

WSR 17-22-027
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed October 23, 2017, 3:49 p.m., effective November 23, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 458-20-101 Tax registration and tax reporting, explains the tax registration and tax reporting requirements for the department of revenue (department) as established in RCW 82.32.030 and 82.32.045. The department amended WAC 458-20-101 to clarify: The items needed on a business license application when obtaining a tax registration endorsement; changes in ownership requiring a new registration; and engaging in business after the tax registration endorsement has been revoked.

Citation of Rules Affected by this Order: Amending WAC 458-20-101 Tax registration and tax reporting.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 17-11-089 on May 19, 2017.

Changes Other than Editing from Proposed to Adopted Version: Throughout the rule, the term, "tax reporting account number" was changed to "tax account ID." This change is a result of new terminology that will be used when the department converts to its new tax and licensing system.

Language previously added in subsection (2)(a)(iv) regarding the registration of a trade name was subsequently removed in the adopted version of the rule to avoid confusion between registering a trade name with the department and registering an entity name with the secretary of state's office.

In subsection (6)(a), language was added to clarify that a business license document will only be issued if at least one registration or license endorsement is issued.

In subsections (11)(a)(iii) and (b)(iv), the term "composition" was removed and examples were included. Clarification in these two subsections was made so taxpayers know when they are required to obtain a new unified business identifier if a change in the ownership of a general partnership occurs.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 23, 2017.

Erin T. Lopez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-10-104, filed 5/4/16, effective 6/6/16)

WAC 458-20-101 Tax registration and tax reporting.

(1) **Introduction.** This rule explains tax registration and tax reporting requirements for the Washington state department of revenue (department) as established in RCW 82.32.030 and 82.32.045. This rule discusses who is required to be registered, and who must file excise tax returns. This rule also discusses changes in ownership requiring a new registration, the administrative closure of taxpayer accounts, and the revocation and reinstatement of a tax ((reporting)) account with the department. Persons required to file tax returns should also refer to WAC 458-20-104 (Small business tax relief based on income of business). Persons with certain ownership structures (e.g., corporations, limited liability companies, limited partnerships, limited liability partnerships, and limited liability limited partnerships) must also register with the office of the secretary of state.

Examples. Examples found in this rule identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all the facts and circumstances.

(2) **Persons required to obtain tax registration endorsements.** Except as provided in (a) of this subsection, every person who is engaged in any business activity for which the department is responsible for administering and/or collecting a tax or fee, must apply for and obtain a tax registration endorsement with the department. (See RCW 82.32.030.) This endorsement is printed on the face of the business person's business license document. The tax registration endorsement is nontransferable, and valid for as long as that person continues in business.

(a) **When registration is not required.** Registration under this rule is not required if all of the following conditions are met:

(i) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW (business and occupation (B&O) tax), is less than twelve thousand dollars per year;

(ii) A person's gross income from all business activities taxable under chapter 82.16 RCW (public utility tax), is less than twelve thousand dollars per year;

(iii) The person is not required to collect or pay to the department retail sales tax or any other tax or fee which the department is authorized to administer and/or collect; and

(iv) The person is not otherwise required to obtain a business license subject to the business license application procedure provided in chapter 19.02 RCW. For the purposes of this rule, the term "business license" means any agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, including agency rule, to engage in any activity.

(b) **Tax registration endorsement.** The term "tax registration endorsement," as used in this rule, has the same meaning as the term "tax registration" or "certificate of registration" used in Title 82 RCW and other rules in chapter 458-20 WAC.

(c) **Person.** The term "person" has the meaning given in RCW 82.04.030 and WAC 458-20-203.

(d) **Tax ((reporting)) account ((number)) ID.** The term "tax ((reporting)) account ((number)) ID" as used in this rule, is the ID number used to identify persons registered with the department.

(3) **Requirement to file tax returns.** Persons registered with the department must file tax returns and remit the appropriate taxes to the department, unless they are placed on an "active nonreporting" status by the department.

(a) **Active nonreporting status requirements.** The department may relieve any person of the requirement to file returns by placing the person in an active nonreporting status if all of the following conditions are met:

(i) The person's value of products (RCW 82.04.450), gross proceeds of sales (RCW 82.04.070), or gross income of the business (RCW 82.04.080), from all business activities taxable under chapter 82.04 RCW (B&O tax), is less than:

(A) Twenty-eight thousand dollars per year; or

(B) Forty-six thousand six hundred sixty-seven dollars per year for persons generating at least fifty percent of their gross amount from activities taxable under RCW 82.04.255 (real estate brokerage services), RCW 82.04.290 (2)(a) (service and other activities B&O tax classification), and RCW 82.04.285 (operating contests of chance);

(ii) The person's gross income (RCW 82.16.010) from all business activities taxable under chapter 82.16 RCW (public utility tax) is less than twenty-four thousand dollars per year; and

(iii) The person is not required to collect or pay to the department retail sales tax or any other tax or fee the department is authorized to collect.

(b) **Notification of active nonreporting status.** The department will notify those persons it places on an active nonreporting status. A person may request to be placed on an active nonreporting status if the conditions of (a) of this subsection are met.

(c) **Responsibility to notify department about change in status.** Persons placed on an active nonreporting status by the department are required to timely notify the department if their business activities do not meet any of the conditions explained in (a) of this subsection. These persons will be removed from an active nonreporting status, and must file tax returns and remit appropriate taxes to the department, beginning with the first period in which they do not qualify for an active nonreporting status.

(d) **Obligation to file a tax return.** Persons that have not been placed on an active nonreporting status by the department must continue to file tax returns and remit the appropriate taxes.

(4)(a) **Example 1.** Bob Brown is starting a bookkeeping service. Income generated from this activity is taxable under the service and other activities B&O tax classification. The gross income of the business is expected to be less than twelve thousand dollars per year. Bob's only income is earned from his bookkeeping activity. Due to the nature of the business activities, Bob is not required to pay or collect any other tax or fee which the department is authorized to collect. Bob has no other need to file a business license application.

Bob Brown is not required to apply for and obtain a tax registration endorsement with the department. The conditions under which a business person may engage in business activities without obtaining the tax registration endorsement have been met. However, if Bob Brown in some future period has gross income exceeding twelve thousand dollars per year, he will be required to obtain a tax registration endorsement. If Bob's gross income exceeds forty-six thousand six hundred sixty-seven dollars per year (because Bob generates all of his gross income under the service and other activities B&O tax classification), he will be required to file tax returns and remit the appropriate taxes.

(b) **Example 2.** Cindy Smith is opening a business to sell children's books to local customers at retail. The gross proceeds of sales are expected to be less than twelve thousand dollars per year.

Cindy Smith must apply for and obtain a tax registration endorsement with the department. While gross income is expected to be less than twelve thousand dollars per year, Cindy Smith is required to collect and remit retail sales tax.

(c) **Example 3.** Alice Smith operates a taxicab service with an average gross income of eighteen thousand dollars per year. She also owns a management consulting service with an average gross income of fifteen thousand dollars per year. Assume that Alice is not required to collect or pay to the department any other tax or fee the department is authorized to collect. Alice qualifies for an active nonreporting status because her taxicab income is less than the twenty-four thousand dollar threshold for the public utility tax and her consulting income is less than the forty-six thousand six hundred sixty-seven dollar threshold for the B&O tax. If the department does not first place her on an active nonreporting status, she may request the department to do so.

(5) **Out-of-state businesses.** Out-of-state businesses may have to obtain a tax registration endorsement with the department.

(a) **B&O and public utility taxes.** The B&O and public utility taxes are imposed on the act or privilege of engaging in business activity within Washington. RCW 82.04.220 and 82.16.020. Out-of-state persons who have established sufficient nexus in Washington to be subject to Washington's B&O or public utility taxes must obtain a tax registration endorsement with this department if they do not satisfy the conditions expressed in subsection (2)(a) of this rule.

(b) **Retail sales and use taxes.** Out-of-state persons required to collect Washington's retail sales or use tax under RCW 82.04.067 must obtain a tax registration endorsement. Out-of-state persons who are not statutorily required to collect Washington's use tax, may elect to obtain a tax registration endorsement.

(c) **Other relevant rules for out-of-state persons.** Out-of-state persons making sales into or doing business within Washington should also refer to the following rules in chapter 458-20 WAC for a discussion of their tax reporting responsibilities:

(i) WAC 458-20-193 Interstate sales of tangible personal property;

(ii) WAC 458-20-193D Transportation, communication, public utility activities, or other services in interstate or foreign commerce;

(iii) WAC 458-20-194 Doing business inside and outside the state;

(iv) WAC 458-20-19401 Minimum nexus thresholds for apportionable activities; and

(v) WAC 458-20-221 Collection of use tax by retailers and selling agents.

(6) **Registration procedure.** The state of Washington initiated the combined licensing program of the business licensing service, and later the unified business identifier (UBI) program to simplify the registration and licensing requirements imposed on the state's business community. Completion of the business license application and payment of the applicable fee(s) enables a person to register or license with several state agencies and cities, including the department of revenue, using a single form. The person will be assigned one unified business identifier number, which ~~((will be))~~ is used ((for)) by all state agencies and cities participating in the UBI program. The department may ((assign)) use the unified business identifier number as the taxpayer's department of revenue tax ((reporting)) account ((number)) ID, or it may assign a different or additional ((number)) ID as the revenue tax ((reporting)) account ((number)) ID.

(a) **Business license application.** Persons completing the business license application will be issued a business license document if at least one registration or license endorsement was issued. The face of this document will list the registrations and licenses (endorsements) which have been obtained.

(b) **Fees.** The department does not charge a separate registration fee for issuing a tax registration endorsement. Persons required to complete a business license application ~~((may, however, be))~~ are subject to other fees.

(c) **Forms and submission.** ~~((While the UBI program is administered by the department,))~~ Business license applications are available online from the ((state of Washington's)) department's business licensing service web site at bls.dor.wa.gov.

(7) **Registration application.** ~~((The state of Washington))~~ department requires the following items to ((process)) be provided on a business license application((s)) in order to obtain a tax registration endorsement:

(a) Purpose or reason for application.

(b) The registration endorsement(s) that are needed, including any information required by the respective regulating agency specific to the endorsement requested.

(c) ~~((Owner))~~ Business information which includes, but is not limited to((, the)):

(i) Type of business entity ownership structure;

(ii) Business activities; ((the))

(iii) Business name and open date; ((the))

(iv) Business contact information((, and the address, date of birth, Social Security number (if the person is an individual) or)), including the physical and mailing address of the business;

(v) Estimated gross annual income of business;

(vi) Business identification number as follows:

(A) Social Security number of the business owner(s) if the business ownership structure is a sole proprietorship or general partnership; or

(B) Federal employer identification number (FEIN) ((if the person is an entity) and other contact information for all governing persons which includes the owners, members, officers, and partners. This same information may also be needed for spouses.

~~((d) Location and business information which includes, but is not limited to, location of business, type of business activities, FEIN (except for sole proprietorships that do not have employees), and estimated income and bank account information))~~ for all other business ownership structures other than those listed in (c)(vi)(A) of this subsection including, but not limited to, corporations, limited liability companies, limited liability partnerships, and joint ventures; or

(C) For those business entities that have not been issued a Social Security number or FEIN, the department may request the business entity provide an alternative federally issued identification number.

(vii) Full legal name(s) and contact information of all governing persons of the business entities identified in (c)(vi)(B) of this subsection.

(d) All license and administrative fees due for the application filing and endorsements requested.

(e) Additional information other than the items identified in this subsection may also be required to satisfy the specific licensing requirements of other agencies.

(8) **Temporary revenue registration certificate.** A temporary revenue registration certificate may be issued to any person who operates a business of a temporary nature.

(a) Temporary businesses, for the purposes of registration, are those with definite, predetermined dates of operation for no more than two events each year with each event lasting no longer than one month.

(b) Each temporary registration certificate is valid for a single event. Persons that subsequently make sales into Washington may incur additional tax liability. Refer to WAC 458-20-193 (Interstate sales of tangible personal property) for additional information on tax reporting requirements. It may be required that a tax registration endorsement be obtained, in lieu of a temporary registration certificate. See subsection (2) of this rule.

(c) Temporary revenue registration certificates may be obtained by following registration instructions on the department's web site at dor.wa.gov.

(9) **Display of business license document.** The taxpayer is required to display the business license document in a conspicuous place at the business location for which it is issued.

(10) **Multiple locations.** A business license document is required for each place of business where a taxpayer engages in business activities for which the department is responsible for administering and/or collecting a tax or fee, and any main office or principal place of business from which excise tax returns are to be filed. This requirement applies to locations both within and without the state of Washington.

(a) **Place of business.** For the purposes of this subsection, the term "place of business" means:

(i) Any separate establishment, office, stand, cigarette vending machine, or other fixed location; or

(ii) Any vessel, train, or the like, where the taxpayer solicits or makes sales of tangible personal property, or con-

tracts for or renders services in this state or otherwise transacts business with customers.

(b) **Multiple locations with a single excise tax return.** A taxpayer (~~wishing to~~) may report all tax liability for multiple business locations on a single excise tax return (~~may request~~), but must maintain a separate business license document for each location. (~~The original business license document shall be retained for the main office or principal place of business from which the returns are to be filed, with additional documents obtained for all branch locations.~~) All business license documents will reflect the same tax (~~reporting~~) account (~~number~~) ID.

(c) **Multiple locations with separate excise tax returns.** A taxpayer desiring to file a separate excise tax return covering a branch location, or a specific construction contract, may (~~apply for and receive~~) request on the business license application a separate department of revenue tax (~~reporting~~) account (~~number. A business license document will be issued for each tax reporting account number and will represent a separate account~~) ID for each location to be reported separately.

(d) **Application required for each (~~location's business license document~~) location.** A business license application must be completed for each business location to obtain a separate business license document (~~, or revenue tax reporting account number, for a new location~~).

(11) **Change in ownership.** When a change in ownership of a business occurs, the new owner must (~~generally apply for and obtain~~) submit a business license application(s) to receive a new business license document for each business location acquired that is endorsed with the appropriate licenses needed for the business. If the new owner has never been registered for business, it will be issued a new unified business identifier (by filing a business license application and requesting all applicable license endorsements. A new business license document will be issued reflecting the ownership of the new business. The original) number. The previous business owner's license document must be destroyed, and any further use of the previous owner's tax (~~reporting~~) account (~~number of the previous owner(s)~~) ID for tax purposes is prohibited.

(a) **Change in ownership.** A "change in ownership," for purposes of registration, occurs when, but is not limited to:

(i) The sale of a business by one individual, firm or corporation to another individual, firm or corporation;

(ii) The dissolution of a partnership;

(iii) The withdrawal, substitution, or addition of one or more partners where the general partnership continues as a business organization and the change in the (~~composition of the~~) partners is equal to or greater than fifty percent. For example, a general partnership currently has two partners and a third partner is added. The addition of one partner is considered a "change in ownership" for purposes of registration because it is equal to or greater than a fifty percent change in the original number of partners;

(iv) Incorporation of a business previously operated as a partnership or sole proprietorship;

(v) Changing from a corporation to a partnership or sole proprietorship; or

(vi) Changing from a corporation, partnership or sole proprietorship to a limited liability company or a limited liability partnership.

(b) **Situations that are not a change in ownership.** For the purposes of registration, a "change in ownership" does not occur upon:

(i) The sale of all or part of the common stock of a corporation;

(ii) The transfer of assets to an assignee for the benefit of creditors or upon the appointment of a receiver or trustee in bankruptcy;

(iii) The death of a sole proprietor where there will be a continuous operation of the business by the executor, administrator, or trustee of the estate or, where the business was owned by a marital community or registered domestic partnership, by the surviving spouse or surviving domestic partner of the deceased owner;

(iv) The withdrawal, substitution, or addition of one or more partners where the general partnership continues as a business organization and the change in the (~~composition of the~~) partners is less than fifty percent. For example, a general partnership currently has three partners. One partner is removed and immediately replaced by another partner. The removal and replacement of one partner is not considered a "change in ownership" for purposes of registration because it results in less than a fifty percent change in the original number of partners; or

(v) A change in the trade name under which the business is conducted.

(c) **Situations where a new business license application may still be required.** While changes in a business entity may not result in a "change in ownership," the completion of a new business license application may be required to reflect the changes in the registered account.

(12) **Change in location.** Whenever the place of business is moved to a new location, the taxpayer must notify the department of the change. Although a new business license application may not be required to notify the department of a location change, some endorsements and licenses will require a new business license and reapproval of the license endorsements at the new location. A new business license document will be issued to reflect the change in location.

(13) **Lost business license documents.** If any business license document is lost, destroyed or defaced as a result of accident or of natural wear and tear, a new document will be issued upon request.

(14) **Administrative closure of taxpayer accounts.** The department may, upon written notification to the taxpayer, close the taxpayer's tax (~~reporting~~) account and rescind its tax registration endorsement whenever the taxpayer has reported no gross income and there is no indication of taxable activity for two consecutive years.

The taxpayer may request, within thirty days of notification of closure, that the account remain open. A taxpayer may also request that the account remain open on an "active non-reporting" status if the requirements of subsection (3)(a) of this rule are met. The request (~~shall~~) will be reviewed by the department and if found to be warranted, the department will immediately reopen the account. The following are acceptable reasons for continuing as an active account:

(a) The taxpayer is engaging in business activities in Washington which may result in tax liability.

(b) The taxpayer is required to collect or pay to the department a tax or fee which the department is authorized to administer and/or collect.

(c) The taxpayer has in fact been liable for excise taxes during the previous two years.

(15) **Reopening of taxpayer accounts.** A business person choosing to resume business activities where the department is responsible for administering and/or collecting a tax or fee, may request a previously closed account be reopened. The business person must complete a new business license application. When an account is reopened a new business license document, reflecting a current tax registration endorsement, will be issued. Persons requesting the reopening of an account that had previously been closed due to a revocation action should refer to subsection (16) of this rule.

(16) **Revocation and reinstatement of tax registration endorsements.** Actions to revoke tax registration endorsements must be conducted by the department pursuant to the provisions of chapter 34.05 RCW, the Administrative Procedure Act, and the taxpayers bill of rights of chapter 82.32A RCW. Persons should refer to WAC 458-20-10001(7) Adjudicative proceedings—Brief adjudicative proceedings—Wholesale and retail cigarette license revocation/suspension—Certificate of registration (tax registration endorsement) revocation, for an explanation of the procedures and processes pertaining to the revocation of tax registration endorsements.

(a) The department may, by order, revoke a tax registration endorsement if:

(i) Any tax warrant issued under the provisions of RCW 82.32.210 is not paid within thirty days after it has been filed with the clerk of the superior court; or

(ii) The taxpayer is delinquent, for three consecutive reporting periods, in the transmission to the department of retail sales tax collected by the taxpayer; or

(iii) Either:

(A) The taxpayer was convicted of violating RCW 82.32.290(4) and continues to engage in business without fully complying with RCW 82.32.290 (4)(b)(i) through (iii); or

(B) A person convicted of violating RCW 82.32.290(4) is an owner, officer, director, partner, trustee, member, or manager of the taxpayer, and the person and taxpayer have not fully complied with RCW 82.32.290 (4)(b)(i) through (iii).

For purposes of (a)(iii) of this subsection, the terms "manager," "member," and "officer" mean the same as defined in RCW 82.32.145.

(b) The revocation order will be, if practicable, posted in a conspicuous place at the main entrance to the taxpayer's place of business. The department may also post a copy of the revocation order in any public facility, as may be allowed by the public entity that owns or occupies the facility. The revocation order posted at the taxpayer's place of business must remain posted until the tax registration endorsement has been reinstated or the taxpayer has abandoned the premises. A revoked endorsement will not be reinstated until:

(i) The amount due on the warrant has been paid, or satisfactory arrangements for payment have been approved by the department, and the taxpayer has posted with the department a bond or other security in an amount not exceeding one-half the estimated average annual liability of the taxpayer; or

(ii) The taxpayer and, if applicable, the owner, officer, director, partner, trustee, member, or manager of the taxpayer who was convicted of violating RCW 82.32.290(4) are in full compliance with RCW 82.32.290 (4)(b)(i) through (iii), if the tax registration endorsement was revoked as described in (a)(iii) of this subsection.

(c) It is unlawful for any taxpayer to engage in business after its tax registration endorsement has been revoked, regardless of whether other licensing endorsements may exist on the business license document.

(17) **Penalties for noncompliance.** The law provides that any person engaging in any business activity, for which registration with the department is required, must obtain a tax registration endorsement.

(a) The failure to obtain a tax registration endorsement prior to engaging in any taxable business activity constitutes a gross misdemeanor.

(b) Engaging in business after a tax registration endorsement has been revoked by the department constitutes a Class C felony.

(c) Any tax found to have been due, but delinquent, and any tax unreported as a result of fraud or misrepresentation, may be subject to penalty as provided in chapter 82.32 RCW, WAC 458-20-228 and 458-20-230.

WSR 17-22-033
PERMANENT RULES
PIERCE COLLEGE

[Filed October 23, 2017, 8:49 p.m., effective November 23, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Repeal old sections. New rule in effect.

Citation of Rules Affected by this Order: Repealing WAC 132K-126-010 through 132K-126-320 and 132K-125-010 through 132K-125-430.

Statutory Authority for Adoption: RCW 28B.50.140 (13).

Adopted under notice filed as WSR 17-17-170 on August 23, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 14.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 24, 2017.

Michele Johnson, Ph.D.
Chancellor and CEO

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132K-125-010	Title.
WAC 132K-125-020	Preamble.
WAC 132K-125-030	Procedural standards in disciplinary proceedings.
WAC 132K-125-040	Definitions.
WAC 132K-125-050	Jurisdiction.
WAC 132K-125-060	Freedom of access to higher education.
WAC 132K-125-070	Right to demand identification.
WAC 132K-125-080	Academic freedom.
WAC 132K-125-090	Freedom of expression.
WAC 132K-125-100	Freedom of assembly.
WAC 132K-125-110	Freedom of association.
WAC 132K-125-120	Distribution and posting.
WAC 132K-125-130	Off-campus speaker policy.
WAC 132K-125-140	Incidental sales.
WAC 132K-125-150	Commercial activities.
WAC 132K-125-160	Student participation in college governance.
WAC 132K-125-170	Rules and regulations.
WAC 132K-125-180	Trespass.
WAC 132K-125-190	Hazing policy.
WAC 132K-125-200	Judicial authority.
WAC 132K-125-210	Initiation of proceedings.
WAC 132K-125-220	Appeals.
WAC 132K-125-230	Summary suspension proceedings.
WAC 132K-125-240	Procedures of summary suspension hearing.
WAC 132K-125-250	Decision by the executive dean of student services.
WAC 132K-125-260	Notice of suspension.
WAC 132K-125-270	Suspension for failure to appear.
WAC 132K-125-280	Appeals from summary suspension hearing.
WAC 132K-125-290	Final decision.
WAC 132K-125-300	Purpose of disciplinary action.
WAC 132K-125-310	Disciplinary sanctions.

WAC 132K-125-320	Composition of college disciplinary committee.
WAC 132K-125-330	Hearing procedures before the college disciplinary committee.
WAC 132K-125-340	Conduct of hearings.
WAC 132K-125-350	Evidence admissible in hearings.
WAC 132K-125-360	Decision by the college disciplinary committee.
WAC 132K-125-370	Final appeal.
WAC 132K-125-380	Readmission after dismissal.
WAC 132K-125-390	Reporting, recording and maintenance of records.
WAC 132K-125-400	Interpretation and revision.
WAC 132K-125-410	Prior rules.
WAC 132K-125-420	Severability.
WAC 132K-125-430	Effective date.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132K-126-010	Title.
WAC 132K-126-020	Preamble.
WAC 132K-126-030	Procedural standards in disciplinary proceedings.
WAC 132K-126-040	Definitions.
WAC 132K-126-050	Jurisdiction of the college.
WAC 132K-126-060	Student rights.
WAC 132K-126-070	Freedom of access to higher education.
WAC 132K-126-080	Academic freedom.
WAC 132K-126-090	Freedom of expression.
WAC 132K-126-100	Freedom of assembly.
WAC 132K-126-110	Freedom of association.
WAC 132K-126-120	Distribution and posting.
WAC 132K-126-130	Off-campus speaker policy.
WAC 132K-126-140	Incidental sales.
WAC 132K-126-150	Commercial activities.
WAC 132K-126-160	Student participation in college governance.
WAC 132K-126-170	Due process.
WAC 132K-126-180	Student responsibilities.
WAC 132K-126-190	Rules and regulations.
WAC 132K-126-200	Trespass.
WAC 132K-126-210	Hazing policy.
WAC 132K-126-220	Judicial authority.

WAC 132K-126-230	Violation of law and college discipline.
WAC 132K-126-240	Initiation of disciplinary proceedings.
WAC 132K-126-250	Sanctions.
WAC 132K-126-260	Interim sanctions.
WAC 132K-126-270	Appeal.
WAC 132K-126-280	Readmission after dismissal.
WAC 132K-126-290	Interpretation and revision.
WAC 132K-126-300	Prior rules.
WAC 132K-126-310	Severability.
WAC 132K-126-320	Effective date.

WSR 17-22-035**PERMANENT RULES****DEPARTMENT OF HEALTH**

(Dental Quality Assurance Commission)

[Filed October 24, 2017, 9:51 a.m., effective November 24, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-817-120 Examination content, the adopted rule will clarify that a complete clinical examination must be processed by a single testing agency. Each testing agency creates their examination as a whole examination, identifying each content section. The successful completion of a whole examination demonstrates the minimum competency necessary for licensure. Completing portions of examinations from multiple examination organizations may not provide a true assessment of minimum dentist competency. Additionally, the adopted rule changes "consider acceptance of" to "accept" the Canada clinical examination.

Citation of Rules Affected by this Order: Amending WAC 246-817-120.

Statutory Authority for Adoption: RCW 18.32.002, 18.32.0365, and 18.32.040.

Adopted under notice filed as WSR 17-16-098 on July 27, 2017.

A final cost-benefit analysis is available by contacting Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4893, fax 360-236-2901, TTY 360-833-6388 or 711, email jennifer.santiago@doh.wa.gov, web site doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 24, 2017.

John B. Carbery, DMD, Chairperson
Dental Quality Assurance Commission

AMENDATORY SECTION (Amending WSR 16-14-067, filed 6/30/16, effective 7/31/16)

WAC 246-817-120 Examination content. (1) An applicant seeking dentist licensure in Washington by examination, must successfully ~~((complete))~~ pass a written and practical examination approved by the Dental Quality Assurance Commission (commission).

The examination will consist of:

(a) A written examination. ~~((Only))~~ The National Board Dental Examination Parts I and II, or the Canadian National Dental Examining Board examination will be accepted, except as provided in subsection (4) of this section.

(b) A ~~((practical/practice))~~ practical examination containing at least the following sections:

- (i) Restorative;
- (ii) Endodontic;
- (iii) Periodontal;
- (iv) Prosthodontic; and
- (v) Comprehensive treatment planning or diagnostic skills.

(2)(a) The commission accepts the following ~~((practical/practice))~~ practical examinations provided the testing agency offers at least the sections listed in subsection (1)(b) of this section ~~((and the candidate tests in those same sections))~~:

- (i) The Western Regional Examining Board's (WREB) clinical examination;
- (ii) The Central Regional Dental Testing Services (CRDTS) clinical examination;
- (iii) The Commission on Dental Competency Assessments (CDCA) formally known as Northeast Regional Board (NERB) clinical examination;
- (iv) The Southern Regional Testing Agency (SRTA) clinical examination;
- (v) The Council of Interstate Testing Agency's (CITA) clinical examination;
- (vi) ~~((Examination results of a))~~ U.S. state or territory with an individual state board clinical examination; or

(b) The commission will ~~((consider acceptance of))~~ accept the complete National Dental Examining Board (NDEB) of Canada clinical examination as meeting its standards if the applicant is a graduate of an approved dental school defined in WAC 246-817-110 (2)(a).

(3) The applicant must pass all sections listed in subsection (1)(b) of this section of the practical examination with the same testing agency.

(4) The commission will only accept results of approved ~~((practical/practice))~~ practical examinations taken within the preceding five years from the date of an application for licensure.

~~((4))~~ (5) The commission may, at its discretion, give or require an examination in any other subject under subsection (1)(a) and (b) of this section, whether in written or practical form or both written and practical.

WSR 17-22-036
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed October 24, 2017, 10:54 a.m., effective November 24, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is repealing chapter 388-112 WAC and creating new chapter 388-112A WAC, Residential long-term care services training. The new chapter 388-112A WAC provides requirements for long-term care worker training and home care aide certification, specialty training curriculum and instructor requirements, and a new category of training and certification requirements for long-term care workers in enhanced services facilities. Chapter 388-112A WAC is organized to provide clarity in long-term care worker training, certification, curricula, and instructor requirements. New chapter organization chart available upon request to Suemary Trobaugh.

Citation of Rules Affected by this Order: New WAC 388-112A-0010, 388-112A-0020, 388-112A-0030, 388-112A-0040, 388-112A-0050, 388-112A-0060, 388-112A-0070, 388-112A-0080, 388-112A-0090, 388-112A-0095, 388-112A-0100, 388-112A-0105, 388-112A-0110, 388-112A-0115, 388-112A-0120, 388-112A-0200, 388-112A-0210, 388-112A-0220, 388-112A-0230, 388-112A-0240, 388-112A-0300, 388-112A-0310, 388-112A-0320, 388-112A-0330, 388-112A-0340, 388-112A-0350, 388-112A-0370, 388-112A-0400, 388-112A-0410, 388-112A-0420, 388-112A-0430, 388-112A-0440, 388-112A-0450, 388-112A-0460, 388-112A-0470, 388-112A-0480, 388-112A-0490, 388-112A-0495, 388-112A-0500, 388-112A-0510, 388-112A-0520, 388-112A-0530, 388-112A-0540, 388-112A-0550, 388-112A-0560, 388-112A-0570, 388-112A-0575, 388-112A-0580, 388-112A-0585, 388-112A-0590, 388-112A-0600, 388-112A-0610, 388-112A-0620, 388-112A-0700, 388-112A-0710, 388-112A-0720, 388-112A-0800, 388-112A-0810, 388-112A-0820, 388-112A-0830, 388-112A-0840, 388-112A-0900, 388-112A-0910, 388-112A-0920, 388-112A-0930, 388-112A-0940, 388-112A-0950, 388-112A-1000, 388-112A-1010, 388-112A-1020, 388-112A-1100, 388-112A-1110, 388-112A-1200, 388-112A-1210, 388-112A-1220, 388-112A-1230, 388-112A-1240, 388-112A-1250, 388-112A-1260, 388-112A-1270, 388-112A-1280, 388-112A-1285, 388-112A-1290, 388-112A-1295, 388-112A-1297, 388-112A-1300 and 388-112A-1310; and repealing WAC 388-112-0001, 388-112-0002, 388-112-0003, 388-112-0004, 388-112-0005, 388-112-0010, 388-112-0015, 388-112-0016, 388-112-0018, 388-112-0019, 388-112-0035, 388-112-0045, 388-112-0053, 388-112-0055, 388-112-0062, 388-112-0066, 388-112-0070, 388-112-0075, 388-112-0076, 388-112-0078, 388-112-0079,

388-112-0081, 388-112-0083, 388-112-0088, 388-112-0091, 388-112-0092, 388-112-0106, 388-112-0108, 388-112-0110, 388-112-0115, 388-112-0120, 388-112-0122, 388-112-0125, 388-112-0130, 388-112-0132, 388-112-0135, 388-112-0140, 388-112-0142, 388-112-0145, 388-112-0150, 388-112-0152, 388-112-0155, 388-112-0160, 388-112-0165, 388-112-0170, 388-112-0175, 388-112-0180, 388-112-0185, 388-112-0190, 388-112-0195, 388-112-0196, 388-112-01961, 388-112-01962, 388-112-01963, 388-112-01964, 388-112-0197, 388-112-0200, 388-112-0205, 388-112-0207, 388-112-0210, 388-112-0225, 388-112-0235, 388-112-0240, 388-112-0250, 388-112-0255, 388-112-0260, 388-112-0265, 388-112-0270, 388-112-0275, 388-112-0280, 388-112-0285, 388-112-0290, 388-112-0295, 388-112-0300, 388-112-0305, 388-112-0310, 388-112-0315, 388-112-0320, 388-112-0325, 388-112-0330, 388-112-0335, 388-112-0345, 388-112-0355, 388-112-0360, 388-112-0365, 388-112-0370, 388-112-0380, 388-112-0383, 388-112-0385, 388-112-0390, 388-112-0395, 388-112-0400, 388-112-0405, and 388-112-0410.

Statutory Authority for Adoption: RCW 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.351, 74.39A.341, 18.20.-270, 18.88B.021, 18.88B.035, 70.128.230, 71A.12.030.

Adopted under notice filed as WSR 17-11-023 on May 10, 2017.

Changes Other than Editing from Proposed to Adopted Version:

1. In WAC 388-112A-0010(3) added "*when developed*" in reference to levels 2 and 3 capable caregiving curriculum;
2. As requested, added WAC 388-112A-0010(8) definition of "*core basic training*"; WAC 388-112A-0010(13) referred to long-term care worker definition;
3. As requested, added WAC 388-112A-0010(28) definition of "*seventy-hour long-term care worker basic training*" definition;
4. As requested, in WAC 388-112A-0010(30) removed sentence that training entities may only deliver approved curriculum;
5. As requested, added "*or administrator*" designee to assisted living facility (ALF) and enhanced services facility (ESF) administrator training requirement in WAC 388-112A-0030, 388-112A-0060, and 388-112A-0070;
6. As requested, replaced "*prior to employment*" with more precise description of "*prior to providing client services*" in WAC 388-112A-0070 and 388-112A-0495 when describing when long-term care workers must complete specialty training when working in ESFs;
7. As requested, replaced "*basic training*" reference with more precise description of "*seventy-hour long-term care worker basic training*" to rule and title, as applicable: WAC 388-112A-0040, 388-112A-0050, 388-112A-0060, 388-112A-0080, 388-112A-0090, 388-112A-0095, 388-112A-0110, 388-112A-0120, 388-112A-0200, 388-112A-0300, 388-112A-0310, 388-112A-0320, 388-112A-0330, 388-112A-0340, 388-112A-0350, 388-112A-0470, 388-112A-0550, 388-112A-0590, 388-112A-1020, and 388-112A-1110;
8. As requested, added "*nursing assistant students*" to training requirement tables who were previously identified only by reference to WAC 388-112A-0090: WAC 388-112A-0040, 388-112A-0050 and 388-112A-0060;

9. Added *"the orientation, safety, and seventy-hour long-term care worker basic training"* when describing what is the training in WAC 388-112A-0110;

10. As requested, added *"seventy-hour long-term care worker basic training, the two hours of orientation, and the three hours of safety training"* when describing what is the seventy-five hours of training in WAC 388-112A-0120.

11. As requested, added in WAC 388-112A-0210 examples of complaint telephone lines and resident grievance procedures, and referenced chapter 74.34 RCW;

12. As requested, combined WAC 388-112A-0360 into 388-112A-0340 by including what are required trainings that may be used as population specific training, thereby eliminating WAC 388-112A-0360;

13. As requested, clarified in WAC 388-112A-0540 that adult family homes (AFH) and ALFs must retain the nurse delegation certificates;

14. As requested, added the term *"negotiated service agreement"* to WAC 388-112A-0210 and 388-112A-0550;

15. As requested, in WAC 388-112A-0610 added information that continuing education (CE) is not required of licensed practical nurses, and registered nurses, and noted that CE is required for CNAs, and persons with special education training when those professions work in long-term care settings;

16. As requested, clarified the requirement in WAC 388-112A-0800 for ESF administrator training;

17. As requested, removed language in WAC 388-112A-0810 on period of time for certificate to be valid, and removed subsection (2) in its entirety;

18. As requested, added language to WAC 388-112A-0900 that competency tests are department of social and health services (DSHS) developed and distributed;

19. As requested, added language to WAC 388-112A-1100 to reference instructor guides and instructor policies that are distributed at the time of course approval, and clarified that certificate and attendance records may be kept electronically (eliminating the need to retain testing records);

20. As requested, removed language from WAC 388-112A-1210 that requires nonlong-term care worker training to be DSHS approved; and

21. As requested, clarified in WAC 388-112A-1240 and 388-112A-1297 that an instructor qualification for core basic, population specific, on the job training, AFH administrator training, and specialty training include the completion of an adult education class.

A final cost-benefit analysis is available by contacting Suemary Trobaugh, 4450 10th Avenue S.E., Lacey, WA 98503, phone 360-725-2516, fax 360-725-2646, email Suemary.Trobaugh@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 87, Amended 0, Repealed 94.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 87, Amended 0, Repealed 94.

Date Adopted: October 20, 2017.

Cheryl Strange
Secretary

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 17-23 issue of the Register.

WSR 17-22-037

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed October 24, 2017, 11:29 a.m., effective November 24, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending chapter 388-96 WAC in order to implement the nursing facility methodology changes from SHB 1274 found in chapter 2, Laws of 2015 2nd sp. sess., and SHB 2678, chapter 131, Laws of 2016 regular session. This permanent rule filing cancels and supercedes the emergency filed as WSR 17-22-012 on October 19, 2017.

Citation of Rules Affected by this Order: New WAC 388-96-915, 388-96-916 and 388-96-917; and repealing WAC 388-96-534, 388-96-540, 388-96-552, 388-96-553, 388-96-558, 388-96-559, 388-96-561, 388-96-562, 388-96-564, 388-96-565, 388-96-572, 388-96-574, 388-96-708, 388-96-709, 388-96-744, 388-96-746, 388-96-747, 388-96-748, 388-96-762, 388-96-767, 388-96-776, 388-96-783, 388-96-784 and 388-96-786; and amending WAC 388-96-010, 388-96-022, 388-96-107, 388-96-122, 388-96-205, 388-96-208, 388-96-211, 388-96-218, 388-96-502, 388-96-505, 388-96-525, 388-96-542, 388-96-554, 388-96-556, 388-96-560, 388-96-580, 388-96-585, 388-96-710, 388-96-713, 388-96-758, 388-96-759, 388-96-781, 388-96-782, and 388-96-901.

Statutory Authority for Adoption: RCW 74.46.800, 74.46.561(1).

Adopted under notice filed as WSR 17-08-070 on April 3, 2017.

Changes Other than Editing from Proposed to Adopted Version: Updated licensed beds definition with a specific date for determining number of licensed beds, joint cost allocation disclosure requirement language was removed, language was added stating that expensed equipment needs a useful life of one year or more, restored references to goodwill, language regarding settlements was changed to address concerns, capital lease definition was restored.

A final cost-benefit analysis is available by contacting Elizabeth Pashley, 4450 10th Avenue S.E., Lacey, WA 98503, phone 360-725-2447, fax 360-725-2641, TTY 360-493-2637, email Elizabeth.Pashley@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 24, Repealed 24.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 24, Repealed 24.

Date Adopted: October 20, 2017.

Cheryl Strange
Secretary

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 17-23 issue of the Register.

WSR 17-22-039
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Children's Administration)

[Filed October 24, 2017, 3:05 p.m., effective November 24, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The intent of amending WAC 388-145-1555(5), 388-145-1600(4), 388-145-1665(4), 388-145-1675 (1), (2) and 388-148-1465 (3), (6) 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 administrative regional medical consultants.

Citation of Rules Affected by this Order: Amending WAC 388-145-1555(5), 388-145-1600(4), 388-145-1665(4), 388-145-1675 (1), (2), 388-148-1465 (3), (6), 388-148-1470 (14), (15), and 388-148-1515(9).

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

Adopted under notice filed as WSR 17-18-035 on August 29, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 7, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 7, Repealed 0.

Date Adopted: October 24, 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))~~ (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 protection 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.

~~((c))~~ (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 17-22-047

PERMANENT RULES SECRETARY OF STATE

[Filed October 25, 2017, 11:35 a.m., effective November 25, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Update of rules pursuant to chapter 304, Laws of 2017, relating to provision of public records.

Citation of Rules Affected by this Order: Amending WAC 434-12A-030, 434-12A-045, 434-12A-100, and 434-12A-150.

Statutory Authority for Adoption: RCW 43.107.120; chapter 42.56 RCW; chapter 304, Laws of 2017.

Adopted under notice filed as WSR 17-19-044 on September 12, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 4, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 25, 2017.

Mark Neary
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 09-04-026, filed 1/28/09, effective 2/28/09)

WAC 434-12A-030 Description of the organization of the office of the secretary of state. (1) The secretary of state's general duties are set forth in chapter 43.07 RCW, and relate generally to elections, the formation and maintenance of business organizations, charitable solicitations, charitable trusts, registration of domestic partnerships, archives and records management, the state library, ~~((and))~~ the productivity board, the address confidentiality program, legacy Washington, and the combined fund drive. Additional functions include regulating the use of the state seal, filing or attesting to official acts of the legislature or governor, certifying to the legislature all matters legally required to be certified, issues apostilles, and other actions required or authorized by law. In addition to these constitutional and statutory duties, the secretary of state is frequently called upon to represent the state of Washington in international trade and cultural missions, and to greet and confer with dignitaries and delegations visiting the state of Washington from other countries.

(2) The functions of the secretary of state are performed through the following divisions and programs:

(a) The elections division, through which the secretary acts as the state's chief election officer;

(b) The corporations division, through which the secretary accepts filings as provided by law related to profit and nonprofit corporations and other forms of business organization, accepts registrations pursuant to the Charitable Solicitations Act and the Charitable Trust Act, accepts filings and issues licenses related to digital signatures, accepts registrations of domestic partnerships, and issues apostilles and trademarks;

(c) The archives and records management division, through which the secretary provides services as required by law related to archives and records management;

(d) The Washington state library, providing library services to the public and state government and related services;

(e) The special programs division, which includes:

(i) The productivity board, which the secretary chairs and whose staff provides organizational support and which provides awards and incentives related to state employee brainstorm and teamwork incentive programs;

(ii) The address confidentiality program, for victims of domestic violence, sexual assault and stalking; ~~((and))~~

(iii) ~~((The))~~ Legacy ~~((project))~~ Washington, which conducts, publishes and preserves oral histories of significant figures in Washington history; and

(iv) The combined fund drive, Washington state's workplace giving program for active and retired public employees.

(3) The offices of the secretary of state and their staff are located at:

(a) Main Administrative Office, Legislative Building, 416 Sid Snyder Way, P.O. Box 40220, Olympia, WA 98504-0220~~((:))~~;

(b) Elections Division, 520 Union Ave. S.E., P.O. Box 40229, Olympia, WA 98504-0229;

(c) Corporations Division, 801 Capitol Way South, P.O. Box 40234, Olympia, WA 98504-0234;

(d) Archives and Records Management Division, 1129 Washington Street S.E., P.O. Box 40238, Olympia, WA

98504-0238. The archives and records management division also includes:

(i) The State Records Center, located at 7590 New Market Street S.W., Tumwater, WA, mailing address: P.O. Box 40239, Olympia, WA 98504-0239;

(ii) ~~((Regional))~~ Archives Regional facilities:

(A) ~~((Olympia))~~ Southwest Regional Branch, located at 1129 Washington Street S.E., P.O. Box 40238, Olympia, WA 98504-0238;

(B) Puget Sound Regional Branch, located at 3000 Landerholm Circle S.E., MS-N100, Bellevue, WA 98007-6484;

(C) Northwest Regional Branch, located at Western Washington University, MS-9123, Bellingham, WA 98225-9123;

(D) Central Regional Branch, located at 400 E. University Way, Mail Stop 7547, Ellensburg, WA 98926-7547; and

(iii) The Washington State Digital Archives, and Eastern Washington Regional Branch, located at 960 Washington Street, Cheney, WA 99004;

(e) The Washington State Library, Point Plaza East, 6880 Capitol Blvd. ~~((South))~~ S.E., Tumwater, P.O. Box 42460, Olympia, WA 98504-2460;

(f) The Productivity Board, The Address Confidentiality Program, and Legacy ~~((Project, 6880 Capitol Blvd. South, Tumwater, P.O. Box 40224, Olympia, WA 98504-0224; and~~

~~((g) The Address Confidentiality Program,))~~ Washington, Legislative Building, P.O. Box 40220, Olympia, WA 98504-0220.

(4) Any person wishing to request access to public records of the office of the secretary of state, or seeking assistance in making such a request, should contact the public records officer by mail at P.O. Box 40224, Olympia, WA 98504-0224, or by fax at ~~((360-586-4311))~~ 360-704-7830, or by email at ~~((Publicrecords@seestate.wa.gov))~~ Publicrecords@sos.wa.gov. Information is also available at the secretary of state's web site, at ~~((www.seestate.wa.gov))~~ www.sos.wa.gov.

(5) The public records officer will oversee compliance with the act but another secretary of state 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 office of the secretary of state will provide the fullest assistance to the requestor; create and maintain for use by the public and the office of the secretary of state an index to public records of the office by making available those records retention schedules applicable to the office of the secretary of state; and prevent fulfilling public records requests from causing excessive interference with essential functions of the office.

AMENDATORY SECTION (Amending WSR 09-04-026, filed 1/28/09, effective 2/28/09)

WAC 434-12A-045 Processing of public records requests—General. (1) **Providing "fullest assistance."** The office of the secretary of state is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assis-

tance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process 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 will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) ~~((If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to))~~ Provide copies of the records, either in hard copy or electronically, upon payment of any applicable fees by the requestor; or

(c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) **Consequences of failure to respond.** If the office of the secretary of state 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 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 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 include a copy of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the office of the secretary of state believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide 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 will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) **Inspection of records.**

(a) Consistent with other demands, the office of the secretary of state shall 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 indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim copies or review the assembled records within thirty days of the office's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim

copies or review the records. If the requestor or a representative of the requestor fails to claim copies or review the records within the thirty-day period or make other arrangements, the office of the secretary of state may close the request and refile the assembled records. 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 make the requested copies or arrange for copying.

(8) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide 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 indicate that the office of the secretary of state 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 will close the request and indicate to the requestor that the office of the secretary of state has closed the request.

(11) **Later discovered documents.** If, after the office of the secretary of state has informed the requestor that it has provided all available records, the office becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

AMENDATORY SECTION (Amending WSR 09-04-026, filed 1/28/09, effective 2/28/09)

WAC 434-12A-150 Revolving fund. Pursuant to RCW 43.07.130, and subject to the current availability of such materials, the office of the secretary of state will supply any of the following items of printed matter to the public for a charge equal to the costs of printing, reprinting, and distributing such printed matter:

- (1) Lists of active corporations;
- (2) The provisions of Title 23 RCW;
- (3) The provisions of Title ~~((23A))~~ 23B RCW;
- (4) The provisions of Title 24 RCW;
- (5) The provisions of ~~((chapter 25.10))~~ Title 25 RCW;
- (6) The provisions of Title 29A RCW;
- (7) The provisions of chapter 18.100 RCW;
- (8) The provisions of chapter 19.77 RCW;
- (9) The provisions of chapter 43.07 RCW;
- (10) The provisions of Title 11 RCW;
- (11) The provisions of Title 26 RCW;
- (12) The provisions of Title 30A RCW;

(13) The provisions of Title 30B RCW;

(14) The provisions of Title 42 RCW;

(15) The provisions of Title 64 RCW;

(16) The provisions of the Washington state Constitution;

~~((11))~~ (17) The provisions of chapters 40.14, 40.16, and 40.20 RCW, and any statutes, rules, schedules, indexes, guides, descriptions, or other materials related to the public records of state or local government or to the state archives; and

~~((12))~~ (18) Rules and informational publications related to the statutory provisions set forth above.

Upon request, any person may receive a list of such printed matter currently available, the cost of each such item of printed matter, and instructions for ordering one or more items. The revenue derived in this manner shall be placed in the secretary of state's revolving fund.

AMENDATORY SECTION (Amending WSR 09-04-026, filed 1/28/09, effective 2/28/09)

WAC 434-12A-100 ((~~Inspection and copying.~~) Calculation of actual costs of producing copies of public records declared to be unduly burdensome—Adoption of statutory fee schedule. ~~((1) No fee shall be charged for the personal inspection of public records.~~

~~(2) Where an individual requests a copy, or a certified copy, of a document or instrument for which the cost of copies is not governed by chapter 42.56 RCW, the office of the secretary of state may charge fees specified pursuant to other law, including other chapters of this title.~~

~~(3) Where an individual requests a copy of a document or record for which fees are established pursuant to chapter 42.56 RCW, a requestor may obtain standard black and white photocopies for fifteen cents per page. Copies in color or larger sized documents will be based on the actual cost to reproduce them at the time of the request.)~~ (1) Pursuant to RCW 42.56.120(2), as amended by section 3, chapter 304, Laws of 2017, the office of the secretary of state declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential functions.

(2) The office of the secretary of state may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017.

(3) The Washington state archives research fees covered by WAC 434-690-080 are determined by archives according to its terms. The corporation((s)) fees are per WAC 434-112-085.

(4) Before beginning to make the copies, 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 office of the secretary of state will not charge sales tax when it makes copies of public records.

~~(5) ((~~Costs for electronic records.~~ The cost of electronic copies of records shall be five dollars for information on a CD-ROM or DVD. There will be no charge for emailing electronic records to a requestor, unless another cost applies such as a scanning fee.~~

~~(6))~~ (6) Costs of mailing. The office of the secretary of state may also charge actual costs of mailing, including the cost of the shipping container.

~~((7))~~ (6) Payment. Payment may be made by cash, check, or money order to the office of the secretary of state, or by those credit or debit cards accepted by the office.

(7) The public records officer or designee has discretion to waive the applicable fees when the total cost for copying and mailing all responsive records is less than five dollars.

WSR 17-22-048

PERMANENT RULES

DEPARTMENT OF

ENTERPRISE SERVICES

[Filed October 25, 2017, 11:36 a.m., effective November 25, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making action updates chapter 200-110 WAC, Local government self-insurance health and welfare program rules in order to resolve incorrect references and information, align with recent amendments to other self-insurance rules, and align with the transfer of state risk management from office of financial management (OFM) to department of enterprise services.

The following areas have been addressed:

- Fees set by the health and welfare advisory board (eliminated in 2010).
- Payment made to OFM.
- Antiquated language in relation to federal and other health care regulations.
- Clarify the roles and responsibilities of the state risk manager.
- Update standards for solvency to ensure local governments are able to pay health care claims for employees.
- Establish clear time frames and requirements for compliance reporting.

Citation of Rules Affected by this Order: Amending WAC 200-110-040 Standards for solvency—Program funding requirements, 200-110-060 Standards for operations—Standards for management—Disclosures, 200-110-090 Standards for management—Standards for operations—Financial plans, 200-110-100 Standards for management—Standards for contracts—Third-party administrator contracts, 200-110-110 Standards for contracts—Competitive solicitation standards for consultant contracts, 200-110-130 Standards for management and operations—State risk manager reports, 200-110-150 Standards for management and operations—Conflict of interest, 200-110-160 Standards for operations—State risk manager—Expense and operating cost fees, 200-110-220 Standards for operation—Providing services to non-

members, 200-110-230 Standards for operation—Communication with members—Annual membership report, 200-110-240 Standards for operation—Notice of regular meetings of the governing body, 200-110-260 Standards for operations—Meeting agendas—Meeting minutes, and 200-110-280 Standards for operation—Changes to interlocal agreement.

Statutory Authority for Adoption: RCW 48.62.061.

Adopted under notice filed as WSR 17-13-115 on June 20, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 13, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 13, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 18, 2017.

Jack Zeigler
Policy and Rules Manager

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-110-040 Standards for solvency—Program funding requirements. (1) All individual and joint health and welfare programs self-insuring medical benefits shall(~~(~~

~~(a))~~ establish program reserves in an amount equal to ~~((eight))~~ sixteen weeks of program expenses(~~(;~~

~~(b) Maintain an aggregate stop-loss insurance policy with an attachment point set at or below one hundred twenty-five percent of annual expected claim costs; and~~

~~(c) Establish by ordinance or resolution of the governing body, an additional contingency reserve in the following amounts:~~

~~(i) For joint programs, an amount equal to at least eight weeks of program expenses;~~

~~(ii) For individual programs, an amount equal to at least eight weeks of program expenses (recommended), or a different amount approved by the state risk manager in writing.~~

~~(2) In lieu of the requirements stated in WAC 82-65-040(1), all individual and joint health and welfare programs self-insuring medical benefits must obtain an independent actuarial study and fund to the actuarially determined program liability.~~

~~(3) All individual and joint health and welfare self-insurance programs providing either vision, dental or prescription drug benefit programs or any combination of programs thereof shall establish and maintain program reserves in an amount not less than eight weeks of program expenses for each program offered. An additional contingency reserve~~

~~established by the governing body is recommended, but not required).~~

~~(2) All individual and joint health and welfare self-insurance programs providing either vision, dental or prescription drug benefits or any combination of programs thereof shall establish and maintain program reserves in an amount not less than eight weeks of program expenses for each program offered. An additional contingency reserve is recommended, but not required.~~

~~(3) In lieu of the requirements stated in subsections (1) and (2) of this section, all individual and joint health and welfare self-insurance programs providing either medical, vision, dental or prescription drug benefits or any combination thereof must obtain an independent actuarial study of estimated outstanding program liabilities as of fiscal year ending and maintain funds equal to or greater than the actuarially determined program liability at fiscal year ending.~~

~~(4) All programs in existence less than one year shall establish reserves according to the initial plan submitted and approved by the state risk manager.~~

~~(5) Self-insurance programs that do not meet requirements for program reserves as of the program's year end shall notify the state risk manager of the condition. The state risk manager shall require the program submit a corrective action plan within sixty days of year end. The state risk manager will notify the program in writing of denial or approval of the corrective action plan within thirty days of submission.~~

~~(6) Failure to meet the requirements of the approved corrective action plan may result in further remedial action by the state risk manager, including the service of a cease and desist order upon the program.~~

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-110-060 Standards for operations—Standards for management—Disclosures. (1) All individual health and welfare self-insurance programs shall furnish each employee or retiree covered by the program with a written description or access to an electronic description of the benefits allowable under the program, together with:

(a) Applicable restrictions, limitations, and exclusions;

(b) The procedure for filing a claim for benefits;

(c) The procedure for requesting an adjudication of disputes or appeals arising from beneficiaries regarding the payment or denial of any claim for benefits; and

(d) A schedule of any direct monetary contributions toward the program financing required by the employee.

Such benefits or procedures shall not be amended without written notice to the covered employees at least thirty days in advance of the effective date of the change unless exigent circumstances can be demonstrated.

(2) All joint self-insurance programs shall ensure every member of the program receives written plan documents or access to electronic plan documents which describe:

(a) All coverages or benefits currently provided by the program, including any applicable restrictions, limitations, and exclusions;

(b) The method by which members pay assessments;

(c) The procedure for filing a claim; and

(d) The procedure for a member to request an adjudication of disputes or appeals arising from coverage, claim payment or denial, membership, and other issues.

Such statements shall not be amended without written notice to the members at least thirty days in advance of the effective date of the change unless exigent circumstances can be demonstrated.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-110-090 Standards for management—Standards for operations—Financial plans. (1) All self-insurance programs shall maintain a written plan for managing the financial resources of the program. The financial plan shall include:

(a) A procedure for accounting for moneys received, payments made and liabilities of the joint program which complies with generally accepted accounting principles. For individual programs, a separate fund to account for revenues and expenses associated with the program is recommended, but not required;

(b) An investment policy which conforms to RCW 48.62.111 governing the investments of the program; and

(c) All individual and joint self-insurance programs shall ensure the preparation and submission of accurate and timely annual ((financial)) reports to the state risk manager within one hundred fifty days of fiscal year end.

Joint self-insurance programs (~~shall ensure the submission of~~) providing medical benefits must submit to the state risk manager unaudited financial statements as prescribed by the state auditor's office within one hundred fifty days of fiscal year end. Joint self-insurance programs ((shall ensure the submission of)) providing medical benefits must submit to the state risk manager audited financial statements ((to the state risk manager)) as prescribed by the state auditor's office within one year of the program's fiscal year end.

(2) No financial plan of an individual self-insurance program shall permit interfund loans from assets held against liabilities for unpaid claims and claim adjustment expenses except for those amounts which are clearly inactive or in excess of program reserve and contingency reserve requirements.

(3) No financial plan of a joint self-insurance program shall permit loans to any member.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-110-100 Standards for management—Standards for contracts—Third-party administrator contracts. Before contracting for third-party administrator professional services, all self-insurance programs shall establish and maintain written procedures for contracting with third-party administrators. Entering a contract for services shall not relieve the governing body of the self-insurance program of its ultimate governing, managerial and financial responsibilities. The procedures shall, as a minimum:

(1) Provide a method of third-party administrator selection using a competitive solicitation process;

(2) Require a complete written description of the services to be provided, remuneration levels, contract period and expiration date;

(3) Provide for the confidentiality of the program's information, data and other intellectual property developed or shared during the course of the contract;

(4) Provide for the program's ownership of the information, data, and other intellectual property developed or shared during the course of the contract;

(5) Provide for the expressed authorization of the self-insurance program, consultants to the program, the state auditor, the state risk manager, or their designees, to enter the third-party administrator's premises to inspect and audit the records and performance of the third-party administrator which pertains to the program and to obtain such records electronically ((with)) when audit travel costs can be eliminated or reduced;

(6) Require the compliance with all applicable local, state and federal laws;

(7) Establish a monitoring and acceptance procedure to determine compliance with third-party administrator contract requirements; and

(8) Establish indemnification provisions and set forth insurance requirements between the parties.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-110-110 Standards for contracts—Joint self-insurance programs—Competitive solicitation standards for consultant contracts. Every joint self-insurance program shall use a competitive solicitation process in the selection of consultants. The process shall provide an equal and open opportunity to qualified parties and shall culminate in a selection based on preestablished criteria which may include such factors as the consultant's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts. Bid responses, solicitation documents and evidence of publication shall be retained in accordance with laws governing public records and shall be available for review by the state risk manager and state auditor.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-110-130 Standards for management and operations—State risk manager reports. (1) Every individual and joint health and welfare self-insurance program authorized to transact business in the state of Washington shall electronically submit the annual report to the state risk manager no later than one hundred fifty days following the completion of the program's fiscal year. Programs that terminate operations shall continue to submit annual reports until all claims have been paid.

(2) Joint self-insurance programs offering medical benefits shall electronically submit annual financial statements in the format prescribed by the state auditor's office. All individual and joint self-insurance programs shall electronically sub-

mit the revenue, expenses and other financial data on a form provided by the state risk manager.

(3) All individual and joint self-insurance programs providing medical benefits and maintaining reserves of less than ~~((eight))~~ sixteen weeks of program expenses shall submit ~~((an))~~ a written actuarial ~~((study))~~ estimate of outstanding program liabilities as of fiscal year ending.

(4) All individual and joint self-insurance programs shall submit electronically a list of contracted consultants with the annual report to the state risk manager.

(5) Joint self-insurance programs shall submit electronically the following additional information as part of the annual report to the state risk manager:

(a) Details of changes in articles of incorporation, bylaws or interlocal agreement;

(b) Details of ongoing significant services provided by contract to nonmembers;

(c) List of local government members added to or terminated from the program.

(6) All individual and joint self-insurance programs not meeting reserve requirements as of fiscal year ending as described in WAC ~~((82-65-040-shall))~~ 200-110-040 may be required by the state risk manager to submit quarterly reports ~~((in electronic form))~~ until notified by the state risk manager that reserving standards have been met.

(7) Failure to provide required financial reports may result in corrective action by the state risk manager. Such actions may include:

(a) Increase in frequency of examinations;

(b) On-site monitoring by the state risk manager;

(c) Service of a cease and desist order upon the program.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-110-150 Standards for management and operations—Conflict of interest. (1) Every individual and joint self-insurance program shall require the third-party administrator ~~((, the actuary,))~~ and the broker of record to contract separately with the self-insurance program. Each contract ~~((shall require that a written statement be submitted to the program on a form provided by the state risk manager providing assurance))~~ between a self-insurance program and a broker or third-party administrator must include a statement that no conflict of interest exists prior to acceptance of the contract by the self-insurance program.

(2) All self-insurance programs shall meet the following standards regarding restrictions on the financial interests of the program administrators:

(a) No member of the board of directors; trustee; administrator, including a third-party administrator; or any other person having responsibility for the management or administration of a self-insurance program or the investment or other handling of the program's money shall:

(i) Receive directly or indirectly or be pecuniarily interested in any fee, commission, compensation, or emolument arising out of any transaction to which the program is or is expected to be a party except for salary or other similar compensation regularly fixed and allowed for because of services regularly rendered to the program.

(ii) Receive compensation as a consultant to the program while also acting as a member of the board of directors, trustee, third-party administrator, or as an employee.

(iii) Have any direct or indirect pecuniary interest in any loan or investment of the program.

(b) No consultant or legal counsel to the self-insurance program shall directly or indirectly receive or be pecuniarily interested in any commission or other compensation arising out of any contract or transaction between the self-insurance program and any insurer, health care service contractor, health care supply provider or consultant.

(c) Brokers of record for the self-insurance program may receive compensation for insurance transactions performed within the scope of their licenses. The terms of compensation shall be provided for by contract between the broker of record and the self-insurance program, and the amount or percentage of the compensation must be disclosed in ~~((writing))~~ the contract between the parties. Contracts between brokers of record and the self-insurance program shall include a provision that contingent commissions or other form of compensation not specified in the contract shall not be paid to the broker of record as a result of any self-insurance program insurance transactions. ~~((The self-insurance program shall establish a contract provision which requires the broker provide to the program a written annual report on a form provided by the state risk manager which discloses the actual financial compensation received. The report shall include verification that no undisclosed commission was received as a result of any such insurance transaction made on behalf of the program.))~~

(d) No third-party administrator shall serve as an officer or on the board of directors of a self-insurance program.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-110-160 Standards for operations—State risk manager—Expense and operating cost fees. (1) The state risk ~~((manager, with concurrence from the health and welfare advisory board,))~~ manager shall fix state risk manager fees to cover expenses and operating costs of the state risk manager's office in administering chapter 48.62 RCW. Such fees shall be levied against each individual and joint health and welfare benefit self-insurance program regulated by chapter 48.62 RCW. Services covered by the state risk manager fees will include program reviews, monitoring and continuing oversight.

(2) The state risk manager fees shall be paid by each self-insurance program to the state of Washington, ~~((office of financial management))~~ department of enterprise services, within sixty days of the date of invoice. Any self-insurance program failing to remit its fee when due is subject to denial of permission to operate or to a cease and desist order until the fee is paid.

(3) A self-insurance program that has voluntarily or involuntarily terminated shall continue to pay an administrative fee until such time as all liabilities for unpaid claims and claim adjustment expenses and all administrative responsibilities of the self-insurance program have been satisfied.

(4) The state risk manager shall assess each prospective joint health and welfare self-insurance program and each prospective individual health and welfare benefit self-insurance program, an initial investigation fee at a rate determined annually by the state risk manager (~~(, with the concurrence of the advisory boards)~~).

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-110-220 Standards for operation—Providing services to nonmembers. (1) Nonmember local governments may purchase claims administration, risk management, claims processing and/or other ongoing significant support services through an interlocal agreement as authorized by chapter 39.34 RCW. Nonmembers shall not participate in any coverages of the joint self-insurance program including the self-insured retention layer and the excess insurance or reinsurance layer. This section is not intended to preclude nonmembers purchasing services from becoming members of the joint self-insurance program, provided the nonmember meets the requirements of WAC ~~((82-65-210))~~ 200-110-210 and is eligible for membership as authorized by RCW 48.62.021(1). This section is not intended to limit programs from providing occasional risk management or other support services to nonmembers, but is intended to provide standards for members providing ongoing significant services to nonmembers.

(2) A program intending to provide ongoing significant services to nonmembers shall submit a written plan to the state risk manager for approval prior to providing services. The plan shall include, at a minimum, the services to be provided, the time frame for providing such services, the expected revenues and expenditures resulting from providing said services, and a written legal determination of all potential federal and state tax liabilities created by providing services to nonmembers. The arrangement to provide such services shall be approved in writing by the state risk manager within sixty days of the joint self-insurance program's final plan submission.

(3) Every joint self-insurance program providing ongoing significant services to nonmembers as of the effective date of these regulations must submit a written plan meeting the requirements stated herein.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-110-230 Standards for operation—Communication with members—Annual membership report. Every joint self-insurance program shall make available to each member a copy of the program's annual membership report. The annual membership report shall include, at a minimum, financial information which includes the ~~((comparative balance sheet))~~ statement of net position and statement of revenues ~~((,))~~ and expenses ~~((and net assets))~~. The reports shall be delivered to each member by electronic or regular mail. Programs may meet the delivery requirement by publishing and maintaining the membership report on the official web site of the program for a minimum of three years from the date of publication.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-110-240 Standards for operation—Notice of regular meetings of the governing body. Every joint self-insurance program shall provide every member with a notice of the time and place of each regular meeting of the governing body at least ten days prior to the meeting. The notice shall be ~~((delivered))~~ provided in electronic or paper form, and the time and location of each meeting shall be included in such notice. The state risk manager shall be provided a copy of all meeting notifications to members in the same form, manner and time as provided to members. In addition to electronic or regular mail, programs shall publish notification of regular meetings on the electronic web site of the program accessible to the public. Notice of regular meetings shall comply with the meeting notification requirements of chapter 42.30 RCW or be published at least ten days in advance of regular meetings, whichever notification time is greater.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-110-260 Standards for operations—Meeting agendas—Meeting minutes. Every joint self-insurance program will provide the state risk manager and every member with a preliminary agenda in advance of each meeting of the governing body. The agenda shall be delivered by electronic mail and shall be posted on the web site of the program accessible to the public. Meeting minutes, after approval, shall be ~~((provided to the state risk manager and every member of the program by electronic mail and shall be))~~ posted on the web site of the program accessible to the public.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-110-280 Standards for operation—Changes to interlocal agreement. (1) Changes to any terms of the interlocal agreement shall be by amendment and shall be approved by ~~((a majority of the members, or by a greater majority if provided for in the bylaws or interlocal agreement of the joint self-insurance program. Changes to the interlocal agreement shall be approved during a regular meeting of the governing body or by mail-in ballot. If mail-in ballots are used, the ballots are to be secured and remain unopened until the next regular meeting of the governing body. The opening and counting of the ballots shall be conducted by the governing body of the joint self-insurance program during the next regular meeting and retained in compliance with public records retention laws. Each ballot shall be read orally as to the member name and vote, either in the affirmative or negative, and recorded in the meeting minutes))~~ the governing body of each joint self-insurance program during a regular meeting of the governing body.

(2) Amendments to the interlocal agreement shall be adopted by ordinance or resolution of the governing board or council of each member and signed by an authorized representative of each member. The resolution or ordinance shall include, but not be limited to, an acknowledgment that the

member is subject to assessments and reassessments if required by the joint self-insurance program. The signed amendment and copy of the ordinance or resolution, as appropriate, shall be submitted to, and retained by, the joint self-insurance program. Copies of the interlocal agreement and subsequent amendments shall be published on the electronic web site of the joint self-insurance program.

(3) Changes to any terms of the interlocal agreement shall require amendment using the approval and adoption process described above.

(4) ~~((The addition of new members to a joint self insurance program and/or the subscription of the interlocal agreement by said new members shall not be considered as amendments to the interlocal agreement.))~~ Each new member joining a joint self-insurance program after the formation of the program shall sign a copy of the most current interlocal agreement and copies of all subsequent amendments to that agreement that have been adopted by the governing body of the joint self-insurance program. The joint self-insurance program shall retain the signed interlocal agreements and amendments until termination of the program occurs.

(5) When a new interlocal agreement is adopted by the governing body of the joint self-insurance program to replace the existing interlocal agreement and incorporate amendments, the new interlocal agreement shall be adopted by ordinance or resolution of each member of the joint self-insurance program. The new interlocal agreement shall be signed by an authorized representative of each member. The signed interlocal agreement and a copy of the ordinance or resolution adopting the program shall be submitted to, and retained by, the joint self-insurance program until termination of the program occurs.

WSR 17-22-049

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed October 25, 2017, 12:26 p.m., effective November 25, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This 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). E2SHB 1614, enacted by the 2017 legislature, requires the department of licensing 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.

Citation of Rules Affected by this Order: New WAC 308-107-090.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 17-18-080 on September 5, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: October 25, 2017.

Damon Monroe
Rules Coordinator

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 17-22-051

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed October 25, 2017, 2:48 p.m., effective February 1, 2018]

Effective Date of Rule: February 1, 2018.

Purpose: WAC 246-922-990 Podiatry fees, the adopted rule implements fee changes for podiatrists to implement RCW 18.22.250 (chapter 22, Laws of 2017). The fee changes support administration of the Washington physicians health program (WPHP) by increasing the fees from \$25 to \$50 as required by the legislation. WPHP provides monitoring for health care professionals experiencing a condition that may result in impairment. The department also revised the rule to correct the title of the postgraduate training license, and standardized fees for late renewal, verification of credentials, duplicate credentials, and expired license reissuance.

Citation of Rules Affected by this Order: Amending WAC 246-922-990.

Statutory Authority for Adoption: RCW 43.70.110 and 43.70.250.

Other Authority: RCW 18.22.015.

Adopted under notice filed as WSR 17-15-131 on July 19, 2017.

Changes Other than Editing from Proposed to Adopted Version: The proposed rule incorrectly set the active license renewal late penalty at \$325, which was identified in public testimony at the hearing. The department corrected this fee to \$300 in the adopted rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 24, 2017.

John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 13-21-069, filed 10/16/13, effective 1/1/14)

WAC 246-922-990 Podiatry fees and renewal cycle.

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except for postgraduate training limited licenses.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program dates.

(3) The following nonrefundable fees will be charged:

((Title of Fee	Fee
Application	\$650.00
License renewal	650.00
Inactive license renewal	175.00

((Title of Fee	Fee
Inactive late renewal penalty	100.00
Active late renewal penalty	300.00
Active expired license reissuance	300.00
Expired inactive license reissuance	67.50
Duplicate license	30.00
Certification of license	50.00
Retired active status	275.00
Temporary practice permit	50.00
Limited license application	400.00
Limited license renewal	475.00
Substance abuse monitoring surcharge	25.00
UW online access fee (HEAL-WA)	16.00

<u>Title of Fee</u>	<u>Fee</u>
<u>Original application</u>	
<u>Application</u>	<u>\$650.00</u>
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Substance abuse monitoring surcharge</u>	<u>50.00</u>
<u>Active license renewal</u>	
<u>Renewal</u>	<u>650.00</u>
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Substance abuse monitoring surcharge</u>	<u>50.00</u>
<u>Late renewal penalty</u>	<u>300.00</u>
<u>Expired license reissuance</u>	<u>300.00</u>
<u>Inactive license renewal</u>	
<u>Renewal</u>	<u>175.00</u>
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Substance abuse monitoring surcharge</u>	<u>50.00</u>
<u>Late renewal penalty</u>	<u>90.00</u>
<u>Expired license reissuance</u>	<u>70.00</u>
<u>Retired active license renewal</u>	
<u>Renewal</u>	<u>275.00</u>
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Substance abuse monitoring surcharge</u>	<u>50.00</u>
<u>Late renewal penalty</u>	<u>140.00</u>
<u>Postgraduate training license application</u>	
<u>Application</u>	<u>400.00</u>
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Postgraduate training license renewal</u>	
<u>Renewal</u>	<u>475.00</u>
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Substance abuse monitoring surcharge</u>	<u>50.00</u>
<u>Temporary practice permit</u>	<u>50.00</u>

<u>Title of Fee</u>	<u>Fee</u>
<u>Duplicate license</u>	10.00
<u>Verification of license</u>	25.00

WSR 17-22-052
PERMANENT RULES
BIG BEND
COMMUNITY COLLEGE

[Filed October 25, 2017, 2:49 p.m., effective November 25, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Firearms and dangerous weapons (amendment to WAC 132R-117-010), of chapter 132R-117 WAC, General conduct code, relating to the possession of weapons on property owned or controlled by Big Bend Community College.

Citation of Rules Affected by this Order: Amending WAC 132R-117-010.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 17-15-129 on July 19, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 16, 2017.

Melinda Dourte
Executive Assistant
to the President

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

WAC 132R-117-010 Firearms and dangerous weapons. (1) Possession, carrying or discharge of any ~~((explosive, firearm, or other weapon))~~ firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device or any other weapon apparently capable of producing bodily harm (including shot guns, pistols, air guns, pellet guns, and paint-ball guns), whether loaded or unloaded, is prohibited on Big Bend Community College owned or controlled property, unless otherwise authorized in this provision.

(2) ~~((Only))~~ Such persons who are authorized to carry firearms or other weapons as duly appointed and commissioned law enforcement officers in the state of Washington,

legally authorized military personnel while in the performance of their duties, and other persons or entities authorized by contract to carry firearms in the course of their employment, ((shall)) may possess firearms or other weapons issued for their possession by their respective law enforcement agencies while on campus or other college controlled property, including residence halls.

(3) ~~((Other than the persons referenced in subsection (2) of this section, members of the campus community and visitors who bring firearms or other weapons to campus must immediately place the firearms or weapons in the college-provided storage facility. The storage facility for students living at the residence halls is controlled by the residence halls coordinator. The storage facility for all other students is in the registration office and is controlled by the vice president of student services. Both facilities are accessible during the hours of 8:00 a.m. through 4:30 p.m., Monday through Friday (excluding holidays).))~~ An individual with a valid concealed weapons permit may store a pistol in his or her vehicle parked on campus in accordance with RCW 9.41.050 (2) or (3), provided the vehicle is locked and the weapon is concealed from view.

(4) Anyone seeking to bring a firearm or other weapon onto campus for ~~((display or demonstration))~~ purposes directly related to a class or other educational or work activity must obtain prior written authorization from the vice president of ~~((instruction))~~ learning and student success or any other person designated by the president of the college. The vice president of ~~((instruction))~~ learning and student success or other designee shall review any such request and may establish conditions to the authorization. Any permission shall be in writing and subject to such terms or conditions incorporated into the written permission.

(5) ~~((Firearms owned by the institution for use by special interest groups such as ASB gun clubs, ROTC, or intercollegiate shooting teams, must be stored in a location approved by the vice president of student services or any other person designated by the president of the college. Said firearms must be checked out by the club advisor or coach and are to be used by legitimate members of the club or teams in the normal course of the club or team's activity.))~~ Any person may possess a personal protection spray device, as authorized by RCW 9.91.160, while on property owned or controlled by Big Bend Community College.

(6) Violators shall be subject to appropriate disciplinary or legal action.

WSR 17-22-053
PERMANENT RULES
DEPARTMENT OF
EARLY LEARNING

[Filed October 25, 2017, 3:21 p.m., effective November 25, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Clarify that the department of early learning does not regulate the physical facility environment, including buildings and other premises, of an early learning program operating in facilities used by public or private schools.

Require programs not operating in school facilities to test faucets and fountains used for drinking water and food preparation for unsafe levels of lead or copper in pipes and plumbing. Align application processes for child care (ages 0-5) and school-age programs.

Citation of Rules Affected by this Order: New WAC 170-297-1370; repealing WAC 170-297-1300, 170-297-1375 and 170-297-1400; and amending WAC 170-297-0001, 170-297-0010, 170-297-1035, 170-297-1250, 170-297-1275, 170-297-1325, 170-297-1360, 170-297-2600, 170-297-2625, 170-297-3000, 170-197-3700, 170-297-3950, 170-297-4000, 170-297-4250, 170-297-4275, 170-297-4300, 170-297-4350, 170-297-4360, 170-297-4375, 170-297-4550, 170-297-4625, 170-297-4635, 170-297-4650, 170-297-4700, 170-297-4925, 170-297-4950, 170-297-5000, 170-297-5125, 170-297-5200, 170-297-5225, 170-297-7580, 170-297-7750, and 170-297-7800.

Statutory Authority for Adoption: RCW 43.215.070; chapter 43.215 RCW; and chapter 231, Laws of 2016.

Other Authority: Governor Inslee's Directive 16-06.

Adopted under notice filed as WSR 17-09-048 on April 17, 2017.

Changes Other than Editing from Proposed to Adopted Version: Subsections of WAC 170-297-2600 reordered so that proposed subsection (3) is now (1) and applies to all programs, including those operating in school facilities.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 32, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 25, 2017.

Heather Moss
Director

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-0001 Authority. The department of early learning was established under chapter 265, Laws of 2006. Chapter 43.215 RCW establishes the department's responsibility and authority to set and enforce licensing requirements and standards for licensed child care agencies in Washington state, including the authority to adopt rules to implement chapter 43.215 RCW. The provisions of this chapter governing the physical facility environment, including buildings and other physical structures attached to buildings and premises, do not apply to licensed early learning programs that operate in facilities used by public or private

schools. The department regulates only health, safety, and quality standards that do not relate to the physical facility environment for programs operating in facilities used by public or private schools.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-0010 Definitions. The following definitions apply throughout this chapter unless the context clearly indicates otherwise. Certain definitions appear in the section the term is used if the definition applies only to a specific section or sections:

"Accessible to children" means areas of the facility and materials that the children can easily get to on their own.

"Agency" as used in this chapter, has the same meaning as in RCW 43.215.010 (1)(c).

"Applicant" is the individual or entity that seeks a license to provide early learning services under this chapter.

"Available" means accessible and ready for use or service.

"Bathroom" means any room containing a built-in flush-type toilet.

"Capacity" means the maximum number of children the licensee is authorized by the department to have in care at any given time.

"Child" means a child not less than five years of age through twelve years of age who is attending kindergarten or school.

"Child abuse or neglect" has the same meaning as "abuse or neglect" under RCW 26.44.020 and chapter 388-15 WAC.

"Child care" means the developmentally appropriate care, protection, and supervision of children that is designed to promote positive growth and educational experiences for children outside the child's home for periods of less than twenty-four hours a day.

"Clean" or **"cleaning"** means to remove dirt and debris (such as soil, food, blood, urine, or feces) by scrubbing and washing with a soap or detergent solution and rinsing with water. Cleaning is the first step in the process of sanitizing or disinfecting a surface or item.

"Confidential" means the protection of personal information, such as the child's records, from persons who are not authorized to see or hear it.

"Denial of a license" means department action to not issue a child care license to an applicant for an initial license, or to a licensee operating under an initial license seeking a nonexpiring full license, based on the applicant's or initial licensee's inability or failure to meet the requirements of chapter 43.215 RCW or requirements adopted by the department pursuant to chapter 43.215 RCW.

"Department" or **"DEL"** means the Washington state department of early learning.

"Developmentally appropriate" means curriculum, materials or activities provided at a level that is consistent with the abilities or learning skills of the child.

"Discipline" means a method used to redirect a child in order to achieve a desired behavior.

"Disinfect" or **"disinfecting"** means to eliminate virtually all germs on a surface by the process of cleaning and rinsing, followed by:

(a) A chlorine bleach and water solution of one tablespoon of chlorine bleach to one quart of cool water, allowed to stand wet for at least two minutes; or

(b) Other disinfectant product if used strictly according to the manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, adequate time to allow the product to dry or rinsing if applicable, and appropriateness for use on the surface to be disinfected. Any disinfectant used on food contact surfaces or toys must be labeled safe for food contact surfaces.

"DOH" means the Washington state department of health.

"DSHS" means the Washington state department of social and health services.

"Enforcement action" means a department issued:

(a) Denial, suspension, revocation or modification of a license;

(b) Probationary license;

(c) Civil monetary penalty (fine); or

(d) Disqualification from having unsupervised access to children in care.

"Fine" has the same meaning as "civil monetary penalty," "civil fines," or "monetary penalty" under chapter 43.215 RCW.

"Inaccessible to children" means an effective method or barrier that reasonably prevents a child's ability to reach, enter, or use items or areas.

"Licensed space" means the indoor and outdoor space on the premises approved by the department for the purpose of providing licensed child care.

"Licensee" for the purposes of this chapter, means the individual listed on a school age child care license issued by the department of early learning authorizing that individual to provide child care under the requirements of this chapter and chapter 43.215 RCW.

"Licensor" means an individual employed by the department and designated by the director to inspect and monitor an agency or other child care facility for compliance with the requirements of this chapter and chapter 43.215 RCW.

"MERIT" means the managed education registry information tool used to track professional development for early learning professionals. See also "STARS."

"Modification of a license" means department action to change the conditions identified on a current license.

"Nonexpiring full license" or **"nonexpiring license"** means a full license with no expiration date that is issued to a licensee following the initial licensing period as provided in WAC 170-297-1430.

"Nonprescription medication" means any of the following:

(a) Nonaspirin fever reducers or pain relievers;

(b) Nonnarcotic cough suppressants;

(c) Cold or flu medications;

(d) Antihistamines or decongestants;

(e) Vitamins;

(f) Ointments or lotions specially intended to relieve itching;

(g) Diaper ointments and talc free powders specially used in the diaper area of children;

(h) Sun screen;

(i) Hand sanitizer gels; or

(j) Hand wipes with alcohol.

"Personal needs" means an individual's hygiene, toileting, medication, cleansing, eating or clothing needs. Personal needs does not mean smoking or use of tobacco products, illegal drug use or misuse of prescription drugs, conducting business or related activities, sleeping or napping, screen time, or leaving children in care unattended.

"Physical facility environment" means all of the physical structures maintained within or attached to the structural building and premises.

"Physical restraint" means the practice of rendering a child helpless or keeping a child in captivity.

"Poison" for the purposes of this chapter includes, but is not limited to, substances, chemicals, chemical compounds (other than naturally occurring compounds such as water or salt), or similar items, that even in small quantities are likely to cause injury or illness if they are swallowed or come into contact with a child's skin, eyes, mouth, or mucous membranes.

"Premises" means the licensed or unlicensed space at the licensed address including, but not limited to, buildings, land and residences.

"RCW" means Revised Code of Washington.

"Revocation" or **"revoke"** means the formal department action to close a child care business and take the license due to the licensee's failure to comply with chapter 43.215 RCW or requirements adopted pursuant to chapter 43.215 RCW.

"Sanitize" means to reduce the number of microorganisms on a surface by the process of:

(a) Cleaning and rinsing, followed by using:

(i) A chlorine bleach and water solution of three-quarters teaspoon of chlorine bleach to one quart of cool water, allowed to stand wet for at least two minutes; or

(ii) Another sanitizer product if used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry, and appropriateness for use on the surface to be sanitized. If used on food contact surfaces or toys, a sanitizer product must be labeled as safe for food contact surfaces; or

(b) For laundry and dishwasher use only, "sanitize" means use of a bleach and water solution or temperature control of a minimum 140 degrees Fahrenheit.

"Screen time" means watching, using or playing television, computers, video games, video or DVD players, mobile communication devices, and similar devices.

"Staff" means a person or persons employed by the licensee to provide child care and to supervise children served at the center.

"STARS" means the state training and registry system.

"Suspension of a license" means a formal department action to immediately stop a license pending a department decision regarding further enforcement action.

"**Unlicensed space**" means the indoor and outdoor areas of the premises not approved as licensed space by DEL that the licensee must make inaccessible to the children during child care hours.

"**Unsupervised access**" has the same meaning as unsupervised access in WAC 170-06-0020.

"**WAC**" means the Washington Administrative Code.

"**Weapons**" means an instrument or device of any kind that is used or designed to be used to inflict harm including, but not limited to, rifles, handguns, shotguns, antique firearms, knives, swords, bows and arrows, BB guns, pellet guns, air rifles, electronic or other stun devices, or fighting implements.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-1035 Fire inspection/certification. (1)

The license applicant/licensee must conform to rules adopted by the state fire marshal's office, establishing standards for fire prevention and protection of life and property from fire, under chapter 212-12 WAC.

(2) The department must not issue a license until the state fire marshal's office has certified or inspected and approved the facility.

(3) The licensee must continue to comply with state and local fire code following the state fire marshal inspection.

(4) The provisions in this section do not apply to any program that operates on public or private school premises.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-1250 ~~((License application packet—Contents:))~~ Licensing process—Application materials and fees. (1) ~~((The individual or entity seeking a license under this chapter is the license applicant.~~

~~(2) The license))~~ The applicant must submit a complete license application packet that includes:

(a) Professional and background information about the applicant:

(i) A completed department application form;

~~((b))~~ (ii) A copy of the applicant's orientation certificate;

~~((c) Completed background clearance forms for each staff person or volunteer having unsupervised or regular access to the child in care;~~

~~(d) Parent, staff and operation policies (handbooks). See WAC 170-297-2350, 170-297-2375, 170-297-2400, and 170-297-2425;~~

(e) A floor plan, including proposed licensed and unlicensed space with emergency exits and emergency exit pathways identified;

~~((f))~~ (iii) A Washington state business license, or a tribal, county, or city business or occupation license, ~~((as))~~ if applicable;

~~((g))~~ (iv) Liability insurance, if applicable;

(v) Certificate of incorporation, partnership agreement, or similar business organization document, if applicable;

(vi) The license fee;

(vii) Copy of current photo identification issued by a government entity;

(viii) Copy of Social Security card under 42 U.S.C. 666(a)(13) and RCW 26.23.150 regarding child support or sworn declaration stating the applicant does not have one;

(ix) Employer identification number, if applicant plans to hire staff;

(x) Employment or education verification (e.g., diploma or transcripts) or a sworn declaration stating that the applicant cannot verify education requirements;

(b) Information about the facility to be licensed:

(i) A floor plan, including identified use of proposed licensed and unlicensed space with identified emergency exits and emergency exit pathways;

(ii) Copy of a certificate of occupancy for any program that is not directly located on public or private school premises;

(iii) An on-site septic system inspection report within six months of the inspection, if applicable under WAC 170-297-1375;

~~((h))~~ (iv) Well water testing results within six months of testing, if applicable under WAC 170-297-1400;

~~((i))~~ (v) A lead or arsenic evaluation agreement, only for a site located in the Tacoma smelter plume (counties of King, Pierce, and Thurston) under WAC 170-297-1360;

~~((j) The license fee under WAC 170-297-1325;~~

~~(k) A federal employer identification number; and~~

~~(l) A staffing plan to include:~~

~~(i) The number and position types and qualifications of staff to meet the projected capacity of the facility;~~

~~(ii) How the applicant or licensee will verify that staff hired meet the qualifications as provided in this chapter; and~~

~~(iii) Projected staff training plan for the first year of the program.~~

~~(3) In addition to subsection (2)(a) through (l) of this section, if the license applicant is an individual, the following must be submitted with the license application:~~

~~(a) A copy of a current government issued photo identification;~~

~~(b) A copy of the license applicant's Social Security card under 42 U.S.C. 666(a)(13) and RCW 26.23.150 regarding child support, or, if the license applicant does not have a Social Security card, a sworn declaration stating that he or she does not have a Social Security card.~~

~~(4) In addition to subsection (2)(a) through (l) of this section, if the license applicant is an entity, a copy of the certificate of incorporation, partnership agreement or similar business organization document must be submitted with the license application.~~

~~(5) The licensee must submit a copy of the federal Internal Revenue Service letter showing the applicant's employer identification number (EIN) if the applicant plans to employ staff.)~~ (vi) Lead and copper test results for drinking water. See WAC 170-297-1370.

(c) Program hours of operation, including closure dates and holiday observances;

(d) Information about program staff:

(i) List of staff persons and volunteers, required to complete the background check process under chapter 170-06 WAC;

(ii) Resume for applicant, center director and program supervisor;

(iii) Three letters of professional reference for applicant, director and program supervisor;

(iv) Staffing plan that includes:

(A) The number and position types and qualifications of staff to meet the projected capacity of the facility;

(B) How the applicant or licensee will verify that staff hired meet the qualifications required under this chapter; and

(C) Projected staff training plan for the first year of the program.

(e) Program policy documents, including:

(i) Parent and program policies;

(ii) Staff policies;

(iii) An emergency preparedness plan;

(iv) Health policies; and

(v) A plan for the prevention of exposure to blood and body fluids.

(2) An applicant must submit the completed application packet ninety calendar days or more prior to the opening of the early learning program.

(3) The license fee. Fees are nonrefundable and are due:

(a) With the applicant's initial license application packet; and

(b) Annually thereafter, thirty days prior to the anniversary date of the license.

(c) The annual fee for a school-age program is one hundred twenty-five dollars for the first twelve children, plus twelve dollars for each additional child over twelve, or as otherwise set by the legislature.

(4) If the school-age provider decides to alter the existing licensed space or moves the child care to a different building, including a different building located on the same premises, the department shall inspect the new location and determine whether it meets the requirements in this chapter. The provider must:

(a) Notify the department of the proposed change;

(b) Submit a complete application before the change occurs, but not more than ninety days before the change occurs; and

(c) Not operate in the proposed space until the new location or the change in environment has been inspected and approved by the department.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-1275 Licensing process—Application processing. (1) The department may take up to ninety days to complete the licensing process. The ninety days begins when the department receives the license applicant's signed and dated application packet, fees, and background check forms.

(2) If an incomplete application packet is submitted, the department will inform the license applicant of the deficiencies and provide a time frame in which to provide the required information. If an application remains incomplete the department may deny the license.

(a) An applicant who is unable to successfully complete the application and licensing process within ninety days may

withdraw the application and reapply when able to meet the licensing requirements.

(b) An applicant who is unable to meet the application requirements and has not withdrawn the application will be denied a license under the provisions of RCW 43.215.300.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-1325 Background check fees((—When due)).

~~(License fees.~~

~~(1) The annual license fee is one hundred twenty-five dollars for the first twelve children, plus twelve dollars for each additional child over twelve, or as otherwise set by the legislature.~~

~~(2) The license fee is nonrefundable and is due:~~

~~(a) With the license applicant's initial license application packet; and~~

~~(b) Annually thereafter, thirty days prior to the anniversary date of the license.~~

~~(3) Payment must be in the form of a check or money order.~~

Background check fees.

~~(4))~~ (1) Each ~~((individual))~~ early learning provider required to obtain a department background check ~~((must))~~ shall pay the fee established under chapter 170-06 WAC. The fee must be submitted with the individual's completed and signed background check application form.

~~((5) Each individual submitting a first-time license application and each individual applying for the first time for a department background check clearance))~~ (2) The following early learning providers must be fingerprinted and pay the processing fee:

(a) Anyone submitting a first-time license application;

(b) Anyone applying for the first time for a department background check clearance; and

(c) Anyone whose background clearance has expired.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-1360 Lead and arsenic hazards—Tacoma smelter plume. A child care facility ~~((it))~~ that does not operate on public or private school premises but is located within the designated Tacoma smelter plume (counties of King, Pierce, and Thurston) must contact the state department of ecology (DOE) and complete a signed access agreement with DOE for further evaluation of the applicant's property and possible arsenic and lead soil sampling.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-2600 Furnaces ((and)), other heating devices and appliances with hot surfaces. (1) The licensee must make any appliance or heating device that has a hot surface capable of burning a child inaccessible to the children in

care during operating hours when the appliance or device is in use or is still hot after use.

(2) For any program that does not operate on public or private school premises, the licensee must:

(a) Keep paper, rubbish, or combustible materials at least three feet away from any furnace, fireplace, or other heating device((-);

~~((2) Furnaces must be)~~ (b) Make any furnace inaccessible to the children((-); by keeping the furnace isolated, enclosed or protected((-); and

(3) Make any appliance or heating device that has a hot surface capable of burning a child ((must be made)) inaccessible to the children in care during operating hours when the appliance or device is in use or is still hot after use.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-2625 Electrical motors. For any program that does not operate on public or private school premises, the licensee must keep electrical motors on appliances free of accumulated dust or lint.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-3000 Fire extinguishers. (1) For any program that does not operate on public or private school premises, the licensee must have working fire extinguishers, readily available. A fire extinguisher must be:

(a) Located on each level of the licensed premises used for child care; and

(b) Mounted:

(i) Within seventy-five feet of an exit; and

(ii) Along the path of an exit.

(2) For any program that does not operate on public or private school premises, a fire extinguisher may be mounted in a closed unlocked closet. There must be:

(a) A sign on the closet door to indicate that a fire extinguisher is mounted inside; and

(b) No obstructions blocking access to the closet.

(3) The licensee of a program that does not operate on public or private school premises must have documentation on file of annual:

(a) Fire extinguisher maintenance; or

(b) Proof of purchasing new extinguishers.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-3700 Carpets. (1) For any program that does not operate on public or private school premises, the licensee must clean installed carpet in the licensed space at least twice each calendar year, or more often when soiled, using a carpet shampoo machine, steam cleaner, or dry carpet cleaner.

(2) Where the licensee does not have decision-making authority over the licensed premises, document verification of compliance is acceptable.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-3950 Pest control. (1) For any program that does not operate on public or private school premises, the licensee must keep the premises free from rodents, fleas, cockroaches, and other insects and pests.

(2) If pests are present in the licensed space, the licensee of a program that does not operate on public or private school premises, must:

(a) Take action to remove or eliminate pests; and

(b) Use the least poisonous method of pest management possible; or

(c) Use chemical pesticides for pest management. If chemical pesticides are used, the licensee must:

(i) Post a notice visible to parents, guardians and staff forty-eight hours in advance of the application of chemical pesticides; and

(ii) Comply with the Washington state department of agriculture's compliance guide for *Pesticide use at Public Schools (K-12) and Licensed Day Care Centers* in applying chemical pesticides.

(3) Where the licensee does not have decision-making authority over the licensed premises, document verification of compliance is acceptable.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4000 Lead, asbestos, arsenic and other hazards. For any program that does not operate on public or private school premises, the licensee must take action to prevent child exposure when the licensee becomes aware that any of the following are present in the indoor or outdoor licensed space:

(1) Lead based paint;

(2) Plumbing containing lead or lead solders;

(3) Asbestos;

(4) Arsenic or lead in the soil or drinking water;

(5) Toxic mold; or

(6) Other identified toxins or hazards.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4250 Indoor temperature. For any program that does not operate on public or private school premises, the indoor temperature must be no less than sixty-five degrees Fahrenheit and no higher than seventy-five degrees Fahrenheit during the winter or eighty-two degrees Fahrenheit during the summer.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4275 Fans, air conditioning or cross ventilation. For any program that does not operate on public or private school premises, a fan, air conditioner or cross ventilation must be used in licensed space when the inside temperature exceeds eighty-two degrees Fahrenheit. Fans and air conditioners must be kept inaccessible to the children, or a

protective barrier must be used to prevent children from accessing fan blades.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4300 Window coverings. (1) For any program that does not operate on public or private school premises, window coverings with pull cords or inner cords capable of forming a loop are prohibited as provided by RCW 43.215.360.

(2) Window coverings may be allowed that have been manufactured or altered to eliminate the formation of a loop.

(3) A window covering must not be secured to the frame of a window or door used as an emergency exit in any way that would prevent the window or door from opening easily.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4350 Electrical outlets, cords and power strips. (1) For any program that does not operate on public or private school premises, the licensee must:

(a) Use electrical outlets that are in good working order without exposed wires or broken covers(~~(-~~ ~~(2))~~);

(b) ~~Install~~ interior outlets near sinks, tubs or toilets (~~must be~~) that are:

~~((a))~~ (i) Tamper-resistant ground fault circuit interrupter (GFCI) type; or

~~((b))~~ (ii) Made inaccessible to the children.

~~((3))~~ (2) For all licensed programs, electrical cords must be:

(a) Secured to prevent a tripping hazard;

(b) In good working order, not torn or frayed and without any exposed wire; and

(c) Plugged directly into an outlet, or a surge protector that is plugged directly into an outlet.

~~((4))~~ (3) Power strips with a surge protector may be used and must be made inaccessible to the children.

~~((5))~~ (4) Extension cords may be used only for a brief or temporary purpose and must be plugged into an outlet or into a surge protected power strip.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4360 Area lighting. For any program that does not operate on public or private school premises, all areas of the facility must have natural or artificial lighting that provides adequate illumination for facility activities.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4375 Lighting safety. (1) For any program that does not operate on public or private school premises, ceiling-mounted light fixtures in licensed space accessible to children must have one of the following:

(a) Shatter-resistant covers; or

(b) Shatter-resistant light bulbs.

(2) The licensee of a program that does not operate on public or private school premises, must not:

(a) Allow bare light bulbs in any play space;

(b) Use lights or light fixtures indoors that are intended or recommended for outdoor use; or

(c) Use halogen lamps in any area accessible to children during operating hours.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4550 Windows. ~~((+))~~ For any program that does not operate on public or private school premises:

(1) When a protective guard is used on any window it must not block outdoor light from entering the child care or prevent air flow into the child care(~~(-)~~); and

(2) Where a window is used as an emergency exit window, the window and guards, if provided, must be equipped to enable staff to release the guard and open the window fully when emergency exit is required.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4625 Toileting facility. (1) For any program that does not operate on public or private school premises, a toileting facility must be available for use by the children.

~~((+))~~ The toileting facility must have at minimum:

(a) One working flush-type toilet for every thirty children based on the licensed capacity. One-third of the toilets may be replaced by a urinal;

(b) Privacy for toileting for children of the opposite sex; ~~(and)~~

(c) A mounted toilet paper dispenser and toilet paper for each toilet(~~(-~~

~~2) The toileting facility must be ventilated by the use of~~); and

(d) Adequate ventilation provided by a window that can be opened or an exhaust fan.

~~((3))~~ (2) For all licensed school-age programs, a diaper changing area must be provided to meet the diapering needs of the children when applicable.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4635 Handwashing sinks. (1) For any program that does not operate on public or private school premises, handwashing facilities must be located in or immediately outside of:

(a) Rooms used for toileting; and

(b) Areas used for food preparation.

(2) Soap and warm water must be provided at each handwashing sink, as well as:

(a) Disposable paper towels; or

(b) A heated-air hand-drying device with heat guards to prevent contact with surfaces that get hotter than one hundred twenty degrees Fahrenheit.

(3) ~~((The))~~ Handwashing procedures must be posted at each handwashing sink.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4650 Bathroom floors. For any program that does not operate on public or private school premises, bathrooms and other rooms subject to moisture must have flooring that is washable and moisture resistant. The floor must be cleaned and disinfected as provided in WAC 170-297-0010 daily or more often if needed.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4700 Water temperature. ~~((Water must be kept at a))~~ For any program that does not operate on public or private school premises, the licensee must monitor the water temperature ((øf)) and maintain it at least sixty degrees Fahrenheit and not more than one hundred twenty degrees Fahrenheit.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4925 Licensed outdoor space. (1) The licensee must provide a safe outdoor play area on the premises.

(a) The outdoor play space must contain seventy-five square feet of usable space per child for the number of children stated on the license.

(b) If the premises does not have seventy-five square feet of available outdoor space per child, the licensee may provide an alternative plan, approved by the department, to meet the requirement for all children in care to have daily opportunities for active outdoor play.

~~(2) ((The licensed outdoor play space must be enclosed within a fence, barrier, or identified boundary. When a fence has slats, openings between the slats must be no wider than three and one-half inches.~~

~~(3))~~ (3) When the licensed outdoor play space is not adjacent to the licensed facility the licensee must:

(a) Identify and use a safe route to and from the licensed outdoor space that is approved by the department; and

(b) Supervise the children at all times when passing between the licensed outdoor space and the facility.

~~((4))~~ (3) The licensee must provide a written plan, approved by the department, to make roadways and other dangers adjacent to the licensed outdoor play space inaccessible to children.

~~((5) The department may approve all or part of the outdoor space for use by a child care program that is on school district property and has been inspected and maintained by the school district using the Consumer Product Safety Commission's *Public Playground Safety Handbook*.)~~ (4) For any program that does not operate on public or private school premises, the licensed outdoor play space must be enclosed within a fence, barrier, or identified boundary. Any opening between fence slats may be no wider than three and one-half inches.

(5) For any program that does not operate on public or private school premises, the department may approve all or part of the outdoor space for use by a child care program that

has been maintained by using the Consumer Product Safety Commission's *Public Playground Safety Handbook*.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-4950 Playground equipment—Ground cover—Fall zones. This section is applicable to any program that does not operate on public or private school premises.

(1) The licensee must not place climbing play equipment on concrete, asphalt, packed soil, lumber, or similar hard surfaces when being used by children.

(2) The ground under swings and play equipment intended to be climbed must be covered by a shock absorbing material. Grass alone is not an acceptable ground cover material under swings or play equipment intended to be climbed. Acceptable ground cover includes:

(a) Pea gravel at least nine inches deep;

(b) Playground wood chips at least nine inches deep;

(c) Shredded recycled rubber at least six inches deep; or

(d) Other department approved material.

(3) A six-foot fall zone must surround all equipment that has a platform over forty-eight inches tall that is intended to be climbed.

(4) The fall zone area must extend at least six feet beyond the perimeter of the play equipment. For swings, the fall zone must be the distance to the front and rear of the swing set equal to or greater than twice the height of the top bar from which the swing is suspended.

(5) Swing sets must be positioned further away from structures to the front and rear of the swing set. The distance to the front and rear of the swing set from any playground equipment or other structure must be a distance equal to or greater than twice the height of the top bar from which the swing is suspended.

(6) The department may approve all or part of ~~((a play-ground for use by a child care program that is on school district property and has been inspected and maintained by the school district))~~ the outdoor space for use by a child care program that has been maintained by using the Consumer Product Safety Commission's *Public Playground Safety Handbook*.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-5000 Play equipment. For any program that does not operate on public or private school premises, the licensee must have play equipment that is developmentally appropriate and maintained in a safe working condition. The licensee must inspect play equipment at least weekly for injury hazards, broken parts, or damage. Unsafe equipment must be repaired immediately or must be made inaccessible to children until repairs are made.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-5125 Outdoor areas and daily physical activities. (1) ~~((The licensed program must have an out-~~

~~door play area that promotes a variety of age and developmentally appropriate active play for the children in care.~~

~~(2) The~~) Program staff must provide outdoor activities at least twenty minutes for every three hours of care unless conditions pose a health and safety risk to the children.

~~((3))~~ (2) Conditions that may pose a health and safety risk include, but are not limited to:

- (a) Heat in excess of one hundred degrees Fahrenheit;
- (b) Cold less than twenty degrees Fahrenheit;
- (c) Lightning storm, tornado, hurricane, or flooding, if there is immediate or likely danger to the children;
- (d) Earthquake;
- (e) Air quality emergency ordered by a local or state air quality authority or public health authority;
- (f) Lockdown order by a public safety authority; or
- (g) Other similar incidents.

(3) For any program that does not operate on public or private school premises, the licensed program must have an outdoor play area that promotes a variety of age and developmentally appropriate active play for the children in care.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-5200 Swimming pools defined—Barriers and supervision. (1) A swimming pool is a pool that has a water depth greater than two feet.

(2) When there is a swimming pool on the premises that is not located on public or private school grounds the licensee must provide:

(a) A door alarm or bell on each door opening to the pool area to warn staff when the door is opened;

(b) A five foot high fence that blocks access to the swimming pool. ~~((When the fence has slats the openings between slats must not be wider than three and one-half inches wide;))~~ Any opening between fence slats may not be wider than three and one-half inches;

(c) Gates with a self-latching device at entrance and exit points to the swimming pool and lock each gate; and

(d) An unlocking device that is inaccessible to children but readily available to the licensee or staff.

(3) For any program that does not operate on public or private school premises, the licensee must maintain the swimming pool according to manufacturer's specifications, including cleaning and sanitizing.

(4) When the swimming pool on the premises is used by the children in care:

(a) The licensee must obtain written permission from the parent or guardian of each child using the swimming pool;

(b) There must be one person present at the swimming pool at all times who is a certified lifeguard, with a nationally recognized certification; and

(c) The licensee must provide one additional staff person more than the required staff-to-child ratio provided in WAC 170-297-5700 to help supervise the children.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-5225 Bodies of water or water hazards on the licensed premises. (1)(a) As used in WAC 170-

297-5150 through 170-297-5250, a "body of water" is a natural area or man-made area or device that contains or holds more than two inches of water.

(b) "Body of water" does not include a wading pool as defined in WAC 170-297-5175, a water activity table, small bird baths or rain puddles with a water depth of two inches or less.

(2) When children are in care the licensee must~~((:~~) directly supervise or have a primary staff person directly supervise children, with the staff-to-child ratio observed, whenever children play in any area with a body of water.

(3)(a) For any program that does not operate on public or private school premises, the licensee must make any body of water in the licensed space inaccessible with a physical barrier (not to include a hedge or vegetation barrier) or fence that is at least five feet tall. ((When a fence has slats or open grids, openings must not be wider)) Any opening between fence slats may be no wider than three and one-half inches; and

(b) Directly supervise or have a primary staff person directly supervise children, with the staff-to-child ratios observed, whenever children play in any area with a body of water.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-7580 Drinking fountains. This section is applicable to any program that does not operate on public or private school premises.

(1) Inclined jet-type drinking fountains may be used.

(2) Bubble-type drinking fountains and drinking fountains attached to or part of sinks used for any purpose other than the drinking fountain must not be used.

(3) Drinking fountains must be cleaned and sanitized, as provided in WAC 170-297-0010, on a daily basis or more often as needed.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-7750 Food preparation area. This section is applicable to any program that does not operate on public or private school premises.

(1) ~~((Program staff must clean and sanitize food preparation and eating surfaces before and after use.))~~ The food preparation area must:

(a) Have surfaces that are free of cracks and crevices; and

(b) Have a floor made of a material that is resistant to moisture.

(2) ~~((The following kitchen equipment must be available to cook and serve food:~~

~~((a))~~ Have a range with a properly vented hood or exhaust fan(; ~~and~~

~~((b) A refrigerator and freezer, or a combination refrigerator/freezer), or a properly maintained microwave, must be available to properly cook food.~~

(3) There must be a designated food preparation sink in the licensed facility. When the food preparation sink is used for other purposes ~~((during nonchild care))~~ outside of pro-

gram operating hours, it must be thoroughly cleaned and sanitized, as provided in WAC 170-297-0010, prior to use and a colander must be used to prevent food items from coming in contact with the sink basin.

(4) There must be a handwashing sink accessible during food preparation. See WAC 170-297-4635.

(5) A calibrated and working food thermometer must be used to monitor food temperature to ensure that it is cooked, cooled, and served at the correct temperature. The thermometer must be either a metal stem-type thermometer or a digital thermometer.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 170-297-1300 Withdrawing an incomplete application.

WAC 170-297-1375 Private septic system—Inspection and maintenance.

WAC 170-297-1400 Private well and water system.

NEW SECTION

WAC 170-297-1370 Safe water sources. (1) Hot and cold running water shall be supplied to the licensed program premises.

(2) A licensee for a program that does not operate on public or private school premises must use a Washington state certified water laboratory accredited by the department of ecology to analyze drinking water to test the program water supply for lead and copper within six months of the date this section becomes effective. All fixtures used to obtain water for preparing food, drinking, or cooking must be tested prior to licensing and at least once every six years. Testing must be done pursuant to current environmental protection agency standards. A copy of the water testing results must be kept on the licensed premises. If the test results are at or above the current EPA action level, the licensee must immediately:

(a) Close the program to prevent children from using or consuming water, or supply bottled or packaged water to meet the requirements of this chapter;

(b) Consult with the department of health for technical assistance;

(c) Contact and advise the department of the water test results and steps taken to protect enrolled children;

(d) Notify all parents and guardians of the test results; and

(e) Notify the department with plans to reopen the program once lead and copper levels are below the current EPA action level.

(3) If the program space receives water from a private well, the well must comply with chapter 173-160 WAC minimum standards for construction and maintenance of wells.

(a) Well water must be tested at least once every twelve months for coliform bacteria and nitrates by a Washington state certified laboratory accredited by the department of

ecology to analyze drinking water. To achieve desirable results the test must indicate:

(i) No presence of coliform bacteria; and

(ii) The presence of less than ten parts per million (ppm) for nitrates. If test results for nitrates are greater than five but less than ten ppm, the water must be retested within six months.

(b) If well water tests positive for coliform bacteria, or is greater than ten ppm for nitrates, the licensee must:

(i) Immediately stop using the well water in the child care premises; and

(ii) Immediately inform the local health jurisdiction or the department of health and the department of the positive test results.

(c) If directed by the department, the program must discontinue operations until repairs are made to the water system and water tests indicate desirable results pursuant to (b) of this subsection.

(d) If the department determines that child care operations may continue while an unsafe water system is being repaired, or installs treatment, the licensee must:

(i) Provide an alternate source of water, approved by the department; and

(ii) Repair the well or install treatment as required and retest until the water meets the water quality standards pursuant to (b) of this subsection.

(4) A licensee must immediately notify the department when the water connection to the program space is interrupted for more than one hour, or the water source becomes contaminated:

(a) The department may require the licensee to discontinue program operation until the water connection is restored or the water source is no longer contaminated; or

(b) The licensee must obtain an alternative source of potable water approved such as packaged or bottled water. The amount of the alternative source of potable water must be sufficient to ensure compliance with the requirements of this chapter for safe drinking water, handwashing, sanitizing, dishwashing, and cooking.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-7800 Food storage. (1) Food must be stored:

(a) In the original containers or in clean, labeled containers that are airtight and off the floor;

(b) In a manner that prevents contamination from other sources;

(c) In an area separate from toxic materials such as cleaning supplies, paint, or pesticides;

(d) With a date that is not past the manufacturer's expiration or freshness date; and

(e) In a working refrigerator, cooler, or freezer with sufficient space for proper storage and cooling of food, if cold holding is required. A calibrated and working food thermometer must be used to monitor food temperature. The thermometer must be either a metal stem-type thermometer or a digital thermometer.

(i) Foods requiring refrigeration must be stored at forty-one degrees Fahrenheit or less. Appropriate refrigeration is required to preserve food from spoiling. Foods that may be subject to spoiling include, but are not limited to, meats, cooked potatoes, cooked legumes, cooked rice, sprouts, cut melons, cut cantaloupes, milk and cheese.

(ii) Foods requiring freezing must be stored at ten degrees Fahrenheit or less. Foods required to be frozen must not be allowed to thaw until such food is being prepared for immediate consumption. Frozen food must be thawed in a refrigerator, under cool running water inside a pan placed in a sink with the drain plug removed; or in a microwave if the food is to be cooked immediately as part of the continuous cooking process.

(2) Raw meat, poultry, or fish in the refrigerator must be stored below cooked or ready to eat foods.

(3) Foods not requiring refrigeration must be stored at least six inches above the floor in a clean dry storeroom, or in a closed cupboard or pantry.

(4) Dry bulk foods not in their original containers must be stored in containers with tight fitting covers. Containers must be labeled and dated.

(5) Prior to storing leftover food in a refrigerator, an early learning provider must label the container with the date and time when the leftover food was opened or cooked. The program may serve leftover food that originated from the program if:

(a) The food was not previously served; and

(b) It was stored at the proper temperature for less than forty-eight hours after preparation.

WSR 17-22-054

PERMANENT RULES

BIG BEND

COMMUNITY COLLEGE

[Filed October 25, 2017, 3:50 p.m., effective November 25, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: On December 1, 2016, the court of appeals of the state of Washington Division III filed an opinion regarding full adjudicative proceedings required by the Washington Administrative Procedure Act (APA), chapter 34.05 RCW, in the *Arishi v. Washington State University* case (No. 33306-0-III). Big Bend Community College (BBCC) currently provides a full adjudicative process in situations where a student is alleged to have violated the standards of conduct for students and suspension of more than ten instructional days or dismissal/expulsion might be a result and also for all allegations of student sexual misconduct; however, BBCC will provide additional clarification regarding the adjudicative process and incorporate language from the APA and model rules of procedure (chapter 10-08 WAC) in its student conduct code WAC to ensure compliance with the court of appeals decision. Further clarification regarding the equal rights of a complainant in sexually violent conduct complaints will also be added for compliance with Title IX guidance from the United States Department of Education's Office for Civil Rights. Finally, clarification will be provided to the language

throughout this chapter to improve readability and organization in general.

Citation of Rules Affected by this Order: New WAC 132R-04-103, 132R-04-116 and 132R-04-131; and amending WAC 132R-04-010, 132R-04-015, 132R-04-017, 132R-04-019, 132R-04-040, 132R-04-047, 132R-04-056, 132R-04-057, 132R-04-063, 132R-04-064, 132R-04-067, 132R-04-100, 132R-04-112, 132R-04-115, 132R-04-117, 132R-04-130, 132R-04-140, 132R-04-150, 132R-04-160, and 132R-04-165.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 17-15-128 on July 19, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, Amended 20, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 20, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 16, 2017.

Dawna Haynes
Dean of Student Services

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-010 Statement of student rights. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to maintain and to respect the general conditions necessary for a free and effective learning environment is (~~shared by~~) expected of all members of the college community.

The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-015 Definitions. For the purposes of this chapter, terms are defined as follows:

(1) "Student conduct officer" is a college administrator designated by the president to be responsible for implementing and enforcing the student conduct code. (~~The student conduct officer is authorized to delegate any and all of his or her responsibilities as set forth in this chapter as may be reasonably necessary.~~) The vice president of (~~instruction and student services~~) learning and student success will serve as the student conduct officer or may appoint a designee.

(2) "Conduct review officer" is a college administrator designated by the president to be responsible for receiving and facilitating appeals from student disciplinary actions and for reviewing initial (~~orders~~) decisions issued in a brief adjudicative proceeding. The conduct review officer shall be designated by the president and shall be authorized to grant appropriate relief upon review. (~~The conduct review officer is authorized to delegate any and all of his or her responsibilities as set forth in this chapter as may be reasonably necessary.~~) The director of student programs will serve as the conduct review officer, unless otherwise designated by the president.

(3) "The president" is the president of the college. The president is authorized to delegate any and all of his or her responsibilities as set forth in this chapter as may be reasonably necessary and to reassign any and all duties and responsibilities as set forth in this chapter as may be reasonably necessary.

(4) "Disciplinary action" is the process by which discipline is imposed by the student conduct officer against a student for a violation of the student conduct code.

(5) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ten instructional days or an expulsion are heard by the disciplinary committee. Appeals of all other appealable disciplinary action may be reviewed through brief adjudicative proceedings.

(6) "Respondent" is the student against whom disciplinary action is being taken.

(7) "Service" is the process by which a document is officially delivered to a party. Unless expressly specified otherwise, service upon a party shall be accomplished by:

(a) Hand delivery of the document to the party; or

(b) By sending the document (~~(by)~~) to the college assigned email, once one has been generated, and by certified mail (~~(or first class mail)~~) to the party's last known address.

Service is deemed complete upon hand delivery of the document or upon the date the document is emailed, if possible, and deposited into the mail.

(8) "Filing" is the process by which a document is officially delivered to a school official responsible for facilitating a disciplinary review (~~(or)~~) by a presiding officer. Unless expressly specified otherwise, filing shall be accomplished by:

(a) Hand delivery of the document to the school official or school official's assistant; or

(b) By sending the document by email and first class mail to the recipient's college-assigned email and office address.

Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified official or presiding officer.

(9) "College premises" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, or controlled by the college.

(10) "Student" includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students(-)" for the purposes of this chapter.

(11) "Business day" means a weekday, excluding weekends and college holidays. If a time period is not specifically stated in business days, then calendar days apply.

(12) "Complainant" means any person who files a complaint alleging that a student or student organization violated the standards of conduct for students. Complainant also refers to the college when the college files the complaint.

(13) "Sexual misconduct" has the meaning ascribed to this term in WAC 132R-04-057.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-017 Statement of jurisdiction. The conduct code adopted herein applies to student conduct that occurs on college premises, at or in connection with college-sponsored activities, and to off-campus student conduct that in the judgment of the college adversely affects the well-being of the college community and/or the pursuit of its objectives. Jurisdiction (~~(includes)~~) extends to, but is not limited to, locations in which students are engaged in official college activities including, but not limited to, foreign or

domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, online education, practicums, supervised work experiences, or any other college-sanctioned social or club activities. Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The student conduct officer has sole discretion, on a case-by-case basis, to determine whether the code of student conduct will be applied to conduct occurring off campus.

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

WAC 132R-04-019 Right to demand identification.

For the purpose of determining identity of a person as a student any faculty member or other college personnel authorized by the college president may demand that any person on college facilities produce evidence of student enrollment at the college. Tender of the student identification card will satisfy this requirement.

Refusal by a student to produce identification as required ~~((shall))~~ may subject the student to disciplinary action.

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

WAC 132R-04-040 Freedom of expression. (1) Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students, other members of the college community, and nonstudents shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operations of the college.

(2) Concomitantly, while supporting the rights of students and others, the college recognizes the responsibility to maintain an atmosphere conducive to a sound educational endeavor.

(3) To ~~((insure))~~ ensure the reconciliation of such rights and responsibilities, while respecting the private rights of all individuals, campus demonstrations may be conducted only in areas which are generally available to the public provided such demonstrations:

- (a) Are conducted in an orderly manner; and
- (b) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or with the general educational processes of the college; or
- (c) Do not unreasonably interfere with vehicular or pedestrian traffic; or
- (d) Do not unreasonably interfere with regular college functions.

(4) A student who conducts or participates in a demonstration which violates any provision of this rule shall be subject to disciplinary action. A nonstudent who violates any provision of the rule will be referred to civilian authorities for criminal prosecution.

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

WAC 132R-04-047 Freedom of association and organization. Students bring to the campus a variety of previously acquired interests and develop many new interests as members of the college community. They are free to organize and join associations to promote any legal purpose, whether it be religious, political, educational, recreational or social.

Student organizations must be granted a charter by the college student government before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the student government a statement of purpose, criteria for membership, a statement of operating rules or procedures, and the name of a ~~((faculty member))~~ college employee who has agreed to serve as an advisor. All student organizations must also submit to the student government a list of officers and keep that list updated when changes occur.

In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, national origin, or religion. Membership in all student organizations shall be open to any member of the college community who is willing to subscribe to the stated aims of the student organization. Affiliation with a noncampus organization shall not be grounds for denial of charter, provided that other conditions for charter issuance have been met.

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

WAC 132R-04-056 Standards. Attendance at Big Bend Community College presupposes that ~~((a))~~ students will observe the laws and deport themselves according to accepted standards of personal and group conduct. It further presupposes that each student will comply with the rules, regulations and procedures as are, or may be, established by Big Bend Community College. Failure to observe such laws, standards, rules, regulations and procedures shall render a student subject to penalties, which may include dismissal from the college.

The provisions of this section on student conduct and discipline do not apply to probation or suspension arising solely from low scholarship.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-057 Student code of conduct violations. ~~((Student misconduct.))~~ The college may impose sanctions against a student who commits, attempts to commit, aids, abets, incites, encourages, or assists another person to commit an act of misconduct. Misconduct for which the college may impose sanctions includes, but is not limited to, any of the following:

(1) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating ~~((or)),~~ plagiarism, or fabrication.

(a) Cheating includes, but is not limited to, ~~((using, or attempting to use, any material, assistance, or source which has not been authorized by the instructor to satisfy any expec-~~

tation or requirement in an instructional course, or obtaining, without authorization, test questions or answers or other academic material that belong to another)) any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

(b) Plagiarism includes, but is not limited to, ~~((presenting or submitting another person's ideas, words, or other work in an instructional course without properly crediting that person:~~

~~(e) Academic dishonesty includes, but is not limited to, presenting or submitting in an instructional course either information that is known to be false (while concealing that falsity) or work that is substantially the same as that previously submitted in another course (without the current instructor's approval).~~

~~(2) Any other acts of dishonesty. Such acts)) taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.~~

~~(c) Fabrication includes falsifying data, information, or citations in completing an academic assignment, and also includes providing false or deceptive information in an instructional course concerning the completion of an assignment.~~

~~(2) **Other dishonesty.** Acts of dishonesty include, but are not limited to:~~

~~(a) Forgery, alteration, submission of falsified documents or misuse of any college document, record, or instrument of identification;~~

~~(b) Tampering with an election conducted by or for college students; or~~

~~(c) Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college officer or employee.~~

~~(3) ~~((Obstruction or disruption of:))~~ **Obstructive or disruptive conduct.** Conduct not otherwise protected by law that interferes with, impedes, or otherwise unreasonably hinders:~~

~~(a) Any instruction, research, administration, disciplinary proceeding, or other college ~~((activity))~~ activities, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity; or~~

~~(b) Any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.~~

~~(4) **Assault, intimidation, harassment.** Unwanted touching, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, ~~((stalking))~~ or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this ~~((subsection:~~~~

~~(a) Bullying is physical or verbal abuse, repeated over time, and involving a power imbalance between the aggressor and victim.~~

~~(b) Stalking is intentional and repeated harassment or repeated following of another person, which places that person in reasonable fear that the stalker intends to injure the~~

~~person, another person, or the property of the person or another person, and the stalker either intends to frighten, intimidate, or harass the person, or knows or reasonably should know that the person is frightened, intimidated or harassed, even if the stalker lacks such an intent. The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances.)) code, bullying is repeated or aggressive unwanted behavior, not otherwise protected by law, that humiliates, harms, or intimidates the victim.~~

~~(5) **Cyber misconduct.** Cyber misconduct including, but not limited to: Cyberstalking, cyberbullying, or online harassment.~~

~~(a) Use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person.~~

~~(b) Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third-parties using another's email identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.~~

~~(6) ~~((Attempted or actual damage to, or theft or misuse of, real or personal property or money of:~~~~

~~(a) The college or state;~~

~~(b) Any student or college officer, employee, or organization; or~~

~~(c) Any other person or organization, or possession of such property or money after it has been stolen.)) **Property violation.** Damage to, misappropriation of, unauthorized use or possession of, vandalism, or other nonaccidental damaging or destruction of college property or the property of another person.~~

~~Property for the purposes of this subsection includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college trademarks.~~

~~(7) **Failure to comply with** ~~((the directive))~~ **directive.** Failure to comply with the directive(s) of a college officer or employee who is acting in the legitimate performance of his or her duties, including failure to properly identify oneself to such a person when requested to do so.~~

~~(8) ~~((Participation in any activity which unreasonably disrupts the operations of the college or infringes on the rights of another member of the college community, or leads or incites another person to engage in such an activity.~~~~

~~(9)) **Weapons** ~~((:))~~. Possession of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device or any other weapon apparently capable of producing bodily harm, unless previously authorized by the vice president of ~~((instruction and student services. See board policy 7800 for additional details.~~~~

~~(10))~~ learning and student success. This policy does not apply to the possession of a personal protection spray device, as authorized by RCW 9.91.160. This policy is subject to the following exceptions:

(a) Commissioned law enforcement personnel in the state of Washington, legally authorized military personnel while in performance of their duties, and other persons or entities authorized by contract to carry firearms in the course of their employment;

(b) A student with a valid concealed weapons permit may store a pistol in his or her vehicle parked on campus in accordance with RCW 9.41.050 (2) or (3), provided the vehicle is locked and the weapon is concealed from view; or

(c) The president or designee may grant permission to bring a weapon on campus upon a determination that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.

(9) Hazing. Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student.

~~((11))~~ (10) Alcohol, drug, and tobacco violations.

(a) Alcohol. The use, possession, delivery, sale, or being visibly under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

(b) Marijuana. The use, possession, delivery, or sale of marijuana or the psychoactive compounds found in marijuana intended for human consumption, regardless of form, or being observably under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(c) Drugs. The use, possession, delivery, sale, or being observably under the influence of any legend drug (including anabolic steroids, androgens, or human grown hormones), narcotic drug or controlled substance as defined in chapters 69.41 and 69.50 RCW, except in accordance with a lawful prescription for that student by a licensed health care professional.

(d) Tobacco, electronic cigarettes, and related products. The use of tobacco, electronic cigarettes, and related products in any building owned, leased, or operated by the college, or in any location where such use is prohibited, or in any location other than the parking lots, including twenty-five feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. The use of tobacco, electronic cigarettes, and related products on the college campus is restricted to designated smoking areas.

"Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, waterpipes, hookahs, chewing tobacco, vaporizers, and snuff.

~~((12))~~ Alcohol: The use, possession, delivery, sale, or being visibly under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

~~(13) Marijuana: The use, possession, delivery, sale, or being visibly under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.~~

~~(14) Being observably under the influence of any legend drug, narcotic drug or controlled substance as defined in chapters 69.41 and 69.50 RCW, or otherwise using, possessing, delivering, or selling any such drug or substance, except in accordance with a lawful prescription for that student by a licensed health care professional.~~

~~(15) Obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity.~~

~~(16))~~ (11) Disorderly conduct. Conduct which is disorderly, lewd, indecent, or obscene, that is not otherwise protected under the law.

~~((17))~~ Breach of the peace.

~~(18))~~ (12) Discriminatory conduct ~~(Discriminatory)~~. Conduct which harms or adversely affects any member of the college community because of ~~(her or his)~~ race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age (40+); religion; creed; ~~(genetic information;)~~ sexual orientation; gender identity; veteran's status; or any other legally protected classification.

~~((19))~~ (13) Sexual ~~(violence: The term "sexual violence" incorporates the definition of "sexual harassment" and means a physical sexual act perpetrated without clear, knowing, and voluntary consent, such as committing a sexual act against a person's will, exceeding the scope of consent, or where the person is incapable of giving consent, including rape, sexual assault, sexual battery, sexual coercion, sexual exploitation, gender or sex-based stalking. The term further includes acts of dating or domestic violence and dating violence.~~

~~(a) Domestic violence: Includes (i) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (ii) sexual assault of one family or household member by another; or (iii) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member. Pursuant to chapter 10.99 RCW, domestic violence also includes, but is not limited to, the following crimes when committed by one family or household member against another: Assault; drive by shooting; reckless endangerment; coercion; burglary; criminal trespass; malicious mischief; kidnapping; unlawful imprisonment; and violation of a restraining order, no-contact order or protection order.~~

~~(b) Dating violence: Violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.~~

~~(c) Stalking: Intentional and repeatedly harassing or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person~~

is frightened, intimidated or harassed, even if the perpetrator lacks such intent. In addition to any other form of communication or conduct, the sending of an electronic communication may constitute stalking.

(d) Consent: At the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

(20) Sexual harassment: Conduct includes, but is not limited to, engaging in unwelcome sexual advances, requests for sexual favors, or other sexual conduct, including verbal, nonverbal, electronic or social media communication, or physical touching that would substantially interfere with a reasonable person's work or educational performance, or to create an intimidating, hostile, or offensive educational environment.

(21)) misconduct. The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence.

(a) Sexual harassment. The term "sexual harassment" means unwelcome conduct of a sexual nature, including unwelcomed sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently serious as to deny or limit, and that does deny or limit, based on sex, the ability of a student to participate in or benefit from the college's programs or activities or that creates an intimidating, hostile, or offensive environment for other campus community members.

(b) Sexual intimidation. The term "sexual intimidation" incorporates the definition of sexual harassment and means threatening or emotionally distressing conduct based on sex. This includes, but is not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(c) Sexual violence. "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

(i) Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(ii) Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(iii) Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

(iv) Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

(v) Stalking means intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.

(vi) Consent: Clear knowing and voluntary permission to engage in mutually agreed upon activity. For consent to be valid, there must be actual words or conduct indicating freely given agreement to the act at the time of the act. Consent cannot be inferred from silence, passivity, or lack of active resistance. Consent can be withdrawn by either party at any point. Consent to engage in one activity, or past agreement to engage in a particular activity, cannot be presumed to constitute consent to engage in a different activity or to engage in the same activity again. There is no consent where there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. A person cannot consent if they are unable to understand what is happening or are disoriented, or if they are asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapable of consent has engaged in nonconsensual conduct.

(14) Harassment((±)). Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age (40+); religion; creed; ((genetic information;)) sexual orientation; gender identity; veteran's status; or any other legally protected classification. See supplemental definitions: "Sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic ((media)) communications.

((22)) (15) Retaliation. Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding.

(16) Misuse of electronic resources. Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

- (a) Unauthorized use of such resources or opening of a file, message, or other item;
- (b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;
- (c) Unauthorized use or distribution of someone else's password or other identification;
- (d) Use of such time or resources to interfere with someone else's work;

(e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;

(f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;

(g) Use of such time or resources in violation of applicable copyright or other law;

(h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or

(i) Failure to comply with the college's electronic use policy.

~~((23))~~ **(17) Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property.

~~((24))~~ **(18) Safety violations.** Safety violation includes any nonaccidental conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems.

(19) Violation of other laws or policies. Violation of any federal, state, or local law, rule, or regulation or other college rules or policies.

(20) Abuse of process. Abuse or misuse of any of the procedures relating to student complaints or misconduct including, but not limited to:

(a) Failure to obey a subpoena or order to appear at a hearing;

(b) Falsification or misrepresentation of information;

(c) Disruption, or interference with the orderly conduct, of a proceeding;

(d) Interfering with someone else's proper participation in a proceeding;

(e) Destroying or altering potential evidence, or attempting to intimidate or otherwise improperly pressure a witness or potential witness;

(f) Attempting to influence the impartiality of, or harassing or intimidating, a student disciplinary committee member; or

(g) Failure to comply with any disciplinary sanction(s) imposed under this student conduct code.

~~((25))~~ **(21) Unsafe vehicle operation.** Operation of any motor vehicle on college property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person.

~~((26))~~ **(22) Violation of other laws or policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including college traffic and parking rules.

~~((27))~~ **(23) Ethical violation**~~(±)~~. The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.

~~((28))~~ **(24) Aiding or abetting.** Aiding, abetting, inciting, encouraging, or assisting another person to commit any of the foregoing acts of misconduct.

In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-063 Disciplinary ~~(sanctions)~~ actions. ~~(Sanctions.)~~ Disciplinary actions include, but are not limited to, the following sanctions that may be imposed alone or in conjunction upon students ~~((according to the procedure outlined))~~ found to have committed the violations in WAC 132R-04-057. The college may impose additional sanctions on a student who fails to comply with any imposed sanctions including, but not limited to, preventing that student from registering for classes.

(1) Warning: A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.

(2) Reprimand: Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.

(3) Disciplinary probation: Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation and which may include a deferred disciplinary sanction. If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction, which may include, but is not limited to, a suspension or a dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college. Other conditions and restrictions may include, but not be limited to, restrictions from being present on certain parts of the campus or in certain college buildings; restriction from attending certain college activities or participation in extra-curricular activities; orders of no contact between the student under probation and other students, college employees, or other persons.

(4) Not in good standing. A student ~~((who is on disciplinary probation))~~ may be deemed "not in good standing" with the college. If so the student shall be subject to the following restrictions:

(a) Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.

(b) Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.

~~((4))~~ **(5) Education.** The college may require the student to complete an educational project or attend sessions, at the student's expense, which address the student's behavior such as anger management or counseling.

(6) Loss of privileges. Denial of specified privileges for a designated period of time.

(7) No contact order. An order directing a student to have no contact with a specified student, college employee, a member of the college community, or a particular college facility.

(8) Restitution: Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceeding. This may take the form of monetary reimbursement, appropriate service, or other compensation.

~~((5))~~ (9) Suspension: Dismissal from the college and from the student status for a stated period of time. There will be no refund of tuition or fees for the quarter in which the action is taken.

~~((6))~~ (10) Professional evaluation: Referral for drug, alcohol, psychological or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be conditioned upon compliance with recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

~~((7) Dismissal)~~ (11) Expulsion: The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action is taken.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-064 Summary suspension. (1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.

(2) The ~~((vice president of instruction and student services))~~ student conduct officer (or designee) may impose a summary suspension if there is probable cause to believe that the respondent:

(a) Has violated any provision of the code of conduct; and

(b) Presents an immediate danger to the health, safety, or welfare of members of the college community; or

(c) Poses an ongoing threat of disruption of, or interference with, the operations of the college.

(3) Notice. Any respondent who has been summarily suspended shall be served with written notice or oral notice of the summary suspension at the time of the summary suspension. If oral notice is given, a written notification shall be

served on the respondent within two business days of the oral notice.

(4) The written notification shall be entitled "Notice of Summary Suspension Proceedings" and shall include:

(a) The reasons for imposing the summary suspension, including reference to the provisions of the student conduct code or the law allegedly violated;

(b) The date, time, and location when the respondent must appear before the chair of the student disciplinary committee for a hearing on the summary suspension; and

(c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that his or her privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet with the student conduct officer or designee, or to attend a disciplinary hearing.

(5)(a) The conduct review officer or designee shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension. The hearing will be conducted as a brief adjudicative proceeding.

(b) During the summary suspension hearing, the issue before the conduct review officer is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

(c) The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.

(d) If the notice of summary suspension proceedings has been served upon the respondent in accordance with these rules and the student fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.

(e) As soon as practicable following the hearing, the conduct review officer shall issue a written decision, which shall include a brief statement of findings of fact and conclusions of law, the policy reasons justifying imposition of the summary suspension. If summary suspension is upheld and/or other discipline imposed, the order shall inform the respondent of the duration of the summary suspension or the nature of the disciplinary action(s), conditions under which the summary suspension may be terminated or modified, and procedures by which the order may be appealed.

(f) The interim suspension shall not replace the regular discipline process, which shall proceed as quickly as feasible in light of the interim suspension.

(g) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices whom may be bound or protected by it.

(6) In cases involving allegations of sexual misconduct, the complainant will be notified that a summary suspension has been imposed on the same day that the summary suspen-

sion notice is served on the respondent. The college will also provide the complainant with timely notice of any subsequent changes to the summary suspension order.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-067 Appeal from disciplinary action.

(1) The respondent may appeal the results of a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty calendar days of service of the ~~((discipline order))~~ student conduct officer's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's order shall be deemed final.

(2) The notice of appeal must include a brief statement explaining why the respondent is seeking review.

(3) The parties to an appeal shall be the respondent and the conduct review officer.

(4) A respondent, who timely appeals a disciplinary action or whose case is referred to the student disciplinary committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(5) In the event of a conflict between this student conduct code and the Administrative Procedure Act, chapter 34.05 RCW, ((governs committee proceedings and controls in the event of any conflict with these rules)) this student conduct code will govern.

(6) The college hereby adopts the Model rules of procedure, chapter 10-08 WAC, by reference. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.

(7) Imposition of discipline for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.

(8) The student disciplinary committee shall hear ~~((appeals from))~~ the following cases as fully adjudicated proceedings:

(a) Appeals from suspensions in excess of ten instructional days;

(b) Appeals from dismissals; ~~((and))~~

(c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president; and

(d) Cases in which students request to have their discipline case heard by the committee.

(9) Student conduct appeals involving the following disciplinary actions shall be ~~((heard))~~ reviewed as brief adjudicative proceedings:

(a) Suspensions of ten instructional days or less;

(b) Disciplinary probation;

(c) Reprimands; and

(d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-100 Authority. The Big Bend Community College (BBCC) board of trustees, acting according to RCW 28B.50.140(14), delegates to the president of the col-

lege the authority to administer disciplinary action. Administration of the disciplinary procedures is the responsibility of the vice president of ~~((instruction and student services))~~ learning and student success. The vice president of ~~((instruction and student services))~~ learning and student success will serve as the student conduct officer, or appoint a designee. Unless otherwise specified, the student conduct officer or designee shall serve as the principal investigator and administrator for alleged violations of this code.

NEW SECTION

WAC 132R-04-103 Supplemental sexual misconduct procedures. (1) Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial discipline action and to appeal the student conduct officer's disciplinary order. Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct. In such cases, these procedures shall supplement the student disciplinary procedures. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

(2) **Supplemental complaint process.** The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.

(a) The college's Title IX compliance officer shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.

(b) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

(c) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety, and welfare of the complainant or other members of the college community or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.

(d) The student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-112 Initiation of disciplinary action. (1) All disciplinary proceedings will be initiated by the ~~((vice president of instruction and student services))~~ student con-

duct officer or a designee. If that officer is the subject of a complaint initiated by the respondent, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complainant.

(2) ~~((A student accused of violating any provision of the conduct code (the respondent) shall be notified of an initial meeting with the vice president of instruction and student services.))~~ The student conduct officer shall initiate disciplinary action by serving the respondent with written notice directing the respondent to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is charged with violating, the range of possible sanctions for the alleged violation(s), and specify the time and location of the meeting. At the meeting, the student conduct officer will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to appear after proper notification, the student conduct officer may take disciplinary action based upon the available information.

(3) The student conduct officer, prior to initiating taking disciplinary action in a case involving allegations of sexual misconduct, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

(4) Within ten business days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or argument presented by the respondent, the ~~((vice president of instruction and student services))~~ student conduct officer shall serve the respondent with a written ~~((order))~~ decision setting forth ~~((the facts and conclusions supporting his or her decision,))~~ the specific student conduct code provisions ~~((found))~~ alleged to have been violated, the ~~((discipline imposed (if any)))~~ action taken, and a notice of ~~((any))~~ appeal rights ~~((with an explanation of the consequences of failing to file a timely appeal))~~ (if any).

~~((4))~~ ~~The vice president of instruction and student services, acting in the role of student conduct officer,))~~ (5) The student conduct officer may take any of the following actions:

(a) Exonerate the respondent and terminate the proceeding ~~((, exonerating the respondent));~~

(b) Dismiss the case after providing appropriate counseling and advice to the respondent. Such action is final and is not subject to review on appeal;

(c) Issue a verbal warning to the respondent directly. Such action is final and is not subject to review on appeal;

(d) Impose ~~((additional sanctions of reprimand, disciplinary probation, suspension or dismissal))~~ a disciplinary action(s), as described in WAC 132R-04-063. Such actions are subject to review on appeal as provided in this chapter. Any decision imposing a disciplinary action(s) must state the facts and conclusions supporting the student conduct officer's decision, the specific student conduct code provision(s) found to have been violated, the details of the discipline imposed, and a notice of any appeal rights with an explanation of the consequences of failing to file a timely appeal;

(e) Refer the matter directly to the student disciplinary committee for such action as the committee deems appropriate. Such referral shall be in writing, to the attention of the chair of the disciplinary committee, with a copy served on the respondent.

(6) In cases involving allegations of sexual misconduct, the student conduct officer, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of his or her appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-115 Brief adjudicative proceedings—General. (1) ~~((Brief adjudicative proceedings.))~~ This rule is adopted in accordance with RCW 34.05.482 through 34.05.494. Brief adjudicative proceedings shall be used, unless provided otherwise by another rule or determined otherwise in a particular case by the president, or a designee, in regard to:

- (a) Parking violations.
- (b) Outstanding debts owed by students or employees.
- (c) Use of college facilities.
- (d) Residency determinations.
- (e) Use of library - Fines.
- (f) Challenges to contents of education records.
- (g) Loss of eligibility for participation in institution sponsored athletic events.
- (h) Student conduct appeals involving the following disciplinary actions:
 - (i) Suspensions of ten instructional days or less;
 - (ii) Disciplinary probation;
 - (iii) Written reprimands; and
 - (iv) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.
- (i) Appeals of decisions regarding mandatory tuition and fee waivers.

(2) Brief adjudicative proceedings are informal hearings ~~((and))~~ designed to resolve disputes and address concerns on the part of students, faculty, or other college personnel. Brief adjudicative proceedings shall be conducted in a manner which will bring about a prompt, fair resolution of the matter.

~~((2))~~ **Brief adjudicative proceedings—Initial hearing.** The initial hearing (also known as a brief adjudicative proceeding) is an initial and less formal process designed to resolve disputes and address concerns on the part of students, faculty, or other college personnel.

(a) Brief adjudicative proceedings shall be conducted by the appropriate dean or the associate vice president of student services, acting as the presiding officer. The presiding officer

shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(b) Before taking action, the presiding officer shall conduct an informal hearing and provide each party (i) an opportunity to be informed of the college's view of the matter and (ii) an opportunity to explain the party's view of the matter.

(c) The presiding officer shall serve an initial order upon both the parties within ten days of consideration of the initial hearing. The initial order shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial order. If no request for review is filed within twenty-one days of service of the initial order, the initial order shall be deemed the final order.

(d) If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student disciplinary committee for a disciplinary hearing. The conduct review officer may enter an interim order suspending the student until a hearing can be held by the student disciplinary committee. The interim order shall provide a brief explanation as to facts supporting the interim order of suspension and give the necessary notices that the case has been referred to the student disciplinary committee.)

NEW SECTION

WAC 132R-04-116 Brief adjudicative proceedings—

Initial hearing. (1) Brief adjudicative proceedings shall be conducted by the student conduct officer. The presiding officer shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(2) The parties to a brief adjudicative proceeding are the respondent and the student conduct officer. Before taking action, the conduct review officer shall conduct an informal hearing and provide each party (a) an opportunity to be informed of the college's view of the matter and (b) an opportunity to explain the party's view of the matter.

(3) The conduct review officer shall serve an initial decision upon all the parties within ten business days of consideration of the initial hearing. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within twenty-one calendar days of service of the initial decision, the initial decision shall be deemed the final order.

(4) If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student disciplinary committee for a disciplinary hearing. The conduct review officer may enter an interim order suspending the student until a hearing can be held by the student disciplinary committee. The interim order shall provide a brief explanation as to facts supporting the interim order of suspension and

give the necessary notices that the case has been referred to the student disciplinary committee.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-117 Student disciplinary committee—General. (1) The student disciplinary committee shall consist of five members:

(a) Two full-time students appointed by the student government;

(b) Two faculty members recommended by the faculty association and appointed by the president;

(c) ~~((One))~~ The conduct review officer or other member of the administration appointed by the president at the beginning of the academic year. ((The chair shall receive annual training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.))

(2) The ~~((member of the administration))~~ conduct review officer shall serve as the committee chair ((of the committee)) and may take action on preliminary hearing matters prior to the appointment of the committee. The committee chair shall receive annual training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.

(3) Hearings may be heard by a quorum of three members of the committee so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.

(4) Members of the student disciplinary committee shall not participate in any case in which they are a party, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition the committee for disqualification of a committee member ~~((pursuant to RCW 34.05.425(4)))~~.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-130 Student disciplinary committee ~~((process))~~—Hearing. (1) ~~((Student disciplinary committee process.~~

~~((a)))~~ The student conduct administrative panel will conduct full adjudicative proceedings in accordance with the provisions of this standards of conduct for students code, the Administrative Procedure Act (chapter 34.05 RCW), and the model rules of procedure (chapter 10-08 WAC) including a hearing, determination of findings, conclusions, and sanctions. To the extent there is a conflict between the conduct code and the model rules, this student conduct code shall control.

(2) The committee chair shall serve all parties with written notice of the hearing not less than seven business days in advance of the hearing date ~~((, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control))~~. The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause.

~~((b))~~ (3) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and forms of any discovery, issuance of protective orders, and similar procedural matters.

~~((e))~~ (4) Upon request filed at least five business days before the hearing by either party or at the direction of the committee chair, the parties shall exchange, no later than the third business day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present in their respective cases. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, unless the party can show good cause for such failure.

~~((d))~~ (5) The committee chair may provide to the committee members in advance of the hearing copies of (i) the student conduct officer's notification of imposition of discipline (or referral to the committee) and (ii) the notice of appeal (or any response to referral) by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.

~~((e))~~ (6) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

~~((f) The vice president of instruction and student services (or designee))~~ (7) The student conduct officer shall provide reasonable assistance to the respondent, upon request, in obtaining relevant and admissible evidence that is within the college's control.

~~((g))~~ (8) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate; any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

~~((h))~~ (9) Each party may be accompanied at the hearing by a nonattorney assistant of ~~((his or her))~~ their choice. A respondent or complainant in a case involving allegations of sexual misconduct may elect to be represented by an attorney at ~~((his or her))~~ their own cost, but will be deemed to have waived that right unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by an assistant attorney general. If the respondent or complainant is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

~~((2) Student disciplinary committee hearings — Presentation of evidence.~~

~~(a) Upon the failure of any party to attend or participate in a hearing, the committee may either (i) proceed with the hearing and issuance of its order or (ii) serve an order of default in accordance with RCW 34.05.440.~~

~~(b) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of~~

~~the proceedings should be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.~~

~~(c) The chair shall cause the hearing to be recorded by a method that he or she selects, in accordance with RCW 34.05.449. That recording, or a copy, shall be made available to the respondent upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by the respondent. Other recording shall also be permitted, in accordance with WAC 10-08-190.~~

~~(d) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.~~

~~(e) The vice president of instruction and student services or a designee (unless represented by an assistant attorney general) shall present the case for disciplinary action. The facts justifying any such action must be established by a preponderance of the evidence.~~

~~(f) All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.~~

~~(3) Supplemental sexual misconduct procedures.~~ Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial discipline action and to appeal the student conduct officer's disciplinary order.

Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct. In such cases, these procedures shall supplement the student disciplinary procedures. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

~~(4) Supplemental definitions.~~ For purposes of student conduct code proceedings involving sexual misconduct, the following definitions apply:

~~(a) The "complainant" is the alleged victim of sexual misconduct. Complainant also refers to the college when the college files the complaint.~~

~~(b) "Sexual misconduct" is a sexual or gender-based violation of the student conduct code including, but not limited to:~~

~~(i) Sexual activity for which clear and voluntary consent has not been given in advance;~~

~~(ii) Sexual activity with someone who is incapable of giving valid consent because, for example, she or he is underage, sleeping or otherwise incapacitated due to alcohol or drugs;~~

~~(iii) Sexual harassment;~~

~~(iv) Sexual violence which includes, but is not limited to, sexual assault, domestic violence, intimate violence, and sexual or gender-based stalking;~~

~~(v) Nonphysical conduct such as sexual or gender-based digital media stalking, sexual or gender-based online harassment, sexual or gender-based cyberbullying, nonconsensual~~

recording of a sexual activity, and nonconsensual distribution of a recording of a sexual activity.

~~(5) **Supplemental complaint process.** The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.~~

~~(a) The college's Title IX compliance officer shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.~~

~~(b) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.~~

~~(c) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety and welfare of the complainant or other members of the college community or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.~~

~~(d) The student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.~~

~~(e) The student conduct officer, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of his or her appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure prompt notice of the protective disciplinary sanctions and/or conditions.)~~ (10) In circumstances involving more than one accused student, the student conduct officer may permit joint or separate hearings upon request by a party.

NEW SECTION

WAC 132R-04-131 Student disciplinary committee hearing—Presentation of evidence. (1) Upon the failure of any party to attend or participate in a hearing, the committee may either (a) proceed with the hearing and issuance of its order or (b) serve an order of default in accordance with RCW 34.05.440. If an accused student, with notice, does not appear before a student conduct administrative panel hearing, the information in support of the complaint is presented and considered in the absence of the accused student.

(2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record or in writing that some or all of the proceedings should be open, the committee

chair shall determine any extent to which the hearing will be open. For hearings involving sexual misconduct allegations, complainant, accused student, and their respective attorney representatives may attend portions of the hearing where argument, testimony, and/or evidence are presented to the student disciplinary committee. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

(3) The committee chair shall cause the hearing to be recorded by a method that the committee chair selects, in accordance with RCW 34.05.449. Panel deliberations are not recorded. The recording, or a copy, is property of the college, but will be made available to the respondent upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by the respondent. Other recording shall also be permitted, in accordance with WAC 10-08-190.

(4) The committee chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee, and make rulings on the admissibility of evidence, motions, objections, and on challenges to the impartiality of board members, unless a hearing examiner is appointed as provided below. These rulings shall be made on the record. The Washington rules of evidence shall serve as guidelines for those rulings on the admissibility of evidence, in conjunction with the Administrative Procedure Act, chapter 34.05 RCW. Questions related to the order of the proceedings are also determined by the committee chair.

(5) The student conduct officer (unless represented by an assistant attorney general) shall present the case for disciplinary action. The facts justifying any such action must be established by a preponderance of the evidence.

(6) All testimony shall be given under oath or affirmation. The panel chair determines which records, exhibits, and written statements may be accepted as information for consideration by the panel. These rulings shall be made on the record. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.

(7) The president of the college or designee, the chair of the student disciplinary committee, the administrators assigned to the student disciplinary committee, deans, and/or the student conduct officer have the authority to issue subpoenas.

(8) The accused student and the student conduct officer may arrange for witnesses to present pertinent information to the student disciplinary committee. Each party is responsible for informing their witnesses of the time and place of the hearing.

(9) The committee chair may accommodate concerns for the personal safety, well-being or fears of confrontation during the hearing by providing separate facilities, or by permitting participation by telephone, audio tape, written statement, or other means. In making such accommodations, the rights of the other parties must not be prejudiced and must have the opportunity to participate effectively in, to hear, and, if technically economically feasible, to see the entire proceeding while it is taking place.

(10) In cases involving allegations of sexual misconduct, neither party shall directly question or cross examine one another. Attorneys for the parties are also prohibited from questioning the opposing party absent express permission from the committee chair. Subject to this exception, all cross-examination questions shall be submitted in writing to the committee chair, who in his or her discretion shall pose the questions on the party's behalf.

(11) At the conclusion of the hearing, the committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee may also permit each party to propose findings, conclusions, and/or an order for its consideration.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-140 Student disciplinary committee—Initial ~~((order))~~ decision. (1) ~~((At the conclusion of the hearing, the committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee also may permit each party to propose findings, conclusions, and/or an order for its consideration.~~

~~((2))~~ Within twenty calendar days following the conclusion of the hearing or the committee's receipt of closing arguments (whichever is later), the committee shall issue an initial decision in accordance with RCW 34.05.461 and WAC 10-08-210. The initial decision shall include findings on all material issues of fact and conclusions on all material issues of law, including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.

~~((3))~~ (2) The committee's initial decision shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the student conduct officer, the committee shall determine any disciplinary sanction or conditions authorized herein. If the matter is an appeal by the respondent, the committee may affirm, reverse, or modify the discipline imposed by the student conduct officer and/or impose any other disciplinary sanction or conditions authorized herein.

~~((4))~~ (3) The committee chair shall provide copies of the initial ~~((order))~~ decision to the parties and any legal counsel who have appeared. The committee chair shall also promptly transmit a copy of the order and the record of the committee's proceedings to the college president and the vice president of ~~((instruction and student services))~~ learning and student success.

(4) In cases involving allegations of sexual misconduct, the committee chair, on the same date as the initial decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. Complainant may appeal the student conduct committee's initial decision to the president subject to the same proce-

dures and deadlines applicable to other parties. The notice will also inform the complainant of his or her appeal rights.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-150 Appeal from student disciplinary committee initial ~~((order))~~ decision. (1) ~~((Appeal from student disciplinary committee initial order.~~

~~((a))~~ A respondent who is aggrieved by the findings and conclusions issued by the student disciplinary committee may appeal the committee's initial ~~((order))~~ decision to the president by filing a notice of appeal with the president's office within twenty calendar days of service of the committee's initial ~~((order))~~ decision.

~~((b))~~ (2) The notice of appeal must assign error to specific findings of fact and/or conclusions of law in the initial ~~((order))~~ decision and must contain argument regarding why the appeal should be granted. The president's review on appeal shall be limited to a review of those issues and arguments raised in the notice of appeal. Review shall be restricted to the record created below.

~~((c))~~ (3) The president shall provide a written order to all parties within forty-five calendar days after receipt of the notice of appeal. The president's decision shall be final.

~~((d))~~ (4) The president may ~~((, at his or her))~~ exercise discretion ~~((,))~~ to suspend any disciplinary action pending review of the merits of the findings, conclusions, and disciplinary actions imposed.

~~((e))~~ (5) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

~~((2))~~ **Supplemental appeal rights.**

~~((a))~~ (6) Respondents and complainants in a case involving allegations of sexual misconduct shall have the right to be accompanied by an attorney or nonattorney assistant of their choosing during the appeal process, but will be deemed to have waived that right unless they file with the president a written notice of the attorney's identity and participation within twenty calendar days of service of the committee's initial decision.

(7) Complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.

(a) In addition to the appeal rights provided to the respondent above, a complainant may also appeal the following actions by the student conduct officer ((may be appealed by the complainant)):

(i) The dismissal of a sexual misconduct complaint; or
(ii) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.

(b) ((A complainant may appeal a disciplinary decision by filing a notice of appeal with the conduct review officer within twenty days of service of the notice of the discipline decision provided for in WAC 132R-04-140. The notice of appeal may include a written statement setting forth the grounds of appeal. Failure to file a timely notice of appeal constitutes a waiver of this right and the disciplinary decision shall be deemed final.

(e)) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal, and provide the complainant an opportunity to intervene as a party to the appeal.

~~((d) Except as otherwise specified in this supplemental procedure, a complainant who timely appeals a disciplinary decision or who intervenes as a party to respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.~~

~~(e) Respondent and complainant shall have the right to be accompanied by a nonattorney assistant of their choosing during the appeal process. Complainant may choose to be represented at the hearing by an attorney at his or her own expense, but will be deemed to have waived that right unless, at least four business days before the hearing, he or she files a written notice of the attorney's identity and participation with the committee chair, and with copies to the respondent and the student conduct officer.~~

~~(f) During the proceedings, complainant and respondent shall not directly question or cross-examine one another. All questions shall be directed to the chair, who will act as an intermediary and pose questions on the parties' behalf.~~

~~(g) Hearings involving sexual misconduct allegations shall be closed to the public, unless respondent and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, respondent and their respective nonattorney assistants and/or attorneys may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct committee.~~

~~(h) The student conduct committee will serve complainant a written notice indicating that an initial order has issued on the same date that the initial order is served on respondent. This notice shall inform the complainant whether the sexual misconduct allegations were found to have merit and describe any sanctions and/or conditions imposed upon the respondent for complainant's protection. The notice shall also provide directions on how the complainant can appeal the decision to the president.~~

~~(i) Complainant may appeal the student conduct committee's initial order to the president subject to the same procedures and deadlines applicable to other parties.~~

(j)) (c) The president will serve complainant a written notice indicating that the appeal has been resolved on the same date that the final order is served upon the respondent. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-160 Brief ((~~adjudication~~)) adjudicative proceedings—Review of an initial ((~~order~~)) decision.

(1) An initial ((~~order~~)) decision is subject to review by the president or his or her designee, provided the respondent files a written request for review with the conduct review officer

within twenty-one calendar days of service of the initial ((~~order~~)) decision.

(2) The president or designee shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(3) During the review, the president or designee shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the proceedings must be referred to the student disciplinary committee for a formal adjudicative hearing.

(4) The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within twenty ((~~business~~)) calendar days of the initial ((~~order~~)) decision or of the request for review, whichever is later. The order on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the reviewing officer does not make a disposition of the matter within twenty calendar days after the request is submitted.

(5) If the president or designee upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student disciplinary committee for a disciplinary hearing. The president or designee may enter an interim order suspending the student until a hearing can be held by the student disciplinary committee. The interim order shall provide a brief explanation as to facts supporting the interim order of suspension and give the necessary notices that the case has been referred to the student disciplinary committee.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-165 Brief ((~~adjudication~~)) adjudicative proceedings—Agency record. The agency record for brief adjudicative proceedings shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. These records shall be maintained as the official record of the proceedings.

NEW SECTION

The following sections of the Washington Administrative Code are decodified and recodified as follows:

Old WAC Number	New WAC Number
132R-04-067	132R-04-113
132R-04-100	132R-04-053
132R-04-117	132R-04-125
132R-04-160	132R-04-1170
132R-04-165	132R-04-118

WSR 17-22-059
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)

[Filed October 26, 2017, 9:20 a.m., effective November 26, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Public Law 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. 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 were made to strengthen and clarify the existing language.

Citation of Rules Affected by this Order: Amending WAC 388-15-009.

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

Adopted under notice filed as WSR 17-18-062 on September 1, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 26, 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 ~~((a child))~~ 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:

~~((a))~~ (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; ~~((c))~~

~~((c))~~ (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.

WSR 17-22-060
PERMANENT RULES
HEALTH CARE AUTHORITY
 (Washington Apple Health)

[Filed October 26, 2017, 9:56 a.m., effective November 26, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency is repealing these rules because the programs they describe ended in 2012.

Citation of Rules Affected by this Order: Repealing WAC 182-515-1540 and 182-515-1550.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 17-19-034 on September 11, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 2.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 2.

Date Adopted: October 26, 2017.

Wendy Barcus
 Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 182-515-1540 Medically needy residential waiver (MNRW) effective March 17, 2003 through March 31, 2012.

WAC 182-515-1550 Medically needy in-home waiver (MNIW) effective May 1, 2004 through March 31, 2012.

WSR 17-22-066
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed October 26, 2017, 5:02 p.m., effective December 1, 2017]

Effective Date of Rule: December 1, 2017.

Purpose: The agency's amendments to Regulation I, Section 14.03 update the language identifying the way the public may submit requests to the agency, including through the agency web site and make clear that requests may be submitted orally to the agency. The agency accepts records requests orally (in person or by phone); in person at the agency's office; by letter or email; or through the agency's web site.

The agency's amendments to Regulation I, Section 14.04 match the new legislative requirement that the agency must include a reasonable estimate of time to respond to a request with an agency request for clarification; remove an unnece-

sary step not used by the agency when a member of the public wishes to inspect records; and provides notice that the agency may ask a requester to prioritize requests if more than one is submitted within a thirty day period.

The amendment to Section 14.05 allows for customized service charges in the amount of the actual cost of the service used for the request. In addition, before the agency charges a customized service charge, the agency shall notify the requester of the reason for the charge; a reasonable estimate of the cost of the charge; and the opportunity to amend the request to avoid or reduce the charge.

The agency's amendment to subsection 14.06(a) reflects the 2016 list maintained by the Municipal Research and Services Center of exemptions applicable to public records requests and adds reference to a list of exemptions applicable to public records requests maintained on the state of Washington attorney general's web site.

The agency made three amendments to Regulation I, Section 14.07. One, the legislature has determined a 10¢ per page maximum fee for scanned records. Two, addition of subsection (e) to be titled "Actual Costs" and names the actual costs to be charged by the agency: For mailing, including the cost of the shipping container; for transmitting electronic records, including the cost of a transmission charge if used; use of any needed physical media device or cloud-based data storage or processing; and for a customized service charge consistent with the amended Section 14.05. Three, addition of subsection (f), "Summary of Costs," stating that if requested, the agency shall provide a summary of applicable charges before any records are produced and in response to a summary, a requester may revise a request to reduce applicable charges.

Citation of Rules Affected by this Order: Amending Regulation I, Sections 14.03, 14.04, 14.05, 14.06, and 14.07.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 17-19-111 on September 20, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 26, 2017.

Craig Kenworthy
Executive Director

AMENDATORY SECTION

REGULATION I, SECTION 14.03 AVAILABILITY OF PUBLIC RECORDS

(a) **Hours for inspection of public records.** Public records are available for inspection and copying during the normal business hours of the Agency: Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding legal holidays. Public records must be inspected at the office of the Agency.

(b) **The Agency does not have a public records index.** Given the small size of the Agency and the high volume and types of public records generated and received by the Agency, the Agency finds that maintaining an index is unduly burdensome and would interfere with Agency operations.

(c) **Organization of public records.** The Agency will maintain its public records in a reasonably organized manner. The Agency will take reasonable actions to protect public records from damage and disorganization. A requester shall not take Agency public records from Agency offices (~~without the permission of the public records officer~~).

(d) **Public records are available on the Agency's website.** A variety of public records are available on the Agency's website at <http://www.pscleanair.org>. Requesters are encouraged to view the public records available on the website prior to submitting a records request.

(e) **Making a request for public records.**

(1) Any person wishing to obtain copies of or inspect public records of the Agency should make the request in writing (~~on the Agency's request form, or~~) by letter, fax, or e-mail addressed to the public records officer, and including the following information:

(A) Name of requester;

(B) Address of requester;

(C) Other contact information, including telephone number and any e-mail address;

(D) Identification of the public records adequate for the public records officer to locate the records; and

(E) The date and time of day of the request.

(2) A requester may also submit a request via the Agency's website at <http://www.pscleanair.org>, in person at the Agency's office, or orally in person or by telephone. For oral requests, the public records officer will confirm receipt of and the substance of the request in writing to the requester.

(3) If the requester wishes to have copies of public records made instead of simply inspecting them, they should so indicate and make arrangements to pay for copies of the public records or pay a deposit consistent with Section 14.07 of this regulation.

~~((3) A form is available for use by requesters at the Agency's offices and on-line at: <http://www.pscleanair.org/contact/reqform.aspx>.~~

~~(4) The public records officer may accept requests for public records that contain the above information by telephone or in person. If the public records officer accepts a verbal request, the officer will confirm receipt of the information and the substance of the request in writing.~~)

AMENDATORY SECTION**SECTION 14.04 PROCESSING OF PUBLIC RECORDS REQUESTS—GENERAL**

(a) **Agency processes requests efficiently.** The public records officer will process requests in the order allowing the most requests to be processed in the most efficient manner.

(b) **Acknowledging receipt of request.** Within 5 business days of receipt of a request, the public records officer will do one or more of the following:

(1) Provide copies of the requested public records to the requester, if copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon;

(2) Provide an internet address and link on the Agency's website to the specific public records requested;

(3) Make the public records available for inspection or copying;

(4) Provide a reasonable estimate of when records will be available;

(5) If a ~~((the))~~ request, or a portion of a request, is unclear or does not sufficiently identify the requested public records, request clarification from the requester. ~~((Such))~~ A request for clarification will include a reasonable estimate of time to respond to the request. Clarification may be ~~((requested and provided))~~ done by telephone. Clarification done by telephone will be memorialized in writing by the public records officer via letter or e-mail to the requester, and shall state the public records officer's understanding of how the request has been clarified. The public records officer may revise the estimate of when records will be available based upon a clarification; or

(6) Deny the request.

(c) **Failure to respond.** If the Agency does not respond in writing within 5 business days of receipt of the request for disclosure, the requester should consider contacting the public records officer to determine the reason for the failure to respond.

(d) **Prioritization of Requests.** If a requester submits more than one request within a 30-day period, the public records officer may ask the requester to prioritize the records he or she is requesting so that the Agency is able to provide records of highest priority first. An Agency is not required to ask for prioritization, and a requester is not required to provide it.

(e) **Protecting rights of others.** In the event that the requested public records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the public 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 requester 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 an affected person will include a copy of the request. The requester will be notified of the time provided to an affected person to respond to a notice under this section.

~~((e))~~ (f) **Inspection of public records.**

(1) Consistent with other demands, the Agency shall promptly provide space to a requester to inspect public

records. No member of the public may remove a public record from the viewing area or disassemble or alter any public record. The requester shall indicate which public records they wish the Agency to copy.

(2) The requester should ~~((must))~~ claim or review the assembled public records within 30 days of the Agency's notification that the public records are available for inspection or copying. The Agency will notify the requester ~~((in writing of this requirement and inform the requester))~~ that they should contact the Agency to make arrangements to claim or review the public records. If the requester or a representative of the requester fails to claim or review the public records within the 30-day period or make other arrangements, the Agency may close the request and re-file the assembled public records. Other public records requests may be processed ahead of a subsequent request by the same person for the same or almost identical public records, which can be processed as a new request.

~~((f))~~ (g) **Providing copies of public records.** After inspection is complete, the public records officer shall make the requested copies or arrange for copying.

~~((g))~~ (h) **Providing public records in installments.** When the request is for a large number of public records, the public records officer will provide access for inspection and copying in installments, if the officer reasonably determines that it would be practical to provide the records in that way. If, within 30 days, the requester fails to inspect the entire set of public records or one or more of the installments, the public records officer may stop searching for the remaining records and close the request.

~~((h))~~ (i) **When access to Agency website is unavailable to requester.** If a requester notifies the Agency that they cannot access an Agency public record through the Agency's website, the Agency will make a ~~((paper))~~ copy of the requested public record available to the requester.

~~((i))~~ (j) **Completion of inspection.** When an inspection of requested public records is complete and all requested copies are provided, the public records officer will indicate to the requester that the Agency has made all located, nonexempt public records available for inspection.

~~((j))~~ (k) **Closing withdrawn or abandoned requests.** When a requester withdraws a request, fails to fulfill his or her obligations to inspect the public records, fails to clarify a request, or fails to pay a deposit or final payment for requested copies, the public records officer will close the request and tell ~~((indicate))~~ to the requester that the Agency has closed the request.

~~((k))~~ (l) **Later discovered documents.** If, after the Agency has informed a requester that it has provided all available public records, the Agency becomes aware of additional responsive public records existing at the time of the request, it will promptly inform the requester of the additional public records and provide them on an expedited basis.

AMENDATORY SECTION**SECTION 14.05 PROCESSING OF PUBLIC RECORDS REQUESTS—ELECTRONIC PUBLIC RECORDS**

(a) **Requesting electronic public records.** The process for requesting electronic public records is the same as for requesting paper public records.

(b) **Providing electronic public records.** When a requester requests public records in an electronic format, the public records officer will provide the nonexempt public 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 public records.

(c) **Customized service charge.** If the Agency determines that a request would require the use of information technology expertise or would require the use of customized access that is not used by the Agency for other Agency purposes, the Agency shall charge a customized service charge to a requester. The customized service charge shall be the actual cost of the service used for the request. Before the Agency charges a customized service charge, the Agency shall notify the requester of the reason for the charge; a reasonable estimate of the cost of the charge; and the opportunity to amend the request to avoid or reduce the charge.

AMENDATORY SECTION

SECTION 14.06 EXEMPTIONS

(a) **Some Agency public records are exempt from inspection and copying.** The Act provides that a number of types of public records are exempt from public inspection and copying. In addition, public records are exempt from disclosure if any other statute exempts or prohibits disclosure. Requesters should be aware of exemptions, outside the Act, that restrict the availability of some public records held by the Agency for inspection and copying. The Agency incorporates by reference a list of laws containing exemptions located and maintained by the Municipal Research Service Center, which is located at: <http://www.mrsc.org/Publications> (Appendix C to Public Records Act for Washington Cities and Counties, MRSC, Report No. 61 Revised, ~~((November 2009))~~ September 2016) and by the Washington Attorney General's Office, which is located at <http://www.atg.wa.gov>. A copy of ~~((this))~~ these lists may be obtained from the public records officer.

(b) **Exemptions shall be stated and briefly explained by the Agency.** If the Agency believes that a public record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the public record or a portion of the public record is being withheld. If only a portion of a public record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requester why portions of the public record are being redacted.

(c) **Lists of individuals may not be disclosed for commercial purposes.** The Agency is prohibited by statute from disclosing lists of individuals for commercial purposes.

AMENDATORY SECTION

SECTION 14.07 COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

(a) **No fee for inspecting public records.** There is no fee for inspecting public records. There is no fee for the Agency's time spent locating records; for preparing public records for inspection, copying, or scanning; or for e-mailing electronic public records to a requester.

(b) **Costs for paper copies.** There is no fee for the first 50 paper copies made per request. For requests greater than 50 pages:

(1) If paper copies are made at the Agency, a requester may obtain photocopies for \$.15 per page;

(2) If paper copies are made outside the Agency at a commercial copier, a requester may obtain copies at the actual cost charged by the commercial copier.

(c) **Costs for scanned public records.** There is no fee for the first 50 pages scanned per request. For requests greater than 50 pages:

(1) If records are scanned by the Agency, a requester may obtain scanned pages for \$.10~~((.15))~~ per page;

(2) If the Agency uses a commercial copier to scan public records to respond to a request electronically, a requester may obtain the scanned public records at the actual scanning cost charged by the commercial copier.

(d) **Deposits.** Before beginning to make paper copies or scanning records, the public records officer may require a deposit of up to 10% of the estimated costs of copying or scanning the public records selected by the requester. The public records officer may also require the payment of the remainder of the copying or scanning costs before providing all the public records, or the payment of the costs of copying or scanning an installment before providing that installment. The Agency does not charge sales tax when it makes copies of or scans public records.

(e) **Actual Costs ~~((of mailing))~~.** The Agency may also charge the following actual costs: ~~((of))~~ mailing, including the cost of the shipping container; transmitting electronic records, including the cost of a transmission charge; use of any needed physical media device or cloud-based data storage or processing; and a customized service charge consistent with Section 14.05 of this regulation.

(f) **Summary of Costs.** If requested by a requester, the public records officer shall provide a summary of applicable charges before any records are produced. In response to a summary, a requester may revise a request to reduce applicable charges.

(g) **Payment.** Payment may be made by cash, check, money order, or credit card to the Puget Sound Clean Air Agency.

WSR 17-22-070

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed October 27, 2017, 10:42 a.m., effective January 1, 2018]

Effective Date of Rule: January 1, 2018.

Purpose: The agency is amending WAC 182-549-1450 Rural health clinics—General payment information, to implement a new payment method that allows rural health clinics to choose to receive full encounter payments directly from a client's managed care organization. Amendments were also made to clarify the time frame for reconciliations under the current payment method. In WAC 182-549-1100 Rural health clinics—Definitions, the definition of "enhancements" is being amended to align with the new payment option and to clarify that supplemental payments are enhancements.

Citation of Rules Affected by this Order: Amending WAC 182-549-1450 and 182-549-1100.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160; SSB 5883, 65th legislature, 2017 3rd sp. sess., section 213 (1)(II).

Adopted under notice filed as WSR 17-19-116 on September 20, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: October 27, 2017.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-11-008, filed 5/7/15, effective 6/7/15)

WAC 182-549-1100 Rural health clinics—Definitions. This section contains definitions of words and phrases that apply to this chapter. Unless defined in this chapter or chapter 182-500 WAC, the definitions found in the Webster's New World Dictionary apply.

"APM index" - The alternative payment methodology (APM) is used to update APM encounter payment rates on an annual basis. The APM index is a measure of input price changes experienced by Washington's federally qualified health center (FQHC) and rural health clinic (RHC) providers.

"Base year" - The year that is used as the benchmark in measuring a clinic's total reasonable costs for establishing base encounter rates.

"Encounter" - A face-to-face visit between a client and a qualified rural health clinic (RHC) provider (e.g., a physician, physician's assistant, or advanced registered nurse practitioner) who exercises independent judgment when providing services that qualify for an encounter rate.

"Encounter rate" - A cost-based, facility-specific rate for covered RHC services, paid to a rural health clinic for each valid encounter it bills.

"Enhancements (also called managed care enhancements or supplemental payments)" - A monthly amount paid (to RHCs) for each client enrolled with a managed care organization (MCO). MCOs may contract with RHCs to provide services under managed care programs. RHCs receive enhancements from the medicaid agency in addition to the negotiated payments they receive from the MCOs for services provided to enrollees.

"Fee-for-service" - A payment method the agency uses to pay providers for covered medical services provided to clients enrolled in the Title XIX (medicaid) program or the Title XXI (CHIP) program, except those services provided under the agency's prepaid managed care organizations or those services that qualify for an encounter payment.

"Interim rate" - The rate established by the agency to pay a rural health clinic for covered RHC services prior to the establishment of a permanent rate for that facility.

"Medicare cost report" - The cost report is a statement of costs and provider utilization that occurred during the time period covered by the cost report. RHCs must complete and submit a report annually to medicare.

"Mobile unit" - The objects, equipment, and supplies necessary for provision of the services furnished directly by the RHC are housed in a mobile structure.

"Permanent unit" - The objects, equipment, and supplies necessary for the provision of the services furnished directly by the RHC are housed in a permanent structure.

"Rebasing" - The process of recalculating encounter rates using actual cost report data.

"Rural area" - An area that is not delineated as an urbanized area by the Bureau of the Census.

"Rural health clinic (RHC)" - A clinic, as defined in 42 C.F.R. 405.2401(b), that is primarily engaged in providing RHC services and is:

- Located in a rural area designated as a shortage area as defined under 42 C.F.R. 491.2;
- Certified by medicare as an RHC in accordance with applicable federal requirements; and
- Not a rehabilitation agency or a facility primarily for the care and treatment of mental diseases.

"Rural health clinic (RHC) services" - Outpatient or ambulatory care of the nature typically provided in a physician's office or outpatient clinic or similar setting, including specified types of diagnostic examination, laboratory services, and emergency treatments. The specific list of services which must be made available by the clinic can be found under 42 C.F.R. Part 491.9.

AMENDATORY SECTION (Amending WSR 17-12-016, filed 5/30/17, effective 7/1/17)

WAC 182-549-1450 Rural health clinics—General payment information. (1) The medicaid agency pays for one encounter, per client, per day except in the following circumstances:

- (a) The visits occur with different health care professionals with different specialties; or

(b) There are separate visits with unrelated diagnoses.

(2) Rural health clinic (RHC) services and supplies incidental to the provider's services are included in the encounter rate payment.

(3) (Payments) The agency pays for non-RHC services provided in an RHC (are made) on a fee-for-service basis using the agency's published fee schedules. Non-RHC services are subject to the coverage guidelines and limitations listed in chapters 182-500 through 182-557 WAC.

(4) For clients enrolled with a managed care organization (MCO), covered RHC services are paid for by (that plan) the MCO.

(5) For clients enrolled with (an MCO, the agency pays each RHC a supplemental payment in addition to the amounts paid by the) MCOs, the RHC receives an encounter rate using either the method described in (a) or (b) of this subsection.

(a) The agency makes supplemental payments, called enhancements, to the MCOs who distribute them to the RHCs. These payments are in addition to the amounts paid to the RHC by the MCO as described in subsection (4) of this section. The supplemental payments (called enhancements) are paid in amounts necessary to ensure (compliance) that the RHC receives the full encounter rate to comply with 42 U.S.C. 1396a (bb)(5)(A).

~~((a))~~ (i) The RHCs receive (an) a monthly enhancement payment (each month) for each managed care client assigned to them by an MCO.

~~((b))~~ (ii) To ensure that the appropriate amounts are paid to each RHC, the agency performs an annual reconciliation of the enhancement payments. For each RHC, the agency will compare the amount actually paid to the amount determined by the following formula: (Managed care encounters times encounter rate) less fee-for-service equivalent of MCO services. If the RHC has been overpaid, the agency will recoup the appropriate amount. If the RHC has been underpaid, the agency will pay the difference. For dates of service on and after January 1, 2018, reconciliations will be conducted in the calendar year following the calendar year for which the enhancements were paid. Reconciliations will be conducted by the agency or the clinic with final review and approval by the agency. The process of settling over or under payments may extend beyond the calendar year in which the reconciliations were conducted.

(b) Effective January 1, 2018, instead of distributing monthly enhancement payments to the RHCs, MCOs will pay the full encounter rate directly to participating clinics for encounter-eligible services.

(i) RHC participation in this option is voluntary. The RHC must notify the agency in writing whether it will participate or not by no later than November 1st prior to the year of participation.

(ii) The agency performs an annual reconciliation with the MCO as outlined in the MCO contract. Reconciliations ensure appropriate amounts are paid to each RHC and that MCOs are not put at risk for, or have any right to, the enhancement portion of the claim. If an MCO has been overpaid, the agency will recoup the appropriate amount. If an MCO has been underpaid, the agency will pay the difference.

(iii) RHCs participating in the revised alternative payment method (APM) as described in WAC 182-549-1400(8) will not be eligible to receive encounter payments directly from MCOs under this section.

(6) Only those services provided to clients enrolled in the Title XIX (medicaid) program or the Title XXI (CHIP) program are eligible for encounter or enhancement payments. The agency does not pay the encounter rate or the enhancement rate for services provided to clients in state-only medical programs. Services provided to clients in state-only medical programs are considered fee-for-service, regardless of the type of service performed.

WSR 17-22-071

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed October 27, 2017, 11:51 a.m., effective November 27, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: 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 web site, and allow for minor and technical updates to clarify or improve forms.

Citation of Rules Affected by this Order: Amending WAC 390-16-011, 390-16-012, 390-16-031, 390-16-032, 390-16-033, 390-16-041, 390-16-050, 390-16-060, 390-16-071, 390-20-020, 390-20-110, 390-20-111, 390-20-120, 390-20-125, 390-20-130, 390-24-010, and 390-24-020.

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

Adopted under notice filed as WSR 17-18-071 on September 20 [2], 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 17, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 17, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.


Date Adopted: October 27, 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(2/16)" (~~(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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 <p>PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 Toll Free 1-877-601-2828</p>		<p>Political Committee Registration</p>		<p>C1pc (2/16)</p>	
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:	
Mailing Address				Telephone: ()	
City County Zip + 4				Fax: ()	
NEW OR AMENDED REGISTRATION? <input type="checkbox"/> NEW. Complete entire form. <input type="checkbox"/> AMENDS previous report. Complete entire form.				COMMITTEE STATUS <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)	
1. What is the purpose or description of the committee? <input type="checkbox"/> Bona Fide Political Party Committee - 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"/> Ballot Committee - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure:				Ballot Number FOR AGAINST _____ <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:					
For single election-year only committees (not continuing committees): 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:					
2. Related or affiliated committees. List name, address and relationship. <input type="checkbox"/> Continued on attached sheet.					
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.) If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options. <input type="checkbox"/> MINI REPORTING 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"/> FULL REPORTING Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.	
4. Campaign Manager's or Media Contact's Name and Address				Telephone Number: ()	
5. Treasurer's Name and Address. Does treasurer perform only 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 behalf of this committee and on behalf of candidates or other 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 for committee. 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. 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): ()					
10. 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. <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.				11. Signature and Certification. 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.

C1pc <small>(2/16)</small>	POLITICAL COMMITTEE REGISTRATION
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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.

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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((;))" ~~((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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 <p>PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 Toll Free 1-877-601-2828</p>		<p>Candidate Registration</p>		<p>C1 (2/16)</p>	
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"/> Option I MINI REPORTING: 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"/> Option II FULL REPORTING: 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.					
<p>Street Address, Room Number, City where campaign books will be available for inspection</p> <p>In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ()</p>					
11. CERTIFICATION: 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

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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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 PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		CASH RECEIPTS MONETARY CONTRIBUTIONS		<div style="border: 1px solid black; padding: 5px; display: inline-block;"> C3 <small>(2/16)</small> </div>		THIS SPACE FOR OFFICE USE
Candidate or Committee Name (Do not abbreviate. Use full name.)						
Mailing Address						
City		Zip + 4		Office Sought (candidates)		Election Date
1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT						
Date Received					Amount	Total
	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)					
2. CONTRIBUTIONS OVER \$25.00						
Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100:*	P R I	G E N	Amount	Aggregate* Total
		Employer's Name, City and State			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
	<input type="checkbox"/> Check here if additional pages are attached		Sub-total Amount from attached pages			\$
3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT						
Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.						
4. Date of Deposit			I certify that this report is true and complete to the best of my knowledge			
			Treasurer's Signature		Date	
Treasurer's Daytime Telephone No.: () -						

*See reverse for details.

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Page 2	C3
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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
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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	G E N	Amount	Aggregate Total*
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$
		Occupation			\$	\$

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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AUCTION REPORT		ATTACHMENT TO C3		Au		Page ____	
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.				(2/16)			
Candidate or Committee Name (Do not abbreviate. Use full name.)				Date Auction was held			
Item No. Description	Name and Address	P R I	G E N	Fair Market Value	Sale Price	Amount Over Fair Market Value	Aggregate Total*
	Contributor						
	*Occupation and Employer:						
	Buyer						
	*Occupation and Employer:						
	Contributor						
	*Occupation and Employer:						
	Buyer						
	*Occupation and Employer:						
	Contributor						
	*Occupation and Employer:						
	Buyer						
	*Occupation and Employer:						
	Contributor						
	*Occupation and Employer:						
	Buyer						
	*Occupation and Employer:						
*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 & state of his or her employer.				Cash receipts, this page Total, sale price column			
				Total from attached pages			
				Total cash receipts (Put this amount in part 1d of C3 report)			
I certify that the information herein is true, correct and complete to the best of my knowledge.							
Treasurer's signature						Date	

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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	PRI	GEN	Fair market value	Sale price	Amount over fair market value	Aggregate Total*
No. 1 Use of Beach Cabin for Week	Contributor 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
	Buyer 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	Contributor 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
	Buyer 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		
Cash receipts, this page							
Total, sale price column				→	\$ 750.00		
Total from attached pages				→	\$ 0		
Total cash receipts				→	\$ 750.00		
Put this amount in part 1d of C3 report							

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
pdc
 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

P
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B
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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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 PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		CAMPAIGN SUMMARY RECEIPTS & EXPENDITURES		C4 <small>(2/16)</small>	<small>PDC OFFICE USE</small>		
Candidate or Committee Name (Do not abbreviate. Include full name)							
Mailing Address			City				
Zip + 4	Office Sought (Candidates)		Election Date	*For PACs, Parties & Caucus Committees: During this report period, did the committee make an independent expenditure (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"/>				
RECEIPTS					*See reverse	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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)							
EXPENDITURES							
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)							
CANDIDATES ONLY				CASH SUMMARY			
	Won	Lost	Unopposed	Name not on ballot	18. Cash on hand (Line 8 minus line 17)		
Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	[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)		
CERTIFICATION: 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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Page 2	C4 <small>(2/16)</small>	CAMPAIGN SUMMARY RECEIPTS & EXPENDITURES
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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 to C4 A (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.

Table with columns: Date of deposit, Amount, Date of deposit, Amount, Date of deposit, Amount, Total deposits. Includes a dollar sign at the end of the total deposits column.

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.

Table with columns: Date Paid, Vendor or Recipient (Name and Address), Code, Purpose of Expense and/or Description, Amount. Includes a dollar sign at the end of the amount column.

4. TOTAL CASH EXPENDITURES

Total from attached pages \$ Enter also on line 11 of C4 \$

CODE DEFINITIONS ON NEXT PAGE

(

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 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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**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.			TOTAL (Enter also on line 3 and line 12 of C4)						Occupation

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.		TOTAL (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.		TOTAL (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.
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- 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 -)
		Total corrections to contributions 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 -)
		Total corrections to expenditures 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
		Total refunds Enter as (-) on line 6 & line 15 of C4.

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LOANS

See Instructions and Example on reverse

**SCHEDULE
TO C3
OR C4**

L
(1/02)

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

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

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

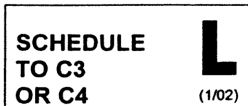
4. LOANS STILL OWED. List each loan that has previously been reported and still has a balance due.

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 _____

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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.)

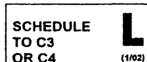
LOAN RECEIVED
(Information would appear on separate Schedule L)

LOAN PAYMENTS

LOANS FORGIVEN

LOANS STILL OWED

Example LOANS



Candidate or Committee Name		Report Date	
Adrian Adams for State Representative		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	Amount of Loan	Annual Interest Rate
2/12/XXXX	Tyler Adams PO Box 123 Olympia, WA	\$ 500.00	12%
If monetary loan, also include this amount on line 1c, C3 report.		\$ 500.00	
If in-kind loan, itemize in Part 1 of Schedule B.			
Name and Address of Each Loan Endorser, Co-Signer	Amount Liable For (Same as Loan Amount)	Aggregate Total	
			If Total Contributed is more than \$100, Show Lender's Occupation and Name, City, & State of Employer Accountant; Best Accounting Firm; Tacoma, WA
<input type="checkbox"/> 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
3/30/XXXX	Tyler Adams PO Box 123, Olympia, WA	\$ 100.00	\$ 10.00
3/31/XXXX	Michael Murray 201 Westway Rd, Tacoma, WA	100.00	0
Total Principal Paid		\$ 200.00	
Total Payments		\$ 210.00	
<input type="checkbox"/> Continued on attached sheet			
3. LOANS FORGIVEN.			
Date	Lender's Name and Address	Original Amount	Principal Repaid
3/15/XXXX	Kelly Adams 2222 Riverfront Rd, Olympia, WA	\$ 250.00	\$ 0
<input type="checkbox"/> Continued on attached sheet			
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
1/22/XXXX	Tyler Adams PO Box 123, Olympia, WA	\$ 500.00	\$ 100.00
2/12/XXXX	Michael Murray 201 Westway Rd, Tacoma, WA	350.00	100.00
3/01/XXXX	Kelly Adams 2222 Riverfront Rd, Olympia, WA	250.00	150.00
3/11/XXXX	K.M. Lawrence PO Box 3456, Olympia, WA	1,000.00	0
Subtotal		\$ 1,750.00	
New Loans Received (and listed in Item 1 above)		\$ 0	
Total Loans Owed		\$ 1,750.00	
<input type="checkbox"/> 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 C5 (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

1. Name and full address of committee making the contribution Name Street address City / State / Zip	2. Check appropriate box <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.
--	--

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.)

4. Officers or responsible leaders of committee: Name and full address	Title
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5. States where this political committee is registered and has been actively reporting campaign finance information for the preceding two years: 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 10th 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 10th 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, 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).


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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**

1. Name and complete postal mailing address of sponsor:

	E-mail
	Telephone

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				\$
Total this report				\$
Amount or Value *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.				\$

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"/>				\$	\$

))

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	\$
		Occupation	\$
		Occupation	\$
		Sub-Total	\$
		Amount from attached pages	\$
		TOTAL FUNDS RECEIVED	\$

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."	

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." (~~revised 11/14.~~) 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~~). 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.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.	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)

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			
Include all reportable expenditures by lobbyist and lobbyist's employer for or on behalf of the lobbyist incurred during the reporting period		Amount attributed to each 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	Employer No. ____	Employer No. ____	Employer No. ____
			Column B	Column C	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.
 Subject Matter, Issue or Bill No. _____ Legislative Committee or State Agency Considering Matter _____ Employer Represented _____

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.

CERTIFICATION

I certify that this report is true and complete to the best of my knowledge. _____ 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
				\$

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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.

TO:	Recipient's Name*	PDC OFFICE USE
FROM:	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
						() -

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.
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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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 PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		Employer's Lobbying Expenses		L3 11/14	THIS SPACE FOR OFFICE USE
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	
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.					
2. Identify each of your lobbyists/lobbying firms below. In column 1 , show the full amount of salary or fee each earned for lobbying. In column 2 , 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 \$	
DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.					
3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/accrued:					
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.					
Total Lobbying Expenses				\$	
				(Items 2 thru 7)	
8. This report must be certified by the president, secretary-treasurer or similar office of lobbying employer.					
Certification: I certify that this report is true, complete and correct to the best of my knowledge.			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. See instruction manual for definition of "independent expenditure."			
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
 (Use this page if you need additional space for Items 2 or 9)

L3

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:	
10. Contributions			
Name of Recipient	Amount	Date (and, if In-Kind, Description)	
	\$		
11. Independent expenditures			
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:	
12. Compensation of \$2,400 or more for employment, etc.			
Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation
13. Compensation of \$2,400 or more for professional services			
Firm Name	Person's Name	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation
14. Any expenditure not otherwise reported			
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 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828	Employer of Lobbyist Monthly Political Contribution Report		L-3c <small>12/14</small>	<small>THIS SPACE FOR OFFICE USE</small>
	Employer's Name (Use complete company, association, union or entity name.)			
	Mailing Address			
	City	State	Zip	

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.

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

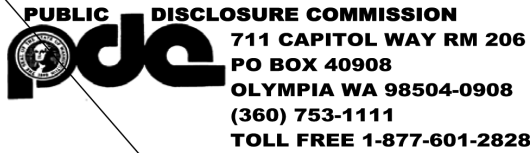
Value in-kind contributions at the amount you actually paid for the donated item or service or, if no purchase was made, value them at their fair market value. Fair market value is the amount a well-informed buyer or lessee, willing but not obligated to buy or lease, would pay; and what a well-informed 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((7))" ((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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PDC FORM L-5 (Rev 12/14) LOBBYING BY STATE AND LOCAL GOVERNMENT AGENCIES

Instructions Are Printed On Reverse

Agency or Governmental Entity Name and Address, Date prepared, Report for calendar quarter ending, County, Month, Year

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

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

Table with 2 columns: Description of expenditure, Amount (\$). Rows include Salaries of Persons Who Lobbied, Travel, Brochures, Consultants, Total This Quarter, Total To Date This Year.

CERTIFICATION: 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.

Public Disclosure Commission
Send Reports To: 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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NON-PUBLIC FUNDS ATTACHMENT			L-5
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
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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SERVICES ATTACHMENT		L-5
Agency or Governmental Entity Name		Report for calendar quarter ending Month Year
Date	Name	Amount
Purpose		
Date	Name	Amount
Purpose		
Date	Name	Amount
Purpose		
Date	Name	Amount
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Date	Name	Amount
Purpose		

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TRAVEL ATTACHMENT			L-5
Agency or Governmental Entity Name		Report for calendar quarter ending Month Year	
Date	Name	Vendor Name	Amount
Purpose			
Date	Name	Vendor Name	Amount
Purpose			
Date	Name	Vendor Name	Amount
Purpose			
Date	Name	Vendor Name	Amount
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Purpose			
Date	Name	Vendor Name	Amount
Purpose			

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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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 <p>PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828</p>	<p>GRASS ROOTS LOBBYING</p>	<p>PDC FORM L-6 <small>(12/14)</small></p>	<p>THIS SPACE FOR OFFICE USE</p>																																										
<p>Sponsor's name _____</p> <p>Address _____</p> <p>City _____ State _____ Zip _____ Telephone () - _____</p>																																													
<p>1. Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any.</p>		<p>2. This report covers:</p> <p><input type="checkbox"/> Registration (Initial report)</p> <p><input type="checkbox"/> Monthly report From _____ To _____</p> <p><input type="checkbox"/> Final report (Campaign is ended)</p>																																											
<p>3. List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">NAME</th> <th style="width: 30%;">TITLE</th> <th style="width: 40%;">ADDRESS</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>				NAME	TITLE	ADDRESS																																							
NAME	TITLE	ADDRESS																																											
<p>4. Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">NAME AND ADDRESS</th> <th style="width: 30%;">OCCUPATION OR BUSINESS</th> <th style="width: 30%;">TERMS OF COMPENSATION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>				NAME AND ADDRESS	OCCUPATION OR BUSINESS	TERMS OF COMPENSATION																																							
NAME AND ADDRESS	OCCUPATION OR BUSINESS	TERMS OF COMPENSATION																																											
<p>5. Expenditures Made Or Incurred In The Campaign:</p> <table style="width: 100%;"> <tr> <td style="width: 60%;">1. Previous expenditures (from line 4, last L-6 report)</td> <td style="width: 20%; text-align: center;">\$ _____</td> <td style="width: 20%;"></td> </tr> <tr> <td>2. Expenses this reporting period:</td> <td style="text-align: center;">\$ _____</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">A. Radio</td> <td style="text-align: center;">_____</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">B. Television</td> <td style="text-align: center;">_____</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">C. Newspapers, magazines</td> <td style="text-align: center;">_____</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">D. Brochures, signs</td> <td style="text-align: center;">_____</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">E. Printing and mailing</td> <td style="text-align: center;">_____</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">F. Consultants, public relations</td> <td style="text-align: center;">_____</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">G. Office expense, travel, salaries</td> <td style="text-align: center;">_____</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">H. Contributions</td> <td style="text-align: center;">_____</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">I. Entertainment</td> <td style="text-align: center;">_____</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">J. Other expenses</td> <td style="text-align: center;">_____</td> <td></td> </tr> <tr> <td>3. Total expenditures this period (lines 2a-2j)</td> <td style="text-align: center;">\$ _____</td> <td></td> </tr> <tr> <td>4. Total expenditures in the campaign (lines 1 + 3)</td> <td style="text-align: center;">\$ _____</td> <td></td> </tr> </table>				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)	\$ _____	
1. Previous expenditures (from line 4, last L-6 report)	\$ _____																																												
2. Expenses this reporting period:	\$ _____																																												
A. Radio	_____																																												
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4. Total expenditures in the campaign (lines 1 + 3)	\$ _____																																												
			<p>Continue On Reverse</p>																																										

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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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 <p>PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828</p>	<p>L7 2/16</p>	<p>TO BE FILED BY EMPLOYERS OF STATE LEGISLATORS STATE OFFICERS OR STATE EMPLOYEES</p>				
<p>EMPLOYER'S NAME AND BUSINESS ADDRESS</p>		<p>THIS SPACE FOR OFFICE USE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">POSTMARK</td> <td style="width: 50%; text-align: center;">DATE RECEIVED</td> </tr> </table>	POSTMARK	DATE RECEIVED		
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					
<p>INSTRUCTIONS</p> <p><u>WHO SHOULD FILE THIS FORM:</u> 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.</p> <p><u>FILING DEADLINE:</u> Within 15 days after commencement of employment.</p> <p><u>FORM TO BE SUBMITTED TO:</u> Public Disclosure Commission.</p>		<p>CERTIFICATION: I hereby certify under oath, that the above is a true, complete and correct statement in accordance with RCW 42.17A.645.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="height: 30px;">SIGNATURE</td> </tr> <tr> <td style="width: 70%;">TITLE</td> <td style="width: 30%;">DATE</td> </tr> </table>	SIGNATURE		TITLE	DATE
SIGNATURE						
TITLE	DATE					
<p>EXCERPT FROM PUBLIC DISCLOSURE LAW RCW 42.17A.645 — Employment of legislators, board or commission members, or state employees -- Statement, contents. 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.</p>						

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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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 PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		PDC FORM F-1 (1/15)	PERSONAL FINANCIAL AFFAIRS STATEMENT	P M PDC OFFICE USE O A R S R K R E C E I V E D
Refer to instruction manual for detailed assistance and examples. Deadlines: 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.		DOLLAR CODE AMOUNT 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		
SEND REPORT TO PUBLIC DISCLOSURE COMMISSION				
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: _____		
1 INCOME 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				
2 REAL ESTATE 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				

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3	ASSETS / INVESTMENTS - INTEREST / DIVIDENDS	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.				
4	CREDITORS	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.				
5 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. Only for Persons Filing Annual Report. 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.				
ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.		CERTIFICATION: 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>PUBLIC DISCLOSURE COMMISSION 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 F-1 SUPPLEMENT (1/15)	SUPPLEMENT PAGE PERSONAL FINANCIAL AFFAIRS STATEMENT	
PROVIDE INFORMATION FOR YOURSELF, SPOUSE, REGISTERED DOMESTIC PARTNER, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD			
Last Name	First	Middle Initial	DATE
<p>A OFFICE HELD, BUSINESS INTERESTS: Provide the following information if, during the reporting period, you, your spouse, registered domestic partner or dependents</p> <p>(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</p> <p>(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.</p> <ul style="list-style-type: none"> • Legal Name: Report name used on legal documents establishing the entity. • Trade or Operating Name: Report name used for business purposes if different from the legal name. • Position or Percent of Ownership: The office, title and/or percent of ownership held. • Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered. • 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. • 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. • Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met. 			
ENTITY NO. 1		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:		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 <input type="checkbox"/> if continued on attached sheet			
CONTINUE PARTS B AND C ON NEXT PAGE			

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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 <input type="checkbox"/> 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 <input type="checkbox"/> 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(3)," ((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 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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 PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		PDC FORM F-1A (1/15)	PERSONAL FINANCIAL AFFAIRS STATEMENT Short Form	P M PDC OFFICE USE O A S R T K R E C E I V E D
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. A complete F-1 form must be filed at least every four years; an F-1A form may be used for no more than three consecutive reports. Deadlines: 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.		DOLLAR CODE 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		
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"/> 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. <input type="checkbox"/> 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.				
Check here <input type="checkbox"/> if continued on attached sheet				
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 <input type="checkbox"/> if continued on attached sheet				
ALL FILERS EXCEPT CANDIDATES. 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		CERTIFICATION: 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.

**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 17-22-072
PERMANENT RULES
DEPARTMENT OF
EARLY LEARNING

[Filed October 27, 2017, 12:47 p.m., effective November 27, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Repealing WAC 170-01-0300 and new WAC 170-01-0290 implements EHB 1595 by clarifying that charges will not exceed the schedule provided in RCW 42.56.120 (2)(b), explaining when fee waivers may be allowed, and explaining payment requirements.

Citation of Rules Affected by this Order: New WAC 170-01-0290; and repealing WAC 170-01-0300.

Statutory Authority for Adoption: RCW 42.56.040.

Adopted under notice filed as WSR 17-19-092 on September 19, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 1.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 27, 2017.

Heather Moss
 Director

NEW SECTION

WAC 170-01-0290 Charges for public records. (1)

There is no cost to inspect records.

(2) Calculating the actual costs of charges for providing public records is unduly burdensome because it will consume scarce department of early learning resources to conduct a study of actual costs, and it is difficult to accurately calculate all costs directly incident to copying records, including equipment and paper costs, data storage costs, electronic production costs, and staff time for copying and sending requested records.

(3) Instead of calculating the actual costs of charges for records, the director or director's designee shall establish, maintain, and make available for public inspection and copying a statement of costs that the department of early learning charges for providing photocopies or electronically produced copies of public records, and such charges for records shall not exceed the maximum default charges allowed in RCW 42.56.120 (2)(b), as amended by section 3, chapter 304, Laws of 2017. The department may also use any other method authorized by the Public Records Act for imposing charges for public records including, but not limited to, charging a flat

fee, charging a customized service charge, or charging based on a contract, memorandum of understanding, or other agreement with a requestor.

(4) **Fee waivers.** Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying fees when:

(i) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

(b) Fee waivers are not applicable to records provided in installments.

(5) **Advance deposits.** The public records officer may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

(6) 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. DEL will notify the requestor when payment is due. Payment should be delivered to the DEL Financial Services Office, P.O. Box 40970, Olympia, WA 98504-0970. Payment may be made by cash, check, or money order to the department of early learning. It should clearly be marked as payment for public records.

(7) DEL will close 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 170-01-0300 Fees for inspecting or copying records.

WSR 17-22-073
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed October 27, 2017, 1:12 p.m., effective January 1, 2018]

Effective Date of Rule: January 1, 2018.

Purpose: WAC 246-490-200 will require the electronic reporting of deaths and will no longer allow submitting death reports using paper forms. The rule will affect funeral directors, health care providers, and others who certify the cause of death, as well as deputy registrars receiving death reports for filing with the department of health (department). Each will be able to complete their portion of a death report electronically through a web application. The rule will eliminate the need for funeral directors to travel to those who certify death reports and to deputy registrars in order to complete

death reports, resulting in more timely submission of death reports. Electronic reporting will accelerate reporting of death data to the department and support rapid surveillance and response to communicable disease and other health threats.

Citation of Rules Affected by this Order: New WAC 246-490-200.

Statutory Authority for Adoption: RCW 70.58.061.

Other Authority: RCW 43.70.150.

Adopted under notice filed as WSR 17-16-066 on July 25, 2017.

A final cost-benefit analysis is available by contacting Daniel O'Neill, P.O. Box 47814, Olympia, WA 98504-7814, phone 360-236-4311, fax 360-753-4135, TTY (360) 833-6388 or 711, email daniel.oneill@doh.wa.gov, web site doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: October 26, 2017.

John Wiesman, DrPH, MPH
Secretary

NEW SECTION

WAC 246-490-200 Electronic reporting of deaths.

All deaths that occur in Washington state, excluding fetal deaths, must be reported electronically using the format and system prescribed by the state registrar.

WSR 17-22-074

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed October 27, 2017, 1:30 p.m., effective November 27, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The amended language updates the amount charged for commercial driver's license (CDL) examination fees and third-party testing fees. Existing rules need to be updated to conform to the statute. (2ESSB 5987.SL chapter 44, Laws of 2015 3rd sp. sess.).

Citation of Rules Affected by this Order: Amending chapter 308-100 WAC, Drivers' licenses—Special provisions.

Statutory Authority for Adoption: RCW 46.25.140 and 46.01.110.

Adopted under notice filed as WSR 17-17-018 on August 7, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 27, 2017.

Damon Monroe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-03-018, filed 1/7/13, effective 2/7/13)

WAC 308-100-050 Examination fees. (1) The examination fee for each commercial driver's license knowledge examination, commercial driver's license endorsement knowledge examination, or any combination of commercial driver's license and endorsement knowledge examinations, shall be ~~((ten))~~ thirty-five dollars.

(2)(a) Except as provided in subsection (2)(b) of this section, the examination fee for each commercial driver's license skill examination conducted by the department shall be ~~((one))~~ two hundred fifty dollars and entitles the applicant to take the examination up to two times in order to pass.

(b) If the applicant's primary use of a commercial driver's license is for any of the following, then the examination fee for each commercial driver's license skill examination conducted by the department shall be ~~((seventy-five))~~ two hundred twenty-five dollars and entitles the applicant to take the examination up to two times in order to pass:

(i) Public benefit not-for-profit corporations that are federally supported head start programs; or

(ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405.

~~((3)) An applicant who has failed the skill examination must retest and pay the full fee required under subsection (2) of this section.~~

~~((4))~~ (c) If the applicant's primary use of a commercial driver's license is to drive a school bus, the applicant shall pay a fee of no more than one hundred dollars for the classified skill examination or combination of classified skill examinations conducted by the department and entitles the applicant to take the examination up to two times in order to pass.

(3) Drivers selected for reexamination by the department may be subject to costs associated with the testing.

~~((5))~~ (4) The fees in this section are in addition to the regular drivers' licensing fees.

AMENDATORY SECTION (Amending WSR 15-03-048, filed 1/14/15, effective 2/14/15)

WAC 308-100-180 Third-party testing fee. (1)(a) Except as provided in WAC 308-100-190 or subsection (1)(b) of this section, the base fee for each classified skill examination or combination of skill examinations conducted by a third-party tester shall not be more than ~~((one))~~ two hundred fifty dollars and entitles the applicant to take the examination up to two times in order to pass.

(b) If the applicant's primary use of a commercial driver's license is for any of the following, then the examination fee for each commercial driver's license skill examination conducted by a third-party tester shall not be more than ~~((seventy-five))~~ two hundred twenty-five dollars and entitles the applicant to take the examination up to two times in order to pass:

- (i) Public benefit not-for-profit corporations that are federally supported head start programs; or
- (ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405(4).

(c) If the applicant's primary use of a commercial driver's license is to drive a school bus, the applicant shall pay a fee of no more than one hundred dollars for the classified skill examination or combination of classified skill examinations conducted by the department and entitles the applicant to take the examination up to two times in order to pass.

~~(2) ((An applicant who has failed the skill examination must retest and pay the full fee required under subsection (1) of this section.~~

~~(3))~~ The base fee shall apply only to the conducting of the examination, and is separate from any additional fees, such as vehicle use fees, which may be charged by the third-party tester. Any additional fees to be charged shall be reported to the department.

~~((4))~~ (3) Fees owed to a third-party tester under this section must be paid by the applicant as provided in the third-party tester agreement entered into under WAC 308-100-140.

~~((5))~~ (4) The fees in this section are in addition to the regular drivers' licensing fees.

to pay for medical assistant, naturopathic physician, nursing home administrator, nursing pool, and ocularist credentials.

Citation of Rules Affected by this Order: Amending WAC 246-827-990, 246-836-990, 246-843-990, 246-845-990, and 246-849-990.

Statutory Authority for Adoption: RCW 43.70.250 and 43.70.280.

Adopted under notice filed as WSR 17-15-069 on July 19 [14], 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Date Adopted: October 27, 2017.

John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 12-24-015, filed 11/27/12, effective 7/1/13)

WAC 246-827-990 Medical assistant—Fees and renewal cycle. (1) Credentials must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for medical assistant-certified, medical assistant-hemodialysis technician, and medical assistant-phlebotomist credentials:

Title of Fee	Fee
Initial credential	\$(115.00) <u>145.00</u>
Renewal	((115.00)) <u>145.00</u>
<u>Late renewal penalty</u>	<u>75.00</u>
Expired credential reissuance	55.00
((Certification)) <u>Verification</u> of credential	((20.00)) <u>25.00</u>
((Late renewal penalty	55.00))
Duplicate credential	((30.00)) <u>10.00</u>

(3) The following nonrefundable fees will be charged for a medical assistant-registered credential:

WSR 17-22-088

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed October 27, 2017, 4:56 p.m., effective February 1, 2018]

Effective Date of Rule: February 1, 2018.

Purpose: WAC 246-827-990 Medical assistant, 246-836-990 Naturopathic physician, 246-843-990 Nursing home administrator, 246-845-990 Nursing pool and 246-849-990 Ocularist, fees and renewal cycle, the amended sections of rule increase application and renewal fees, adjust duplicate and license verification fees, and update formatting to make it easier for licensees to identify the fees they will be required

Title of Fee	Fee
Initial credential	\$(90.00) <u>115.00</u>
Renewal	((90.00)) <u>110.00</u>
<u>Late renewal penalty</u>	<u>60.00</u>
Expired credential reissuance	40.00
((Certification)) <u>Verification of credential</u>	((20.00)) <u>25.00</u>
((Late renewal penalty	40.00))
Duplicate credential	((30.00)) <u>10.00</u>

AMENDATORY SECTION (Amending WSR 12-19-088, filed 9/18/12, effective 11/1/12)

WAC 246-836-990 Naturopathic physician licensing fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

((Title of Fee	Amount
Application initial/retake	\$100.00
State examination (initial/retake)	100.00
Initial license	100.00
License renewal	325.00
Late renewal penalty	62.50
Expired license reissuance	62.50
Duplicate license	15.00
Certification of license	15.00
UW online access fee (HEAL-WA)	*16.00))

<u>Title of Fee</u>	<u>Amount</u>
<u>Original application</u>	
<u>State jurisprudence examination</u>	\$100.00
<u>Initial state license</u>	270.00
<u>UW online access fee (HEAL-WA)</u>	16.00
<u>License renewal</u>	
<u>Renewal</u>	440.00
<u>Late renewal penalty</u>	220.00
<u>Expired license reissuance</u>	65.00
<u>UW online access fee (HEAL-WA)</u>	16.00
<u>Duplicate license</u>	10.00
<u>Verification of license</u>	25.00
<u>State jurisprudence examination</u>	100.00

* The University of Washington HEAL-WA web portal access fee, required under RCW 43.70.110, is assessed with the initial application fee and the license renewal fee.

AMENDATORY SECTION (Amending WSR 11-20-092, filed 10/4/11, effective 12/1/11)

WAC 246-843-990 Nursing home administrator fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

((Title of Fee	Fee
Application—Original license	\$410.00
Administrator-in-training	285.00
Application—Endorsement	510.00
Temporary permit	325.00
Renewal	495.00
Inactive license renewal	315.00
Late renewal penalty	315.00
Expired license reissuance	285.00
Late renewal penalty—Inactive	255.00
Expired inactive license reissuance	190.00
Duplicate license	30.00
Certification of license	30.00))

<u>Title of Fee</u>	<u>Fee</u>
<u>Application-Original license</u>	<u>\$575.00</u>
<u>Administrator-in-training</u>	<u>285.00</u>
<u>Application-Endorsement</u>	<u>715.00</u>
<u>License renewal</u>	
<u>Renewal</u>	<u>695.00</u>
<u>Late renewal penalty</u>	<u>300.00</u>
<u>Expired license reissuance</u>	<u>285.00</u>
<u>Inactive license</u>	
<u>Inactive license renewal</u>	<u>315.00</u>
<u>Late renewal penalty</u>	<u>160.00</u>
<u>Expired inactive license reissuance</u>	<u>190.00</u>
<u>Temporary permit</u>	<u>325.00</u>
<u>Duplicate license</u>	<u>10.00</u>
<u>Verification of license</u>	<u>25.00</u>

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

WAC 246-845-990 Nursing pool fees and renewal cycle. (1) Registrations must be renewed every year on the ~~((date of original issuance))~~ practitioner's birthday as provided in chapter 246-12 WAC, Part ~~((3. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to prac-~~

tioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment)) 2.

(2) The following nonrefundable fees will be charged:

<u>Title of Fee</u>	<u>Fee</u>
Registration application	\$100.00
Registration renewal	115.00
Late renewal penalty	57.50
Expired registration reissuance	57.50))

<u>Title of Fee</u>	<u>Fee</u>
<u>Original application</u>	<u>\$175.00</u>
<u>Renewal</u>	<u>155.00</u>
<u>Late renewal penalty</u>	<u>80.00</u>
<u>Expired registration reissuance</u>	<u>60.00</u>
<u>Duplicate license</u>	<u>10.00</u>
<u>Verification of license</u>	<u>25.00</u>

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

WAC 246-849-990 Ocularist fees and renewal cycle.

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. ~~((The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.))~~

(2) The following nonrefundable fees will be charged:

<u>Title of Fee</u>	<u>Fee</u>
Application and examination	\$125.00
Renewal	225.00
Late renewal penalty	112.50
Expired license reissuance	112.50
Duplicate license	25.00
Certification of license	25.00
Apprentice registration	25.00
Apprentice renewal	25.00
Temporary practice permit	25.00
Retired active license	50.00))

<u>Title of Fee</u>	<u>Fee</u>
<u>Original application and examination</u>	<u>\$200.00</u>
<u>License renewal</u>	
<u>Renewal</u>	<u>300.00</u>
<u>Late renewal penalty</u>	<u>150.00</u>

<u>Title of Fee</u>	<u>Fee</u>
<u>Apprentice registration</u>	<u>25.00</u>
<u>Apprentice renewal</u>	<u>25.00</u>
<u>Expired license reissuance</u>	<u>115.00</u>
<u>Temporary practice permit</u>	<u>25.00</u>
<u>Retired active license</u>	<u>50.00</u>
<u>Duplicate license</u>	<u>10.00</u>
<u>Verification of license</u>	<u>25.00</u>

**WSR 17-22-093
PERMANENT RULES
CLARK COLLEGE**

[Filed October 30, 2017, 10:13 a.m., effective November 30, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule making is to enforce parking in a metered parking spot without paying the fee stated on the meter as a parking violation.

Citation of Rules Affected by this Order: Amending WAC 132N-156-550 Illegal parking, parking and traffic rules and regulations.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 17-19-070 on September 15, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 25, 2017.

Bob Williamson
Vice President of
Administrative Services

AMENDATORY SECTION (Amending WSR 00-20-034, filed 9/28/00, effective 10/29/00)

WAC 132N-156-550 Illegal parking. No person shall stop, place, or park a vehicle at any place where official signs, curbs, or pavement markings prohibit parking, or within fifteen feet of a fire hydrant, or at any place for which the vehicle does not have a valid parking permit. Any vehicle not parked in a parking stall shall be considered illegally parked.

Drivers who are instructed by a security officer to either move an illegally parked vehicle or not to park in violation of this section, and refuse, will have their vehicle immediately impounded or immobilized.

Security officers may issue citations resulting in fines if the vehicle is found in the commission of any of the following parking violations:

- (1) Parking in a faculty/staff parking zone without a valid permit.
- (2) Parking a disabled or inoperable vehicle on campus in excess of twenty-four hours without appropriate permission.
- (3) Parking any vehicle in such a manner as to obstruct, impede, hinder, or prevent the use of another parking space. This violation includes, but is not limited to, parking over the line, parking an oversized vehicle in a space too small, allowing part of a vehicle to protrude into another space, and parking too close to another vehicle.
- (4) Parking in a space not designated for parking.
- (5) Parking in an area not authorized.
- (6) Blocking vehicular or pedestrian traffic.
- (7) Parking within fifteen feet of a fire hydrant.
- (8) Parking in a fire lane, sidewalk, or intracampus avenue.
- (9) Parking in a "No Parking" zone.
- (10) Parking on the grass.
- (11) Parking overnight without security office permission and/or permit.
- (12) Parking of a bicycle illegally.
- (13) Parking in physically disabled persons parking zone without an authorized parking permit.
- (14) Use of a vehicle for habitation without permission.
- (15) Illegal use of or failure to display permit.
- (16) Creating a safety hazard in the opinion of the security officer.
- (17) Allowing a vehicle alarm to sound, repeatedly or for an extended period of time (false alarm).
- (18) Parking in a metered parking spot without payment of the meter fee stated on the meter during the posted time limits.

All parking citations carry a twenty-dollar fine, with the exception of physically disabled persons parking violations which carry a fifty-dollar fine.

Illegally parked vehicles which require removal will be done so at the owner's or operator's expense.

WSR 17-22-094
PERMANENT RULES
CLARK COLLEGE

[Filed October 30, 2017, 10:14 a.m., effective November 30, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule making is in response to EHB 1595 amending RCW 42.56.120 to enforce copying charges utilizing the Public Records Act default fee schedule.

Citation of Rules Affected by this Order: Amending WAC 132N-276-090 Copying, public records.

Statutory Authority for Adoption: RCW 28B.50.140, 42.56.040, 42.56.070, 42.56.100, 42.56.120 (as amended by chapter 304, Laws of 2017).

Adopted under notice filed as WSR 17-19-069 on September 15, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 25, 2017.

Bob Williamson
Vice President of
Administrative Services

AMENDATORY SECTION (Amending WSR 96-12-041, filed 5/31/96, effective 7/1/96)

WAC 132N-276-090 Copying. (1) No fee shall be charged for the inspection of public records. The college will ((charge a fee of ten cents per page of copy for providing copies of public records. This charge is the amount necessary to reimburse the college for its actual costs arising from such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the college will provide copies at a rate sufficient to cover any additional costs. All fees must be paid by money order, cashier's check, or cash in advance)) apply the following copy fees and payment procedures to requests to the college under chapter 42.56 RCW.

(2) Pursuant to RCW 42.56.120 (2)(b), the college is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The college does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(3) The college will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The college will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the college may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The college may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The

charges for copying methods used by the college are summarized in the fee schedule.

(4) Requestors are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying fees when:

(i) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

(b) Fee waivers are not applicable to records provided in installments.

(5) The public records officer may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

(6) 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 office will notify the requestor when payment is due.

(7) Payment should be made by check or money order to Clark College.

(8) The college will close 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.

WSR 17-22-100
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 30, 2017, 3:09 p.m., effective January 1, 2018]

Effective Date of Rule: January 1, 2018.

Purpose: Amending and repealing WAC affected by legislative changes made by passage of HB 1597 during the 2017 legislative session.

Citation of Rules Affected by this Order: Repealing WAC 220-305-050, 220-352-260 and 220-352-270; and amending 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, and 220-359-110.

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.

Adopted under notice filed as WSR 17-18-090 on September 5, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; and Recently Enacted State Statutes: New 0, Amended 26, Repealed 3.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 27, 2017.

Brad Smith, Chair
Fish and Wildlife Commission

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 220-340-420 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, then south of a line from Cattle Point on 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 220-352-010 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 endorse-~~

ment, 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))~~ classified under WAC 220-300-380.

~~((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))~~:

(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 fishers exercising treaty rights; or

(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 electronic fish tickets, 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) Except as provided, "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))~~ buyer's 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 gross misdemeanor, punishable under RCW 77.15.640.

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~~) or licensed wholesale fish (~~(dealer the buyers are operating under)~~) buyer that the receivers are operating under is responsible for the accuracy and legibility of all documents initiated in (~~(its)~~) their 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.

(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.

(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; 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 220-354-030 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 pinniped 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 [17-19-007], filed 2/15/17 [9/7/17], effective 3/18/17 [10/8/17])

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.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: WAC 220-354-290 was permanently adopted and filed by the agency as amending the version in WSR 17-05-112, filed on February 15, 2017, effective March 18, 2017. On September 7, 2017, WAC 220-354-290 was permanently adopted and filed in WSR 17-19-007 which was effective on October 8, 2017. The agency has requested that the two versions be merged when WAC 220-354-290 is codified. The above section appears as filed by the agency pursuant to RCW 34.08.040.

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 ~~((licensee))~~ wholesale ~~((dealer))~~ fish buyer, except that the licensee may be a ~~((licensee))~~ 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 or 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.

WSR 17-22-101
PERMANENT RULES
DEPARTMENT OF
EARLY LEARNING

[Filed October 30, 2017, 4:28 p.m., effective November 30, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Implement SSB 5883 revisions to the working connections child care program priority groups.

Citation of Rules Affected by this Order: Amending WAC 170-290-2210.

Statutory Authority for Adoption: RCW 43.215.060 and 43.215.070.

Adopted under notice filed as WSR 17-19-094 on September 19, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 30, 2017.

Heather Moss
 Director

AMENDATORY SECTION (Amending WSR 17-09-042, filed 4/14/17, effective 5/15/17)

WAC 170-290-2210 Eligibility. (1) If the applicant or reapplicant meets one of the qualifiers of the priority list and otherwise meets all eligibility requirements of Part II or III of this chapter, the applicant or reapplicant will not be placed on the wait list and will be eligible to receive WCCC subsidies. The priority list includes:

- (a) Families applying for or receiving TANF;
- (b) Families receiving TANF and working to cure a sanction;
- (c) ~~((Reapplicants who received subsidies within the last thirty days and:~~
 - ~~(i) Have reapplied for subsidies; and~~
 - ~~(ii) Have household income of two hundred percent federal poverty level or below.))~~ Foster children;
- (d) Families that include a child with special needs;
- (e) Families with teen parents (under age twenty-two) who are not living with a ((parent/guardian)) parent or guardian, and who are attending a high school full-time ((with)) that has an on-site child care center;
- (f) Families ~~((that are homeless according to the McKinney-Vento Act definition; and~~

~~(g) Families that include a child enrolled in Early Head Start Child Care Partnership slots.)) with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from DSHS in the past six months and has received a referral for child care as part of the family's case management; and~~

~~(g) Reapplicants who received subsidies within the last thirty days and:~~

- ~~(i) Have reapplied for subsidies; and~~
- ~~(ii) Have household income of two hundred percent federal poverty level or below.~~

(2) As provided in WAC 170-290-0001, WCCC is administered to the extent of available funds. If available funds are insufficient to allow all priority groups to not be placed on the wait list and be eligible to receive WCCC subsidies, only the highest ranked groups that can be served within available funds will be prioritized. The priority groups are ranked in the order listed in subsection (1) of this section, highest to lowest.

(3) If funds are not available, an applicant or reapplicant not belonging to a group on the priority list will have their name placed on the wait list upon approval of eligibility. The name will be placed on the wait list based on the date of the application or reapplication and served as funds become available.

(4) If the applicant or reapplicant remains on the wait list for twelve months or longer, a new eligibility determination will be required when subsidy child care becomes available.

WSR 17-22-106
PERMANENT RULES
STUDENT ACHIEVEMENT COUNCIL

[Filed October 31, 2017, 9:27 a.m., effective December 1, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule is necessary to implement changes to the Public Records Act relating to charging fees for public records and contained in RCW 42.56.120(2), as amended by section 3, chapter 304, Laws of 2017, which take [took] effect July 23, 2017. Without this change to its public records rules (chapter 250-82 WAC), the agency will be unable to charge requesters for the cost of producing requested public records. This rule is identical to and intended to make permanent an emergency rule filed July 24, 2017, WSR 17-16-046.

Citation of Rules Affected by this Order: Amending chapter 250-82 WAC.

Statutory Authority for Adoption: RCW 42.56.100.

Adopted under notice filed as WSR 17-19-068 on September 15, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 31, 2017.

Michael P. Meotti
Executive Director

AMENDATORY SECTION (Amending WSR 07-12-026, filed 5/30/07, effective 6/30/07)

WAC 250-82-060 Costs of providing copies of public records. (1) **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain ~~((standard black and white photocopies for fifteen cents per page))~~ copies of public records according to the fees described in WAC 250-82-062.

Before beginning to make the copies, 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 Washington ~~((higher education coordinating board))~~ student achievement council will not charge sales tax when it makes copies of public records.

(2) **Costs of mailing.** The Washington ~~((higher education coordinating board))~~ student achievement council may also charge actual costs of mailing, including the cost of the shipping container.

(3) **Payment.** Payment may be made by cash, check, or money order to the Washington ~~((higher education coordinating board))~~ student achievement council.

NEW SECTION

WAC 250-82-062 Charges for public records. Calculation of actual costs of producing copies of public records declared to be unduly burdensome - Adoption of statutory fee schedule.

(1) Pursuant to RCW 42.56.120(2), as amended by section 3, chapter 304, Laws of 2017, the Washington student achievement council declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study to calculate such actual costs; it would consume scarce agency resources to conduct a study of actual costs; it is difficult to accurately calculate all costs directly incident to copying records, including equipment and paper costs, data storage costs, electronic production costs, and staff time for copying and sending requested records; agency resources are insufficient to perform a study and the accurate calculation of all costs as described in this subsection; and a study would interfere with and disrupt other essential agency functions.

(2) The Washington student achievement council may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017.

(3) The agency may also use any other method authorized by the Public Records Act for imposing charges for public records including, but not limited to, charging a flat fee, charging a customized service charge, or charging based on a contract, memorandum of understanding, or other agreement with a requestor.

(4) The agency may waive charges assessed for records when the public records officer determines collecting a fee is not cost effective.

WSR 17-22-117

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed October 31, 2017, 12:12 p.m., effective January 1, 2018]

Effective Date of Rule: January 1, 2018.

Purpose: The purpose of this adoption is to update the appeal extension dates within WAC 296-900-17005 to coincide with 2017 HB 1629 (chapter 13, Laws of 2017).

Additional updates made during this rule making, not affiliated with HB 1629, were housekeeping changes and eRules formatting, as well as adding the option to file appeals electronically, all of which do not introduce new requirements or cause any costs to employers.

Changes being adopted as proposed in this rule making to be consistent with HB 1629:

- In subsection (6)(b), changed the extension time period from fifteen working days to up to forty-five working days to be consistent with HB 1629.
- In subsection (7), changed the language regarding the total reassumption time period to up to seventy-five working days if all parties agree to the extension of up to forty-five working days.

Other changes being adopted as proposed in this rule making include:

- In subsections (2) and (4), added new language to allow for electronic submission via email to DOSHappeals@lni.wa.gov.
- Changed bullets and dashes to letters and numbers where applicable.
- Moved bold "you must" to beginning of sentence in the new numbered subsections (1) and (2) as part of eRules language reformatting.
- Moved bolded phrase "Employees or their designated representatives must" to beginning of the new numbered subsections (3) and (4) as part of eRules language reformatting.
- In the definition of "reassume jurisdiction," added a period after the defined word and removed "means that" to make the definition a complete sentence.

Citation of Rules Affected by this Order: Amending WAC 296-900-17005.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Adopted under notice filed as WSR 17-17-133 on August 22, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 31, 2017.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 12-02-055, filed 1/3/12, effective 7/1/12)

WAC 296-900-17005 Appealing a citation and notice (C&N).

IMPORTANT:

(*) 1. Employers may appeal C&Ns.

(*) 2. Employees of the cited employer, or their designated representatives, may only appeal abatement dates.

(*) 3. The filing of an appeal does not stay the abatement date for violations classified as serious, willful, repeat serious, or failure to abate serious. Employers may request a stay of abatement date for these classifications of violations when they appeal a C&N.

~~**(You must**~~

(*) (1) You must, when appealing, submit a written appeal to DOSH within fifteen working days after receiving the C&N. Include the following information:

(-) (a) Business name, address, and telephone number.

(-) (b) Name, address, and telephone number of any employer representative.

(-) (c) C&N number.

(-) (d) What you believe is wrong with the C&N and any related facts.

(-) (e) What you believe should be changed, and why.

(-) (f) Requests for stay of abatement date according to WAC 296-900-17006.

(-) (g) A signature and date.

(*) (2) You must send appeals in any of the following ways:

- Mail to:

Assistant Director for DOSH Services
Attn: DOSH Appeals

P.O. Box 44604
Olympia, WA 98504-4604

- Fax to: 360-902-5581

- Electronically to: DOSHappeals@lni.wa.gov

- Take to any department service location.

Reference: See the resources section of the Safety and health core rules, chapter 296-800 WAC, for a list of the local offices.

Note: The postmark is considered the submission date of a mailed request.

~~**((Employees or their designated representatives must**~~

(*) (3) Employees or their designated representatives must, when appealing C&N abatement dates, submit a written request to DOSH within fifteen working days after the C&N is received. Include the following information:

(-) (a) Name of employee, address, telephone number.

(-) (b) Name, address, and telephone number of any designated representative.

(-) (c) C&N number.

(-) (d) What is believed to be wrong with the abatement date.

(-) (e) A signature and date.

(*) (4) Employees or their designated representatives must send appeals in any of the following ways:

- Mail to:

Assistant Director for DOSH Services

Attn: DOSH Appeals

P.O. Box 44604

Olympia, WA 98504-4604

- Fax to: 360-902-5581

- Electronically to: DOSHappeals@lni.wa.gov

- Take to any L&I service location.

Reference: See the resources section of the Safety and health core rules, chapter 296-800 WAC, for a list of the local offices.

Note: The postmark is considered the submission date of a mailed request.

What to expect from DOSH:

(*) (5) After receiving an appeal, DOSH will do one of the following:

(-) (a) Reassume jurisdiction over the C&N, and notify the person who submitted the appeal.

(-) (b) Forward the appeal to the board of industrial insurance appeals. The board will send the person submitting the appeal a notice with the time and location of any board proceedings.

Definition:

Reassume jurisdiction ~~((means that))~~, DOSH has decided to provide the employer with an informal conference to discuss their appeal.

(*) (6) When reassuming jurisdiction over a C&N, DOSH has thirty working days after receiving the appeal to review it, gather more information, and decide whether to make changes to the C&N. The review period:

(-) (a) Begins the first working day after the appeal is received. For example, if an appeal is received on Friday, the

thirty days will begin on the following Monday unless it's a state holiday.

((-)) (b) May be extended (~~(fifteen)~~) up to forty-five additional working days, if everyone involved agrees and signs an extension agreement within the initial thirty-day period.

((-)) (c) Will include an informal conference about the appeal that is an opportunity for interested parties to:

((*) (i) Briefly explain their positions.

((*) (ii) Provide any additional information they would like DOSH to consider when reviewing the C&N.

((*) (iii) Provide any additional information they would like DOSH to consider when reviewing stay of abatement date requests.

Note: DOSH might reassume jurisdiction over a C&N to do any of the following:

((■) 1. Provide an employer and affected employees an opportunity to present relevant information, facts, and opinions during an informal conference.

((■) 2. Give an employer, affected employees, and the department an opportunity to resolve appeals rapidly and without further contest, especially in routine compliance cases.

((■) 3. Educate employers about the C&N, the DOSH appeals process, and DOSH compliance.

((■) 4. Review citations, penalties, and abatement dates. Although informal, the conference is an official meeting and it may be either partially or totally recorded. Participants will be told if the conference is recorded.

((■) 5. Review requests to stay abatement dates.

((*) (7) On or before the end of the thirty working day review period, or (~~(forty-five)~~) up to seventy-five working days if everyone involved agrees to the (~~(fifteen)~~) extension of up to forty-five additional working days (~~(extension)~~), DOSH will issue a corrective notice of redetermination that:

((-) (a) Reflects any changes made to the C&N.

((-) (b) Grants or denies requests to stay abatement dates and includes the basis of the decision.

((-) (c) Is sent to the employer, employees, and employee representatives participating in the appeal process.

WSR 17-22-121
PERMANENT RULES
OFFICE OF

FINANCIAL MANAGEMENT

[Filed October 31, 2017, 1:58 p.m., effective December 1, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: 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 rule is to ensure compliance with the requirements of maintaining privacy of certain data elements.

Citation of Rules Affected by this Order: New WAC 82-75-500, 82-75-510 and 82-75-520; and amending WAC 82-75-020, 82-75-030, and 82-75-240.

Statutory Authority for Adoption: RCW 43.371.050(6).

Other Authority: Chapter 43.371 RCW.

Adopted under notice filed as WSR 17-18-089 on September 5, 2017.

Changes Other than Editing from Proposed to Adopted Version: References to "proprietary financial data" was changed to "proprietary financial information," and in WAC 82-75-510(3) "to any third party" was added at the end of the sentence.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 3, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 3, Repealed 0.

Date Adopted: October 31, 2017.

Roselyn Marcus
Assistant Director
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 demographics, 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 information submitted to the WA-APCD. The format rules apply to three categories of users for which proprietary financial information 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 to any third party.

(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 information 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 17-22-128
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed November 1, 2017, 9:11 a.m., effective January 1, 2018]

Effective Date of Rule: January 1, 2018.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: All requirements necessary to amend the existing Grays Harbor pilotage district tariff as set forth in chapter 53.08 RCW have been met.

Purpose: To establish a 2018 annual tariff for pilotage services in the Grays Harbor pilotage district.

Citation of Rules Affected by this Order: Amending WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 17-18-073 on September 5, 2017.

Changes Other than Editing from Proposed to Adopted Version: The proposed decrease in the *Pension Charge* from \$528 to \$500 was adopted.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 19, 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

CLASSIFICATION	RATE
<p>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.</p>	

Boarding Charge:

Per each boarding/deboarding from a boat or helicopter	\$1,092.00
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Harbor Shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage	\$803.00
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Delays per hour	\$189.00
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Cancellation charge (pilot only)	\$315.00
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Cancellation charge (boat or helicopter only)	\$944.00
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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	\$((528.00)) <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 17-22-136
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed November 1, 2017, 11:39 a.m., effective December 2, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Clarifies language on requirements for career and technical education (CTE) director certification. Amends WAC 181-77-071 to describe the requirements for CTE director certificate.

Citation of Rules Affected by this Order: Amending chapter 181-77 WAC.

Statutory Authority for Adoption: RCW 28A.410.220.

Adopted under notice filed as WSR 17-15-033 on July 10, 2017.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street, Olympia, WA 98504,

phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, web site WWW.pesb.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: November 1, 2017.

David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 16-12-070, filed 5/27/16, effective 6/27/16)

WAC 181-77-071 Initial certification of career and technical education administrative personnel. (1) Beginning September 1, 2014, a candidate is eligible for the initial career and technical education administrator certification if meeting ~~((one of))~~ the following:

(a) Currently holds a valid residency, continuing or professional administrator certificate; or

(b) Completion of three years of experience as a certified career and technical education supervisor, career and technical education instructor, career and technical education counselor, or occupational information specialist~~((-~~

~~(2) Initial certificate.~~

~~((a))~~ ~~The individual may apply for an initial career and technical administrator certificate upon:~~

~~((+))~~; and

~~((c))~~ Completion of the state authorized career and technical education administrator internship program; or

~~((+))~~ ~~((d))~~ Completion of a state approved college program for career and technical education administration.

~~((+))~~ ~~((e))~~ The initial career and technical education administrator certificate is valid for four years and may be renewed two times.

~~((+))~~ ~~((2))~~ Initial certificate renewal.

(a) In order to renew the initial career and technical education administrator certificate completion of at least six quarter hours of college credit or sixty continuing education credit hours since the initial certificate was issued or renewed is required.

(b) The initial renewal certificate is valid for three years and may be renewed one time.

~~((4))~~ ~~((3))~~ Continuing certificate. The continuing career and technical education administrator certificate is valid for five years.

(a) In order to receive the continuing career and technical education administrator certificate, in addition to the requirements for the initial certificate, at least fifteen quarter hours of college credit course work or one hundred fifty continuing education credit hours completed subsequent to the conferral of the initial certificate is required.

(b) Individuals shall provide as a condition for the issuance of a continuing certificate documentation of two years of career and technical administration with an authorized employer (i.e., school district(s) or skill center(s)).

(c) Individuals who hold the initial career and technical administrator certificate, but have not been employed in the role of career and technical education administrator, or cannot document two years of career and technical education administration, shall be eligible for a continuing certificate by the following:

(i) In addition to the requirements for the initial certificate at least fifteen quarter hours of college credit course

work or one hundred fifty continuing education credit hours completed subsequent to the conferral of the initial certificate; and

(ii) The completion of requirements listed in subsection ~~((2)(a)(i) or (ii))~~ ~~((1)(c) or (d))~~ of this section since the issuance of the second initial certificate renewal and prior to the application for the continuing career and technical education administrator certificate.

~~((5))~~ ~~((4))~~ Continuing certificate renewal. The continuing career and technical education administrator certificate shall be renewed with the completion of fifteen quarter credits of college credit course work or the equivalent of one hundred fifty continuing education credit hours in career and technical education, or supervisory or managerial subjects, prior to the lapse date of the first issue of the continuing certificate and during each five-year period between subsequent lapse dates.

~~((6))~~ ~~((5))~~ Any person with a valid career and technical education administrator certificate issued prior to September 1, 2014, under previous standards of the professional educator standards board shall meet requirements of, and may apply for, the continuing career and technical education administrator certificate by the expiration date of the original certificate held. Upon issuance of the continuing career and technical education administrator certificate such person will be subject to continuing certificate renewal requirements of subsection ~~((5))~~ ~~((3))~~ of this section.