HB 1541, including specific guidance on the provision of educational services while a student is suspended or expelled; and (3) increase clarity and readability of the entire chapter.

Reasons Supporting Proposal: These revisions to the student discipline rules incorporate substantial stakeholder feedback, including from the OSPI student discipline task force. The revised rules (1) simplify and clarify due process procedures for school districts, students, and families; (2) eliminate problems of interpretation and problems of practice that are a result of confusing or vague terminology; (3) encourage less adversarial resolutions to discipline-related issues and the use of best practices to minimize the use of exclusionary discipline practices; (4) provide for more collaborative and culturally sensitive and culturally responsive reengagement process; and (5) increase opportunities for student, family, and community engagement in discipline, including in the development of discipline policies and in resolving discipline-related issues.

Statutory Authority for Adoption: RCW 28A.600.015, 28A.600.020.

Statute Being Implemented: RCW 28A.600.010 through 28A.600.022, 28A.320.211.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting: Dierk Meierbachtol, P.O. Box 47200, Olympia, WA 98504-7200, 360-725-6004; Implementation: Joshua Lynch, P.O. Box 47200, Olympia, WA 98504-7200, 360-725-4969; and Enforcement: Not applicable.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.030.

Explanation of exemptions: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

September 6, 2017  
Chris P. S. Reykdal  
State Superintendent  
of Public Instruction

## Chapter 392-400 WAC

### ~~((PUPHS))~~ STUDENT DISCIPLINE

#### NEW SECTION

**WAC 392-400-010 Purpose.** The purpose of this chapter is to ensure that school districts in Washington:

- (1) Provide due process to students;
- (2) Implement culturally responsive discipline policies and procedures that provide opportunity for all students to achieve personal and academic success;
- (3) Engage students, parents, families, and the community in decisions related to the development and implementation of discipline policies and procedures;
- (4) Improve fairness and equity in the administration of discipline;
- (5) Administer discipline in ways that keep students in the classroom to the maximum extent possible;
- (6) Provide educational services students need to complete their education without disruption; and
- (7) Facilitate collaboration between school personnel, students, and families to ensure successful reentry into the classroom following a suspension or expulsion.

#### NEW SECTION

**WAC 392-400-015 Authority.** The authority for this chapter is RCW 28A.600.015 and 28A.600.020, which require the office of superintendent of public instruction to establish rules that prescribe the substantive and procedural due process rights of students served by any program or activity conducted by, or on behalf of, school districts.

#### NEW SECTION

**WAC 392-400-020 Application.** (1) This chapter establishes the minimum procedural and substantive due process rights of students in Washington school districts. A school district may establish additional due process protections for students consistent with federal statutes and regulations, state statutes, common law, and rules prescribed by the office of superintendent of public instruction.

(2) This chapter must be construed in a manner consistent with the following laws and rules:

- (a) RCW 28A.600.010 through 28A.600.022 and 28A.320.211, regarding the administration of student discipline;
- (b) RCW 28A.300.042, regarding the collection, reporting, and disaggregation of student-level discipline data;
- (c) Chapter 392-190 WAC, prohibiting unlawful discrimination in Washington public schools, including the requirement under WAC 392-190-048 that school districts annually review disaggregated discipline data to identify and address disproportionality in the administration of discipline on the basis of sex, race, limited-English proficiency (i.e., English learners), and disability, including students protected under Section 504 of the Rehabilitation Act of 1973 and Part B of the Individuals with Disabilities Education Act;

(d) WAC 392-172A-05140 through 392-172A-05175, regarding the discipline of students with disabilities under the Individuals with Disabilities Education Act;

(e) RCW 28A.165.035, regarding the state menu of best practices and strategies for behavior; and

(f) RCW 28A.415.410 and 28A.415.420, regarding training to support school district personnel in implementing discipline policies and procedures and gaining knowledge and skills in cultural competence.

#### NEW SECTION

**WAC 392-400-025 Definitions.** As used in this chapter the term:

(1) "Behavioral violation" means a student's behavior that violates a school district's discipline policy adopted under WAC 392-400-110.

(2) "Classroom exclusion" means the exclusion of a student from a classroom or instructional or activity area by a teacher for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the conditions and limitations in WAC 392-400-330 and 392-400-335.

(3) "Discipline" means any action taken by a school district in response to behavioral violations.

(4) "Disruption of the educational process" means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.

(5) "Emergency expulsion" means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the conditions and limitations in WAC 392-400-510.

(6) "Expulsion" means a denial of admission to the student's current school placement in response to a behavioral violation, subject to the requirements in WAC 392-400-430 through 392-400-480.

(7) "Length of an academic term" means the total number of school days in a single academic term, typically a trimester or semester, as defined by the school board.

(8) "Other forms of discipline" means actions used in response to behavioral violations, other than suspension, expulsion, or emergency expulsion, which may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035. Other forms of discipline include any denial of attendance or classroom exclusion that does not exceed the balance of the immediate subject or class period.

(9) "Parent" has the same meaning as in WAC 392-172A-01125.

(10) "School business day" means any calendar day, except Saturdays, Sundays, or any federal, state, or school holiday, when the office of the superintendent of a school district is open to the public for business.

(11) "School board" means the governing board of directors of a local school district.

(12) "School day" means any day or partial day that students are in attendance at school for instructional purposes.

(13) "Suspension" means any denial of attendance in response to a behavioral violation from any subject or class for a period of time exceeding the balance of the immediate subject or class period, or from any full schedule of subjects of classes.

(a) "In-school suspension" means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

(b) "Long-term suspension" means a suspension in which a student is excluded from school for more than ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

(c) "Short-term suspension" means a suspension in which a student is excluded from school for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through 392-400-475.

### DISCIPLINE POLICIES AND PROCEDURES

#### NEW SECTION

**WAC 392-400-110 Discipline policies and procedures—Development, review, and distribution.** (1) School district policies and procedures. A school district must adopt written policies and procedures for administering discipline, consistent with the model policy developed under RCW 28A.345.090, that:

(a) Clearly state the types of behaviors for which discipline, including suspension and expulsion, may be administered;

(b) Have a real and substantial relationship to the lawful maintenance and operation of the school district including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning;

(c) Provide for early involvement of parents in efforts to support students in meeting behavioral expectations;

(d) Provide that school district personnel make every reasonable attempt to involve parents and students in the resolution of behavioral violations for which discipline may be administered;

(e) Identify other forms of discipline that school personnel should administer before or instead of administering classroom exclusion, suspension, or expulsion to support students in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035;

(f) Identify school district personnel with the authority to administer suspensions, expulsions, emergency expulsions, and other forms of discipline;

(g) Establish appeal and review procedures for resolving disagreements related to the administration of suspensions, expulsions, and emergency expulsions, consistent with WAC 392-400-430 through 392-400-525;

(h) Establish grievance procedures to resolve parents' or students' disagreements related to the administration of other forms of discipline, including discipline that excludes a stu-



dent from transportation or extra-curricular activity. The procedures must, at a minimum, include an opportunity for the student to share the student's perspective and explanation regarding the behavioral violation;

(i) Describe the types of educational services the school district offers to students during a suspension or expulsion and the procedures to be followed for the provision of educational services under WAC 392-400-610;

(j) Provide for reengagement meetings and plans, consistent with WAC 392-400-710; and

(k) Provide for readmission of students who have been suspended or expelled.

(2) Development and review. A school district must develop and periodically review discipline policies and procedures with the participation of school district personnel, students, parents, families, and the community. During the development and review of discipline policies and procedures, the school district must use disaggregated data collected under RCW 28A.300.042 to:

(a) Monitor the impact of the school district's discipline policies, procedures, and practices; and

(b) Update the school district's discipline policies and procedures to improve fairness and equity in the administration of discipline.

(3) Distribution of policies and procedures. A school district must make discipline policies and procedures available to families and the community. The school district must annually provide the district's discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The school district must ensure district employees and contractors are knowledgeable of the discipline policies and procedures.

### CLASSROOM EXCLUSIONS

#### NEW SECTION

**WAC 392-400-330 Classroom exclusions—Conditions and limitations.** A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the following requirements:

(1) The teacher must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, unless the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption to the educational process. In administering other forms of discipline, teachers may consider using the best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(2) The school district must provide the student an opportunity to make up any assignments and tests missed during the classroom exclusion.

#### NEW SECTION

**WAC 392-400-335 Classroom exclusion—Notice and procedure.** Following a classroom exclusion under WAC 392-400-330:

(1) The teacher, principal, or designee must notify the student's parents regarding the classroom exclusion as soon as reasonably possible.

(2) The principal or designee must confer with the teacher regarding the classroom exclusion as soon as reasonably possible and no later than the start of the following school day.

(3) After conferring with the teacher, the principal or designee must:

(a) Allow the student to return to the teacher's classroom or instructional or activity area from which the student was removed; or

(b) Administer another form of discipline in accordance with this chapter.

(4) When a classroom exclusion exceeds the balance of the immediate subject or class period, the school district must provide notice and due process for suspensions under WAC 392-400-430 through 392-400-480.

### SUSPENSIONS AND EXPULSIONS

#### NEW SECTION

**WAC 392-400-430 Suspensions and expulsions—General conditions and limitations.** A school district may administer suspensions and expulsions for behavioral violations, subject to the following requirements:

(1) Parent involvement. A school district must provide for early involvement of parents in efforts to support students in meeting behavioral expectations and must make every reasonable attempt to involve the student and parents in the resolution of behavioral violations.

(2) Considerations. Before administering any suspension or expulsion, a school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

(3) Educational services. A school district may not suspend the provision of educational services to a student in response to behavioral violations or administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements.

(a) A school district must provide an opportunity for students to receive educational services during a suspension or expulsion under WAC 392-400-610.

(b) If a school district enrolls a student in another program or course of study during a suspension or expulsion, the district may not preclude the student from returning to the student's regular educational setting following the end date of the suspension or expulsion.

(4) Reporting. The principal or designee must report all suspensions and expulsions, and the behavioral violation that led to each suspension or expulsion, to the school district superintendent or designee within twenty-four hours after the administration of the suspension or expulsion.

(5) Reentry. After suspending or expelling a student, a school district must:

(a) Make reasonable efforts to return the student to the student's regular educational setting as soon as possible.

(b) Allow the student to petition for readmission at any time.

(6) Absences and tardiness. A school district may not suspend or expel a student from school for absences or tardiness.

(7) Access to school district property. When administering a suspension or expulsion, a school district may deny a student admission to, or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

#### NEW SECTION

**WAC 392-400-435 Short-term and in-school suspensions—Additional conditions and limitations.** (1) Other forms of discipline. Before administering a short-term or in-school suspension, a school district must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(2) Length of exclusion. A school district may not administer a short-term or in-school suspension beyond the school year in which the behavioral violation occurred.

(3) Grade-level limitations.

(a) A school district may not administer a short-term or in-school suspension for a student in kindergarten through fourth grade for more than ten cumulative school days during any academic term; and

(b) A school district may not administer a short-term or in-school suspension for a student in grades five through twelve:

(i) For more than fifteen cumulative school days during any single semester; or

(ii) For more than ten cumulative school days during any single trimester.

(4) School personnel. When administering an in-school suspension, a school district must ensure school personnel:

(a) Are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension; and

(b) Are accessible to offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes as required under WAC 392-400-610.

#### NEW SECTION

**WAC 392-400-440 Long-term suspensions—Additional conditions and limitations.** (1) Other forms of discipline. Before administering a long-term suspension, a school district must consider other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(2) Determination of harm or threat. A school district may only administer a long-term suspension:

(a) For behavioral violations under RCW 28A.600.015(6); and

(b) Only after the school district has determined that, if the student returned to school before completing a long-term suspension:

(i) The student would pose an imminent danger to students or school personnel; or

(ii) The student would pose an imminent threat of material and substantial disruption of the educational process.

(3) Length of exclusion.

(a) A long-term suspension may not exceed the length of an academic term.

(b) A school district may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.

(4) Grade-level limitations. Except for a violation of WAC 392-400-820, a school district may not administer a long-term suspension for any student in kindergarten through fourth grade.

#### NEW SECTION

**WAC 392-400-445 Expulsions—Additional conditions and limitations.** (1) Other forms of discipline. Before administering an expulsion, a school district must consider other forms of discipline to support the student in meeting behavioral expectations. Administering other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior developed under RCW 28A.165.035.

(2) Determination of harm or threat. A school district may only administer an expulsion:

(a) For behavioral violations under RCW 28A.600.015(6); and

(b) Only after the school district has determined that if the student returned to school before completing an expulsion, the student would pose an imminent danger to students or school personnel.

(3) Length of exclusion. An expulsion may not exceed the length of an academic term, unless the principal or designee petitions the school district superintendent for extension of an expulsion under WAC 392-400-480, and the petition is granted.

(4) Grade-level limitations. Except for violations of WAC 392-400-820, a school district may not administer an expulsion for any student in kindergarten through fourth grade.

#### NEW SECTION

**WAC 392-400-450 Suspensions and expulsions—Initial hearing with student.** (1) Before administering any suspension or expulsion, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide the student:

(a) Notice of the student's violation of the school district's discipline policy adopted under WAC 392-400-110;

- (b) An explanation of the evidence regarding the behavioral violation;
  - (c) An explanation of the discipline that may be administered;
  - (d) An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation; and
  - (e) An opportunity for the student to contact the student's parents.
- (2) Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end.

#### NEW SECTION

**WAC 392-400-455 Suspensions and expulsions—Notice to student and parents.** (1) Initial notice. Before administering any suspension or expulsion, a school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.

(2) Written notice. No later than one school business day following the initial hearing with the student in WAC 392-400-450, a school district must provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email. The written notice must include:

- (a) A description of the student's behavior and how the behavior violated the school district's policy adopted under WAC 392-400-110;
- (b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
- (c) The other forms of discipline that the school district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion;
- (d) The opportunity to receive educational services during the suspension or expulsion under WAC 392-400-610;
- (e) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-460;
- (f) The student's and parents' right to appeal the suspension or expulsion under WAC 392-400-465, including where and to whom the appeal must be requested; and
- (g) For a long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting under WAC 392-400-710.

(3) Language assistance. The initial and written notices required under this section must be provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### NEW SECTION

**WAC 392-400-460 Suspensions and expulsions—Optional conference with principal.** (1) If a student or the parents disagree with the school district's decision to suspend or expel the student, the student or parents may request an informal conference with the principal or designee to resolve

the disagreement. The request for an informal conference may be made orally or in writing.

(2) The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.

(3) During the informal conference, the principal or designee must provide the student and parents the opportunity to:

- (a) Share the student's perspective and explanation regarding the behavioral violation;
  - (b) Confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion; and
  - (c) Discuss other forms of discipline that may be administered.
- (4) An informal conference must not limit a student's or parents' right to appeal the suspension or expulsion under WAC 392-400-465, participate in a reengagement meeting under WAC 392-400-710, or petition for readmission.

#### NEW SECTION

**WAC 392-400-465 Suspensions and expulsions—Appeal.** (1) Requesting an appeal. A student or the parents may appeal a suspension or expulsion to the school district superintendent or designee orally or in writing.

(2) Time limit. A school district may establish a time limit to appeal a suspension or expulsion. Appeal time limits must be no less than five school business days from the date the school district provides the written notice under WAC 392-400-455.

(3) Short-term and in-school suspensions.

(a) Appeal. The superintendent or designee must provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.

(b) Appeal decision. The superintendent or designee must deliver a written appeal decision to the student and parents in person, by mail, or by email within two school business days after receiving the appeal. The written decision must include:

- (i) The superintendent or designee's decision to affirm, reverse, or modify the suspension;
- (ii) The duration and conditions of the suspension, including the dates on which the suspension will begin and end;
- (iii) The educational services the school district will offer to the student during the suspension under WAC 392-400-610; and
- (iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request.

(4) Long-term suspensions and expulsions.

(a) Notice. Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

- (i) The time, date, and location of the appeal hearing;

(ii) The name(s) of the official(s) presiding over the appeal;

(iii) The student's and parents' rights to inspect the student's education records, any documentary or physical evidence, and a list of any witnesses under (d) of this subsection;

(iv) The student's and parents' rights under (e) of this subsection; and

(v) Whether the school district will offer to hold a reengagement meeting under WAC 392-400-710 before the appeal hearing.

(b) Reengagement. Before the appeal hearing, the student, parents, and school district may agree to hold a reengagement meeting and develop a reengagement plan under WAC 392-400-710. The student, parents, and school district may mutually agree to postpone the appeal hearing while participating in the reengagement process.

(c) Appeal hearing. The school district must hold an appeal hearing within three school business days from the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student or parents.

(d) Presiding officials. The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to suspend or expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(e) Evidence and witnesses.

(i) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(ii) Upon request, the student and parents may review the student's education records. The district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(iii) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:

(A) The district made a reasonable effort to produce the witness; and

(B) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(f) Student and parent rights. During the appeal hearing, the student and parents have the right to:

(i) Be represented by legal counsel;

(ii) Question witnesses;

(iii) Share the student's perspective and provide explanation regarding the behavioral violation; and

(iv) Introduce relevant documentary, physical, or testimonial evidence.

(g) Recording of hearing. The appeal hearing must be recorded by manual, electronic, or other type of recording

device. The school district must provide the recording to the student or parents upon request.

(h) Appeal decision. The presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) must provide a written decision to the student and parents in person, by mail, or by email within three school business days after the appeal hearing. The written decision must include:

(i) The findings of fact;

(ii) A determination whether:

(A) The student's behavior violated the school district's discipline policy adopted under WAC 392-400-110;

(B) The violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and

(C) The suspension or expulsion is affirmed, reversed, or modified;

(iii) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;

(iv) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-470, including where and to whom to make the request; and

(v) Notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710.

(5) Language assistance. The school district must ensure that the appeal proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(6) Pending appeal. If a student or the parents request an appeal under this section, the school district may temporarily continue to administer the suspension or expulsion during the appeal period subject to the following requirements:

(a) The school district may temporarily continue to administer the suspension or expulsion for no more than ten consecutive school days from the initial hearing under WAC 392-400-450 or until the appeal is decided, whichever is earlier;

(b) Any days that a student is temporarily suspended or expelled before the appeal is decided must be applied to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion;

(c) If a student who is temporarily suspended or expelled returns to school before the appeal is decided under this section, the school district must provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

#### NEW SECTION

**WAC 392-400-470 Suspensions and expulsions—Review and reconsideration.** (1) Requesting review. The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-465. The student or parents may request the review orally or in writing.

(2) Time limit. A school district may establish a time limit for parents and students to request a review under this

section. The time limit must be no less than ten school business days from the date the school district provided the written appeal decision to the student and parents under WAC 392-400-465.

(3) Review procedure.

(a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the behavioral violation, any records from the appeal under WAC 392-400-465, relevant state law, and the school district's discipline policy adopted under WAC 392-400-110.

(b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.

(c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the behavioral violation, the decision to suspend or expel the student, or the appeal decision under WAC 392-400-465. If the discipline appeal council presided over the appeal under WAC 392-400-465, the review must be heard by the school board.

(4) Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within ten school business days after receiving the request for review and reconsideration. The written decision must identify:

(a) Whether the school board or discipline appeal council affirms, reverses, or modifies the suspension or expulsion;

(b) The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end; and

(c) For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting under WAC 392-400-710.

(5) Language assistance. The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### NEW SECTION

**WAC 392-400-475 Discipline appeal council.** A school board may designate a discipline appeal council to hear and decide appeals under WAC 392-400-465 or to review and reconsider the district's appeal decisions under WAC 392-400-470. A discipline appeal council must consist of at least three persons appointed by the school board for fixed terms. All members of the discipline appeal council must be knowledgeable about the rules and this chapter and of the school district's discipline policies and procedures.

#### NEW SECTION

**WAC 392-400-480 Petition to extend expulsion.** (1) Petition. When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the school district superintendent for authoriza-

tion to exceed the academic term limitation on an expulsion. The petition must inform the superintendent of:

(a) The behavioral violations that resulted in the expulsion and the public health or safety concerns;

(b) The student's academic, attendance, and discipline history;

(c) Any nonacademic supports and behavioral services the student was offered or received during the expulsion;

(d) The student's academic progress during the expulsion and the educational services available to the student during the expulsion;

(e) The proposed extended length of the expulsion; and

(f) The student's reengagement plan.

(2) Time limit. The principal or designee may request a petition under this section only after the development of a reengagement plan under WAC 392-400-710 and before the end of the expulsion. For violations of WAC 392-400-820, the principal or designee can request a petition at any time.

(3) Notice. The school district must provide written notice of the petition to the student and parents in person, by mail, or by email within one school business day from the date the superintendent received the petition. The written notice must include:

(a) A copy of the petition;

(b) The student's and parents' right to an informal conference with the school district superintendent or designee to be held within five school business days from the date the district provided written notice to the student and parents; and

(c) The student's and parents' right to respond to the petition orally or in writing to the school district superintendent within five school business days from the date the district provided written notice.

(4) Written decision. The school district superintendent may grant the petition only if there is substantial evidence that, if the student were to return to the student's previous school of placement after the length of an academic term, the student would pose a risk to public health or safety. The school district superintendent must deliver a written decision to the principal, the student, and the student's parents in person, by mail, or by email within ten school business days after receiving the petition.

(a) If the petition is granted, the written decision must include:

(i) The date on which the extended expulsion will end; and

(ii) The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety.

(b) If the petition is not granted, the written decision must identify the date on which the expulsion will end.

(5) Duration. Any extension of an expulsion may not exceed the length of an academic term.

(6) Language assistance. The written notice and decision required under this section must be provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(7) Annual reporting. The school district must annually report the number of petitions approved and denied to the office of superintendent of public instruction.

### EMERGENCY EXPULSIONS

#### NEW SECTION

**WAC 392-400-510 Emergency expulsions—Conditions and limitations.** A school district may immediately remove a student from the student's current school placement, subject to the following requirements:

(1) Determination of harm or threat. The school district must have sufficient cause to believe that the student's presence poses:

(a) An immediate and continuing danger to other students or school personnel; or

(b) An immediate and continuing threat of material and substantial disruption of the educational process.

(2) Time limit. An emergency expulsion may not exceed ten consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten school days from the start of the emergency expulsion.

(3) Conversion. If a school district converts an emergency expulsion to a suspension or expulsion, the district must:

(a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and

(b) Provide the student and parents notice and due process under WAC 392-400-455 through 392-400-480.

(4) Reporting. All emergency expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel or an immediate and continuing threat of material and substantial disruption, must be reported to the district superintendent or designee within twenty-four hours after the start of the emergency expulsion.

#### NEW SECTION

**WAC 392-400-515 Emergency expulsions—Notice to student and parents.** (1) Initial notice. After an emergency expulsion, the school district must attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the district believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process.

(2) Written notice. Within twenty-four hours after an emergency expulsion, a school district must provide written notice of the emergency expulsion to the student and parents in person, by mail, or by email. The written notice must include:

(a) The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption to the educational process;

(b) The duration and conditions of the emergency expulsion, including the dates on which the emergency expulsion will begin and end;

(c) The opportunity to receive educational services during the emergency expulsion under WAC 392-400-610;

(d) The student's and parents' right to an informal conference with the principal or designee under WAC 392-400-520; and

(e) The student's and parents' right to appeal the emergency expulsion under WAC 392-400-525, including where and to whom the appeal must be requested.

(3) Language assistance. The initial and written notices required under this section must be provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### NEW SECTION

**WAC 392-400-520 Emergency expulsions—Optional conference with principal.** (1) If a student or the parents disagree with the school district's decision to administer an emergency expulsion, the student or parents may request an informal conference with the principal or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

(2) The principal or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.

(3) During the informal conference, the principal or designee must provide students and parents the opportunity to share the student's perspective and explanation regarding the events that led to the emergency expulsion.

(4) An informal conference must not limit a student's or parents' right to appeal the emergency expulsion under WAC 392-400-525.

#### NEW SECTION

**WAC 392-400-525 Emergency expulsions—Appeal.** (1) Requesting an appeal. A student or the parents may appeal an emergency expulsion to the school district superintendent or designee orally or in writing.

(2) Time limit. A school district may establish a time limit to appeal an emergency expulsion. Appeal time limits must be no less than three school business days from the date the school district provides the written notice of the emergency expulsion.

(3) Notice. Within one school business day after receiving the appeal request, unless otherwise agreed to by the student and parents, the superintendent or designee must provide the student and parents written notice in person, by mail, or by email of:

(a) The time, date, and location of the appeal hearing;

(b) The name(s) of the official(s) presiding over the appeal;

(c) The student's and parents' rights to inspect the student's education records, any documentary or physical evidence, and a list of any witnesses under subsection (5) of this section; and

(d) The student's and parents' rights under subsection (6) of this section.

(4) Appeal hearing. The school district must hold an appeal hearing as soon as reasonably possible, but no later than two school business days after the date the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents.

(5) Presiding official(s). The school board may designate the superintendent, a hearing officer, or a discipline appeal council, if established under WAC 392-400-475, to hear and decide appeals under this section. The presiding official(s) may not be involved in the student's behavioral violation or decision to emergency expel the student and must be knowledgeable about the rules in this chapter and of the school district's discipline policies and procedures.

(6) Evidence and witnesses.

(a) Upon request, the student, parents, and school district may inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the appeal hearing. The school district, student, or parents must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(b) Upon request, the student and parents may review the student's education records. The school district must make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

(c) If a witness for the school district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness's nonappearance if the district establishes that:

(i) The district made a reasonable effort to produce the witness; and

(ii) The witness's failure to appear is excused by fear of reprisal or another compelling reason.

(7) Student and parent rights. The student and parents have the right to:

(a) Be represented by legal counsel;

(b) Question witnesses;

(c) Share the student's perspective and provide explanation regarding the events that led to the emergency expulsion; and

(d) Introduce relevant documentary, physical, or testimonial evidence.

(8) Recording of hearing. The appeal hearing must be recorded by manual, electronic, or other type of recording device. The school district must provide the recording to the student or parents upon request.

(9) Appeal decision. The school district must provide a written decision to the student and parents in person, by mail, or by email within one school business day after the appeal hearing. The written decision must include:

(a) The findings of fact;

(b) A determination whether the student's presence continues to pose:

(i) An immediate and continuing danger to students or school personnel; or

(ii) An immediate and continuing threat of material and substantial disruption to the educational process; and

(c) Whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspen-

sion or expulsion. If the school district converts the emergency expulsion to a suspension or expulsion, the district must provide the student and parents notice and due process under WAC 392-400-455 through 392-400-480; and

(d) Notice of the student's and parents' right to request review and reconsideration of the appeal decision under WAC 392-400-530, including where and to whom to make the request.

(10) Language assistance. The appeal decision must be provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

#### NEW SECTION

**WAC 392-400-530 Emergency expulsions—Review and reconsideration.** (1) Requesting review. The student or parents may request that the school board or discipline appeal council, if established under WAC 392-400-475, review and reconsider the school district's appeal decision under WAC 392-400-525. The student or parents may request the review orally or in writing.

(2) Time limit. A school district may establish a time limit for parents and students to request a review under this section. The time limit must be no less than five school business days from the date the school district provided the written appeal decision to the student and parents under WAC 392-400-525.

(3) Review procedure.

(a) In reviewing the school district's decision, the school board or discipline appeal council must consider all documentary and physical evidence related to the events that led to the emergency expulsion, any records from the appeal under WAC 392-400-525, relevant state law, and the district's discipline policy adopted under WAC 392-400-110.

(b) The school board or discipline appeal council may request to meet with the student or parents, the principal, witnesses, or school personnel to hear further arguments and gather additional information.

(c) The decision of the school board or discipline appeal council must be made only by board or council members who were not involved in the behavioral violation, the decision to emergency expel the student, or the appeal decision under WAC 392-400-525. If the discipline appeal council presided over the appeal under WAC 392-400-525, the review must be heard by the school board.

(4) Decision. The school board or discipline appeal council must provide a written decision to the student and parents in person, by mail, or by email within five school business days after receiving the request for review and reconsideration. The written decision must identify:

(a) Whether the school board or discipline appeal council affirms or reverses the school district's decision that the student's presence continued to pose:

(i) An immediate and continuing danger to students or school personnel; or

(ii) An immediate and continuing threat of material and substantial disruption to the educational process; and

(b) If the emergency expulsion has not yet ended or been converted, whether the school district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion.

(5) Language assistance. The school district must ensure that any review proceedings and decision are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

## EDUCATIONAL SERVICES

### NEW SECTION

**WAC 392-400-610 Educational services during suspension, expulsion, or emergency expulsion.** (1) Educational services. During the suspension, expulsion, or emergency expulsion of a student, a school district must provide the student the opportunity to receive educational services. The educational services must be comparable, equitable, and appropriate to the regular educational services the student would have received without the suspension or expulsion.

(2) Comparable, equitable, and appropriate services. When determining whether educational services are comparable, equitable, and appropriate, the school district must consider how the educational services will enable the student to continue to participate in the general education curriculum so that the student can meet the educational standards established within the district. In making the determination, the school district must consider:

(a) Meaningful input from the student, parents, and the student's teachers;

(b) Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's academic achievement; and

(c) Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

(3) Notice. As soon as reasonably possible after administering a suspension or expulsion, a school district must provide written notice to the student and parents about the educational services the district will provide. The school district must provide the written notice in person, by mail, or by email. The notice must include:

(a) A description of the educational services that will be provided; and

(b) The name and contact information for the school personnel who can offer support to keep the student current with assignments and course work as required under this section.

(4) Exclusions for up to five days. For students subject to suspension or emergency expulsion for up to five consecutive school days, a school district must provide at least the following:

(a) Course work, including any assigned homework, from all of the student's regular subjects or classes;

(b) Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes; and

(c) An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

(5) Exclusions for six to ten days. For students subject to suspension or emergency expulsion for six to ten consecutive school days, a school district must provide at least the following:

(a) Course work, including any assigned homework, from all of the student's regular subjects or classes;

(b) Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel must contact the student or parents within three school business days following the start of the suspension or emergency expulsion and periodically until the suspension or emergency expulsion ends to:

(i) Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and

(ii) Communicate with the student, parents, and the student's teacher(s) about the student's academic progress.

(c) An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

(6) Long-term suspensions and expulsions. For students subject to expulsion or suspension for more than ten consecutive school days, a school district must provide educational services in accordance with WAC 392-121-107.

## REENGAGEMENT

### NEW SECTION

**WAC 392-400-710 Student reengagement after long-term suspension or expulsion.** (1) When a school district administers a long-term suspension or expulsion, the district must convene a reengagement meeting with the student and parents to discuss a plan to reengage the student. Before convening a reengagement meeting, a school district must communicate with the student and parents to schedule the meeting time and location. The reengagement meeting must occur:

(a) Within twenty calendar days of the start of the student's long-term suspension or expulsion, but no later than five calendar days before the student returns to school; or

(b) As soon as reasonably possible, if the student or parents request a prompt reengagement meeting.

(2) The school district must collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the school district must consider:

(a) The nature and circumstances of the incident that led to the student's suspension or expulsion;



(b) As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent outreach;

(c) Shortening the length of time that the student is suspended or expelled;

(d) Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and

(e) Supporting the student, parents, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

(3) The school district must document the reengagement plan and provide a copy of the plan to the student and parents.

(4) The school district must ensure that the reengagement meeting and plan are in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

(5) Reengagement meetings do not replace an appeal hearing under WAC 392-400-465 or a petition for readmission.

### ADDITIONAL DUE PROCESS PROTECTIONS

#### NEW SECTION

**WAC 392-400-805 Fundamental rights.** When administering discipline under this chapter, the school district must not:

(1) Unlawfully discriminate against a student on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal;

(2) Deprive a student of the student's constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have the student's school free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising the right;

(3) Deprive a student of the student's constitutional right to be secure in the student's person, papers, and effects against unreasonable searches and seizures;

(4) Unlawfully interfere in a student's pursuit of an education while in the custody of the school district; or

(5) Deprive a student of the student's right to an equal educational opportunity, in whole or in part, by a school district without due process of law.

#### NEW SECTION

**WAC 392-400-810 Suspensions and expulsions administered by another school district.** (1) Conditions and limitations. A school district may not continue to administer a suspension or expulsion administered by another district except for a violation of WAC 392-400-820 or if the student's presence would pose an immediate and continuing danger to other students or school personnel.

(2) Procedure. If a school district continues to administer a suspension or expulsion administered by another district under this section:

(a) The length of the suspension or expulsion must not exceed the original length of the suspension or expulsion administered by the other school district. The school district must apply any days the student was suspended or expelled by the other district to the total length of the suspension or expulsion;

(b) The district must provide written notice, as soon as reasonably possible, to the student and parents in person, by mail, or by email of:

(i) The school district's determination that the student's presence poses an immediate and continuing danger to students or school personnel;

(ii) The duration and conditions of the suspension or expulsion, including the date on which the suspension or expulsion will end;

(iii) The opportunity to receive educational services during the suspension or expulsion under WAC 392-400-610; and

(iv) The opportunity for the student and parents to participate in a reengagement meeting under WAC 392-400-710.

(c) The school district must provide the student an opportunity to receive educational services under WAC 392-400-610, follow procedures for reengagement under WAC 392-400-710, and allow the student to petition for readmission at any time.

(3) Optional conference.

(a) If the student or parents disagree with the school district's decision to continue to administer a suspension or expulsion administered by another district, the student or parents may request an informal conference with the school district superintendent or designee to resolve the disagreement. The request for an informal conference may be made orally or in writing.

(b) The superintendent or designee must hold the conference within three school business days after receiving the request, unless otherwise agreed to by the student and parents.

(c) During the informal conference, the superintendent or designee must provide the student and parents the opportunity to:

(i) Share the student's perspective and provide explanation regarding the behavioral violation; and

(ii) Discuss other forms of discipline that may be administered.

(d) Following the informal conference, the superintendent or designee must inform the student and parents of the decision regarding the suspension or expulsion, including the date on which any suspension or expulsion will begin and end.

(e) An informal conference must not limit a student's or parents' right to participate in a reengagement meeting under WAC 392-400-710 or petition for readmission.

(4) Nonresident students. This section does not limit a school district from rejecting applications from nonresident students under RCW 28A.225.225.

NEW SECTION

**WAC 392-400-815 Behavior agreements.** (1) General. A school district may enter into behavior agreements with students and parents in response to behavioral violations, including agreements to reduce the length of a suspension conditioned on the participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance.

(2) Policies and procedures. A school district entering into behavior agreements under this section must adopt written policies and procedures authorizing the agreements.

(3) Reengagement meetings and educational services. A school district must ensure that a behavior agreement does not waive a student's opportunity to participate in a reengagement meeting under WAC 392-400-710, or receive educational services as provided in WAC 392-400-610.

(4) Duration. The duration of behavior agreements must not exceed the length of an academic term.

(5) Subsequent behavioral violations. Nothing in this section precludes a school district from administering discipline for behavioral violations that occur after the district enters into an agreement with the student and parents.

NEW SECTION

**WAC 392-400-820 Firearm exceptions.** As provided under RCW 28A.600.420:

(1) A school district must expel a student for no less than one year if the district has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. The school district superintendent may modify the expulsion on a case-by-case basis.

(2) A school district may suspend or expel a student for up to one year if the student acts with malice, as defined under RCW 9A.04.110, and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools.

(3) This section does not apply to:

(a) Any student while engaged in military education authorized by the school district in which rifles are used;

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by the school district in which the rifles of collectors or instructors are handled or displayed; or

(c) Any student while participating in a rifle competition authorized by the school district.

NEW SECTION

**WAC 392-400-825 Corporal punishment, restraint, and isolation.** (1) Corporal punishment. A school district may not administer corporal punishment, including any act that willfully inflicts or willfully causes the infliction of physical pain on a student. Corporal punishment does not include:

(a) The use of reasonable physical force by a school administrator, teacher, school personnel or volunteer as nec-

essary to maintain order or to prevent a student from harming themselves, other students, school personnel, or property;

(b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student; or

(c) Physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects.

(2) Restraint and isolation. A school district may not use isolation, restraint, or a restraint device on any student, except as provided for in RCW 28A.155.210, 28A.600.485, WAC 392-172A-02105, and 392-172A-02110.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-400-200 Purpose and application.

WAC 392-400-205 Definitions.

WAC 392-400-210 Student responsibilities and duties.

WAC 392-400-215 Student rights.

WAC 392-400-220 Student disciplinary boards—Establishment at option of school district—Functions.

WAC 392-400-225 School district rules defining misconduct—Distribution of rules.

WAC 392-400-227 School district rules defining students religious rights.

WAC 392-400-230 Persons authorized to impose discipline, suspension, expulsion, or emergency removal upon students.

WAC 392-400-233 Unexcused absences and tardiness.

WAC 392-400-235 Discipline—Conditions and limitations.

WAC 392-400-240 Discipline—Grievance procedure.

WAC 392-400-245 Short-term suspension—Conditions and limitations.

WAC 392-400-250 Short-term suspension—Prior conference required—Notice to parent.

WAC 392-400-255 Short-term suspension—Grievance procedure.

WAC 392-400-260 Long-term suspension—Conditions and limitations.

WAC 392-400-265 Long-term suspension—Notice of hearing—Waiver of hearing.

WAC 392-400-270 Long-term suspension—Prehearing and hearing process.

WAC 392-400-275 Expulsion—Conditions and limitations.

WAC 392-400-280 Expulsion—Notice of hearing—Waiver of hearing.

- WAC 392-400-285 Expulsion—Prehearing and hearing process.
- WAC 392-400-290 Emergency removal from a class, subject, or activity.
- WAC 392-400-295 Emergency expulsion—Limitations.
- WAC 392-400-300 Emergency expulsion—Notice of hearing—Waiver of hearing right.
- WAC 392-400-305 Emergency expulsion—Prehearing and hearing process.
- WAC 392-400-310 Appeals—Long-term suspension and expulsion.
- WAC 392-400-315 Appeals—Hearing before school board or disciplinary appeal council—Procedures.
- WAC 392-400-317 Appeals—Discipline and short-term suspension grievances.
- WAC 392-400-320 School board or disciplinary appeal council decisions.
- WAC 392-400-410 Appeal for extension of an expulsion.
- WAC 392-400-420 Reengagement meetings and plans.

**WSR 17-18-113****PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed September 6, 2017, 12:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-09-020.

Title of Rule and Other Identifying Information: The department is proposing to repeal WAC 388-78A-2595 and amend WAC 388-78A-2590, 388-78A-2592, and 388-78A-2594.

Hearing Location(s): On October 10, 2017, at 10:00 a.m., at Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>.

Date of Intended Adoption: Not earlier than October 11, 2017.

Submit Written Comments to: Department of Social and Health Services (DSHS) Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., October 10, 2017.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS Rules Consultant, phone 360-664-6092, fax 360-664-6185, TTY 360-664-6178, email KildaJA@dshs.wa.gov, by September 26, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is

amending these rules to conform to current department practice related to management agreements. For example, the department is removing language indicating that the department approves all management agreements.

Reasons Supporting Proposal: Although the department receives copies of management agreements and has authority to review them, it frequently relies upon a management agreement attestation document submitted by a proposed licensee.

Statutory Authority for Adoption: Chapter 18.20 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jeanette Childress, P.O. Box 45600, Olympia, WA 98506, 360-725-2591.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The department has analyzed the proposed rules and determined that they have no fiscal impact.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

August 30, 2017

Katherine I. Vasquez  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 10-03-066, filed 1/15/10, effective 2/15/10)

**WAC 388-78A-2590 Management agreements—**

**General.** (1) If the proposed or current licensee uses a manager, the licensee must have a written management agreement (~~(approved by the department)~~) that is consistent with this chapter.

(2) The proposed or current licensee must notify the department of its use of a manager upon:

- (a) Initial application for a license;
- (b) Retention of a manager following initial application;
- (c) Change of managers; and
- (d) Modification of existing management agreement.

(3) The proposed or current licensee must provide to the department a written management agreement, including an organizational chart showing the relationship between the proposed or current licensee, management company, and all related organizations.

(4) The written management agreement must be submitted:

- (a) Sixty days before:
  - (i) The initial licensure date;
  - (ii) The proposed change of ownership date; or
  - (iii) The effective date of the management agreement; or
- (b) Thirty days before the effective date of any amendment to an existing management agreement.

(5) The proposed licensee or the current licensee must notify the resident and their representatives sixty days before entering into a new management agreement.

(6) A proposed licensee must submit a management agreement attestation form, as required by the assisted living facility application.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2592 Management agreements—Licensee.** (1) The licensee is responsible for:

(a) The daily operations and provisions of services in the assisted living facility (~~((see))~~), as required by WAC 388-78A-2730 (1)(a)(~~(i)~~);

(b) Ensuring the assisted living facility is operated in a manner consistent with all laws and rules applicable to assisted living facilities (~~((see WAC 388-78A-2730 (1)(b)))~~), as required by WAC 388-78A-2730 (1)(b);

(c) Ensuring the manager acts in conformance with (~~(a department approved))~~ the management agreement; and

(d) Ensuring the manager does not represent itself as, or give the appearance that it is the licensee.

(2) The licensee must not give the manager responsibilities that are so extensive that the licensee is relieved of daily responsibility for the daily operations and provision of services in the assisted living facility. If the licensee does so, then the department must determine that a change of ownership has occurred.

(3) The licensee and manager must act in accordance with the terms of the (~~(department approved))~~ management agreements. If the department determines they are not, then the department may (~~(take licensing action))~~ impose enforcement remedies.

(4) The licensee may enter into a management agreement only if the management agreement creates a principal/agent relationship between the licensee and manager.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2594 Management agreements—Department review.** (~~(Upon receipt of a proposed))~~ The department may review a management agreement(~~(s))~~ at any time. Following the review, the department may require:

(1) The proposed or current licensee or manager to provide additional information or clarification;

(2) Any changes necessary to:

(a) Bring the management agreement into compliance with this chapter; and

(b) Ensure that the licensee has not been relieved of the responsibility for the daily operations of the facility.

(3) The licensee to participate in monthly meetings and quarterly on-site visits to the assisted living facility.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-78A-2595 Management agreements—Resident funds.