

WSR 12-02-053
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 3, 2012, 8:25 a.m., effective January 1, 2014]

Effective Date of Rule: January 1, 2014, for all sections except for WAC 296-62-50050 is July 1, 2014, and WAC 296-62-50025(2) is January 1, 2015.

Purpose: The 2011 legislature passed ESSB 5594 which requires the department to adopt rules implementing the 2004 National Institute for Occupational Safety and Health (NIOSH) alert on safe handling of hazardous drugs. The legislation requires the rules be consistent with the recommendations set forth in NIOSH's alert and states that the rules may not exceed these recommendations. The department may incorporate Centers for Disease Control and Prevention (CDC) updates and changes to the alert.

NEW SECTIONS:

WAC 296-62-500 Hazardous drugs.

- There are no requirements in this section.
- Statement that hazardous drugs are also covered under WAC 296-800-170 and the most protective requirement will take precedent.

WAC 296-62-50005 Scope.

- Requirements relating to occupational exposure are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50010 Definitions.

- There are no requirements in this section.

WAC 296-62-50015 Hazardous drugs control program.

- Requirements relating to hazardous drugs control program are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50020 Hazard assessment.

- Requirements relating to hazard assessment are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50025 Engineering controls.

- Requirements relating to engineering controls are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50030 Personal protective equipment (PPE).

- Requirements relating to PPE are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50035 Safe handling practices.

- Requirements relating to safe handling practices are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50040 Cleaning and housekeeping.

- Requirements relating to cleaning and housekeeping procedures are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50045 Spill control.

- Requirements relating to spill control are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50050 Training.

- Requirements relating to training are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

WAC 296-62-50055 Implementation plan.

- Requirements relating to the effective dates of various subsections of the rule are located in this section. These requirements are state-initiated and derived from the 2004 NIOSH alert on safe handling of hazardous drugs.

This rule was developed with the assistance of a stakeholder group from the industry representing business and labor.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 39, Laws of 2011.

Other Authority: Chapter 39, Laws of 2011.

Adopted under notice filed as WSR 11-21-080 on October 18, 2011.

Changes Other than Editing from Proposed to Adopted Version:

CR-102 DOSH Rule Language	CR-103 DOSH Rule Language
WAC 296-62-500 Hazardous drugs.	WAC 296-62-500 Hazardous drugs.
This rule provides minimum requirements for developing a hazardous drugs control program; enabling employers to provide effective, assessment-based precautions designed to minimize or eliminate occupational exposure.	This rule <u>chapter</u> provides minimum requirements for developing a hazardous drugs control program <u>when occupational exposure to hazardous drugs is reasonably anticipated, enabling employers</u> It is designed to provide effective, assessment-based precautions

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	designed to minimize or eliminate occupational exposure to <u>hazardous drugs</u> .
<p>Important: Hazardous drugs are covered under WAC 296-800-170, Employer chemical hazard communication—Introduction. In addition the employer must follow the requirements in WAC 296-800-160 and chapter 296-842 WAC as related to the provision of personal protective equipment and respiratory protection. Whenever there is a conflict between rule requirements the most protective requirement will take precedent.</p>	<p>Important: Hazardous Occupational exposure to hazardous drugs <u>are</u> also covered under WAC 296-800-170, Employer chemical hazard communication—Introduction. In addition the employer must follow the requirements in WAC 296-800-160, <u>personal protective equipment (PPE)</u> and chapter 296-842 WAC, <u>Respirators</u> as related to the provision of personal protective equipment and respiratory protection. Whenever there is a conflict between rule requirements the most protective requirement will take precedent.</p>
WAC 296-62-50005 Scope.	WAC 296-62-50005 Scope.
(1) This chapter applies to all health care settings that have employees with occupational exposure to hazardous drugs.	(1) This chapter applies to all <u>employers in health care settings facilities regardless of the setting</u> that have employees with occupational exposure to hazardous drugs.
	<u>(2) Chapter application.</u>
	<u>(2)(a) The requirements in this rule only apply to the hazardous drugs being used in the workplace.</u>
	<u>(2)(b) If hazardous drugs are being used in the workplace the requirements in this rule only apply if there is reasonably anticipated exposure as defined in WAC 296-62-50010.</u>
	<u>(2)(c) If there is reasonably anticipated occupational exposure to one or more hazardous drugs the employer must develop a hazardous drugs control program as required in WAC 296-62-50015.</u>

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	(2)(d) For purposes of making the determinations in this section about scope and application, occupational exposure is that exposure which would be reasonably anticipated in the absence of engineering controls or PPE.
<p>(2) The following lists jobs that may involve occupational exposure to hazardous drugs. This is not an exhaustive list and there may be other jobs that fall within the scope of this chapter:</p> <ul style="list-style-type: none"> • Physicians and physician assistants; • Nurses (ARNPs, RNs, LPNs, nurses aids); • Patient care assistive personnel (nurses aides or technicians); • Operating room personnel; • Employees in research laboratories; • Home health care workers; • Veterinarians and veterinary technicians; • Pharmacists and pharmacy technicians; • Environmental services employees (e.g., housekeeping, laundry, and waste disposal) in health care settings; • Employees who ship, or receive hazardous drugs from the manufacturer or distributor. 	<p>(2) (3) The following lists jobs that may involve occupational exposure to hazardous drugs. This is not an exhaustive list and there may be other jobs that fall within the scope of this chapter:</p> <ul style="list-style-type: none"> • <u>Pharmacists and pharmacy technicians;</u> • Physicians and physician assistants; • Nurses (ARNPs, RNs, LPNs, nurses aids); • Patient care assistive personnel (e.g. <u>health care assistants, nursing assistants nurses aides or technicians</u>); • Operating room personnel; • Employees in research laboratories; • Home health care workers; • Veterinarians and veterinary technicians; • Pharmacists and pharmacy technicians; • Environmental services employees (e.g., housekeeping, laundry, and waste disposal) in health care <u>settings facilities;</u> • Employees <u>in health care facilities</u> who ship, or receive hazardous drugs from the manufacturer or distributor.
Exemption: This chapter does not apply to the drug manufacturing sector.	Exemption: This chapter does not apply to the drug manufacturing sector.
WAC 296-62-50010 Definitions.	WAC 296-62-50010 Definitions.

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<p>Biological safety cabinet means a ventilated cabinet for compounding pharmaceutical ingredients, personnel, product, and environmental protection having an open front with inward air-flow for personnel protection, downward high-efficiency air (HEPA)-filtered laminar airflow for product protection, and HEPA-filtered exhausted air for environmental protection. For a complete description of the different types of biologic safety cabinets see the Centers for Disease Control and Prevention (CDC)/National Institutes of Health (NIH) document <i>Primary Containment for Biohazards: Selection, Installation and Use of Biological Safety Cabinets</i>.</p>	<p>Biological safety cabinet means a ventilated cabinet for compounding pharmaceutical ingredients, personnel, product, and environmental protection having an open front with inward air-flow for personnel protection, downward high-efficiency air (HEPA)-filtered laminar airflow for product protection, and HEPA-filtered exhausted air for environmental protection. For a complete description of the different types of biologic safety cabinets see the Centers for Disease Control and Prevention (CDC)/National Institutes of Health (NIH) document <i>Primary Containment for Biohazards: Selection, Installation and Use of Biological Safety Cabinets</i>.</p>
<p>Chemotherapy glove means a medical glove that has been approved by the Food and Drug Administration (FDA) and that meets the permeability standards of the American Society for Testing Materials (ASTM) Standard D6978 - 05.</p>	<p>Chemotherapy glove means a medical glove that has been approved by the Food and Drug Administration (FDA) and that meets the permeability standards of the American Society for Testing Materials (ASTM) Standard D6978 - 05.</p>
<p>Closed system drug-transfer device means a drug-transfer device that mechanically prohibits the transfer of environmental contaminants into the system and the escape of hazardous drug or vapor concentrations outside of the system.</p>	<p>Closed system drug-transfer device means a drug-transfer device that mechanically prohibits the transfer of environmental contaminants into the system and the escape of hazardous drug or vapor concentrations outside of the system.</p>
<p>Compounding aseptic containment isolator means a compounding aseptic isolator designed to provide worker protection from exposure to undesirable levels of airborne drug throughout the compounding and material transfer processes</p>	<p>Compounding aseptic containment isolator means a compounding aseptic isolator designed to provide worker protection from exposure to undesirable levels of airborne drug throughout the compounding and material transfer processes</p>

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<p>and to provide an aseptic environment for compounding sterile preparations. Air exchange with the surrounding environment should not occur unless the air is first passed through a microbial retentive filter (HEPA at a minimum) system capable of containing airborne concentrations of the physical size and state of the drug being compounded. Where volatile hazardous drugs are prepared, the exhaust air from the isolator should be appropriately removed by properly designed building ventilation.</p>	<p>and to provide an aseptic environment for compounding sterile preparations. Air exchange with the surrounding environment should not occur unless the air is first passed through a microbial retentive filter (HEPA at a minimum) system capable of containing airborne concentrations of the physical size and state of the drug being compounded. Where volatile hazardous drugs are prepared, the exhaust air from the isolator should be appropriately removed by properly designed building ventilation.</p>
<p>Compounding aseptic isolator means a form of isolator specifically designed for compounding pharmaceutical ingredients or preparations. It is designed to maintain an aseptic compounding environment within the isolator throughout the compounding and material transfer processes. Air exchange into the isolator from the surrounding environment should not occur unless the air has first passed through a microbial retentive filter (HEPA minimum).</p>	<p>Compounding aseptic isolator means a form of isolator specifically designed for compounding pharmaceutical ingredients or preparations. It is designed to maintain an aseptic compounding environment within the isolator throughout the compounding and material transfer processes. Air exchange into the isolator from the surrounding environment should not occur unless the air has first passed through a microbial retentive filter (HEPA minimum).</p>
<p>Contaminated means materials or surfaces that have been in direct contact with a hazardous drug. Urine, fecal matter, vomit, blood, or bodily fluids from patients receiving certain hazardous drugs are considered contaminated for a minimum of forty-eight hours after administration. Containers that have held contaminated urine, fecal matter, vomit, blood, or</p>	<p>Contaminated means materials or surfaces that have been in direct contact with a hazardous drug. Urine, fecal matter, vomit, blood, or bodily fluids from patients receiving certain hazardous drugs are considered contaminated for a minimum of forty-eight hours after administration. Containers that have held contaminated urine, fecal matter, vomit, blood, or</p>

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other bodily fluids are considered contaminated until cleaned and decontaminated.	other bodily fluids are considered contaminated until cleaned and decontaminated.
Deactivation means treating a chemical agent (such as a hazardous drug) with another chemical, heat, ultraviolet light, or other agent to create a less hazardous agent.	Deactivation means treating a chemical agent (such as a hazardous drug) with another chemical, heat, ultraviolet light, or other agent to create a less hazardous agent.
Decontamination means inactivation, neutralization, or removal of toxic agents, usually by chemical means.	Decontamination means inactivation, neutralization, or removal of toxic agents, usually by chemical means.
Engineering controls means devices designed to eliminate or reduce worker exposure to hazards. Examples include biological safety cabinets, containment isolators, safer sharps devices, and safety interlocks.	Engineering controls means devices designed to eliminate or reduce worker exposure to hazards. Examples include biological safety cabinets, <u>laboratory fume hoods</u>, containment isolators, safer sharps devices, and safety interlocks.
Hazardous drugs means any drug identified as hazardous by the National Institute for Occupational Safety and Health (NIOSH) at the Centers for Disease Control or any drug that meets at least one of the following six criteria: <ul style="list-style-type: none"> • Carcinogenicity; • Teratogenicity or developmental toxicity; • Reproductive toxicity in humans; • Organ toxicity at low doses in humans or animals; • Genotoxicity; • New drugs that mimic existing hazardous drugs in structure and toxicity. 	Hazardous drugs means any drug identified as hazardous by the National Institute for Occupational Safety and Health (NIOSH) at the Centers for Disease Control (CDC) or any drug that meets at least one of the following six criteria: <ul style="list-style-type: none"> • Carcinogenicity; • Teratogenicity or developmental toxicity; • Reproductive toxicity in humans; • Organ toxicity at low doses in humans or animals; • Genotoxicity; • New drugs that mimic existing hazardous drugs in structure and toxicity.

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Health care settings means all hospitals, medical clinics, outpatient facilities, physicians' offices, retail pharmacies, home health care, veterinary clinics, and similar settings dedicated to the care of patients.	Health care settings facilities means all hospitals, medical clinics, <u>nursing homes, laboratories, offices or similar places where a health care provider provides health care to patients.</u> <u>For purposes of this chapter this includes outpatient facilities, physicians' offices, retail pharmacies, home health care, veterinary clinics, medicine, retail pharmacies, home health care agencies and also those research laboratories in settings where a health care provider provides health care to patients. It does not include the drug manufacturing sector or research laboratories where health care providers do not provide health care to patients, and similar settings dedicated to the care of patients.</u>
HEPA filter means a high-efficiency particulate air filter rated ninety-nine and ninety-seven percent efficient in capturing 0.3-micron-diameter particles.	HEPA filter means a high-efficiency particulate air filter rated ninety-nine and ninety-seven percent <u>99.97%</u> efficient in capturing 0.3-micron-diameter particles.
	Isolator means a device that is sealed or is supplied with air through a microbially retentive filtration system (HEPA minimum) and may be reproducibly decontaminated. When closed, an isolator uses only decontaminated interfaces (when necessary) or rapid transfer ports (RTPs) for materials transfer. When open, it allows for the ingress and/or

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	<p><u>egress of materials through defined openings that have been designed and validated to preclude the transfer of contaminants or unfiltered air to adjacent environments. An isolator can be used for aseptic processing, for containment of potent compounds, or for simultaneous asepsis and containment. Some isolator designs allow operations within the isolator to be conducted through attached rubber gloves without compromising asepsis and/or containment.</u></p>
	<p><u>Aseptic isolator:</u> A ventilated isolator designed to exclude external contamination from entering the critical zone inside the isolator. <u>Aseptic containment isolator:</u> A ventilated isolator designed to meet the requirements of both an aseptic isolator and a containment isolator. <u>Containment isolator:</u> A ventilated isolator designed to prevent the toxic materials processed inside it from escaping to the surrounding environment.</p>
<p>Material safety data sheet (MSDS) means a summary provided by the manufacturer to describe the chemical properties and hazards of specific chemicals and ways in which workers can protect themselves from exposure to these chemicals.</p>	<p>Material safety data sheet (MSDS) means a summary provided by the manufacturer to describe the chemical properties and hazards of specific chemicals and ways in which workers can protect themselves from exposure to these chemicals.</p>

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<p>Occupational exposure means reasonably anticipated inhalation, skin, ingestion, or injection contact with hazardous drugs as a result of the performance of an employee's duties. Factors that affect worker exposure include:</p> <ul style="list-style-type: none"> • Drug handling circumstances (preparation, administration, or disposal); • Amount of drug prepared; • Frequency and duration of drug handling; • Potential for absorption; • Use of ventilated cabinets; • Personal protective equipment; • Work practices. <p>The likelihood that a worker will experience adverse effects from hazardous drugs increases with the amount and frequency of exposure and the lack of proper work practices.</p>	<p>Occupational exposure means reasonably anticipated inhalation, skin, ingestion, or injection contact with hazardous drugs as a result of the performance of an employee's duties. Factors that affect worker exposure include:</p> <ul style="list-style-type: none"> • Drug handling circumstances (preparation, administration, or disposal); • Amount of drug prepared; • Frequency and duration of drug handling; • Potential for absorption; • Use of ventilated cabinets; • Personal protective equipment; • Work practices. <p>The likelihood that a worker will experience adverse effects from hazardous drugs increases with the amount and frequency of exposure and the lack of proper work practices. <u>Some drugs defined as hazardous may not pose a significant risk of occupational exposure because of their dosage formulation (for example, coated tablets or capsules that are administered to patients without modifying the formulation). However, they may pose a risk if altered (for example, if tablets are crushed or dissolved, or if capsules are pierced or opened).</u></p>

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<p>Ventilated cabinet means a type of engineering control designed for purposes of worker protection. These devices are designed to minimize worker exposures by controlling emissions of airborne contaminants through the following:</p> <ul style="list-style-type: none"> • The full or partial enclosure of a potential contaminant source; • The use of airflow capture velocities to capture and remove airborne contaminants near their point of generation; • The use of air pressure relationships that define the direction of airflow into the cabinet. <p>Examples of ventilated cabinets include biological safety cabinets and containment isolators.</p>	<p>Ventilated cabinet means a type of engineering control designed for purposes of worker protection. These devices are designed to minimize worker exposures by controlling emissions of airborne contaminants through the following:</p> <ul style="list-style-type: none"> • The full or partial enclosure of a potential contaminant source; • The use of airflow capture velocities to capture and remove airborne contaminants near their point of generation; • The use of air pressure relationships that define the direction of airflow into the cabinet. <p>Examples of ventilated cabinets include biological safety cabinets and containment isolators.</p>
<p>WAC 296-62-50015 Hazardous drugs control program.</p>	<p>WAC 296-62-50015 Hazardous drugs control program.</p>
<p>(1) By July 1, 2012 each health care setting shall develop and implement a written hazardous drugs control program specific to the workplace. The hazardous drugs control program must, at a minimum, include the following:</p>	<p>(1) By July 1, 2012 each <u>Each</u> health care setting <u>facility shall covered under the scope of this chapter</u> must <u>must</u> develop and implement a written hazardous drugs control program specific to the workplace. <u>The Elements of the hazardous drugs control program may be located in other documents such as the employer's accident prevention program or other policies and procedures as long as they are referenced in the program.</u> <u>The hazardous drugs control program</u> must, at a minimum, include the following:</p>
<p>(1)(a) A current hazard assessment;</p>	<p>(1)(a) A current hazard assessment; <u>A written inventory of hazardous drugs in the workplace.</u></p>

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<p>(1)(b) A written inventory of hazardous drugs in the workplace;</p>	<p>(1)(b) A written inventory of hazardous drugs in the workplace; <u>A current hazard assessment for hazardous drugs for which there is reasonably anticipated occupational exposure.</u></p>
<p>(1)(c) A description of the hazardous drugs training program;</p>	<p>(1)(c) A description of the hazardous drugs training program;</p>
<p>(1)(d) Hazardous drugs policies and procedures including, but not limited to:</p>	<p>(1)(d) (1)(c) Hazardous drugs policies and procedures including, but not limited to:</p>
<p>(1)(d)(i) Personal protective equipment;</p>	<p>(1)(d)(i) <u>Personal protective equipment;</u> (1)(c)(i) <u>Engineering controls (equipment use and maintenance).</u></p>
<p>(1)(d)(ii) Engineering controls (equipment use and maintenance);</p>	<p>(1)(d)(ii) <u>Engineering controls (equipment use and maintenance);</u> (1)(c)(ii) <u>Personal protective equipment.</u></p>
<p>(1)(d)(iii) Safe handling practices (receiving and storage, labeling, preparing, administering, and disposing of hazardous drugs);</p>	<p>(1)(d) <u>(iii)</u> Safe handling practices (receiving and storage, labeling, preparing, administering, and disposing of hazardous drugs);<u>;</u></p>
<p>(1)(d)(iv) Cleaning, housekeeping, and waste handling;</p>	<p>(1)(d) <u>(iv)</u> Cleaning, housekeeping, and waste handling;<u>;</u></p>
<p>(1)(d)(v) Spill control;</p>	<p>(1)(d) <u>(v)</u> Spill control;<u>;</u></p>
<p>(1)(d)(vi) Medical surveillance;</p>	<p>(1)(d)(vi) <u>Medical surveillance;</u></p>
<p>(1)(d)(vii) Personnel issues (such as exposure of pregnant workers);</p>	<p>(1)(d) <u>(vii)</u> Personnel issues (such as exposure of pregnant workers);<u>;</u></p>
<p>(1)(d)(viii) Training;</p>	<p>(1)(d) <u>(viii)</u> Training;<u>;</u></p>
<p>(1)(d)(ix) Recordkeeping.</p>	<p>(1)(d)(ix) <u>Recordkeeping.</u></p>
<p>Note: Elements of the hazardous drugs control program may be located in other documents such as the employer's accident prevention program or other policies and procedures as long as they are referenced in the program.</p>	<p>Note: Elements of the hazardous drugs control program may be located in other documents such as the employer's accident prevention program or other policies and procedures as long as they are referenced in the program.</p>

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Reference: Refer to the most current NIOSH list of antineoplastic and other hazardous drugs in health-care settings for guidance on developing and maintaining a hazardous drugs list.	Reference: Refer to the most current NIOSH list of antineoplastic and other hazardous drugs in health-care settings for guidance on developing and maintaining a hazardous drugs list.
	<u>(2) A standard or universal precautions approach to managing occupational exposure to hazardous drugs is recommended by NIOSH; however, due to a variety of factors that affect occupational exposure some health care facilities may find it more effective to institute precautions based on exposure risk. For example a tiered approach that effectively matches precautions to the nature of exposure may be used including, but not limited to, handling, storing, cleaning, preparing and engineering controls.</u>
(2) Review and update the written hazardous drugs control program on at least an annual basis and whenever changes that affect occupational exposure occur, such as introduction of a new hazardous drug, or a change in handling practices.	(2) Review and update the written hazardous drugs control program on at least an annual basis annually and whenever changes that affect occupational exposure occur, such as introduction of a new hazardous drug, or a change in handling practices.
(3) Seek input from employees who handle hazardous drugs and from other employees who may be exposed to hazardous drugs as a result of the performance of their duties regarding the quality and effectiveness of the hazardous drugs control program.	(3) Seek and consider input from employees who handle hazardous drugs and from other employees who may be exposed to hazardous drugs as a result of the performance of their duties regarding the quality and effectiveness of the hazardous drugs control program.
WAC 296-62-50020 Hazard assessment.	WAC 296-62-50020 Hazard assessment.

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(1) Each health care setting must conduct initial and at least annual hazard assessments in order to determine the appropriate protective actions to be taken.	(1) Each health care setting facility covered under the scope of this chapter must conduct initial and at least annual hazard assessments in order to determine the appropriate protective actions precautions to be taken. These assessments may be limited to the hazardous drugs for which there is reasonably anticipated occupational exposure.
(2) The assessment must include, but is not limited to, the following:	(2) The assessment Assessments must include, but is not limited to, the following elements as appropriate:
(2)(a) Total working environment;	(2)(a) Total working environment; Personal protective equipment.
(2)(b) Equipment (i.e., ventilated cabinets, closed-system drug transfer devices, glovebags, needleless systems, and personal protective equipment);	(2)(b) Equipment Engineering controls (i.e., e.g., ventilated cabinets, closed-system drug transfer devices, glovebags, and needleless systems, and personal protective equipment);.
(2)(c) Physical layout of work areas;	(2)(c) Physical layout of work areas;.
(2)(d) Types of drugs being handled;	(2)(d) Types of hazardous drugs being handled;.
(2)(e) Volume, frequency, and form of drugs handled (tablets, coated versus uncoated, powder versus liquid);	(2)(e) Volume, frequency, packaging and form of hazardous drugs handled (tablets, coated versus uncoated, powder versus liquid);.
(2)(f) Equipment maintenance;	(2)(f) Equipment maintenance;.
(2)(g) Decontamination and cleaning;	(2)(g) Decontamination and cleaning;.
(2)(h) Waste handling;	(2)(h) Waste handling;.
(2)(i) Potential exposures during work, including hazardous drugs, bloodborne pathogens, and chemicals used to deactivate hazardous drugs or to clean drug-contaminated surfaces;	(2)(i) Potential hazardous drug exposures during work operations, including hazardous drugs, bloodborne pathogens, and chemicals used to deactivate hazardous drugs or to clean drug-contaminated surfaces; such as drug preparation and administration.

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(2)(j) Routine operations;	(2)(j) Routine operations;
(2)(k) Spill response;	(2)(k) Spill response;
(2)(l) Waste segregation, containment, and disposal.	(2)(l) Waste segregation, containment, and disposal.
	<u>(3) Conduct a hazard assessment as part of the hazardous drugs control program update and whenever changes that affect occupational exposure occur, such as introduction of a new hazardous drug, or a change in handling practices.</u>
	<u>Note: The likelihood that a worker will experience adverse effects from exposure to hazardous drugs varies depending upon the relative toxicity and absorptive properties of a drug, the amount, duration and frequency of contact, and the lack of proper work precautions.</u>
WAC 296-62-50025 Personal protective equipment (PPE).	WAC 296-62-50025 50030 Personal protective equipment (PPE).
(1) Conduct a PPE hazard assessment and provide appropriate PPE at no cost to employees.	<u>(1) When there is reasonably anticipated exposure to hazardous drugs each health care facility must conduct a PPE hazard assessment and provide and ensure use of appropriate PPE at no cost to employees in accordance with WAC 296-800-160, Personal protective equipment (PPE), and chapter 296-842 WAC, Respirators.</u>
	<u>(2) Use appropriate PPE whenever handling body fluids and contaminated laundry.</u>
(2) Gloves.	(2) <u>(3) Gloves.</u>
(2)(a) Wear appropriate gloves when handling hazardous drugs or when there is potential contact with hazardous drug contaminated materials or surfaces.	(2)(a) Wear appropriate gloves when handling hazardous drugs or when there is potential contact with hazardous drug contaminated materials or surfaces.

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(2)(b) Use powder-free chemotherapy gloves when handling chemotherapy drugs or when there is potential contact with chemotherapy contaminated items or surfaces.	(2)(b) <u>(3)(a) Use powder-free chemotherapy gloves when handling chemotherapy drugs or when there is potential contact with chemotherapy contaminated items or surfaces.</u>
Note: Consider using chemotherapy gloves for hazardous drugs that are not chemotherapy drugs or for which no information is available.	Note: Consider using chemotherapy gloves for hazardous drugs that are not chemotherapy drugs or for which no information is available.
(2)(c) Provide latex-free gloves to employees with latex sensitivities.	(2)(c) <u>(3)(b) Provide latex-free gloves to employees with latex sensitivities.</u>
(2)(d) Wear two pairs of gloves whenever there is a risk of exposure to hazardous drugs, e.g., during compounding, administering, handling contaminated bodily fluids and linens, and cleaning up hazardous drug spills.	(2)(d) <u>(3)(c) Wear two pairs of gloves whenever when there is a significant risk of breakage or contamination or permeation, exposure to hazardous drugs, e.g., during compounding, extended handling periods, administering, handling contaminated bodily fluids and linens, and cleaning up large hazardous drug spills.</u>
(2)(e) Make sure that the outer glove extends over the cuff of the gown.	(2)(e) Make sure that the outer glove extends over the cuff of the gown.
(2)(f) Instruct all employees to inspect gloves for physical defects before use.	(2)(f) Instruct all employees to inspect gloves for physical defects before use.
(2)(g) Change gloves every thirty minutes or when torn, punctured, or contaminated.	(2)(g) <u>(3)(d) Change gloves every thirty to sixty minutes or when torn, punctured, or contaminated.</u>
Note: Glove thickness cannot be relied upon as the sole determination of protection. It is important to evaluate test information provided by the glove manufacturer and other research that demonstrates permeation resistance to the specific hazardous drug being handled.	Note: Glove thickness cannot be relied upon as the sole determination of protection. It is important to evaluate test information provided by the glove manufacturer and other research that demonstrates permeation resistance to the specific hazardous drug being handled.
(3) Protective clothing.	(3) <u>(4) Protective clothing.</u>

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(3)(a) Wear gowns whenever there is the possibility of a splash or spill, or contact with contaminated materials or surfaces, including opening drug packages, handling vials or finished products, labeling hazardous drug containers, disposal of waste and all activities associated with drug administration.	(34) (a) Wear gowns whenever there is <u>the a reasonable</u> possibility of a <u>hazardous drug</u> splash or spill <u>such as in compounding, preparing and administering hazardous drugs.</u> or contact with contaminated materials or surfaces, including opening drug packages, handling vials or finished products, labeling hazardous drug containers, disposal of waste and all activities associated with drug administration.
(3)(b) Wear gowns made of polyethylene-coated polypropylene or other protective material as determined by the PPE hazard assessment. Make sure the gown has a closed front, long sleeves, and elastic or knit cuffs.	(34) (b) Wear gowns made of polyethylene-coated polypropylene or other <u>nonabsorbent, nonlinting</u> protective material as determined by the PPE hazard assessment. Make sure the gown has a closed front, long sleeves, and elastic or knit cuffs.
(3)(c) Remove and dispose of gowns at the end of drug handling activities, when leaving the drug handling area and as soon as possible when damaged or contaminated.	(34) (c) Remove and dispose of gowns at the end of <u>hazardous</u> drug handling activities, when leaving the <u>hazardous</u> drug handling area and as soon as possible when damaged or contaminated.
(3)(d) If no permeation information is available, change gowns every two to three hours.	(34) (d) If no permeation information is available, change gowns every two to three hours <u>or when contaminated after a splash or spill.</u>
(4) Face protection. Wear a full-face shield when splashes to the eyes, nose, or mouth may occur. Examples include cleaning a spill or performing a procedure such as bladder instillation.	(4) <u>(5)</u> Face protection. Wear a full-face shield <u>or a mask and eye protection as appropriate</u> when splashes to the eyes, nose, or mouth may occur. Examples; <u>examples</u> include cleaning a spill, or performing a procedure such as bladder instillation.
(5) Respiratory protection.	(56) Respiratory protection.

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(5)(a) Use N95 or equivalent respiratory protection during spill clean up and whenever there is risk of exposure to hazardous drug particulates.	(56) (a) Use N95 or equivalent respiratory protection during spill clean up and whenever there is a <u>significant</u> risk of <u>inhalation</u> exposure to hazardous drug particulates.
(5)(b) Use an appropriate full-facepiece chemical cartridge-type respirator whenever there is a significant risk of exposure to hazardous drug vapors or gases (e.g., for events such as large spills when an intravenous (IV) bag breaks or a line disconnects and leaks).	(56) (b) Use an appropriate full-facepiece chemical cartridge-type respirator when <u>ever there is a significant</u> risk of exposure to hazardous drug vapors or gases (e.g., for events such as large spills when an intravenous (IV) bag breaks or a line disconnects and leaks). <u>(e.g., for events such as large spills of volatile hazardous drugs, e.g., when an intravenous (IV) bag breaks or a line disconnects and</u>
(6) Dispose of PPE immediately after use or whenever contaminated.	(67) <u>Dispose of Disposable</u> PPE <u>must be discarded into appropriate containers</u> immediately after use or <u>as soon as feasible after contamination. Reusable PPE must be properly cleaned and decontaminated after use or whenever contaminated contamination.</u>
WAC 296-62-50030 Engineering controls.	WAC 296-62-50030 50025 Engineering controls.
(1) Use engineering controls to eliminate or minimize employee exposure to hazardous drugs. Examples of engineering controls include, but are not limited to:	(1) <u>Evaluate and implement appropriate</u> Use engineering controls to eliminate or minimize employee exposure to hazardous drugs. Examples of engineering controls include, but are not limited to:
(1)(a) Biologic safety cabinets;	(1)(a) Biologic safety cabinets;
(1)(b) Containment isolators;	(1)(b) Containment isolators;
(1)(c) Closed system transfer devices;	(1)(ea) Closed system transfer devices ₂ ;
(1)(d) Safer sharps devices;	(1)(eb) Safer sharps devices ₂ ;
(1)(e) Safety interlocks.	(1)(ec) Safety interlocks.
	(1)(d) Ventilated cabinets.

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(2) Develop a written safety plan for all routine maintenance activities performed on equipment that could be contaminated with hazardous drugs.	(2) Develop a written safety plan for all routine maintenance activities performed on equipment that could be contaminated with hazardous drugs.
(3) General ventilation. Make sure that storage areas have sufficient general exhaust ventilation to dilute and remove airborne contaminants.	(3) General ventilation. Make sure that storage areas have sufficient general exhaust ventilation to dilute and remove airborne contaminants.
Note: Depending on the physical nature and quantity of the stored drugs, consider installing a dedicated emergency exhaust fan that is large enough to quickly purge airborne contaminants from the storage room in the event of a spill and prevent contamination in adjacent areas.	Note: Depending on the physical nature and quantity of the stored drugs, consider installing a dedicated emergency exhaust fan that is large enough to quickly purge airborne contaminants from the storage room in the event of a spill and prevent contamination in adjacent areas.
(4) Ventilated cabinets.	(4) (2) Ventilated cabinets.
(4)(a) Prepare (mix, compound, crush, pour liquid) hazardous drugs inside an appropriate ventilated cabinet designed to prevent release into the work environment.	(4)(2)(a) Prepare (e.g., mix, compound, crush, pour liquid) hazardous drugs inside an appropriate ventilated cabinet designed to prevent release into the work environment. <u>When asepsis is not required, a Class I biosafety cabinet or isolator intended for containment applications may be sufficient.</u>
(4)(b) When selecting ventilated cabinets based on the need for aseptic processing make sure to use ventilated cabinets designed for both hazardous drug containment and aseptic processing. When asepsis is not required, a Class I biosafety cabinet or isolator intended for containment applications may be sufficient.	(2)(a)(i) <u>Alternate precautions may be used where the hazard assessment determines a low occupational exposure risk while preparing hazardous drugs other than chemotherapy agents (e.g., crushing and splitting tablets, drawing medication into a syringe). These may include, but are not limited to, temporarily designating a preparation area, use of appropriate personal protective equipment, and instituting cleaning procedures.</u>

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	(4)(b) When selecting ventilated cabinets based on the need for aseptic processing make sure to use ventilated cabinets designed for both hazardous drug containment and aseptic processing. When asepsis is not required, a Class I biosafety cabinet or isolator intended for containment applications may be sufficient.
(4)(c) Do not use supplemental engineering or process controls (such as needleless systems, glovebags, and closed system drug transfer devices) as a substitution for ventilated cabinets.	(2)(a)(ii) <u>Chemotherapy drugs must be prepared in an appropriate ventilated cabinet with the exception of circumstances where the employer can document evidence of a clinical need (e.g., there is a nonroutine need to provide chemotherapy treatment, compounding services are not readily available, and it is in the best interest of the patient to provide local care). In such circumstances alternate precautions must be instituted as described above.</u> (4)(e) Do not use supplemental engineering or process controls (such as needleless systems, glovebags, and closed system drug transfer devices) as a substitution for ventilated cabinets.
(4)(d) Equip ventilated cabinets with a continuous monitoring device to confirm adequate airflow before each use.	(4)(d) (2)(b) Equip ventilated cabinets with a continuous monitoring device to confirm adequate airflow before each use.
(4)(e) Use a high-efficiency particulate air filter (HEPA filter) for exhaust, and where feasible, exhaust one hundred percent of the filtered air to the outside.	(4)(e) (2)(c) Use <u>filtering media that is approved by the cabinet manufacturer and is appropriate for the agent being captured, such as a high-efficiency particulate air filter (HEPA filter) for exhaust, and where feasible, exhaust one one-hundred percent of the filtered</u>

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	air to the outside <u>unless the employer can provide an evidence-based justification to do otherwise.</u>
(4)(f) Install the outside exhaust so that the exhausted air is not pulled back into the building by the heating, ventilating, and air conditioning systems or by the windows, doors, or other points of entry.	(4)(f) <u>(2)(d)</u> Install the outside exhaust so that the exhausted air is not pulled back into the building by the heating, ventilating, and air conditioning systems or by the windows, doors, or other points of entry.
(4)(g) Place fans downstream of the HEPA filter so that contaminated ducts are maintained under negative pressure.	(4)(g) <u>(2)(e)</u> Place fans downstream of the HEPA filter so that contaminated ducts are maintained under negative pressure.
(4)(h) Do not use a ventilated cabinet that recirculates air inside the cabinet or exhausts air back into the room environment unless the hazardous drug(s) in use will not volatilize while they are being handled or after they are captured by the HEPA filter.	(4)(h) <u>(2)(f)</u> Do not use a ventilated cabinet that recirculates air inside the cabinet or exhausts air back into the room environment unless the hazardous drug(s) in use will not volatilize while they are being handled or after they are captured by the HEPA filter.
(4)(i) Develop and implement maintenance and cleaning procedures that ensure the effectiveness and safety of the ventilated cabinet.	(4)(i) <u>(2)(g)</u> Develop and implement maintenance and cleaning procedures that ensure the effectiveness and safety of the ventilated cabinet.
(4)(i)(i) Field-certify biosafety cabinet performance, in accordance with National Sanitation Foundation/American National Standards Institute Standard 49, after installation, relocation, maintenance, repairs to internal components, HEPA filter replacement, and every six months thereafter.	(4)(i) <u>(2)(g)(i)</u> Field-certify biosafety cabinet performance, in accordance with National Sanitation Foundation/American National Standards Institute Standard 49, after installation, relocation, maintenance, repairs to internal components, HEPA filter replacement, and every six months thereafter <u>or as recommended by the manufacturer.</u>

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(4)(i)(ii) Select appropriate performance and test methods for containment isolators, at a minimum, conduct leak and containment integrity tests in accordance with current American Glovebox Society guidelines. In addition perform a HEPA filter leak test for those containment isolators that utilize HEPA filtration.	(4)(i) <u>(2)(g)(ii)</u> Select appropriate performance and test methods for containment isolators, <u>depending on the type (containment-only or aseptic containment), the operating pressure (positive or negative and designed magnitude), and toxicity of the hazardous drug.</u> at At a minimum, conduct leak and containment integrity tests in accordance with current American Glovebox Society guidelines. In addition perform a HEPA filter leak test for those containment isolators that utilize HEPA filtration.
(4)(i)(iii) Prominently display a current field-certification label on the ventilated cabinet.	(4)(i) <u>(2)(g)(iii)</u> Prominently display a current field-certification label on the ventilated cabinet.
(4)(i)(iv) Make sure that workers performing maintenance are familiar with applicable safety procedures, warned about hazards, and trained in appropriate work techniques and PPE needed to minimize exposure.	(4)(i) <u>(2)(g)(iv)</u> Make sure that workers performing maintenance are familiar with applicable safety procedures, warned about hazards (e.g., through the <u>provision of material safety data sheet or other equivalent information resources</u>), and trained in appropriate work techniques and PPE needed to minimize exposure.
(4)(i)(v) Remove all hazardous drugs and chemicals, and decontaminate the ventilated cabinet before beginning maintenance activities.	(4)(i) <u>(2)(g)(v)</u> Remove all hazardous drugs and chemicals, and decontaminate the ventilated cabinet before beginning maintenance activities.
(4)(i)(vi) Notify occupants in the affected areas immediately before the maintenance activity begins, and place warning signs on all affected equipment.	(4)(i) <u>(2)(g)(vi)</u> Notify occupants in the affected areas immediately before the maintenance activity begins, and place warning signs on all affected equipment.

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(4)(i)(vii) Deenergize the ventilated cabinet in accordance with chapter 296-803 WAC, Lockout/Tagout (control of hazardous energy).	(4)(i) (2)(g)(vii) De-energize the ventilated cabinet in accordance with chapter 296-803 WAC, Lockout/Tagout (control of hazardous energy).
(4)(i)(viii) Decontaminate and bag equipment parts removed for replacement or repair before they are taken outside the facility.	(4)(i) (2)(g)(viii) Decontaminate and bag equipment parts removed for replacement or repair before they are taken outside the facility.
(4)(i)(ix) Seal used filtration media in plastic immediately upon removal, and dispose as contaminated waste.	(4)(i) (2)(g)(ix) Seal used filtration media in plastic immediately upon removal, and dispose as contaminated waste.
(5) Institution of effective ventilation controls must be accomplished by December 1, 2012.	(5) Institution of effective ventilation controls must be accomplished by December 1, 2012.
Note: Consult the following documents for performance test methods and selection criteria for ventilated cabinets: (a) <i>Primary Containment for Biohazards: Selection, Installation and Use of Biological Safety Cabinets (CDC/NIH).</i> (b) <i>NSF/ANSI 49, Class II (laminar flow) Biosafety Cabinetry.</i>	Note: Consult the following documents for performance test methods and selection criteria for ventilated cabinets: (a 1) <i>Primary Containment for Biohazards: Selection, Installation and Use of Biological Safety Cabinets (CDC/NIH).</i> (b 2) <i>NSF/ANSI 49, Class II (laminar flow) Biosafety Cabinetry.</i>
WAC 296-62-50035 Safe handling practices.	WAC 296-62-50035 Safe handling practices.
(1) Receiving and storage.	(1) Receiving and storage.
(1)(a) Make sure that all hazardous drug containers received from the manufacturer, distributor, another pharmacy, or medical clinic are labeled.	(1)(a) Make sure that all hazardous drug containers received from the manufacturer, distributor, another pharmacy, or medical clinic are labeled.
(1)(b) At a minimum wear appropriate gloves when opening and unpacking shipping containers, and transporting hazardous drugs.	(1)(b) At a minimum wear appropriate gloves when opening and unpacking shipping containers, and transporting hazardous drugs.

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(1)(c) Store hazardous drugs separately from other drugs, and in a manner that minimizes the potential for spills.	(1)(c) Store hazardous drugs separately from other drugs, and in a manner that minimizes the potential for spills.
(1)(d) Prohibit the use of unventilated areas for drug storage.	(1)(d) Prohibit the use of unventilated areas for drug storage.
(1)(e) Transport hazardous drugs in closed containers that minimize the risk of breakage.	(1)(e) Transport hazardous drugs in closed containers that minimize the risk of breakage.
(2) Labeling.	(2) Labeling.
(2)(a) Label hazardous drug containers in accordance with WAC 296-800-170, Employer chemical hazard communication.	(2)(a) Label hazardous drug containers in accordance with WAC 296-800-170, Employer chemical hazard communication. <u>Introduction.</u>
(2)(b) Label pharmaceutical waste containers in accordance with WAC 173-303-200, Accumulating dangerous waste on-site. See the Washington state department of ecology pharmaceutical waste web site for more information.	(2)(b) Label pharmaceutical waste containers in accordance with WAC 173-303-200, Accumulating dangerous waste on-site. See the Washington state department of ecology pharmaceutical waste web site for more information. <u>Store and transport hazardous drugs in a manner that minimizes the risk of breakage.</u>
(3) Preparing.	(3) Preparing. <u>Preparation and administration.</u>
(3)(a) Provide work areas that are devoted solely to preparing hazardous drugs and limited to authorized personnel.	(3)(a) Provide work areas that are devoted solely to preparing hazardous drugs and limited to authorized personnel. <u>Provide designated work areas for the preparing preparation of hazardous drugs and limited to authorized personnel limit access during preparation.</u>
(3)(b) Coordinate tasks associated with preparing and administering hazardous drugs to minimize exposure risks.	(3)(b) Coordinate tasks associated with preparing and administering hazardous drugs to minimize exposure risks. <u>for the most effective control of worker exposure risks.</u>

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(3)(c) Use engineering controls such as closed-system transfer devices, glovebags, and needleless systems when transferring hazardous drugs from primary packaging (such as vials) to dosing equipment (such as infusion bags, bottles, or pumps).	(3)(c) Use engineering controls such as closed-system transfer devices, glovebags, and needleless systems when transferring hazardous drugs from primary packaging (such as vials) to dosing equipment (such as infusion bags, bottles, or pumps).
(3)(d) Spike and prime the IV tubing and syringes inside an appropriate ventilated cabinet, never in the patient's room.	(3)(d) Spike and prime the IV tubing and prepare syringes in a manner that most effectively limits occupational exposure, inside an appropriate ventilated cabinet, never in the patient's room.
	(2)(d) Do not remove tubing from an IV bag containing a hazardous drug.
(3)(e) When drug preparation is complete, seal the final product in a clear plastic bag or other sealable container for transport before removing it from the ventilated cabinet.	(3)(e) When drug preparation is completed complete, seal the final product in a clear plastic bag or other sealable container for transport before removing it from the in a ventilated cabinet.
(3)(f) Seal and decontaminate all waste containers inside the ventilated cabinet before removing them from the ventilated cabinet.	(3)(f) (2)(e)(i) Seal the final product in a plastic bag or other sealed container for transport before taking it out of the and decontaminate all waste containers inside the ventilated cabinet before removing them from the ventilated cabinet.
	(2)(e)(ii) Seal and wipe all waste containers inside the ventilated cabinet before removing them from the cabinet.
(3)(g) Remove outer gloves and sleeve covers (if used) and bag them for disposal while inside the ventilated cabinet.	(3)(g) (2)(e)(iii) Remove all outer gloves and sleeve covers (if used) and bag them for disposal while inside the ventilated cabinet.
(4) Administering.	(4) Administering.

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(4)(a) Ensure that staff has been trained and follow policies and procedures regarding the safe administration of hazardous drugs and related patient care. Examples include, but are not limited to; oral, intravenous, intramuscular or subcutaneous injections, topical, intracavitary, and aerosol administration.	(4)(a) Ensure that staff has been trained and follow policies and procedures regarding the safe administration of hazardous drugs and related patient care. Examples include, but are not limited to; oral, intravenous, intramuscular or subcutaneous injections, topical, intracavitary, and aerosol administration.
(4)(b) Use engineering controls to transfer and administer hazardous drugs.	(4)(b) Use engineering controls to transfer and administer hazardous drugs.
(4)(c) Wear appropriate personal protective equipment when administering hazardous drugs.	(4)(c) Wear appropriate personal protective equipment when administering hazardous drugs.
(4)(d) Spike and prime administration sets prior to adding the drug to the bag.	(4)(d) Spike and prime administration sets prior to adding the drug to the bag.
(4)(e) Do not remove tubing from an IV bag containing a hazardous drug.	(4)(e) Do not remove tubing from an IV bag containing a hazardous drug.
(4)(f) Do not disconnect tubing at other points in the system until the tubing has been thoroughly flushed.	(4)(f) Do not disconnect tubing at other points in the system until the tubing has been thoroughly flushed.
	(3) Waste handling.
	(3)(a) Dispose of pharmaceutical waste in accordance with applicable state and federal regulations.
(4)(g) Place contaminated waste and other disposable items directly into a designated waste container.	(4)(g) (3)(b) Place contaminated waste and other disposable items directly into a in designated waste containers.
	(4) Personal hygiene.
(4)(h) Personal hygiene. Prohibit eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses in work areas where hazardous drugs may be found.	(4)(h) Personal hygiene. Prohibit eating, or drinking, smoking, applying cosmetics or lip balm, and handling contact lenses in work areas where hazardous drugs may be found are handled.

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(5) Handwashing. Wash hands with soap and water before donning gloves, immediately after removal, and whenever hands become contaminated.	(5 b) Handwashing. Wash hands with soap and water before donning gloves, immediately after removal, and whenever hands become contaminated.
(6) Laundry. Place contaminated laundry in leakproof, labeled or color-coded containers.	(6) Laundry. Place contaminated laundry in leakproof, labeled or color-coded containers.
WAC 296-62-50040 Cleaning, housekeeping, and waste handling.	WAC 296-62-50040 Cleaning, and housekeeping, and waste handling.
(1) Establish procedures for cleaning and decontamination of areas and equipment where hazardous drugs are present.	(1) Establish procedures for cleaning and decontamination of areas and equipment where hazardous drugs are present.
(2) Perform cleaning and decontamination work in areas that are sufficiently ventilated to prevent buildup of hazardous airborne concentrations.	(2) Perform cleaning and decontamination work in areas that are sufficiently ventilated to prevent buildup of hazardous airborne concentrations. <u>Do not clean contaminated equipment in unventilated areas.</u>
(3) Clean work surfaces with an appropriate deactivation agent and cleaning agent before and after each continuous activity and at the end of the work shift.	(3) Clean work surfaces with an appropriate deactivation agent and cleaning agent before and after each continuous activity and at the end of the work shift.
(4) Wear appropriate gloves for cleaning and decontamination work.	(4) Wear appropriate gloves for cleaning and decontamination work.
(5) Wear a gown and face protection whenever splashing or contact with contaminated materials or surfaces is possible.	(5) Wear a gown and face protection whenever splashing or contact with contaminated materials or surfaces is possible.
(6) Wear appropriate gloves and gown when handling linens, feces, or urine from patients who have received hazardous drugs within the last forty-eight hours that may be excreted in the urine or feces. In some cases handling precautions may need to be extended beyond forty-eight hours; e.g., Cisplatin	(6) Wear appropriate gloves and gown when handling linens, feces, or urine from patients who have received hazardous drugs within the last forty-eight hours that may be excreted in the urine or feces. In some cases handling precautions may need to be extended beyond forty-eight hours; e.g., Cisplatin

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may be excreted in urine for up to seven days.	may be excreted in urine for up to seven days.
(7) Place hazardous drug contaminated waste in designated pharmaceutical waste containers and dispose of in accordance with Washington state department of ecology dangerous waste requirements, chapter 173-303 WAC.	(7) Place hazardous drug contaminated waste in designated pharmaceutical waste containers and dispose of in accordance with Washington state department of ecology dangerous waste requirements, chapter 173-303 WAC.
(8) Waste containers must be:	(8) Waste containers must be:
(8)(a) Leakproof and appropriate for intended use, e.g., containers holding sharps must be puncture resistant;	(8)(a) Leakproof and appropriate for intended use, e.g., containers holding sharps must be puncture resistant;
(8)(b) Color-coded or labeled;	(8)(b) Color-coded or labeled;
(8)(c) Located as close as feasible to the immediate area where contaminated waste is generated or can be anticipated to be found;	(8)(c) Located as close as feasible to the immediate area where contaminated waste is generated or can be anticipated to be found;
(8)(d) Maintained upright throughout use;	(8)(d) Maintained upright throughout use;
(8)(e) Not allowed to overflow;	(8)(e) Not allowed to overflow;
(8)(f) Closed except when in use, and prior to removal or replacement.	(8)(f) Closed except when in use, and prior to removal or replacement.
WAC 296-62-50045 Spill control.	WAC 296-62-50045 Spill control.
(1) Develop written spill response procedures based on the hazardous drugs present and potential spill or release conditions.	(1) Develop written spill response procedures based on the hazardous drugs present and potential spill or release conditions.
(2) Spill procedures must include, at a minimum:	(2) Spill procedures must include, at a minimum:
(2)(a) Description of who is authorized to respond and under what circumstances;	(2)(a) Description of who is authorized to respond and under what circumstances;
(2)(b) PPE (including respiratory protection) for various drugs and spill sizes;	(2)(b) PPE (including respiratory protection) for various <u>hazardous</u> drugs and spill sizes;
(2)(c) Location and use of spill kits or clean-up materials, and personal protective equipment;	(2)(c) Location and use of spill kits or clean-up materials, <u>and personal protective equipment;</u>

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(2)(d) Possible spreading of material, and area containment and signage;	(2)(d) Possible spreading of contamination, material, and area containment and signage;
(2)(e) Reporting and evaluating the circumstances surrounding spills and releases;	(2)(e) Reporting and evaluating the circumstances surrounding spills and releases;
(2)(f) Restricted access to hazardous drug spills.	(2)(f) Restricted access to hazardous drug spills.
	(2)(g) <u>Waste disposal.</u>
(3) Provide spill kits or clean-up materials near all potential spill sources.	(3) Provide <u>Locate</u> spill kits or clean-up materials near all potential spill sources.
(4) Dispose of all clean-up materials in an appropriate pharmaceutical waste container.	(4) Dispose of all clean-up materials in an appropriate pharmaceutical waste container.
Note: See chapter 296-824 WAC, Emergency response for requirements regarding response to spills that create significant safety and health risks. See the scope of chapter 296-824 WAC for further guidance. See WAC 296-800-150, first aid for emergency washing requirements.	Note: See chapter 296-824 WAC, Emergency response for requirements regarding response to spills that create significant safety and health risks. See the scope of and chapter 296-824 WAC for further guidance. See WAC 296-800-150, first aid <u>First-aid summary</u> for emergency washing requirements.
WAC 296-62-50050 Medical surveillance.	WAC 296-62-50050 Medical surveillance.
(1) Make confidential medical evaluations available to employees who directly handle hazardous drugs, and others who may come directly into contact with patient wastes within forty-eight hours after receiving a hazardous drug (e.g., nurses aides, laundry workers) under the following schedule:	(1) Make confidential medical evaluations available to employees who directly handle hazardous drugs, and others who may come directly into contact with patient wastes within forty-eight hours after receiving a hazardous drug (e.g., nurses aides, laundry workers) under the following schedule:
(1)(a) Upon hire and on a scheduled basis thereafter;	(1)(a) Upon hire and on a scheduled basis thereafter;
(1)(b) Following acute exposures;	(1)(b) Following acute exposures;
(1)(c) At the time of job termination or transfer (exit evaluation).	(1)(c) At the time of job termination or transfer (exit evaluation).

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(2) Ensure that all medical evaluations are performed by or under the supervision of a licensed health care provider (LHCP), and are provided at no cost to the employee and at a reasonable time and place.	(2) Ensure that all medical evaluations are performed by or under the supervision of a licensed health care provider (LHCP), and are provided at no cost to the employee and at a reasonable time and place.
(3) The medical evaluations must include:	(3) The medical evaluations must include:
(3)(a) A health questionnaire that includes reproductive and occupational information.	(3)(a) A health questionnaire that includes reproductive and occupational information.
(3)(b) Baseline and periodic laboratory work as indicated based on the health hazards of the hazardous drugs the employee is exposed to or reasonably likely to be exposed to.	(3)(b) Baseline and periodic laboratory work as indicated based on the health hazards of the hazardous drugs the employee is exposed to or reasonably likely to be exposed to.
(3)(c) A physical examination at the time of hire and as indicated based on the health questionnaire, changes in health status or laboratory work findings.	(3)(c) A physical examination at the time of hire and as indicated based on the health questionnaire, changes in health status or laboratory work findings.
(3)(d) Additional testing and examinations as recommended by the LHCP.	(3)(d) Additional testing and examinations as recommended by the LHCP.
Note: Many hazardous drugs may affect the production of blood cells and may cause bladder damage. Because of this many authoritative bodies (e.g., NIOSH, the Occupational Health and Safety Administration, and the Oncology Nursing Society) recommend a complete blood count with differential, and examination for blood in the urine. Additional laboratory work, such as liver function testing, may be indicated.	Note: Many hazardous drugs may affect the production of blood cells and may cause bladder damage. Because of this many authoritative bodies (e.g., NIOSH, the Occupational Health and Safety Administration, and the Oncology Nursing Society) recommend a complete blood count with differential, and examination for blood in the urine. Additional laboratory work, such as liver function testing, may be indicated.
(4) Provide the LHCP the following information:	(4) Provide the LHCP the following information:
(4)(a) A description of the employee's duties as they relate to the employee's exposure;	(4)(a) A description of the employee's duties as they relate to the employee's exposure;

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(4)(b) The employee's exposure levels or anticipated exposure levels;	(4)(b) The employee's exposure levels or anticipated exposure levels;
(4)(c) A description of the personal protective equipment and respiratory protection used or to be used;	(4)(c) A description of the personal protective equipment and respiratory protection used or to be used;
(4)(d) Information available from previous medical examinations of the employee, which is not readily available to the LHCP.	(4)(d) Information available from previous medical examinations of the employee, which is not readily available to the LHCP.
WAC 296-62-50055 Training.	WAC 296-62-50055 50050 Training.
(1) Provide hazardous drugs training to all employees with occupational exposure at the time of their initial job assignment, on a regular basis, and whenever changes in the workplace occur that may affect occupational exposure.	(1) Provide hazardous drugs training to all employees with occupational exposure at the time of their initial job assignment; <u>and on a regular regularly scheduled basis thereafter.</u> , and whenever changes in the workplace occur that may affect occupational exposure.
(2) Employee training includes, but is not limited to, the following elements:	(2) Employee training includes, but is not limited to, the following elements:
(2)(a) A review of the hazardous drugs control program and how to access a copy of the program;	(2)(a) A review of the hazardous drugs control program and how to access a copy of the program;
(2)(b) An explanation of and how to access material safety data sheets (MSDSs);	(2)(b) An explanation of and how to access material safety data sheets (MSDSs);
(2)(c) Sources of exposure to hazardous drugs;	(2)(c) Sources of exposure to hazardous drugs;
(2)(d) Health hazards of the hazardous drugs in the work area, including the possible physical symptoms or effects of exposure;	(2)(d) Health hazards of the hazardous drugs in the work area, including the possible physical symptoms or effects of exposure;
(2)(e) Steps employees can take to protect themselves from exposure to hazardous drugs in the workplace, including specific procedures to protect employees from exposure to hazardous chemicals. Specific procedures may include:	(2)(e) Steps employees can take to protect themselves from exposure to hazardous drugs in the workplace, including specific procedures to protect employees from exposure to hazardous chemicals. Specific procedures may include:

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(2)(e)(i) Personal protective equipment;	(2)(e)(i) Personal protective equipment;
(2)(e)(ii) Engineering controls;	(2)(e)(ii) Engineering controls;
(2)(e)(iii) Safe handling practices;	(2)(e)(iii) Safe handling practices;
(2)(e)(iv) Cleaning, house-keeping, and waste disposal;	(2)(e)(iv) Cleaning, house-keeping, and waste disposal;
(2)(e)(v) Spill control;	(2)(e)(v) Spill control;
(2)(e)(vi) System for reporting exposure incidents and hazardous conditions.	(2)(e)(vi) System for reporting exposure incidents and hazardous conditions.
(2)(f) Medical surveillance.	(2)(f) Medical surveillance.
(3) Initial and periodic assessments of preparation and administration technique.	(3) Initial and periodic assessments of preparation and administration technique.
(4) The training must be conducted in a manner which the employees are able to understand.	(4) (2) The training must be conducted in a manner which the employees are able to understand. Include the training elements listed in WAC 296-800-17030. Inform and train your employees about hazardous chemicals in your workplace.
Note: This training will suffice for the training on hazardous drugs required under WAC 296-800-170, Employer chemical hazard communication—Introduction.	Note: This training will suffice for the training on hazardous drugs required under WAC 296-800-170, Employer chemical hazard communication—Introduction.
WAC 296-62-50060 Recordkeeping.	WAC 296-62-50060 Recordkeeping.
(1) Training records.	(1) Training records.
(1)(a) Maintain current training records for each employee.	(1)(a) Maintain current training records for each employee.
(1)(b) Training records must include the following:	(1)(b) Training records must include the following:
(1)(b)(i) Dates of training sessions;	(1)(b)(i) Dates of training sessions;
(1)(b)(ii) Contents or a summary of the training sessions;	(1)(b)(ii) Contents or a summary of the training sessions;
(1)(b)(iii) Names and job titles of employees taking the training.	(1)(b)(iii) Names and job titles of employees taking the training.

CR-102 DOSH Rule Language	CR-103 DOSH Rule Language
(2) Medical and exposure records. Establish and maintain employee medical and exposure records in accordance with chapter 296-802 WAC, Employee medical and exposure records.	(2) Medical and exposure records. Establish and maintain employee medical and exposure records in accordance with chapter 296-802 WAC, Employee medical and exposure records.
(3) Spill records. Maintain spill records and evaluation findings for at least one year from the date of the spill or release.	(3) Spill records. Maintain spill records and evaluation findings for at least one year from the date of the spill or release.
	<u>WAC 296-62-50055 Implementation plan.</u>
	<u>(1) Effective dates.</u>
	<u>(1)(a) The written hazardous drugs control program must be completed and implemented by January 1, 2014, with the exception of (b) and (c) of this subsection.</u>
	<u>(1)(b) Employee training must be implemented by July 1, 2014.</u>
	<u>(1)(c) Installation of appropriate ventilated cabinets must be completed by January 1, 2015.</u>
	<u>(2) The department will work with stakeholders to implement this chapter by doing the following:</u>
	<u>(2)(a) Establish a hazardous drugs advisory committee to discuss new NIOSH recommendations, scientific and technological developments and other unanticipated issues related to rule implementation. This committee will include employer and employee representatives of the health care industry and representatives of affected state agencies. It may provide recommendations to the department regarding appropriate actions.</u>

CR-102 DOSH Rule Language	CR-103 DOSH Rule Language
	<u>(2)(b) Work with trade associations, labor unions and other representatives from the health care industry to develop model programs for implementation of these rules in a variety of health care facilities and settings. The department will provide education, training and consultation services to ensure that these model programs are widely distributed and can be effectively utilized.</u>
	<u>(2)(c) Establish a hazardous drugs web page, and post relevant resources, sample programs and forms.</u>

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 12, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 12, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 12, 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 12, Amended 0, Repealed 0.

Date Adopted: January 3, 2012.

Judy Schurke
Director

PART R—HAZARDOUS DRUGS

NEW SECTION

WAC 296-62-500 Hazardous drugs. This chapter provides minimum requirements for developing a hazardous drugs control program when occupational exposure to hazardous drugs is reasonably anticipated. It is designed to provide effective, assessment-based precautions to minimize or eliminate occupational exposure to hazardous drugs.

IMPORTANT:

Occupational exposure to hazardous drugs is also covered under WAC 296-800-170, Employer chemical hazard communication—Introduction. In addition the employer must follow the requirements in WAC 296-800-160, personal protective equipment (PPE) and chapter 296-842 WAC, Res-

pirators. Whenever there is a conflict between rule requirements the most protective requirement will take precedent.

NEW SECTION

WAC 296-62-50005 Scope. (1) This chapter applies to all employers in health care facilities regardless of the setting that have employees with occupational exposure to hazardous drugs.

(2) Chapter application.

(a) The requirements in this rule only apply to the hazardous drugs being used in the workplace.

(b) If hazardous drugs are being used in the workplace the requirements in this rule only apply if there is reasonably anticipated occupational exposure as defined in WAC 296-62-50010.

(c) If there is reasonably anticipated occupational exposure to one or more hazardous drugs, the employer must develop a hazardous drugs control program as required in section WAC 296-62-50015.

(d) For purposes of making the determinations in this section about scope and application, occupational exposure is that exposure which would be reasonably anticipated in the absence of engineering controls or PPE.

(3) The following lists jobs that may involve occupational exposure to hazardous drugs. This is not an exhaustive list and there may be other jobs that fall within the scope of this chapter:

- Pharmacists and pharmacy technicians.
- Physicians and physician assistants.
- Nurses (ARNPs, RNs, LPNs).
- Patient care assistive personnel (e.g., health care assistants, nursing assistants).
- Operating room personnel.
- Home health care workers.
- Veterinarians and veterinary technicians.
- Environmental services employees (e.g., housekeeping, laundry, and waste disposal) in health care facilities.
- Employees in health care facilities who ship, or receive hazardous drugs from the manufacturer or distributor.

NEW SECTION

WAC 296-62-50010 Definitions. Biological safety cabinet means a ventilated cabinet for compounding pharmaceutical ingredients, personnel, product, and environmental protection having an open front with inward airflow for personnel protection, downward high-efficiency air (HEPA)-filtered laminar airflow for product protection, and HEPA-filtered exhausted air for environmental protection. For a complete description of the different types of biologic safety cabinets see the Centers for Disease Control and Prevention (CDC)/National Institutes of Health (NIH) document *Primary Containment for Biohazards: Selection, Installation and Use of Biological Safety Cabinets*.

Chemotherapy glove means a medical glove that has been approved by the Food and Drug Administration (FDA) and that meets the permeability standards of the American Society for Testing Materials (ASTM) Standard D6978 - 05.

Closed system drug-transfer device means a drug-transfer device that mechanically prohibits the transfer of

environmental contaminants into the system and the escape of hazardous drug or vapor concentrations outside of the system.

Decontamination means inactivation, neutralization, or removal of toxic agents, usually by chemical means.

Engineering controls means devices designed to eliminate or reduce worker exposure to hazards. Examples include biological safety cabinets, laboratory fume hoods, containment isolators, safer sharps devices, and safety interlocks.

Hazardous drugs means any drug identified as hazardous by the National Institute for Occupational Safety and Health (NIOSH) at the Centers for Disease Control (CDC) or any drug that meets at least one of the following six criteria:

- Carcinogenicity.
- Teratogenicity or developmental toxicity.
- Reproductive toxicity in humans.
- Organ toxicity at low doses in humans or animals.
- Genotoxicity.
- New drugs that mimic existing hazardous drugs in structure and toxicity.

Health care facilities means all hospitals, clinics, nursing homes, laboratories, offices or similar places where a health care provider provides health care to patients. For purposes of this chapter this includes veterinary medicine, retail pharmacies, home health care agencies and also those research laboratories in settings where a health care provider provides health care to patients. It does not include the drug manufacturing sector or research laboratories where health care providers do not provide health care to patients.

HEPA filter means a high-efficiency particulate air filter rated 99.97% efficient in capturing 0.3-micron-diameter particles.

• **Isolator** means a device that is sealed or is supplied with air through a microbially retentive filtration system (HEPA minimum) and may be reproducibly decontaminated. When closed, an isolator uses only decontaminated interfaces (when necessary) or rapid transfer ports (RTPs) for materials transfer. When open, it allows for the ingress and/or egress of materials through defined openings that have been designed and validated to preclude the transfer of contaminants or unfiltered air to adjacent environments. An isolator can be used for aseptic processing, for containment of potent compounds, or for simultaneous asepsis and containment. Some isolator designs allow operations within the isolator to be conducted through attached rubber gloves without compromising asepsis and/or containment.

• **Aseptic isolator:** A ventilated isolator designed to exclude external contamination from entering the critical zone inside the isolator.

• **Aseptic containment isolator:** A ventilated isolator designed to meet the requirements of both an aseptic isolator and a containment isolator.

• **Containment isolator:** A ventilated isolator designed to prevent the toxic materials processed inside it from escaping to the surrounding environment.

Material safety data sheet (MSDS) means a summary provided by the manufacturer to describe the chemical properties and hazards of specific chemicals and ways in which

workers can protect themselves from exposure to these chemicals.

Occupational exposure means reasonably anticipated inhalation, skin, ingestion, or injection contact with hazardous drugs as a result of the performance of an employee's duties. Some drugs defined as hazardous may not pose a significant risk of occupational exposure because of their dosage formulation (for example, coated tablets or capsules that are administered to patients without modifying the formulation). However, they may pose a risk if altered (for example, if tablets are crushed or dissolved, or if capsules are pierced or opened).

Ventilated cabinet means a type of engineering control designed for purposes of worker protection. These devices are designed to minimize worker exposures by controlling emissions of airborne contaminants through the following:

- The full or partial enclosure of a potential contaminant source.
- The use of airflow capture velocities to capture and remove airborne contaminants near their point of generation.
- The use of air pressure relationships that define the direction of airflow into the cabinet.

Examples of ventilated cabinets include biological safety cabinets and containment isolators.

NEW SECTION

WAC 296-62-50015 Hazardous drugs control program. (1) Each health care facility covered under the scope of this chapter must develop and implement a written hazardous drugs control program. Elements of the hazardous drugs control program may be located in other documents such as the employer's accident prevention program or other policies and procedures as long as they are referenced in the program. The hazardous drugs control program must, at a minimum, include the following:

- (a) A written inventory of hazardous drugs in the workplace.
- (b) A current hazard assessment for hazardous drugs for which there is reasonably anticipated occupational exposure.
- (c) Hazardous drugs policies and procedures including, but not limited to:
 - (i) Engineering controls (equipment use and maintenance).
 - (ii) Personal protective equipment.
 - (iii) Safe handling practices (receiving and storage, labeling, preparing, administering, and disposing of hazardous drugs).
 - (iv) Cleaning, housekeeping, and waste handling.
 - (v) Spill control.
 - (vi) Personnel issues (such as exposure of pregnant workers).
 - (vii) Training.

(2) A standard or universal precautions approach to managing occupational exposure to hazardous drugs is recommended by NIOSH; however, due to the variety of factors that affect occupational exposure some health care facilities may find it more effective to institute precautions based on exposure risk. For example a tiered approach that effectively matches precautions to the nature of exposure may be used

including, but not limited to, handling, storing, cleaning, preparing and engineering controls.

(3) Review and update the written hazardous drugs control program annually and whenever changes that affect occupational exposure occur, such as introduction of a new hazardous drug, or a change in handling practices.

(4) Seek and consider input from employees who may be exposed to hazardous drugs as a result of the performance of their duties regarding the quality and effectiveness of the hazardous drugs control program.

NEW SECTION

WAC 296-62-50020 Hazard assessment. (1) Each health care facility covered under the scope of this chapter must conduct hazard assessments in order to determine the appropriate precautions to be taken. These assessments may be limited to the hazardous drugs for which there is reasonably anticipated occupational exposure.

(2) Assessments must include the following elements as appropriate:

- (a) Personal protective equipment.
- (b) Engineering controls (e.g., ventilated cabinets, closed-system drug transfer devices, glovebags, and needleless systems).
- (c) Physical layout of work areas.
- (d) Types of hazardous drugs being handled.
- (e) Volume, frequency, packaging, and form of hazardous drugs handled (tablets, coated versus uncoated, powder versus liquid).
- (f) Equipment maintenance.
- (g) Decontamination and cleaning.
- (h) Waste handling.
- (i) Potential hazardous drug exposures during work operations, such as drug preparation and administration.
- (j) Spill response.

(3) Conduct a hazard assessment as part of the hazardous drugs control program update and whenever changes that affect occupational exposure occur, such as introduction of a new hazardous drug or a change in handling practices.

Note: The likelihood that a worker will experience adverse effects from exposure to hazardous drugs varies depending upon the relative toxicity and absorptive properties of a drug, the amount, duration and frequency of contact, and the lack of proper work precautions.

NEW SECTION

WAC 296-62-50025 Engineering controls. (1) Evaluate and implement appropriate engineering controls to eliminate or minimize employee exposure. Examples of engineering controls include, but are not limited to:

- (a) Closed system transfer devices.
- (b) Safer sharps devices.
- (c) Safety interlocks.
- (d) Ventilating cabinets.
- (2) Ventilating cabinets.
 - (a) Prepare (e.g., mix, compound, crush) hazardous drugs inside an appropriate ventilating cabinet designed to prevent release into the work environment. When asepsis is

not required, a Class I biosafety cabinet or isolator intended for containment applications may be sufficient.

(i) Alternate precautions may be used where the hazard assessment determines a low occupational exposure risk while preparing hazardous drugs other than chemotherapy agents (e.g., crushing and splitting tablets, drawing medication into a syringe). These may include, but are not limited to, temporarily designating a preparation area, use of appropriate personal protective equipment, and instituting cleaning procedures.

(ii) Chemotherapy drugs must be prepared in an appropriate ventilated cabinet with the exception of circumstances where the employer can document evidence of a clinical need (e.g., there is a nonroutine need to provide chemotherapy treatment, compounding services are not readily available, and it is in the best interest of the patient to provide local care). In such circumstances alternate precautions must be instituted as described above.

(b) Equip ventilated cabinets with a continuous monitoring device to confirm adequate airflow before each use.

(c) Use filtering media that is approved by the cabinet manufacturer and is appropriate for the agent being captured, such as a high-efficiency particulate air filter (HEPA filter) for exhaust, and where feasible, exhaust one hundred percent of the filtered air to the outside unless the employer can provide an evidence-based justification to do otherwise.

(d) Install the outside exhaust so that the exhausted air is not pulled back into the building by the heating, ventilating, and air conditioning systems or by the windows, doors, or other points of entry.

(e) Place fans downstream of the filter so that contaminated ducts are maintained under negative pressure.

(f) Do not use a ventilated cabinet that recirculates air inside the cabinet or exhausts air back into the room environment unless the hazardous drug(s) in use will not volatilize while they are being handled or after they are captured by the filter.

(g) Develop and implement maintenance and cleaning procedures that ensure the effectiveness and safety of the ventilated cabinet.

(i) Field-certify biosafety cabinet performance, in accordance with National Sanitation Foundation/American National Standards Institute Standard 49, after installation, relocation, maintenance, repairs to internal components, HEPA filter replacement, and every six months thereafter or as recommended by the manufacturer.

(ii) Select appropriate performance and test methods for isolators, depending on the type (containment only or aseptic containment), the operating pressure (positive or negative and designed magnitude), and toxicity of the hazardous drug. At a minimum, conduct leak and containment integrity tests in accordance with current American Glovebox Society guidelines. In addition perform a HEPA filter leak test for those isolators that utilize HEPA filtration.

(iii) Prominently display a current field-certification label on the ventilated cabinet.

(iv) Make sure that workers performing maintenance are familiar with applicable safety procedures, warned about hazards (e.g., through the provision of material safety data sheet or other equivalent information resources), and trained

in appropriate work techniques and PPE needed to minimize exposure.

(v) Remove all hazardous drugs and chemicals, and decontaminate the ventilated cabinet before beginning maintenance activities.

(vi) Notify occupants in the affected areas immediately before the maintenance activity begins, and place warning signs on all affected equipment.

(vii) Deenergize the ventilated cabinet in accordance with chapter 296-803 WAC, Lockout/Tagout (control of hazardous energy).

(viii) Decontaminate and bag equipment parts removed for replacement or repair before they are taken outside the facility.

(ix) Seal used filtration media in plastic immediately upon removal, and dispose as contaminated waste.

Note: Consult the following documents for performance test methods and selection criteria for ventilated cabinets:

- (1) *Primary Containment for Biohazards: Selection, Installation and Use of Biological Safety Cabinets (CDC/NIH).*
- (2) *NSF/ANSI 49, Class II (laminar flow) Biosafety Cabinetry.*

NEW SECTION

WAC 296-62-50030 Personal protective equipment

(PPE). (1) When there is reasonably anticipated exposure to hazardous drugs each health care facility must conduct a PPE assessment and provide and ensure use of appropriate PPE in accordance with WAC 296-800-160, personal protective equipment (PPE), and chapter 296-842 WAC, Respirators.

(2) Use appropriate PPE whenever handling body fluids and contaminated laundry.

(3) Gloves.

(a) Use powder-free chemotherapy gloves when handling chemotherapy drugs or when there is potential contact with chemotherapy contaminated items or surfaces.

(b) Provide latex-free gloves to employees with latex sensitivities.

(c) Wear two pairs of gloves when there is a significant risk of breakage or contamination or permeation, e.g., during compounding, extended handling periods, and cleaning up large hazardous drug spills.

(d) Change gloves every thirty to sixty minutes or when torn, punctured, or contaminated.

(4) Protective clothing.

(a) Wear gowns whenever there is a reasonable possibility of a hazardous drug splash or spill such as in compounding, preparing and administering hazardous drugs.

(b) Wear gowns made of polyethylene-coated polypropylene or other nonabsorbent, nonlinting protective material as determined by the PPE hazard assessment. Make sure the gown has a closed front, long sleeves, and elastic or knit cuffs.

(c) Remove and dispose of gowns at the end of hazardous drug handling activities, when leaving the hazardous drug handling area and as soon as possible when damaged or contaminated.

(d) If no permeation information is available, change gowns every two to three hours or when contaminated after a splash or spill.

(5) Face protection. Wear a full-face shield or a mask and eye protection as appropriate when splashes to the eyes, nose, or mouth may occur; examples include cleaning a spill, or performing a procedure such as bladder instillation.

(6) Respiratory protection.

(a) Use N95 or equivalent respiratory protection during spill clean up and whenever there is a significant risk of inhalation exposure to hazardous drug particulates.

(b) Use an appropriate chemical cartridge-type respirator for events such as large spills of volatile hazardous drugs, e.g., when an intravenous (IV) bag breaks or a line disconnects.

(7) Disposable PPE must be discarded into appropriate containers immediately after use or as soon as feasible after contamination. Reusable PPE must be properly cleaned and decontaminated after use or contamination.

NEW SECTION

WAC 296-62-50035 Safe handling practices. (1) Receiving and storage.

(a) Label hazardous drug containers in accordance with WAC 296-800-170, Employer chemical hazard communication—Introduction.

(b) Store and transport hazardous drugs in a manner that minimizes the risk of breakage.

(2) Preparation and administration.

(a) Provide designated work areas for the preparation of hazardous drugs and limit access during preparation.

(b) Coordinate tasks associated with preparing and administering hazardous drugs for the most effective control of worker exposure.

(c) Spike and prime the IV tubing and prepare syringes in a manner that most effectively limits occupational exposure.

(d) Do not remove tubing from an IV bag containing a hazardous drug.

(e) When drug preparation is completed in a ventilated cabinet:

(i) Seal the final product in a plastic bag or other sealed container for transport before taking it out of the cabinet.

(ii) Seal and wipe all waste containers inside the ventilated cabinet before removing them from the cabinet.

(iii) Remove all outer gloves and sleeve covers and bag them for disposal while inside the cabinet.

(3) Waste handling.

(a) Dispose of pharmaceutical waste in accordance with applicable state and federal regulations.

(b) Place disposable items in designated containers.

(4) Personal hygiene.

(a) Prohibit eating or drinking in areas where hazardous drugs are handled.

(b) Wash hands with soap and water before donning gloves, immediately after removal, and whenever hands become contaminated.

NEW SECTION

WAC 296-62-50040 Cleaning and housekeeping. (1) Establish procedures for cleaning and decontamination of areas and equipment where hazardous drugs are present.

(2) Do not clean contaminated equipment in unventilated areas.

(3) Clean work surfaces before and after each continuous activity and at the end of the work shift.

NEW SECTION

WAC 296-62-50045 Spill control. (1) Develop written spill response procedures based on the hazardous drugs present and potential spill or release conditions.

(2) Spill procedures must include, at a minimum:

(a) Description of who is authorized to respond and under what circumstances.

(b) PPE for various hazardous drugs and spill sizes.

(c) Location and use of spill kits or clean-up materials.

(d) Possible spreading of contamination, and area containment and signage.

(e) Reporting and evaluating the circumstances surrounding spills and releases.

(f) Restricted access to hazardous drug spills.

(g) Waste disposal.

(3) Locate spill kits or clean-up materials near all potential spill sources.

Note: See chapter 296-824 WAC, Emergency response for requirements regarding response to spills that create significant safety and health risks, and WAC 296-800-150, first-aid summary for emergency washing requirements.

NEW SECTION

WAC 296-62-50050 Training. (1) Provide hazardous drugs training to all employees with occupational exposure at the time of their initial job assignment and on a regularly scheduled basis thereafter.

(2) Include the training elements listed in WAC 296-800-17030, Inform and train your employees about hazardous chemicals in your workplace.

NEW SECTION

WAC 296-62-50055 Implementation plan. (1) Effective dates.

(a) The written hazardous drugs control program must be completed and implemented by January 1, 2014, with the exception of (b) and (c) of this subsection.

(b) Employee training must be implemented by July 1, 2014.

(c) Installation of appropriate ventilated cabinets must be completed by January 1, 2015.

(2) The department will work with stakeholders to implement this chapter by doing the following:

(a) Establish a hazardous drugs advisory committee to discuss new NIOSH recommendations, scientific and technological developments and other unanticipated issues related to rule implementation. This committee will include employer and employee representatives of the health care industry and representatives of affected state agencies. It may provide recommendations to the department regarding appropriate actions.

(b) Work with trade associations, labor unions and other representatives from the health care industry to develop

model programs for implementation of these rules in a variety of health care facilities and settings. The department will provide education, training and consultation services to ensure that these model programs are widely distributed and can be effectively utilized.

(c) Establish a hazardous drugs web page, and post relevant resources, sample programs and forms.

**WSR 12-03-001
PERMANENT RULES
OLYMPIC REGION
CLEAN AIR AGENCY**

[Filed January 4, 2012, 12:15 p.m., effective February 4, 2012]

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

Purpose: Olympic Regional Clean Air Agency added the Irondale/Port Hadlock urban growth area (UGA) to our Rule 6.2.3. Stating the name of the UGA in rule clarifies the language in WAC 173-425-040(2).

Citation of Existing Rules Affected by this Order: Amending Rule 6.2.3.

Statutory Authority for Adoption: Chapter 70.94 RCW. Adopted under notice filed as WSR 11-19-108 on September 21, 2011.

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 Request of a Nongovernmental 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: November 9, 2011.

Francea L. McNair
Executive Director

AMENDED SECTION

Rule 6.2.3. No residential or land clearing burning is allowed in the following cities and/or UGAs:

Clallam	Grays Harbor	Jefferson	Mason	Pacific	Thurston
Carlsborg	Aberdeen	Port Townsend	Allyn	Ilwaco	Bucoda
Clallam Bay	Hoquiam	<u>Irondale/</u>	Belfair	Long Beach	Grand Mound
Forks		<u>Port Hadlock</u>	Shelton	Raymond	Lacey
Joyce				Seaview	Olympia
Port Angeles				South Bend	Rainier
Seki					Tenino
Sequim					Tumwater
					Yelm

**WSR 12-03-002
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION**

[Filed January 4, 2012, 12:47 p.m., effective February 4, 2012]

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

Purpose: Corrects statutory references to chapter 42.17 RCW following recodification to chapter 42.17A RCW (chapter 204, Laws of 2010). Removes references to RCW 42.17.555, which has been repealed. Clarifies contribution limits.

Citation of Existing Rules Affected by this Order: Repealing WAC 390-05-196; and amending WAC 390-05-010 Purpose, 390-05-040 Public Disclosure Act—Violation of other law, 390-05-190 Agent—Definition, 390-05-200 Definition—Candidates for public office—Time of filing, 390-05-205 Definition of term "consumable," 390-05-210 Definition—Contribution, 390-05-215 Receipt of a campaign contribution, 390-05-222 Domestic partner—Definition, 390-05-225 Registered voters—Count or number of,

390-05-235 Definition—Fair market value, 390-05-243 Ministerial functions by persons holding administrative offices, 390-05-245 Officer of a candidate's committee or political committee—Definition, 390-05-250 Definition—Public disclosure commission, 390-05-271 General applications of RCW 42.17.130, 390-05-273 Definition of normal and regular conduct, 390-05-274 Party affiliation, party preference, etc., 390-05-275 Definition—Party organization, 390-05-295 Definition—Promise or promise to pay, 390-05-300 Suspension of reporting requirements, 390-05-500 Debate or forum, 390-05-505 Electioneering communication exclusions, 390-05-515 Member, 390-05-522 Place of business—Definition, 390-05-530 Funding sources for electioneering communications, 390-12-050 Operations and procedures, 390-13-010 Optional format for requests for lists of individuals, 390-14-015 Public records officer, 390-14-025 Requests for public records, 390-14-026 Access goals to campaign and lobbying reports, 390-14-035 Exempting records from public inspection, 390-14-040 Internal review of denials of public records

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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 Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 142, Repealed 1.

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: January 3, 2012.

Lori Anderson
Communications and
Training Officer

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-05-010 Purpose. The purpose of these regulations is to implement the provisions of chapter ~~((42.17))~~ 42.17A RCW (Initiative 276), hereinafter referred to as the Public Disclosure Act or act, by declaring the policies of the commission, particularly with regard to the interpretation and enforcement of the act by the commission.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-05-040 Public Disclosure Act—Violation of other law. No provision of chapter ~~((42.17))~~ 42.17A RCW (Initiative 276) shall be construed in such a manner as to require any person to act or refrain from acting where such action or nonaction would violate any provision of the state or federal constitution or any federal law.

AMENDATORY SECTION (Amending WSR 96-09-015, filed 4/8/96, effective 5/9/96)

WAC 390-05-190 Agent—Definition. "Agent," as that term is used in chapter ~~((42.17))~~ 42.17A RCW and Title 390 WAC, means a person, whether the authority or consent is direct or indirect, express or implied, oral or written, who:

- (1) Is authorized by another to act on his or her behalf; or
- (2) Represents and acts for another with the authority or consent of the person represented; or
- (3) Acts for or in place of another by authority from him or her.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-05-200 Definition—Candidates for public office—Time of filing. The following circumstances shall

give rise to presumption that an individual is a "candidate" as that term is defined in RCW ~~((42.17.020(8)))~~ 42.17A.005(7):

(1) The existence of a political committee promoting the election of such individual for public office with the knowledge and consent of that individual; or

(2) A public declaration of candidacy by an individual even if the candidacy is conditioned on a future occurrence; or

(3) Meeting the requirements set forth in WAC 390-16-230 (1) or (2).

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-05-205 Definition of term "consumable." For the purpose of RCW ~~((42.17.020 (14)(a)(iv)))~~ 42.17A.005 (13)(a)(iv) the term "consumable" includes the amount paid for food, beverages, preparation, catering or entertainment cost furnished at the event.

AMENDATORY SECTION (Amending WSR 08-01-069, filed 12/14/07, effective 1/14/08)

WAC 390-05-210 Definition—Contribution. (1) The term "contribution" as defined in RCW ~~((42.17.020))~~ 42.17A.005 shall be deemed to include, among other things, furnishing services or property or rights on a discriminatory basis or at less than their fair market value as defined in WAC 390-05-235, for the purpose of assisting any candidate or political committee. When such in-kind contribution of goods or services is provided, it shall be reported at its fair market value per WAC 390-05-235 and, pursuant to RCW ~~((42.17.640))~~ 42.17A.405 and 42.17A.410, the fair market value is the amount of the contribution to be allocated to the contributor in determining compliance with the contributor's contribution limit.

(2) **Duplicating political advertising.** The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or the authorized agent of a candidate or political committee is a contribution to the candidate or political committee.

(3) **Consulting with a state, local or judicial candidate.** An expenditure made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent is a contribution to such candidate. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent when:

(a) Any arrangement, coordination or direction by the candidate, the candidate's authorized committee or agent is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or electioneering communications or prior to an expenditure being made by that person supporting that candidate or opposing one or more of that candidate's opponents; or

(b) An expenditure is made based on information about the candidate's plans, projects or needs provided to the expending person by the candidate, the candidate's autho-

rized committee or agent with a view toward having an expenditure made; or

(c) An expenditure is made by, through, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the twelve months preceding the expenditure, is or has been an officer of the candidate's authorized committee; or

(d) The expenditure is made by or in consultation with any person who, during the twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the candidate, the candidate's authorized committee or agent. However, there is no presumption that an expenditure is made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent, when a person performs only ministerial functions for two or more candidates or political committees pursuant to RCW ((42.17.020)) 42.17A.005 and WAC 390-05-243.

(4) **Consulting with a caucus political committee.** An expenditure, that does not qualify as a contribution to a candidate under subsection (3) of this section, made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a caucus political committee or its agent is a contribution to such caucus political committee. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a caucus political committee or its agent when:

(a) Any arrangement, coordination or direction by the caucus political committee, its agent or another political committee financed, controlled or operated by the caucus is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or electioneering communications or prior to an expenditure being made by that person supporting that caucus political committee or one or more of the candidates supported by it or opposing one or more of those candidates' opponents; or

(b) An expenditure is made based on information about the caucus political committee's plans, projects or needs provided to the expending person by the caucus political committee, its agent or another political committee financed, controlled or operated by the caucus with a view toward having an expenditure made; or

(c) An expenditure is made by, through, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the twelve months preceding the expenditure, is or has been an officer of the caucus political committee or another political committee financed, controlled or operated by the caucus; or

(d) The expenditure is made by or in consultation with any person who, during the twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the caucus political committee, its agent or another political committee financed, controlled or operated by the caucus. However, there is no presumption that an expenditure is made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a caucus political committee or its agent, when a person performs only ministerial functions for

two or more candidates or political committees pursuant to RCW ((42.17.020)) 42.17A.005 and WAC 390-05-243.

(5) **Consulting with a bona fide political party.** An expenditure, that does not qualify as a contribution to a candidate under subsection (3) of this section, made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a bona fide political party or its agent is a contribution to such bona fide political party. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a bona fide political party when:

(a) Any arrangement, coordination or direction by the bona fide political party, its agent or a political committee financed, controlled or operated by the party is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or electioneering communications or prior to an expenditure being made by that person supporting that bona fide political party or one or more of the candidates supported by it or opposing one or more of those candidates' opponents; or

(b) An expenditure is made based on information about the bona fide political party's plans, projects or needs provided to the expending person by the bona fide political party or its agent with a view toward having an expenditure made; or

(c) An expenditure is made by, through, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the twelve months preceding the expenditure, is or has been an officer of the bona fide political party or a political committee financed, controlled or operated by the bona fide political party; or

(d) The expenditure is made by or in consultation with any person who, during the twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the bona fide political party, its agent or a political committee financed, controlled or operated by the bona fide political party. However, there is no presumption that an expenditure is made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of the bona fide political party, a political committee financed, controlled, or operated by a bona fide political party or their agents, when a person performs only ministerial functions for two or more candidates or political committees pursuant to RCW ((42.17.020)) 42.17A.005 and WAC 390-05-243.

(6) **Consulting with other political committees.** An expenditure made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a political committee is a contribution to such political committee. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a political committee when:

(a) Any arrangement, coordination or direction by the political committee, its agent or another political committee financed, controlled or operated by the committee is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or prior to an expenditure being made by that person benefiting that political committee; or

(b) An expenditure is made based on information about the political committee's plans, projects or needs provided to the expending person by the political committee or its agent with a view toward having an expenditure made; or

(c) An expenditure is made by, through, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the twelve months preceding the expenditure, is or has been an officer of the political committee or another political committee financed, controlled or operated by the committee; or

(d) An expenditure is made by or in consultation with any person who, during the twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the political committee, its agent or another political committee financed, controlled or operated by the committee. However, there is no presumption that an expenditure is made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a political committee or its agent, when a person performs only ministerial functions for two or more candidates or political committees pursuant to RCW ((42.17-020)) 42.17A.005 and WAC 390-05-243.

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

WAC 390-05-215 Receipt of a campaign contribution. "Receipt" of a campaign contribution, as that term is used in chapter ((42.17)) 42.17A RCW, shall be deemed to occur at the earliest of the following:

(1) The date that the candidate, treasurer, deputy treasurer, campaign manager, campaign chairperson or similarly situated campaign official obtains possession of the contribution, or

(2) The date that the candidate, treasurer, deputy treasurer, campaign manager, campaign chairperson or similarly situated campaign official is informed of the contribution, or becomes aware that the campaign, or in the case of an earmarked contribution, the intermediary or conduit, has possession of the contribution, or

(3) The date that the contribution becomes available for use by the candidate or committee.

AMENDATORY SECTION (Amending WSR 09-01-063, filed 12/11/08, effective 1/11/09)

WAC 390-05-222 Domestic partner—Definition. "Domestic partner" or "domestic partners," as those terms are used in chapter ((42.17)) 42.17A RCW and Title 390 WAC, means "state registered domestic partners" as defined in RCW 26.60.020(1).

AMENDATORY SECTION (Amending WSR 08-04-021, filed 1/28/08, effective 2/28/08)

WAC 390-05-225 Registered voters—Count or number of. In accordance with RCW 29A.08.130, for purposes of chapter ((42.17)) 42.17A RCW and Title 390 WAC, the count or number of registered voters shall not include inactive voters.

AMENDATORY SECTION (Amending WSR 94-11-018, filed 5/5/94, effective 6/5/94)

WAC 390-05-235 Definition—Fair market value. (1)(a) "Fair market value" or "value" when used in the act or rules is the amount in cash which a well-informed buyer or lessee, willing but not obligated to buy or lease that property, would pay, and which a well-informed seller, or lessor, willing but not obligated to sell or lease it, would accept, taking into consideration all uses to which the property is adapted and might in reason be applied.

(b) If, in determining "fair market value" or "value," the amount buyer would pay and the amount a seller would accept would be based on varying standards, then the fair market value of the contribution shall be based on the amount the contributor would ordinarily accept for selling the property, rather than the amount the candidate or political committee would ordinarily pay. For example, if a contributor who sells property in the ordinary course of this or her business at a wholesale price donates such property to a candidate or political committee who would ordinarily pay the retail price as a consumer, then the fair market value of the contribution shall be the wholesale price.

(2)(a) Any person who donates an item for sale, raffle, auction or awarding at a fund-raising event is making a contribution to the recipient candidate or political committee in an amount equal to the fair market value of the item donated.

(b) Any person who buys a donated item makes a contribution equal in value to the difference between the purchase or auction price and the fair market value of the donated item.

(c) If the purchase or auction price is the same as the fair market value, the buyer's contribution is zero. If the purchase or auction price is less than the fair market value, the buyer's contribution is zero and the donor's contribution is reduced to the amount of the sale or auction price.

(3) The value of any in-kind contribution donated to any candidate or political committee subject to contribution limits pursuant to RCW ((42.17.640)) 42.17A.405 or 42.17A.410 shall not, when combined with other contributions to that candidate or political committee, exceed the donor's applicable contribution limit as set forth in RCW ((42.17.640)) 42.17A.405 or 42.17A.410. The value of an in-kind contribution donated as an exempt contribution to a bona fide political party committee or other political committee eligible to receive exempt funds is only subject to the limit imposed by RCW ((42.17.105(8))) 42.17A.420.

(4)(a) Except as provided in WAC 390-16-207, if a person permits a candidate, a candidate's authorized committee or a political committee to use the telephones of a business, union, organization or other entity without charge for the purpose of making local campaign-related calls, the telephone usage is an in-kind contribution and shall be valued at its fair market value or, if no fair market value is ascertainable, \$1 per telephone per calendar day or part thereof.

(b) If toll calls are permitted, the toll charges are also an in-kind contribution unless the candidate, the candidate's authorized committee or the political committee reimburses the person in full within 30 days of making the toll calls.

AMENDATORY SECTION (Amending WSR 08-01-069, filed 12/14/07, effective 1/14/08)

WAC 390-05-243 Ministerial functions by persons holding administrative offices. For the purposes of RCW ((42-17-020)) 42.17A.005 and ((42-17-040)) 42.17A.205:

(1) "Ministerial functions" mean the activities and duties of an administrative office that satisfy RCW ((42-17-020 (15) and (34))) 42.17A.005 (13) and (33) and require:

(a) Data entry for a candidate or political committee;

(b) Filing reports that have been reviewed and approved for filing by the candidate or political committee officer;

(c) Maintaining campaign finance and other similar records including making them available for inspection upon direction by the candidate or political committee officer;

(d) Writing and depositing checks at the direction of the candidate or political committee officer;

(e) Communications related to ministerial functions (to respond to questions about data entry, to discuss or review a candidate or committee's bank account balance, to schedule times to receive contribution checks at events, to review reports with the candidate or committee prior to filing, and similar communications) but do not involve attending strategy or campaign planning meetings or portions of meetings with candidates or political committee officers or their agents; or

(f) Other similar campaign finance activities and duties.

(2) "Administrative office" means a person performing campaign finance related clerical support or recordkeeping activities on behalf of candidates and political committees, when, for the purposes of RCW ((42-17-020 (15) and (34))) 42.17A.005 (13) and (33), those activities:

(a) Are directed by the candidate or political committee officer and require performance of activities by the administrative office in a prescribed manner;

(b) Are approved by the candidate or political committee officer for whom the services are performed;

(c) Do not involve the exercise of personal judgment or discretion, including authorizing expenditures;

(d) Do not involve the disclosure, except as required by law, of any information regarding a candidate or committee's plans, projects, activities or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available, or otherwise engage in activity that is a contribution; and

(e) Do not involve the performance of functions other than ministerial functions.

(3) A person performing only ministerial functions on behalf of two or more candidates or political committees is not:

(a) Considered an agent so long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee; or

(b) An officer pursuant to WAC 390-05-245. However, that person's name, address and title must be reported on the C-1 or C-1pc registration form.

AMENDATORY SECTION (Amending WSR 08-01-069, filed 12/14/07, effective 1/14/08)

WAC 390-05-245 Officer of a candidate's committee or political committee—Definition. For purposes of chapter ((42-17)) 42.17A RCW and Title 390 WAC, "officer of a candidate's authorized committee," or "officer of a candidate's committee" or "officer of a political committee" includes the following persons: Any person designated by the committee as an officer on the C-1 or 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.

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-05-250 Definition—Public disclosure commission. The "public disclosure commission" is the commission appointed by the governor pursuant to RCW ((42-17-350)) 42.17A.100. The public disclosure commission shall hereinafter be referred to as the commission.

AMENDATORY SECTION (Amending Order 80-01, filed 1/17/80)

WAC 390-05-271 General applications of RCW ((42-17-130)) 42.17A.555. (1) RCW ((42-17-130)) 42.17A.555 does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.

(2) RCW ((42-17-130)) 42.17A.555 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.

AMENDATORY SECTION (Amending Order 79-01, filed 1/31/79)

WAC 390-05-273 Definition of normal and regular conduct. Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW ((42-17-130)) 42.17A.555, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.

AMENDATORY SECTION (Amending WSR 11-05-047, filed 2/10/11, effective 3/13/11)

WAC 390-05-274 Party affiliation, party preference, etc. (1) "Party affiliation" as that term is used in chapter

~~((42.17))~~ 42.17A RCW and Title 390 WAC means the candidate's party preference as expressed on his or her declaration of candidacy. A candidate's preference does not imply that the candidate is nominated or endorsed by that party, or that the party approves of or associates with that candidate.

(2) A reference to "political party affiliation," "political party," or "party" on disclosure forms adopted by the commission and in Title 390 WAC refers to the candidate's self-identified party preference.

AMENDATORY SECTION (Amending WSR 11-05-049, filed 2/10/11, effective 3/13/11)

WAC 390-05-275 Definition—Party organization. "Party organization," as that term is used in chapter ~~((42.17))~~ 42.17A RCW and Title 390 WAC, means a bona fide political party as defined in RCW ~~((42.17.020))~~ 42.17A.005 and applied in WAC 390-05-196.

AMENDATORY SECTION (Amending WSR 04-12-052, filed 5/28/04, effective 6/28/04)

WAC 390-05-295 Definition—Promise or promise to pay. For the purposes of the definition of "expenditure" found in RCW ~~((42.17.020))~~ 42.17A.005, "promise" or "promise to pay" includes any oral or written order placed, debt or obligation to purchase goods or services or anything of value, or any offer to purchase advertising space, broadcast time or other advertising related product or service.

AMENDATORY SECTION (Amending WSR 92-05-080, filed 2/18/92, effective 3/20/92)

WAC 390-05-300 Suspension of reporting requirements. From the effective date of RCW ~~((42.17.405))~~ 42.17A.135, the following reporting requirements are suspended in jurisdictions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction:

(1) The F-1 financial reports of public officials required by RCW ~~((42.17.240))~~ 42.17A.700 and WAC 390-24-010, 390-24-020 and 390-24-025;

(2) The L-5 public agency lobbying report required by RCW ~~((42.17.190))~~ 42.17A.635 and WAC 390-20-120;

(3) The C-1 through C-4 campaign finance reports required for ballot issues by RCW ~~((42.17.040))~~ 42.17A.205 through ~~((42.17.090))~~ 42.17A.240 and 42.17A.425, and WAC 390-16-011, 390-16-031, 390-16-036, 390-16-041, and independent campaign expenditure reports (C-6) required for ballot issues by RCW ~~((42.17.100))~~ 42.17A.255 and WAC 390-16-050: Provided, That reporting requirements shall be reinstated by order of the commission at its next regular or special meeting if:

(a) A certified "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters of the jurisdiction as of the date of the most recent general election in the jurisdiction is filed with the commission; or

(b) The jurisdiction has by ordinance, resolution or other official action petitioned the commission to void the suspen-

sion with respect to elected officials, candidates and ballot propositions for the jurisdiction.

If reporting requirements are reinstated by petition, the commission shall promptly notify all known affected candidates and incumbent elected officials of their duty to file disclosure reports. Such individuals and committees shall be ordered to file the required statements within thirty days of the commission order.

AMENDATORY SECTION (Amending WSR 06-11-132, filed 5/23/06, effective 6/23/06)

WAC 390-05-500 Debate or forum. "Debate or forum" means qualifying events under RCW ~~((42.17.020(21)(b)))~~ 42.17A.005 (19)(b)(ii) where candidates are invited based upon predefined objective criteria, including where only one candidate in an uncontested race participates.

AMENDATORY SECTION (Amending WSR 06-11-132, filed 5/23/06, effective 6/23/06)

WAC 390-05-505 Electioneering communication exclusions. (1) "Electioneering communication" does not include communications listed in RCW ~~((42.17.020(21)))~~ 42.17A.005 (19)(b).

(2) "Electioneering communication" also does not include:

(a) Letters to the editor or comparable communications to news media described in RCW ~~((42.17.020(21)(e)))~~ 42.17A.005 (19)(b)(iii);

(b) Communications conveyed through web sites, e-mails, telephone calls, or in-person leaflet/pamphlet drops at street addresses; or

(c) Communications conveyed in a manner not specified in RCW ~~((42.17.020(20)))~~ 42.17A.005(19).

AMENDATORY SECTION (Amending WSR 09-04-022, filed 1/27/09, effective 2/27/09)

WAC 390-05-515 Member. In determining whether a communication is to a "member" as that term is used in RCW ~~((42.17.020))~~ 42.17A.005 and ~~((42.17.100))~~ 42.17A.255, and for the purposes of RCW ~~((42.17.105(8), 42.17.640 and 42.17.645))~~ 42.17A.405, 42.17A.410 and 42.17A.420:

(1) The commission will examine whether the organization is a legitimate membership organization with common interest goals and objectives, taking into account such factors as the organization's permanence, structure and whether it has formal organizing documents, membership criteria and services it provides its members.

(2) With respect to the status of members of an organization, the commission will examine whether a valid, active relationship exists between the organization and its members or classes of members for purposes other than influencing the outcome of an election, taking into account such factors as whether the members affirmatively accept membership and the rights and obligations conferred on members by the organization including whether members have the right to vote for:

(a) Election of directors or officers; or

(b) Changes to the articles or bylaws; or

(c) The disposition of all or substantially all of the assets of the organization or on a merger or dissolution.

A required payment of a predetermined amount of membership dues is also a factor; however, an organization will not be considered a membership organization if it is primarily a commercial entity or for-profit entity selling products to customers even though it may refer to its customers as "members."

(3) If a membership organization and its members satisfy the criteria regarding "membership associations" and "members" established by the Federal Election Commission (FEC) in 11 C.F.R. Sec. 100.134 (e)-(g), the commission will consider the organization and its members as qualifying for the exemption in RCW ((~~42.17.020 (15)(b)(v) and (21)(g))~~) 42.17A.005 (13)(b)(v) and (19)(b)(vii), unless the communication was not sent primarily to members. However, these FEC criteria are not the only indicators of legitimate membership organizations or valid members, a determination that will be made by the commission on a case-by-case basis as necessary.

(4) In determining whether an internal political communication is "primarily" limited to the members of an organization or political committee, the commission will consider whether any distribution to nonmembers is incidental and isolated.

AMENDATORY SECTION (Amending WSR 06-18-035, filed 8/28/06, effective 9/28/06)

WAC 390-05-522 Place of business—Definition. "A place of business in the state of Washington" as that term is used in RCW ((~~42.17.093~~) 42.17A.250 (1)(f) means the business is headquartered in or has a primary place of business in Washington state.

For example, if a national corporation headquartered outside of Washington state has retail outlets in Washington and that national corporation contributes two hundred fifty dollars to an out-of-state political committee that is subject to reporting under RCW ((~~42.17.093~~) 42.17A.250, the out-of-state committee is not required to disclose the national corporation as a contributor under RCW ((~~42.17.093~~) 42.17A.250 (1)(f).

AMENDATORY SECTION (Amending WSR 06-11-132, filed 5/23/06, effective 6/23/06)

WAC 390-05-530 Funding sources for electioneering communications. (1) "Source of funds" means a person who contributes anything of value for the communication, including a loan, gift, advance, payment, pledge, or personal or professional services for less than full consideration.

(2) Goods, services, property or rights other than money or its equivalent are deemed to have a monetary value equivalent to their fair market value.

(3) "Source of funds" does not include those things of value specified in RCW ((~~42.17.020 (15)(b))~~) 42.17A.005 (13)(a)(i).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-05-196

Bona fide political party—
Application of term.

AMENDATORY SECTION (Amending WSR 90-16-083, filed 7/31/90, effective 8/31/90)

WAC 390-12-050 Operations and procedures. (1)

The public disclosure commission was created by the passage of Initiative 276 in 1972 for the principal purpose of providing the public with accurate information about certain financial affairs of candidates and elected officials, about the financing of election campaigns and the sponsors of political advertising, and about expenditures made in the course of lobbying. The initiative also contains provisions guaranteeing citizen access to most records of most elements of state and local government.

(2) The duties, responsibilities and powers of the commission are set forth in RCW ((~~42.17.360, 42.17.370, 42.17.395 and 42.17.397~~) 42.17A.105, 42.17A.110, 42.17A.120, 42.17A.125, 42.17A.755, and 42.17A.760. Provisions for establishing the commission and appointing the members thereof are stated in RCW ((~~42.17.350~~) 42.17A.100.

(3) Commissioners meet monthly to consider and act on major policy matters, on requests for reporting modifications and on enforcement cases. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), and Sturgis Standard Code of Parliamentary Procedure. The passage of any motion adopting, amending or repealing any rule, or recommending changes to the act shall require a majority vote of the members of the commission as distinguished from a quorum of the commissioners.

(4) The staff prepares and distributes reporting forms and instructions in the most practical manner to persons subject to the law. The instructions are intended to satisfy the requirement of RCW ((~~42.17.360~~) 42.17A.105 to publish book-keeping manuals. The staff also provides personal instruction and technical assistance to persons with specific problems and questions.

(5) Between 45,000 and 55,000 reports are received during a calendar year from an average of 9,500 reporting "clients." The staff receives these reports, records their receipt, and microfilms and files them. Every effort is made to have reports filmed and available for public inspection and copying within twenty-four hours of their receipt.

(6) Procedures for accessing the files of the agency are given in chapter 390-14 WAC. The staff will provide microfiche copies of reports when requested by mail or telephone. Reports are generally sent the same day the request is received. Answers to telephone inquiries seeking information from particular reports will be limited to (a) verification that a report is on file and (b), if regarding a campaign financing report, the most recent totals for contributions and expenditures.

(7) While some citizens will benefit from the reports by personally reviewing them, most will look to the news media for information. The staff compiles occasional summaries and studies for distribution to news outlets. Known as "Reports to the Public," they provide a condensed mirror image of the information in reports filed with the commission.

(8) The act demands complete, accurate and timely reporting. The commission, as a vehicle of communication between those engaged in political life and the general public, is expected to take whatever actions are necessary to assure the public of having the information it is entitled to; that the flow of communication is not interrupted by those responsible for providing the information. Within the resources provided the commission, reports are reviewed, field audits are conducted and complaints are investigated. The staff concentrates on assisting people in meeting their obligations under the law in hopes of fulfilling the purpose of the act without having to resort to enforcement actions resulting in embarrassment and monetary penalties. Gross negligence and evasions of the act will not be tolerated, however. Acting without fear or favor, the staff will bring to the commissioners for appropriate action all matters where there is evidence of a material violation of chapter ((42-17)) 42.17A RCW and/or lack of substantial compliance.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-13-010 Optional format for requests for lists of individuals. The use of a list of individuals obtained from an agency for commercial purposes is prohibited by RCW ((42-17-260)) 42.56.070. Therefore, the following format is adopted by the commission and authorized for use by agencies, at their option, to bring uniformity to the administration of that statute.

(Name of Agency) PUBLIC RECORDS ACCESS

STATE OF WASHINGTON } AFFIDAVIT TO
 } ss. RELEASE
COUNTY OF _____ } PUBLIC RECORDS
 } (Name and Address)

having been duly sworn, deposes and says:

1. I have requested copies of the following public records:

2. I understand that Washington state law, RCW ((42-17-260)) 42.56.070, prohibits the use of lists of individuals for commercial purposes.

3. I understand that the use for commercial purposes of said records may also violate the rights of the individuals named therein and may subject me to liability for such commercial use.

4. I understand that section 2 or 3 herein apply when I use said records for commercial purposes and when others use said records or copies of same for commercial purposes. I understand that I may be liable in either case.

5. I understand that "commercial purposes" means that the person requesting the record intends that the list will be used to communicate with the individuals named in the record for the purpose of facilitating profit expecting activity.

6. Therefore, I do hereby swear and affirm on oath and under penalty of law that I will not use said records for commercial purposes and that further, it is my affirmative duty to prevent others from using said records for commercial purposes.

Signature

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20 ____.

Notary Public in and for the state of Washington residing at _____.

AMENDATORY SECTION (Amending WSR 99-12-057, filed 5/27/99, effective 6/27/99)

WAC 390-14-015 Public records officer. The executive director is the commission's public records officer. The public records officer is responsible for implementing the commission's administrative rules regarding release of public records, coordinating the staff of the commission in this regard, and insuring compliance by the staff with the public records disclosure requirements of chapter ((42-17)) 42.56 RCW.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-14-025 Requests for public records. (1) In accordance with requirements of chapter ((42-17)) 42.56 RCW that agencies provide full public access to public records, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, requests to inspect or copy public records may be made in person, by letter, by telephone or by electronic means.

The commission office is located at 711 Capitol Way, Room 206, Evergreen Plaza Building, Olympia, Washington. The mailing address is: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908. Telephone number: ((360))360((3))-753-1111. Toll-free telephone number: 1-877-601-2828. Facsimile number: ((360))360((3))-753-1112. Electronic mail: pdc@pdc.wa.gov.

(2) Whenever a member of the public requests assistance, the staff member to whom the request is made shall assist the member of the public in identifying the appropriate public record.

AMENDATORY SECTION (Amending WSR 00-22-058, filed 10/27/00, effective 11/27/00)

WAC 390-14-026 Access goals to campaign and lobbying reports. The commission sets the following goals for access to all reports, copies or reports, or copies of data or information included in reports, filed under RCW ((42-17-040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150,

~~42.17.170, 42.17.175, and 42.17.180~~) 42.17A.205, 42.17A.225, 42.17A.235, 42.17A.255, 42.17A.265, 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630.

(1) In January of 2001, when reports are filed with the commission, staff will endeavor to make the report available as follows:

(a) Submitted by electronic means:

(i) Available in the commission office within two business days and;

(ii) ~~((Available))~~ Available on the commission web site within four business days.

(b) Submitted on paper:

(i) Available in the commission office within four business days and;

(ii) Available on the commission web site within seven business days.

(2) In January of 2002, when reports are filed with the commission, staff will endeavor to make the report available as follows:

(a) Submitted by electronic means available in the commission office and on the commission web site within two business days and;

(b) Submitted by paper, available in the commission office and on the commission web site within four business days.

AMENDATORY SECTION (Amending WSR 99-12-061, filed 5/27/99, effective 6/27/99)

WAC 390-14-035 Exempting records from public inspection. (1) The public records officer shall delete information from any record prior to permitting public inspection or copying if the information is exempt from disclosure according to RCW ~~((42.17.340))~~ 42.56.210, another section of chapter ~~((42.17))~~ 42.56 RCW or other law. After such data is deleted, the remainder of the record shall be made available.

(2) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

AMENDATORY SECTION (Amending WSR 99-12-062, filed 5/27/99, effective 6/27/99)

WAC 390-14-040 Internal review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition the commission chair for prompt review of such decision by tendering a written request for review to the public records officer. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer shall refer it to the chair of the commission. The chair shall immediately consider the matter and either affirm or reverse, in whole or in part, such denial or call a

special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial in accordance with RCW ~~((42.17.320))~~ 42.56.520.

AMENDATORY SECTION (Amending WSR 99-12-064, filed 5/27/99, effective 6/27/99)

WAC 390-14-100 List of elected public officials. (1) The public disclosure commission shall prepare a list of all state elected officials of the state of Washington. The list shall be updated annually by January 15th.

(2) The list shall contain the names of those entities that are reported by state elected officials and successful candidates for state office pursuant to RCW ~~((42.17.241))~~ 42.17A.710 (1)(g).

AMENDATORY SECTION (Amending WSR 99-12-065, filed 5/27/99, effective 6/27/99)

WAC 390-14-110 List of elected public officials—Name not on list, impact. (1) The commission has as part of its authority the power to suspend or modify reporting requirements of chapter ~~((42.17))~~ 42.17A RCW, if it finds after hearing that literal application of the act would work a manifestly unreasonable hardship and suspension or modification will not frustrate the purposes of the act.

(2) The commission shall presume it is a manifestly unreasonable hardship for a lobbyist employer or other person filing PDC Form C-7 pursuant to RCW ~~((42.17.180))~~ 42.17A.630 to report the compensation paid to a state elected official, a successful candidate for state office, an immediate family member of a state elected official or successful candidate for state office, or a corporation, partnership, joint venture, association, union or other entity in which one of these individuals holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more, if:

(a) The name of such official, candidate, family member or entity does not appear on the most recent list of state elected officials prepared by the commission pursuant to WAC 390-14-100; and

(b) The lobbyist employer or other filer does not have actual knowledge of compensation being paid to such official, candidate, family member or entity.

AMENDATORY SECTION (Amending WSR 10-20-011, filed 9/24/10, effective 10/25/10)

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 ~~((11/10))~~ 1/12. Copies of this form are available 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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 PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 Toll Free 1-877-601-2828		<h2>Candidate Registration</h2>		<h1>C1</h1> (11/10)	
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.					
Street Address, Room Number, City where campaign books will be available for inspection					
In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ()					
11. 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 42.17 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 42.17.020 (15)(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 42.17.020(34). 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 42.17.020(34) 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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 <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>	<h2 style="margin: 0;">Candidate Registration</h2>	<h1 style="margin: 0;">C1</h1> <p style="font-size: small;">(1/12)</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	Campaign E-Mail Address
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.			
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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 ()	
		<input type="checkbox"/> Continued on attached sheet.	
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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.			
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9. Related or Affiliated Political Committees. List name, address and relationship. <input type="checkbox"/> Continued on attached sheet.			
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Street Address, Room Number, City where campaign books will be available for inspection			
In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ()			
11. CERTIFICATION: I certify that this report is true, complete and correct to the best of my knowledge.		Date	
Candidate's Signature			

SEE INSTRUCTIONS ON NEXT PAGE

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Who Must File – Candidates who seek:

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- a state supreme court or state court of appeals position,
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- local office in jurisdictions of any size if the candidate receives or expects to receive \$5,000 or more in contributions.

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- 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.

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- 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.]

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For Instruction Manuals and Reporting Forms click on the “Filer Resources” tab at www.pdc.wa.gov

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

AMENDATORY SECTION (Amending WSR 02-01-014, filed 12/7/01, effective 1/7/02)

WAC 390-16-031 Forms for statement of contributions deposit. The official form for statement of contributions deposit is designated "C-3," revised ((1/02)) 1/12. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504. Any paper attachments shall be on 8-1/2" x 11" white paper.

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 <p>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>CASH RECEIPTS MONETARY CONTRIBUTIONS</p>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p style="font-size: 2em; margin: 0;">C3</p> <p style="font-size: 0.8em; margin: 0;">(1/02)</p> </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:* Employer's Name, City and State			
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: center;">P R I</td> <td style="width:50%; text-align: center;">G E N</td> </tr> </table>	P R I	G E N	Amount
P R I	G E N				
			Aggregate* Total		
	Occupation				
		Sub-total Amount from attached pages			
	<input type="checkbox"/> Check here if additional pages are attached		*See reverse for details.		
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.: () -					

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Page 2	C3
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**Reporting requirements are contained in and governed by chapters 42.17 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 for legislative or state executive office 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.

Local and judicial office candidates, 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.

Legislative or State Executive Candidates: 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.)

Local and Judicial Candidates: Show the total given since the beginning of the campaign.

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

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

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RECEIPTS CONTINUATION SHEET (Attachment to C-3 Form)

Page ____

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

2. CONTRIBUTIONS OVER \$25.00						
Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100:* Employer's Name, City and State	P R I	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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**CASH RECEIPTS
MONETARY
CONTRIBUTIONS**

C3
(1/12)

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.* Employer's Name, City and State	P R I	G E N	Amount	Aggregate* Total
					\$	\$
		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.**

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.

RECEIPTS CONTINUATION SHEET (Attachment to C-3 Form)

Page ____

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

2. CONTRIBUTIONS OVER \$25.00										
Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100.* Employer's Name, City and State	P	R	I	G	E	N	Amount	Aggregate Total*
		Occupation	<input type="checkbox"/>	\$	\$					
		Occupation	<input type="checkbox"/>	\$	\$					
		Occupation	<input type="checkbox"/>	\$	\$					
		Occupation	<input type="checkbox"/>	\$	\$					
		Occupation	<input type="checkbox"/>	\$	\$					
		Occupation	<input type="checkbox"/>	\$	\$					
		Occupation	<input type="checkbox"/>	\$	\$					
		Occupation	<input type="checkbox"/>	\$	\$					
		Occupation	<input type="checkbox"/>	\$	\$					
		Occupation	<input type="checkbox"/>	\$	\$					
		Occupation	<input type="checkbox"/>	\$	\$					
		Occupation	<input type="checkbox"/>	\$	\$					

Page Total _____

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-16-032 Forms—Auction report. The official form for reporting items donated and sold at auctions, as required by RCW ((42.17.090 (1)(b))) 42.17A.240 (2)(b), is designated "Attachment Au," revised ((1/02)) 1/12. This attachment shall accompany each C-3 which reports the receipt of funds from an auction. Copies of this form are available 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

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.

ATTACHMENT TO C3

Au

(1/02)

Page ____

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:						

*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 state office candidate, 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 state office candidate, 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 state office candidates, 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 state office candidates, all contributions made for election designated; for continuing political committees, all contributions made during calendar year).

If Cash is Received: RCW 42.17.740 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.) Sam Smith for State Senate					Date Auction was held 09/14/XXXX		
Item No. Description	Name and Address	P R I	G E N	Fair market value	Sale price	Amount over fair market value	Aggregate Total*
No. 1 Use of Beach Cabin for Week	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							
Put this amount in part 1d of C3 report →					\$ 750.00		

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AUCTION REPORT

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.

ATTACHMENT TO C3

Au

(1/12)

Page ____

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:						

*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

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 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-16-033 Earmarked contributions—Reporting—Form. The official form for reporting the details surrounding an earmarked contribution, as required by RCW ((42-17-125)) 42.17A.270, is designated "Special Report E," revised 1/02. This report shall be filed within two working days of receiving a contribution earmarked for another candidate or committee. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908.



EARMARKED CONTRIBUTION

SPECIAL REPORT E 1/02	PDC OFFICE USE
	P M A R K R E C E I V E D

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 working days of receiving the earmarked contribution. Mail or deliver the original to PDC. Send a copy to the benefiting candidate or committee, also within two working 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.

AMENDATORY SECTION (Amending WSR 02-01-014, filed 12/7/01, effective 1/7/02)

WAC 390-16-034 Additional reporting requirements. Pursuant to RCW ((42.17.090)) 42.17A.240, each report required under RCW ((42.17.080)) 42.17A.235 shall disclose, in addition to the name and address of each person who has made one or more contributions in the aggregate amount of more than one hundred dollars, the occupation and the name and address of the person's employer.

AMENDATORY SECTION (Amending WSR 04-01-134, filed 12/18/03, effective 1/18/04)

WAC 390-16-037 Purpose of campaign expenditures—Reporting. (1) Any person required to report the "purpose" of an expenditure under RCW ((42.17.090 (1)(f) and (1), or 42.17.100)) 42.17A.240(6), or 42.17A.255 (5)(b) shall identify any candidate(s) or ballot proposition(s) that are supported or opposed by the expenditure unless such candidate(s) or ballot proposition(s) have been previously identified in a statement of organization of the person required to be filed under RCW ((42.17.040)) 42.17A.205 (2)(f) and (g)(:);

(2) Whenever an expenditure is made to a candidate or a political committee pursuant to an agreement or understanding of any kind regarding how the recipient will use the expenditure, the report shall describe in detail that agreement or understanding(:); and

(3) Describe in detail the goods and/or services to be provided by the recipient of the expenditure.

Example A: If an expenditure is for a get-out-the-vote campaign, the purpose shall include the following details:

Vendor Name	Purpose	Amount
XYZ Consulting	GOTV—phone bank 28th and 29th Legislative districts	\$1,000

Example B: If an expenditure is for printing, the purpose shall include the following details:

Vendor Name	Purpose	Amount
ABC Printing	5,000 brochures	\$3,000

Example C: If an expenditure is for broadcast political advertisements, the purpose shall include the following details:

Vendor Name	Purpose	Amount
Media King	Television ads	\$50,000
	WZUB TV	\$30,000
	WXXX TV	\$10,000
	WCRB TV	\$10,000

AMENDATORY SECTION (Amending WSR 10-20-012, filed 9/24/10, effective 10/25/10)

WAC 390-16-038 Definition—Aggregate. The term "aggregate" means, for purposes of:

(1) A candidate for state or local office subject to contribution limits under RCW ((42.17.640)) 42.17A.405, the total amount of contributions received by the candidate, an agent of the candidate and any political committee affiliated with the candidate from the beginning of the election cycle;

(2) A candidate for local office not subject to contribution limits under RCW ((42.17.640)) 42.17A.405 or judicial office, the total amount of contributions received by the candidate, an agent of the candidate and any political committee affiliated with the candidate from the beginning of the candidate's campaign;

(3) A bona fide political party or caucus political committee, the total amount of contributions received by the committee from January 1 of the current calendar year;

(4) A political committee, the total amount of contributions received by the committee from the date of organization;

(5) A continuing political committee, the total amount of contributions received by the committee from January 1 of the current calendar year;

(6) A contributor, the total amount of all contributions received from a person, and any person affiliated with the person, to any one candidate or political committee;

(7) A person making independent expenditures with respect to a candidate and the reporting and disclosure provisions of RCW ((42.17.100, 42.17.180, 42.17.510 and 42.17.550)) 42.17A.255, 42.17A.630, and 42.17A.320, an independent expenditure made by a person in support of a candidate shall be added to any independent expenditure by the same person in opposition to one or more of the candidate's opponents; and, for purposes of a person making independent expenditures with respect to a ballot proposition, an independent expenditure made by a person in support of a ballot proposition shall be added to any independent expenditure by the same person in opposition to the ballot proposition or in support of an alternative ballot proposition;

(8) The special reports required by RCW ((42.17.105 and 42.17.175)) 42.17A.265 and 42.17A.625, the total amount of contributions received or expenditures made by a single person or entity during the special reporting period;

(9) An employer of a registered lobbyist, the total amount of all contributions made to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a statewide ballot proposition during the preceding calendar year;

(10) The sponsor of a grass roots lobbying campaign, the total amount of contributions received since the beginning of the campaign and the total amount of expenditures made during the time frames specified in RCW ((42.17.200(1)) 42.17A.640(1));

(11) RCW ((42.17.245)) 42.17A.570, the total amount of all time and demand deposits in each financial institution on December 31;

(12) RCW ((42.17.395(4)) 42.17A.755(4), the total amount of monetary penalty that the commission may impose for multiple violations of the act.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-039 Total contributions and expenditures—Reporting. (1) A continuing political committee which is not organized to support or oppose a particular candidate or ballot proposition shall report total contributions and expenditures based on a calendar year, or upon the basis of a fiscal year if the commission expressly authorizes this method. The report filed by such a continuing political committee covering January (or the first month thereafter for which a report would be required by RCW ((~~42.17.065 and 42.17.080~~) 42.17A.225 and 42.17A.235)) shall contain in summary the following items remaining at the end of the year:

- (a) Funds on hand;
- (b) The total of outstanding pledges;
- (c) Unpaid loans and outstanding obligations;
- (d) Pledges given to others but not yet paid.

(2) Each candidate, each political committee and each continuing political committee organized to support or oppose a particular candidate or ballot proposition shall report total contributions and expenditures for the period beginning at the time the person becomes a candidate or when the committee is organized, whichever is earlier, and ending when the candidacy or committee is terminated.

(3) This rule shall not require a report unless such report would otherwise be required by chapter ((~~42.17~~) 42.17A) RCW.

AMENDATORY SECTION (Amending WSR 10-20-011, filed 9/24/10, effective 10/25/10)

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 ((~~1/10~~) 1/12), and includes Schedule A, revised 1/04, Schedule B, revised 1/04, Schedule C, revised 3/93, and Schedule L, revised ((~~1/02~~) 1/12).

(2) Copies of these forms are available 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.

((STRICKEN GRAPHIC))



CAMPAIGN SUMMARY RECEIPTS & EXPENDITURES

C4 (11/10)

PDC OFFICE USE

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

Mailing Address

City

Table with columns: Zip + 4, Office Sought (Candidates), Election Date, Report Period Covered, From (last C-4), To (end of period), Final Report? Yes/No

*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?

*See reverse Yes No

RECEIPTS

- 1. Previous total cash and in kind contributions (From line 8, last C-4)
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)
7. Net adjustments this period (Combine line 5 & 6)
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)
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)
16. Net adjustments this period (Combine lines 14 & 15)
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16)

CANDIDATES ONLY

Table with columns: Won, Lost, Unopposed, Name not on ballot. Rows: Primary election, General election

CASH SUMMARY

- 18. Cash on hand (Line 8 minus line 17)
19. Liabilities: (Sum of loans and debts owed)
20. Balance (Surplus or deficit) (Line 18 minus line 19)

Treasurer's Daytime Telephone No.:

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

STRICKEN GRAPHIC))

((STRICKEN GRAPHIC _____))

Page 2	C4 <small>(11/10)</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 42.17 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).

(STRICKEN GRAPHIC))



CAMPAIGN SUMMARY RECEIPTS & EXPENDITURES

C4 (1/12) PDC OFFICE USE

Candidate or Committee Name (Do not abbreviate. Include full name)
Mailing Address City

Zip + 4 Office Sought (Candidates) Election Date
Report Period Covered From (last C-4) To (end of period) Final Report? Yes No

*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?

RECEIPTS *See reverse Yes No
1. Previous total cash and in kind contributions (From line 8, last C-4)
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)
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
Name not on ballot
Won Lost Unopposed
Primary election
General election
Treasurer's Daytime Telephone No.:

CASH SUMMARY
18. Cash on hand (Line 8 minus line 17)
19. Liabilities: (Sum of loans and debts owed)
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

Page 2	C4 <small>(1/12)</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).

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.

**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)						

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

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.
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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.

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.

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 G E N	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 G E N	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
<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, whichever is less. See instruction manual.

Date Paid	Lender's Name and Address	Principal Paid	Interest Paid	Total Payment	Balance Owed
Total Principal Paid Enter also on lines 5 and 14, C-4 report →					
				Total Payments Enter as an expenditure on Schedule A →	

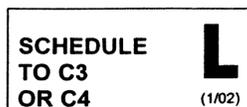
3. LOANS FORGIVEN.

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

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

Date	Lender's Name and Address	Original Amount	Principal Repaid or Forgiven	Amount Owed
				Subtotal _____
				New Loans Received (and listed in Item 1 above) _____
				Total Loans Owed Include in total on line 19, C-4 report _____
<input type="checkbox"/> Continued on attached sheet.				

LOANS



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

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

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

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

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

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

LOAN RECEIVED
(Information would appear on separate Schedule L)

Example LOANS

SCHEDULE TO C3 OR C4 (1/02)

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

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

Date Loaned	Lender's Name and Address	Amount of Loan	Annual Interest Rate	Repayment Schedule	Date Due
2/12/XXXX	Tyler Adams PO Box 123 Olympia, WA	\$ 500.00	12%	\$100/month	Not fixed
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.					

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

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

3. LOANS FORGIVEN.

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

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

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

LOAN PAYMENTS

LOANS FORGIVEN

LOANS STILL OWED

AMENDATORY SECTION (Amending WSR 09-19-003 and 09-19-102, filed 9/2/09 and 9/21/09, effective 10/3/09 and 11/4/09)

WAC 390-16-049 Out-of-state political committees—Implementation of RCW ((42.17.093)) 42.17A.250.

(1) RCW ((42.17.093)) 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 ((42.17-093)) 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) of this subsection 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. 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 twenty 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 in subsection (2) of this section shall file as an in-state committee under chapter ((42.17)) 42.17A RCW, including RCW ((42-17.040 through 42.17.090)) 42.17A.205 through 42.17A.240.

(4) Out-of-state political committees reporting under RCW ((42.17.093)) 42.17A.250 are also subject to reporting pursuant to RCW ((42.17.103)) 42.17A.260 (political advertising independent expenditures) and RCW ((42.17.565 through 42.17.575)) 42.17A.305 through 42.17A.315 (electioneering communications).

AMENDATORY SECTION (Amending WSR 06-11-132, filed 5/23/06, effective 6/23/06)

WAC 390-16-063 Additional information regarding C-6 report filing. (1) A political committee reporting pursuant to RCW ((42.17.065, 42.17.080 and 42.17.090)) 42.17A.225, 42.17A.235 and 42.17A.240 is exempt from providing on a C-6 form itemized information concerning its sources of funds giving in excess of two hundred fifty dollars for an electioneering communication, unless the committee received funds that were requested or designated for the communication.

(2) An out-of-state political committee shall report pursuant to RCW ((42.17.565)) 42.17A.305 if it sponsors an

electioneering communication defined in RCW ((42.17.020)) 42.17A.005.

(3) The sponsor of an electioneering communication shall report pursuant to RCW ((42.17.565)) 42.17A.305 and commission rules regarding electioneering communications, even if the expenditure also satisfies the definition of independent expenditure in RCW ((42.17.020 or 42.17.100)) 42.17A.005 or 42.17A.255. Persons in compliance with this subsection are deemed in compliance with RCW ((42.17.100 or 42.17.103)) 42.17A.255 or 42.17A.260.

(4) Any person making an expenditure that is reportable under RCW ((42.17.200)) 42.17A.640, grass roots lobbying campaigns, that also satisfies the definition of electioneering communication in RCW ((42.17.020)) 42.17A.005 shall file pursuant to RCW ((42.17.565)) 42.17A.305 and commission rules regarding electioneering communications.

AMENDATORY SECTION (Amending WSR 09-02-021, filed 12/30/08, effective 1/30/09)

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 ((42.17.180)) 42.17A.630. This report shall not be required of a lobbyist employer filing an annual L-3 report pursuant to RCW ((42.17.180)) 42.17A.630 or of a candidate's authorized committee or a political committee provided the information has been properly reported pursuant to RCW ((42.17.080 and .090)) 42.17A.235 and 42.17A.240.

(2) The report is entitled "Special Political Expenditures" and is designated "C-7" revised 12/08.



Special Political Expenditures

C7
12/08

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

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 \$2,000 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 \$2,000 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.

<p>Certification: I certify that this report is true, complete and correct to the best of my knowledge.</p>	<p>Signature of Officer _____ Date _____</p>
<p>Printed Name and Title of Officer: _____</p>	

AMENDATORY SECTION (Amending WSR 08-01-058, filed 12/14/07, effective 1/14/08)

WAC 390-16-105 Mini campaign reporting—Eligibility. (1) A candidate or candidate's authorized committee, as those terms are defined in RCW ((42.17.020)) 42.17A.005, shall not be required to comply with the provisions of RCW ((42.17.065 through 42.17.090)) 42.17A.225 through 42.17A.240 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditures exceed the amount of the candidate's filing fee provided by law plus a sum not to exceed five thousand dollars and no contribution or contributions from any person other than the candidate within such aggregate exceed five hundred dollars. However, a bona fide political party may pay the candidate's filing fee provided by law without that payment disqualifying that candidate from eligibility under this section.

(2) A political committee, as that term is defined in RCW ((42.17.020)) 42.17A.005, shall not be required to comply with the provisions of RCW ((42.17.065 through 42.17.090)) 42.17A.225 through 42.17A.240 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditures exceed five thousand dollars and no contribution or contributions from any person exceed five hundred dollars.

(3) A continuing political committee, as that term is defined in RCW ((42.17.020)) 42.17A.005, shall not be required to comply with the provisions of RCW ((42.17.065 through 42.17.090)) 42.17A.225 through 42.17A.240 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditures during a calendar year exceed five thousand dollars and no contribution or contributions from any person exceed five hundred dollars.

(4) Candidates and political committees are required to comply with all applicable provisions of chapter ((42.17)) 42.17A RCW including, but not limited to, false political advertising, sponsor identification and public inspection of campaign books of account unless specifically exempted under subsections (1) through (3) of this section.

AMENDATORY SECTION (Amending WSR 08-01-058, filed 12/14/07, effective 1/14/08)

WAC 390-16-111 Mini campaign reporting—Special fund-raising events. The term "any person" as used in WAC 390-16-105 does not mean a fund-raising activity conducted pursuant to RCW ((42.17.067)) 42.17A.225. Candidates and committees using mini reporting as provided in chapter 390-16 WAC shall not be limited to receiving five hundred dollars from a fund-raising event provided that the payments from any person do not exceed five hundred dollars from all fund raising conducted during a campaign or calendar year as provided in WAC 390-16-105.

AMENDATORY SECTION (Amending WSR 10-20-011, filed 9/24/10, effective 10/25/10)

WAC 390-16-115 Mini campaign reporting—Conditions for granting use. The exemptions allowed in WAC

390-16-105 shall be granted to a candidate or political committee, including a continuing political committee, only upon compliance with the following conditions.

(1) A candidate shall, within fourteen days of first:

(a) Receiving contributions, making expenditures, reserving space or facilities or purchasing commercial advertising space or broadcast time to promote his or her candidacy;

(b) Giving his or her consent to another person to take on behalf of the candidate any of the action in (a) of this subsection; or

(c) Announcing publicly or filing a declaration of candidacy with the appropriate elections official, file the C-1 registration statement with the commission. The statement must declare that the candidate will not exceed the contribution or expenditure limits set out in WAC 390-16-105.

(2) A political committee shall, within fourteen days after its organization or after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, file the C-1pc registration statement with the commission.

(3) The statement filed under subsection (2) of this section shall declare that the political committee will not exceed the contribution or expenditure limits set out in WAC 390-16-105.

(4) In addition to complying with subsections (2) and (3) of this section, a continuing political committee shall also file a C-1pc between January 1 and January 31 for each year in which the committee intends to use the mini reporting system. Failure to file a new registration statement during January will automatically terminate the committee's entitlement to use the mini reporting system until such time as a new C-1pc is filed.

(5) A candidate or political committee shall keep current records in sufficient detail to allow the candidate or political committee to make reports otherwise required by RCW ((42.17.040 through 42.17.090)) 42.17A.205 through 42.17A.240 in the event that the filing of such reports becomes necessary as a result of exceeding the contribution or expenditure limitation pursuant to the provisions of WAC 390-16-125.

(6) A candidate or political committee treasurer shall, during the eight days immediately preceding the date of the election, maintain records of contributions and expenditures current within one business day. These records shall be open for public inspection during the hours designated on the registration statement at the principal campaign headquarters or, if there is no campaign headquarters, at a local address of the campaign treasurer or such other place as may be authorized by the commission.

(7) The records of contributions and expenditures shall be available for audit or examination by representatives of the public disclosure commission at any time upon request from the commission.

AMENDATORY SECTION (Amending WSR 08-01-058, filed 12/14/07, effective 1/14/08)

WAC 390-16-125 Mini campaign reporting—Exceeding limitations. (1) A candidate or political commit-

tee shall apply in writing to the commission for authorization to change reporting options before the limitations specified in WAC 390-16-105 are exceeded. A complete application shall include all of the following documents:

(a) An amended registration statement (Form C-1 for candidates, Form C-1pc for political committees) selecting the full reporting option as provided in RCW ((42-17-065-42-17-090)) 42.17A.225 through 42.17A.240;

(b) PDC forms C-3 and C-4 with relevant schedules and attachments disclosing all contributions and expenditures to date reportable under RCW ((42-17-090)) 42.17A.240 for the election campaign, or in the case of continuing political committees, for the calendar year; and

(c)(i) If the applicant is a candidate, a statement affirming that all candidates registered with the commission for the office being sought have been notified personally in writing of the application, and the manner and date of such notification;

(ii) If the applicant is the treasurer of a political committee supporting or opposing a ballot proposition, a statement affirming that all treasurers of all political committees registered with the commission as supporting or opposing the proposition have been notified personally in writing of the application, and the manner and date of such notification; or

(iii) If the applicant is the treasurer of a county or legislative district party committee, a statement affirming that the treasurer of that party committee's counterpart in any other major political party has been notified personally in writing of the application, and the manner and date of such notification.

(2) An application that is submitted without the required documents described in subsection (1) of this section is incomplete and will not be processed or approved. If the applicant provides the missing documents, the application will be determined to be complete on the date the documents are postmarked or delivered to the commission.

(3) If a complete application is postmarked or delivered to the commission on or before thirty business days prior to the date of the election, the application shall be approved by the executive director.

(4) If a complete application is postmarked or delivered to the commission on or after twenty-nine business days prior to the election, the application shall be approved by the executive director only if one or more of the following factors are present:

(a) The applicant's campaign had its respective C1 or C1pc on file with the commission forty-one or more days before the election and the commission staff did not send to the applicant's campaign in a timely and proper manner, either electronically or by other mail delivery service, a notice that the thirtieth business day deadline for unrestricted changes in reporting options is approaching. To be timely and proper, this notice must be sent at least forty business days before the election to the campaign's electronic mail address or postal service mailing address specified on the registration statement;

(b) The applicant is a candidate and, within thirty business days of the election, a write-in opponent has filed for office in accordance with chapter 29A.24 RCW;

(c) Within thirty business days of the election, an independent expenditure as defined in RCW ((42-17-020)) 42.17A.005 is made in support of the applicant's opponent or in opposition to the applicant; or

(d) When a candidate or political committee on one side of an election campaign or proposition has been approved to change reporting options under this section, each opponent of that candidate or political committee is approved to change options as of the date that opponent postmarks or delivers a complete application to the commission.

(5) Exceeding the aggregate contributions or aggregate expenditures specified in WAC 390-16-105 without complying with the provisions of this section shall constitute one or more violations of chapter ((42-17)) 42.17A RCW or 390-17 WAC.

AMENDATORY SECTION (Amending WSR 08-06-061, filed 3/3/08, effective 4/3/08)

WAC 390-16-206 Ratings and endorsements. (1) Any person making a measurable expenditure of funds to communicate a rating, evaluation, endorsement or recommendation for or against a candidate or ballot proposition shall report such expenditure including all costs of preparation and distribution in accordance with chapter ((42-17)) 42.17A RCW. However, rating, endorsement or recommendation expenditures governed by the following provisions are not reportable: The news media exemptions provided in RCW ((42-17-020 (15)(b)(iv) and (21)(e))) 42.17A.005 (13)(b)(iv) and (19)(b)(iii), and WAC 390-16-313 (2)(b), and the political advertising exemption in WAC 390-05-290.

(2) A candidate or sponsor of a ballot proposition who, or a political committee which, is the subject of the rating, evaluation, endorsement or recommendation shall not be required to report such expenditure as a contribution unless the candidate, sponsor, committee or an agent thereof advises, counsels or otherwise encourages the person to make the expenditure.

AMENDATORY SECTION (Amending WSR 09-01-068, filed 12/12/08, effective 1/12/09)

WAC 390-16-207 In-kind contributions—Explanation and reporting. (1) An in-kind contribution occurs when a person provides goods, services or anything of value, other than money or its equivalent, to a candidate or political committee free-of-charge or for less than fair market value, unless the item or service given is not a contribution according to RCW ((42-17-020)) 42.17A.005 or WAC 390-17-405.

(2) An in-kind contribution also occurs when a person makes an expenditure that:

- Supports or opposes a candidate or a ballot measure((:));
- Meets the definition of contribution in RCW ((42-17-020)) 42.17A.005 or WAC 390-05-210((:)); and
- Is other than a monetary contribution made directly to a candidate or political committee.

For example, an in-kind contribution occurs when a person, after collaborating with a candidate or a candidate's agent,

purchases space in a newspaper for political advertising supporting that candidate or opposing that candidate's opponent.

(3) An in-kind contribution also occurs when a person makes an electioneering communication that is a contribution as provided in RCW ((42.17.570)) 42.17A.310.

(4) According to RCW ((42.17.095)) 42.17A.430 and WAC 390-16-238, a candidate may not use his or her campaign funds to make a contribution, including an in-kind contribution, to another candidate or a political committee. However, under RCW ((42.17.095)) 42.17A.430, a candidate may use surplus funds as defined in RCW ((42.17.020)) 42.17A.005 to make a contribution to a political party or caucus political committee.

(5) In-kind contributions to recipients who have limits under RCW ((42.17.640 or 42.17.645)) 42.17A.405 or 42.17A.410.

(a) If a candidate receives in-kind contributions from any person valued at more than \$25 in the aggregate for an election, the contribution is reportable by the giver and the recipient pursuant to chapter ((42.17)) 42.17A RCW and is subject to the applicable contribution limit provided in RCW ((42.17.640 or 42.17.645)) 42.17A.405 or 42.17A.410.

(b) If a bona fide political party or legislative caucus committee receives in-kind contributions from any person valued at more than \$25 in the aggregate during a calendar year, the contribution is reportable by the giver and the recipient pursuant to chapter ((42.17)) 42.17A RCW and is subject to the applicable contribution limit provided in RCW ((42.17.640)) 42.17A.405.

(c) If an elected official against whom recall charges have been filed or a political committee supporting the recall of an elected official receives in-kind contributions from any person valued at more than \$25 in the aggregate during a recall campaign, the contribution is reportable by the giver and the recipient pursuant to chapter ((42.17)) 42.17A RCW and is subject to the applicable contribution limits provided in RCW ((42.17.640 or 42.17.645)) 42.17A.405 or 42.17A.410.

(6) Political committees that make in-kind contributions. Except as provided for in subsection (5) of this section, a political committee that makes in-kind contributions to a candidate or political committee totaling more than \$50 in the aggregate during a reporting period must identify the recipient and the amount of the contribution as part of its C-4 report covering that period.

If the in-kind contribution is in the form of an expenditure that has been obligated, but not yet paid, the identity of the recipient candidate or political committee, along with a good faith estimate of the value of the contribution, must be disclosed in part 3 of Schedule B, in addition to the other information required by the form. When the expense is paid, the recipient's name and the amount of the contribution must be disclosed on Schedule A, along with the other information required by the form.

If a political committee provides equipment, property or anything else of value owned, leased or controlled by it to a candidate or political committee, the contributing committee must attach a statement to its C-4 report showing the name of the candidate or political committee to whom the contribu-

tion was made and the date, description and fair market value of the in-kind contribution.

(7) **Reporting by recipients.** Except as provided in subsection (5) of this section, in-kind contributions from one source are not reportable by the recipient candidate or political committee until the aggregate value of all in-kind contributions received from that source during a reporting period is more than \$50. If this threshold is met, the in-kind contributions must be reported in part 1 of Schedule B to the C-4 report covering that reporting period.

(8) **Valuing in-kind contributions.**

(a) For purposes of determining the value of goods or services provided as in-kind contributions, refer to WAC 390-05-235, Definition—Fair market value.

(b) If an expenditure that constitutes an in-kind contribution is made, the value of the in-kind contribution to a particular candidate or political committee is the portion of the expense that benefits the candidate or political committee.

(9) Application of RCW ((42.17.105)) 42.17A.420—Last-minute contributions.

(a) If an expenditure that constitutes an in-kind contribution is made no later than twenty-two days before a general election and written notice of the in-kind contribution is in the possession of the recipient candidate committee or political committee twenty-two or more days before that general election, the contribution is not subject to the respective \$5,000 or \$50,000 maximum amounts specified in RCW ((42.17.105)) 42.17A.420.

(b) If an in-kind contribution is in the form of personal services donated to a campaign for the duration of the twenty-one days before a general election, and if written notice of the value of this donation is in the possession of the recipient candidate or political committee twenty-two or more days before the election, that in-kind contribution is not subject to the respective \$5,000 or \$50,000 maximum amounts specified in RCW ((42.17.105)) 42.17A.420.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-221 Tangible property—Definition. (1)

All contributions received by a political committee or candidate are subject to the requirements of RCW ((42.17.095 and 42.17.125)) 42.17A.430 and 42.17A.445 whether or not the committee converts the contribution to a different form, e.g., the purchase of tangible property from monetary contributions.

(2) For the purpose of this rule, tangible property includes but is not limited to real property and improvements thereto; furniture, office desks, file cabinets, tables and machines, vehicles, printing and duplicating equipment, and computer hardware and software.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-16-226 Loans. (1) Only loans which are recorded in a written loan agreement executed at the time of the loan and properly reported may be repaid by a candidate or political committee. Surplus campaign funds under RCW ((42.17.020 and 42.17.095)) 42.17A.005 and 42.17A.430

may only be used to return a contribution to the candidate if the contribution was properly reported as a loan from the candidate, as described in subsections (2) and (3).

(2) If any person gives or loans the candidate funds in connection with his or her campaign, the funds are not considered personal funds of the candidate. See WAC 390-17-305. Such funds are considered a contribution from the original source of the contribution under chapter ~~((42-17))~~ 42.17A RCW *and*, unless the loan meets the exemption provided in RCW ~~((42-17-720(3)))~~ 42.17A.465(3) and this subsection, the contribution is subject to the contribution limits provided in chapter ~~((42-17))~~ 42.17A RCW.

(a) If a candidate or candidate's own political committee or campaign or authorized committee receives a loan from a commercial lending institution, the loan is exempt from the contribution limits of RCW ~~((42-17-640))~~ 42.17A.405 and WAC 390-16-310 only if all the following criteria are met:

- (i) The loan is not guaranteed by any other person;
- (ii) The loan is made in the regular course of business; and,
- (iii) The loan is made on the same terms ordinarily available to the public.

(b) A commercial loan to a candidate's own committee or campaign or authorized committee is presumed to be guaranteed by the candidate. The presumption is rebuttable by clear, cogent and convincing evidence.

(3) The amount of campaign contributions which may be used to repay a loan made by the candidate to the candidate's own political committee or campaign, or to repay a commercial loan to a candidate's own political committee or campaign where the candidate is the borrower or guarantor, is limited to the loan repayment limit in RCW ~~((42-17-125(3)))~~ 42.17A.445(3) as adjusted by WAC 390-05-400. For purposes of the loan repayment limit, these loans are aggregated for each primary, general, special or recall election and must be designated accordingly by the candidate at the time the loan is made.

(4) If a candidate makes documented out-of-pocket campaign expenditures on behalf of his or her campaign expecting repayment (not intending to make an in-kind contribution), the campaign committee must repay the candidate within 21 days of the expenditure or the candidate will be deemed to have made a loan to his or her campaign committee which must qualify for repayment under subsections (1) and (2) in order for the candidate to be repaid. Undocumented out-of-pocket campaign expenditures by the candidate are in-kind contributions not eligible for repayment.

AMENDATORY SECTION (Amending WSR 07-07-005, filed 3/8/07, effective 4/8/07)

WAC 390-16-230 Surplus campaign funds—Use in future. (1) If at any time in the future or after the last day of the election cycle for candidates as defined in RCW ~~((42-17-020(9)))~~ 42.17A.005(7) any contribution is received or an expenditure is made from surplus funds for any purpose which would qualify the recipient or person who made the expenditure as a candidate or political committee, it will be presumed the recipient or person who made the expenditure of such funds has initiated a new candidacy or committee.

Surplus funds may only be expended for a new candidacy if the candidate is seeking the same office sought at his or her last election. Within fourteen days of the day such contribution is received or expenditure is made, such candidate or political committee shall file (a) a final report for the previous campaign as provided in RCW ~~((42-17-080 and 42-17-090))~~ 42.17A.235 and 42.17A.240 and (b) a statement of organization and initial report for the new campaign as provided by RCW ~~((42-17-040, 42-17-080 and 42-17-090))~~ 42.17A.205, 42.17A.235 and 42.17A.240. The surplus funds may be carried forward to the new campaign, reported as one sum and listed as a contribution identified as "funds from previous campaign." All augmentations to and all expenditures made from the retained surplus funds after the last day of the election cycle shall be reported in detail as to source, recipient, purpose, amount and date of each transaction.

(2) For candidates as defined in RCW ~~((42-17-020(9)))~~ 42.17A.005(7), if at any time after the last day of the election cycle, any contribution is received or expenditure is made from such surplus funds for any purpose which would qualify the recipient or person who made the expenditure as a candidate or authorized committee, it will be presumed the recipient or person who made the expenditure of such funds has initiated a new candidacy or committee. Surplus funds may only be expended for a new candidacy if the candidate is seeking the same office sought at his or her last election. Within fourteen days of the day such contribution is received or expenditure is made, such candidate or authorized committee shall file (a) a final report for the previous campaign as provided in RCW ~~((42-17-080 and 42-17-090))~~ 42.17A.235 and 42.17A.240 and (b) a statement of organization and initial report for the new campaign as provided by RCW ~~((42-17-040, 42-17-080 and 42-17-090))~~ 42.17A.205, 42.17A.235 and 42.17A.240. The surplus funds as of the last day of the election cycle may be carried forward to the new campaign, reported as one sum and listed as a contribution identified as "funds from previous campaign." "Funds from previous campaign" carried forward by a candidate to his or her new campaign are not subject to contribution limits set forth in RCW ~~((42-17-640))~~ 42.17A.405.

(3) A political committee formed to support or oppose a particular ballot proposition or particular candidates which retains surplus funds to use in support or opposition of other candidates or of other ballot propositions has become a continuing political committee and must thereafter register and report in accordance with chapter ~~((42-17))~~ 42.17A RCW.

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

WAC 390-16-232 Same office last sought. A candidate is considered to be seeking the "same office last sought," as that term is used in RCW ~~((42-17-095))~~ 42.17A.430, when the candidate seeks:

- (1) The identical office last sought; or
- (2) A different position or seat of the same office last sought within the same jurisdiction; or
- (3) The same office, whether a different seat or position, in a revised district or political subdivision whenever the boundaries of a district or political subdivision are officially

altered through redistricting, consolidation or other official procedure.

AMENDATORY SECTION (Amending WSR 02-23-001, filed 11/6/02, effective 12/7/02)

WAC 390-16-234 Transfers of surplus and nonsurplus candidate funds. (1) One candidate may reimburse another for the former's proportionate share of documented and properly reported joint campaign expenses without the transaction constituting a "transfer" within the meaning of RCW ((42-17-095)) 42.17A.430.

(2) Candidate surplus funds may be transferred without limit to a bona fide political party or to a caucus political committee.

(3) Except as provided in subsections (1) and (2) of this section, no candidate or candidate's authorized committee may transfer surplus or nonsurplus funds to any other candidate or political committee.

AMENDATORY SECTION (Amending WSR 04-12-055, filed 5/28/04, effective 6/28/04)

WAC 390-16-238 Personal use of contributions—Standard. (1) Except as specifically allowed by chapter ((42-17)) 42.17A RCW, any expenditure of a candidate's campaign funds that is not directly related to the candidate's election campaign is a personal use of campaign funds prohibited under RCW ((42-17-125)) 42.17A.445.

(2) An expenditure of a candidate's campaign funds shall be considered personal use if it fulfills or pays for any commitment, obligation or expense that would exist irrespective of the candidate's election campaign.

(3) If an activity or expenditure is both personal and campaign related, the campaign may pay no more than the fair market value of its share of the activity or expenditure. For example, if a candidate uses a personal vehicle for campaign purposes, the campaign may reimburse the candidate for:

(a) The prorated share of documented gasoline, maintenance and insurance costs directly related to the campaign's usage of the vehicle; or

(b) The standard mileage rate established by the Internal Revenue Service for those documented miles directly related to the campaign's usage.

(4) Examples of expenditures presumed to be for personal use include, but are not limited to:

(a) Mortgage, rent, utility or maintenance expenses for personal living accommodations;

(b) Clothing purchases and maintenance expenses not related to the campaign;

(c) Automobile expenses not related to the campaign;

(d) Travel expenses not related to the campaign;

(e) Household food items;

(f) Restaurant expenses except for in-person fund-raising or campaign organizational activities;

(g) Tuition payments not related to the campaign;

(h) Admission to sporting events, concerts, theaters, or other forms of entertainment unless the event is primarily related to the candidate's campaign;

(i) Country club membership fees, dues and payments;

(j) Health club or recreational facility membership fees, dues and payments;

(k) Social, civic, fraternal, or professional membership dues, fees and payments unless the expenditure occurs during an election year and membership is required to gain access to the organization's mailing list for campaign purposes or other facilities for the candidate's campaign;

(l) Home or business internet service provider costs;

(m) Home or business newspaper and periodical subscriptions;

(n) Greeting cards to persons who would customarily receive such cards (e.g., family, friends and business associates).

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

WAC 390-16-240 Earmarked contributions—Definition and use. (1) Earmarked contributions, as that term is used in RCW ((42-17-135 and 42-17-670)) 42.17A.270 and 42.17A.460, means any contribution given to an intermediary or conduit, either a political committee, candidate or third party, with a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which is intended to result in or which does result in all or any part of the contribution being made to or for the promotion of a certain candidate, state official, or ballot proposition.

(2) For purposes of RCW ((42-17-640)) 42.17A.405 and 42.17A.410, an earmarked contribution is deemed to be for the promotion of, and attributable to any limit applicable to the candidate, authorized committee, bona fide political party, caucus of the state legislature or political committee designated by the original contributor.

(3) If an earmarked contribution is given to an intermediary or conduit to be spent on behalf of a candidate and the entire amount given is not used for this purpose, the remainder of the contribution shall be given to the designated candidate unless its use is redesignated by the original contributor. If the conduit or intermediary exercise any direction or control over the use of the remainder of the contribution, then the amount of the remainder shall be considered a contribution from the original contributor and the conduit or intermediary to the recipient.

(4) The intermediary or conduit receiving the earmarked contribution shall notify the candidate or political committee for whose use or benefit the contribution is designated within two working days after receipt of the contribution.

(5) If an earmarked contribution is refused by the designated recipient candidate or political committee, the earmarked contribution must be returned by the intermediary or conduit to the original contributor within five working days of refusal.

AMENDATORY SECTION (Amending WSR 03-12-033, filed 5/29/03, effective 6/29/03)

WAC 390-16-245 Pledges. (1) A pledge shall not be made or redeemed within twenty-one days of an election specified in RCW ((42-17-105(8))) 42.17A.420 if the amount of the pledge or redemption exceeds the maximum amount provided in RCW ((42-17-105(8))) 42.17A.420. However, if

payment of a pledge is in the possession of the recipient twenty-two or more days before the election, that payment may be deposited into the campaign account within five business days of receipt in accordance with RCW ((42.17.060)) 42.17A.220.

(2) If a pledge is made in an election campaign subject to the contribution limits provided in RCW ((42.17.640)) 42.17A.405 and 42.17A.410:

(a) Except as provided in WAC 390-17-302, a pledge made with respect to the primary election shall not be made or redeemed after the date of the primary; however, if the payment of a pledge is made on or before the date of the primary, that payment may be deposited into the campaign account within five business days of receipt in accordance with RCW ((42.17.060)) 42.17A.220; and

(b) A pledge made with respect to the general election shall not be made or redeemed after the final day of the applicable election cycle; however, if the payment of a pledge is made on or before the final day of the election cycle, that payment may be deposited into the campaign account within five business days of receipt in accordance with RCW ((42.17.060)) 42.17A.220.

(3) During the time limit specified in RCW ((42.17.710)) 42.17A.560, a state official or a person employed by or acting on behalf of a state official shall not solicit or accept a pledge or the redemption of a pledge for any purpose specified in RCW ((42.17.710)) 42.17A.560.

AMENDATORY SECTION (Amending WSR 10-20-012, filed 9/24/10, effective 10/25/10)

WAC 390-16-309 Identification of affiliated entities.

(1) Two or more entities are treated as a single person and share one contribution limit under RCW ((42.17.640 and 42.17.645)) 42.17A.405 and 42.17A.410 if one of the entities is:

(a) A corporation and the other is a subsidiary, branch or division of the corporation;

(b) A national or international labor union, or state body of such national or international labor union, and the other is a local union or other subordinate organization of such national or international labor union or state body;

(c) A trade association or state body of such trade association and the other is a branch or local unit of such trade association;

(d) A national or state collective bargaining organization and the other is a branch or local unit of such national or state collective bargaining organization;

(e) A national or international federation of labor unions, or a state federation of labor unions, and the other is a local body of such federation;

(f) A membership organization and the other is a local unit or branch of such membership organization;

(g) Any entity referenced in (a) through (f) above and a political committee established, financed, maintained or controlled by that entity.

(2) For purposes of RCW ((42.17.640 and 42.17.645)) 42.17A.405 and 42.17A.410, two entities shall not be treated as a single entity solely because one of the entities is a dues paying member of the other entity.

(3) In addition to paragraph (1) above, two or more entities shall be treated as one entity and share a contribution limit under RCW ((42.17.640 and 42.17.645)) 42.17A.405 and 42.17A.410 if one of the entities is established, financed, maintained or controlled by the other, as evidenced by any one of the following factors:

(a) Whether one entity owns a controlling interest in the voting stock or securities of another entity; or

(b) Whether one entity has authority or the ability to direct or participate, other than through a vote as a member, in the governance of another entity through provisions of constitution, bylaws, contract or other formal or informal procedure or has authority or the ability to hire, appoint, demote or otherwise control, other than through a vote as a member, the officers or other decision making employees or members of another entity; or

(c) Whether (i) one entity has a common or overlapping membership with another which indicates either a formal or ongoing relationship between the two organizations or the creation of a successor entity and (ii) the entity has an active or significant role in the formation of the other entity and (iii) the entities have similar patterns of contributions or contributors which indicate a formal or ongoing relationship between the entities; or

(d) Whether one entity provides, causes or arranges, funds, services or goods in a significant amount or on an ongoing basis, through direct or indirect means to the other entity, for less than full consideration. Full consideration includes the payment of membership dues.

AMENDATORY SECTION (Amending WSR 09-09-126, filed 4/22/09, effective 5/23/09)

WAC 390-16-310 Limitations on contributions. The limitations on contributions as provided in RCW ((42.17.105(8), 42.17.640, and 42.17.645)) 42.17A.420, 42.17A.405, and 42.17A.410 shall be as follows:

(1)(a) The limitation on contributions in RCW ((42.17.640 or 42.17.645)) 42.17A.405 or 42.17A.410 shall not apply to a "candidate" as that term is defined in RCW ((42.17.020)) 42.17A.005 when the candidate is contributing to his or her own campaign using his or her own personal funds as defined in WAC 390-17-305.

(b) The limitation on contributions in RCW ((42.17.105(8), 42.17.640, or 42.17.645)) 42.17A.420, 42.17A.405, or 42.17A.410 shall apply to contributions to the candidate from the candidate's spouse, domestic partner or other immediate family members.

(2) Contributions by a husband and wife are considered separate contributions. Contributions by domestic partners are considered separate contributions.

(3) Emancipated minor children (children under 18 years of age) may make contributions which do not exceed the limitations on contributions and the contribution is properly attributed to the emancipated minor child if(=);

(a) The decision to contribute is made knowingly and voluntarily by the emancipated minor child;

(b) The funds, goods, or services contributed are owned or controlled exclusively by the emancipated minor child, such as income earned by the child, the proceeds of a trust for

which the child is the beneficiary, or a savings account opened and maintained exclusively in the child's name; and

(c) The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another person.

Contributions by emancipated minor children which do not meet these requirements and contributions by unemancipated minor children shall be considered contributions by the child's parents. Fifty percent of the contributions will be attributed to each parent, or in the case of a single custodial parent, the total amount is attributed to that parent.

(4) Contributions from a business organized as a sole proprietorship and contributions from the owner of the sole proprietorship shall be aggregated for purposes of determining the limitations of contributions under RCW (~~(42.17.105(8), 42.17.640, or 42.17.645)~~) 42.17A.420, 42.17A.405, or 42.17A.410.

(5) The limitations on contributions shall apply separately to the contributions made by a partnership, limited liability partnership and limited liability corporation from the contributions made by an individual partner or member. However, contributions made from or charged against the capital account of an individual partner, or member of a limited liability partnership or limited liability corporation shall be aggregated with the partner's or member's individual contributions for purposes of determining the limitations on contributions under RCW (~~(42.17.105(8), 42.17.640, or 42.17.645)~~) 42.17A.420, 42.17A.405, or 42.17A.410.

(6) The limitations on contributions in RCW (~~(42.17.105(8), 42.17.640, and 42.17.645)~~) 42.17A.420, 42.17A.405, and 42.17A.410 shall apply separately to the contributions made by an entity (corporation, subsidiary or branch, national union and local unions, collective bargaining organizations and local units, membership organizations and local units and other organizations and their local units) unless the criteria in RCW (~~(42.17.660)~~) 42.17A.455 and WAC 390-16-309 are met.

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

WAC 390-16-312 Handling contributions of uncertain origin. No contribution shall be deposited by any candidate or treasurer who believes, from the face of the contribution instrument or for any other reason, the contribution was made in a fictitious name, by one person through an agent, relative, political committee, or any other person so as to conceal the source of the contribution or to exceed the contribution limits provided in RCW (~~(42.17.105(8) or 42.17.640)~~) 42.17A.420, 42.17A.405, or 42.17A.410. The candidate or treasurer shall return such contributions within ten calendar days to the original contributor if his or her identity is known. Otherwise, the contribution instrument shall be endorsed and made payable to "Washington state treasurer" and the contribution sent to the public disclosure commission for deposit in the state's general fund.

AMENDATORY SECTION (Amending WSR 97-10-055, filed 5/1/97, effective 6/1/97)

WAC 390-16-313 Independent expenditure—Definition and application. (1) "Independent expenditure," as that term is used in chapter (~~(42.17)~~) 42.17A RCW, except RCW (~~(42.17.100)~~) 42.17A.255, means an "expenditure" as defined in RCW (~~(42.17.020)~~) 42.17A.005 that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for public office, except federal elective office or precinct committee officer, by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for any political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name;

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value equal to or greater than the amount specified for independent expenditures in WAC 390-05-400. A series of expenditures, each of which is under the applicable amount in WAC 390-05-400, constitutes one independent expenditure if their cumulative value is equal to or greater than the amount specified in WAC 390-05-400; and

(d) The expenditure is not a contribution as defined in RCW (~~(42.17.020)~~) 42.17A.005 and clarified by WAC 390-05-210.

(2) **Exempt Activities.** The following activities are not considered independent expenditures for purposes of RCW (~~(42.17.100, [42.17].180, [42.17].510 or [42.17].550)~~) 42.17A.255, 42.17A.630, or 42.17A.320:

(a) Ordinary home hospitality;

(b) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(c) An internal political communication primarily limited to (i) the members of or contributors to a political party organization or political committee, (ii) the officers, management staff or stockholders of a corporation or similar enterprise, or (iii) the members of a labor organization or other membership organization;

(d) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or the property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made shall be reported as an in-kind contribution at its

fair market value and counts towards any applicable contribution limit of the person providing the facility; or

(e) The rendering of personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid by the worker.

AMENDATORY SECTION (Amending WSR 07-08-044, filed 3/28/07, effective 4/28/07)

WAC 390-16-320 Candidates in small political subdivisions—Reporting. (1) According to RCW ((~~42.17.030 and 42.17.405(7)~~) 42.17A.200 and 42.17A.135(7)), a candidate for election in any political subdivision must report pursuant to chapter ((~~42.17~~) 42.17A) RCW and Title 390 WAC if the candidate receives five thousand dollars or more in contributions or expects to receive five thousand dollars or more in contributions during an election cycle.

(2) It is presumed the candidate "expects to receive" five thousand dollars or more when any one of the following first occurs:

(a) The candidate or candidate's authorized committee receives at least five thousand dollars in aggregate contributions, including contributions from the candidate;

(b) The candidate is seeking the same office last sought, the candidate's election is in the current calendar year, and his or her campaign contributions in the previous election for the same office were five thousand dollars or more in the aggregate;

(c) The contributions received on or before March 31 of the election year total one thousand two hundred fifty dollars or more;

(d) The contributions received on or before June 30 of the election year total two thousand five hundred dollars or more;

(e) The contributions received on or before September 30 of the election year total three thousand seven hundred fifty dollars or more; or

(f) The candidate otherwise anticipates that five thousand dollars or more will be received during the election cycle.

(3) Surplus funds carried over from a candidate's previous campaign are not contributions to the candidate's new campaign and do not count toward the five thousand dollar reporting threshold.

(4) A candidate or candidate's authorized committee that receives, or expects to receive, five thousand dollars or more shall:

(a) Within two weeks of the date the reporting obligation begins under subsection (1) or (2) of this section, file:

(i) A candidate registration, PDC form C1;

(ii) A personal financial affairs statement, PDC form F1 and, if relevant, the F1 Supplement; and

(iii) Contribution and expenditure reports, PDC forms C3 and C4 with appropriate attachments and schedules; and

(b) Otherwise comply with the campaign finance reporting and other provisions of chapter ((~~42.17~~) 42.17A) RCW and Title 390 WAC.

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

WAC 390-17-013 Committee—Definition. "Committee" as that term is used in RCW ((~~42.17.610—42.17.790~~) 42.17A.105, 42.17A.405 through 42.17A.485, and 42.17A.-565) means political committee and authorized committee.

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

WAC 390-17-015 Conduit—Definition. (1) "Conduit," as that term is used in chapter ((~~42.17~~) 42.17A) RCW, is defined as a person, other than an individual, who receives and spends earmarked contributions on behalf of a designated candidate, bona fide political party, caucus of the state legislature or other political committee.

(2) Pursuant to RCW ((~~42.17.730~~) 42.17A.470), a conduit may not make or transmit contributions on behalf of another.

AMENDATORY SECTION (Amending WSR 96-05-001, filed 2/7/96, effective 3/9/96)

WAC 390-17-017 Facilities—Definition. "Facilities," as that term is used in RCW ((~~42.17.020(8)~~) 42.17A.005(7)), means that which facilitates or makes some campaign activity possible, including but not limited to: Use of stationary, postage, machines and equipment, use of employees of an entity during working hours, vehicles, office space, room or building, publications of an entity or client list of an entity.

AMENDATORY SECTION (Amending WSR 07-07-005, filed 3/8/07, effective 4/8/07)

WAC 390-17-030 Sample ballots and slate cards. (1) **Intent.** The commission finds that, under certain conditions, expenditures for slate cards and other candidate listings fall within the scope of RCW ((~~42.17.640(15)~~) 42.17A.405(15)) and are, therefore, exempt from contribution limits and eligible for payment with a bona fide political party's exempt funds. Slate cards and other candidate listings remain reportable under chapter ((~~42.17~~) 42.17A) RCW and subject to the political advertising provisions of the law.

The purpose of this exemption from the contribution limits is to allow political parties and other sponsors to tell the general public which candidates they support. The exemption is not intended as a device to circumvent the contribution limits and full reporting requirements by undertaking any degree of significant campaigning on behalf of candidates.

(2) For purposes of RCW ((~~42.17.020(21)~~) 42.17A.-005(19)) and ((~~42.17.640(15)~~) 42.17A.405(15)), "**sample ballots**" means slate cards, or other candidate listings, whether written or oral, that satisfy the qualifying criteria specified in subsection (10) of this section.

(3) Sample ballots constitute political advertising for a slate or list of candidates and must be properly identified and otherwise in compliance with the provisions of RCW ((~~42.17.510~~) 42.17A.320) through ((~~42.17.550~~) 42.17A.340).

(4)(a) **A bona fide political party** may use contributions it receives pursuant to RCW ((42-17-640(15))) 42.17A-405(15) to produce and distribute sample ballots.

(b) Expenditures for sample ballots do not count against a bona fide political party's contribution limit to the candidates listed on the sample ballot. Further, when reporting sample ballot expenditures, a bona fide political party is not required to attribute a portion of the expenditure to each of the candidates listed on the sample ballot, but the names of the candidates must be reported along with the other information required by chapter ((42-17)) 42.17A RCW and chapter 390-17 WAC.

(5) **Any person**, as defined by RCW ((42-17-020)) 42-17A.005, who makes an expenditure for sample ballots has made an expenditure that does not count against that person's contribution limit to the candidates listed.

(6) **An in-state political committee**, when disclosing expenditures for sample ballots as part of its C-4 report, is not required to attribute a portion of the expenditure to the candidates listed on the sample ballot, but the names of the candidates and their respective party affiliations must be reported along with other information required by chapter ((42-17)) 42.17A RCW and chapter 390-17 WAC.

(7) **An out-of-state committee**, when disclosing expenditures for sample ballots on a C-5 report, is not required to allocate a portion of the expenditure to the candidates listed on the sample ballot, but must report that an expenditure for sample ballots was made, the name and address of the person to whom the expenditure was made, the full amount of the expenditure, and the name, office sought and party affiliation of each candidate listed on the sample ballot. The report is due no later than the 10th day of the month following the month in which the expenditure was made.

(8) If a **lobbyist or lobbyist employer** makes expenditures for sample ballots, those expenditures are required to be reported in detail on the lobbyist's monthly L-2 report. Itemization of these expenditures must include the names and respective party affiliations of the candidates listed on the sample ballot, but no portion of the expenditure need be allocated to individual candidates listed on the sample ballot.

(9) **The candidates listed on a sample ballot** are not required to report any portion of the expenditure as an in-kind contribution to their campaigns.

(10) **Qualifying criteria for sample ballots, slate cards and other candidate listings.** In order not to count against a person's contribution limit to the candidates listed on a sample ballot and, in the case of a bona fide political party, in order to be eligible for payment with contributions received pursuant to RCW ((42-17-640(15))) 42.17A.405(15), a sample ballot must satisfy **all** of the criteria in (a) through (d) of this subsection.

(a) The sample ballot must list the names of at least three candidates for election to public office in Washington state and be distributed in a geographical area where voters are eligible to vote for at least three candidates listed. The candidate listing may include any combination of three or more candidates, whether the candidates are seeking federal, state or local office in Washington.

(b) The sample ballot must not be distributed through public political advertising; for example, through broadcast

media, newspapers, magazines, billboards or the like. The sample ballot may be distributed through direct mail, telephone, electronic mail, Web sites, electronic bulletin boards, electronic billboards or personal delivery by volunteers.

(c) The content of a sample ballot is limited to:

- The identification of each candidate (pictures may be used);
- The office or position currently held;
- The office sought;
- Party affiliation; and
- Information about voting hours and locations.

Therefore, the sample ballot must exclude any additional biographical data on candidates and their positions on issues as well as statements about the sponsor's philosophy, goals or accomplishments. The list must also exclude any statements, check marks or other indications showing support of or opposition to ballot propositions.

(d) The sample ballot is a stand-alone political advertisement. It must not be a portion of a more comprehensive message or combined in the same mailing or packet with any other information, including get-out-the-vote material, candidate brochures, or statements about the sponsor's philosophy, goals or accomplishments. On Web sites, electronic bulletin boards or electronic billboards, the sample ballot must be a separate document.

AMENDATORY SECTION (Amending WSR 11-05-050, filed 2/10/11, effective 3/13/11)

WAC 390-17-060 Exempt activities—Definitions, reporting. (1)(a) "Exempt contributions" are contributions made to a political committee which are earmarked for exempt activities as described in RCW ((42-17-640)) 42-17A.405. Such contributions are required to be reported under RCW ((42-17-090)) 42.17A.240, are subject to the restrictions in RCW ((42-17-105(8))) 42.17A.420, but are not subject to the contribution limits in RCW ((42-17-640)) 42.17A.405. Any written solicitation for exempt contributions must be so designated. Suggested designations are "not for individual candidates" or "for exempt activities."

(b) Contributions made to a caucus political committee, to a candidate or candidate's authorized committee which are earmarked for voter registration, absentee ballot information, get-out-the-vote campaigns, sample ballots are presumed to be for the purpose of promoting individual candidates and are subject to the contribution limits in RCW ((42-17-640)) 42.17A.405.

(c) Contributions made to a caucus political committee, to a candidate or candidate's authorized committee which are earmarked for internal organization expenditures or fundraising are presumed to be with direct association with individual candidates and are subject to the contribution limits in RCW ((42-17-640)) 42.17A.405.

(2) "Exempt contributions account" is the separate bank account into which only exempt contributions are deposited and out of which only expenditures for exempt activities shall be made.

(3) "Exempt activities" are those activities referenced in RCW ((42-17-640)) 42.17A.405 as further clarified by sub-

sections (4), (5), and (6) of this section. Only exempt activities are eligible for payment with exempt contributions.

(4)(a) Activities referenced in RCW ((42-17-640)) 42-17A.405 (15)(a) that do not promote, or constitute political advertising for, one or more clearly identified candidates qualify as exempt activities. For example, get-out-the-vote telephone bank activity that only encourages persons called to "vote republican" or "vote democratic" in the upcoming election may be paid for with exempt contributions regardless of the number of candidates who are benefited by this message. Expenditures or contributions for electioneering communications made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent do not qualify as exempt activities, under WAC 390-05-210.

(b) Except as permitted under WAC 390-17-030, Sample ballots and slate cards, activities referenced in RCW ((42-17-640)) 42.17A.405 (15)(a) that promote or constitute political advertising for one or more clearly identified candidates do not qualify as exempt activities.

(c) A candidate is deemed to be clearly identified if the name of the candidate is used, a photograph or likeness of the candidate appears, or the identity of the candidate is apparent by unambiguous reference.

(5)(a) "Internal organization expenditures" referenced in RCW ((42-17-640)) 42.17A.405 (15)(b) are expenditures for organization purposes, including legal and accounting services, rental and purchase of equipment and office space, utilities and telephones, postage and printing of newsletters for the organization's members or contributors or staff when engaged in organizational activities such as those previously listed, all without direct association with individual candidates.

(b) "Fund-raising expenditures" referenced in RCW ((42-17-640)) 42.17A.405 (15)(b) are expenditures for fund-raising purposes, including facilities for fund-raisers, consumables furnished at the event and the cost of holding social events and party conventions, all without direct association with individual candidates.

(c) If expenditures made pursuant to ((subsections)) (a) and (b) ((above)) of this subsection are made in direct association with individual candidates, they shall not be paid with exempt contributions.

(6) For purposes of RCW ((42-17-640)) 42.17A.405 and this section, activities that oppose one or more clearly identified candidates are presumed to promote the opponent(s) of the candidate(s) opposed.

AMENDATORY SECTION (Amending WSR 07-07-005, filed 3/8/07, effective 4/8/07)

WAC 390-17-065 Recordkeeping and reporting of exempt contributions accounts. (1) Any political committee that receives exempt contributions as defined by RCW ((42-17-640)) 42.17A.405 and WAC 390-17-060 shall keep the contributions in a separate bank account. Exempt contributions commingled with contributions subject to contribution limits are presumed to be subject to the limits. Expenditures to promote candidates or which are made for purposes other than those specified in RCW ((42-17-640)) 42.17A.405

shall not be made with funds from the exempt contributions account.

(2)(a) Separate campaign disclosure reports shall be completed and filed for an exempt contributions account.

(b) Political committees maintaining an exempt contributions account shall make known the existence of the account by filing a statement of organization for the account pursuant to RCW ((42-17-040)) 42.17A.205.

(c) Political committees maintaining an exempt contributions account shall be subject to the provisions of chapter ((42-17)) 42.17A RCW and file the disclosure reports required by this chapter for the account pursuant to RCW ((42-17-080)) 42.17A.235.

(3) Contributors shall not use a single written instrument to make simultaneous contributions to an exempt contributions account and any other committee account; separate written instruments must be used to make contributions to an exempt contributions account.

AMENDATORY SECTION (Amending WSR 93-22-002, filed 10/20/93, effective 11/20/93)

WAC 390-17-070 Trade association—Definition. "Trade association," as that term is used in RCW ((42-17-660)) 42.17A.455, means a membership organization of persons engaging in a similar or related line of commerce, organized to promote and improve business conditions in that line of commerce and not to engage in a regular business of a kind ordinarily carried on for profit and for which no part of net earnings inures to the benefit of any member.

AMENDATORY SECTION (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94)

WAC 390-17-071 Collective bargaining association—Definition. "Collective bargaining association" and "collective bargaining organization" as those terms are used in RCW ((42-17-660)) 42.17A.455 means any organization which negotiates, on behalf of labor or management, with respect to wages, hours or conditions of employment.

AMENDATORY SECTION (Amending WSR 03-08-052, filed 3/28/03, effective 4/28/03)

WAC 390-17-100 Contribution withholding authorizations. (1) Each employer or other person who withholds or otherwise diverts a portion of wages or salary of a Washington resident or a nonresident whose primary place of work is in the state of Washington,

(a) For the purpose of making one or more contributions to any political committee required to report pursuant to RCW ((42-17-040, 42-17-050, 42-17-065, 42-17-080 or 42-17-090;)) 42.17A.205, 42.17A.215, 42.17A.225, 42.17A.235 or 42.17A.240; or

(b) For use, specifically designated by the contributing employee, for political contributions to candidates for state or local office is required for (a) and (b) of this subsection to have on file the written authorization of the individual subject to the payroll withholding or diversion of wages.

(2) Forms used for payroll deduction may either conform to the suggested format below or in a different format if it provides the following information:

- (a) The name of the individual authorizing the withholding or diversion;
- (b) The name of the individual's employer;
- (c) The name of each political committee for which contributions are to be withheld;
- (d) If more than one political committee is specified, the total dollar amount per pay period (or per week, month or year) to be withheld for each committee;
- (e) A statement specifying that the authorization may be revoked at any time and such revocation shall be in writing;

- (f) A statement that reads: "No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (i) the failure to contribute to, (ii) the failure in any way to support or oppose, or (iii) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee"; or a statement that informs the employee of the prohibition against employer and labor organization discrimination described in RCW ((42.17.680(2))) 42.17A.495;
 - (g) The individual's signature; and
 - (h) The date on which the form was completed.
- (3) Forms used for payroll deduction may have information in addition to that listed above.

Political Contribution Withholding Authorization

No employer or other person may withhold a portion of a Washington State resident's earnings (or that of a nonresident whose primary place of work is in Washington) in order to make contributions to a political committee that must report to the Public Disclosure Commission or to a candidate for state or local office without written permission from that individual. Completion of this form entitles the entity specified to make such a withholding. This authorization form remains in effect until revoked in writing by the employee.

I, _____, authorize _____

First Name	Middle Initial	Last Name	Name of Employer or Other Person
to withhold \$ _____			per/pay period/week/month/year/
Amount			Circle One

from my earnings in order to make political contributions to _____

Name of _____

political committee(s) and/or candidate(s) to receive deductions

If more than one recipient is indicated, each is to receive the following portion of the deduction made: _____.

Signature: _____ **Date:** _____

According to state law, no employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee.

AMENDATORY SECTION (Amending WSR 04-01-129, filed 12/18/03, effective 1/18/04)

WAC 390-17-105 Small contributors of twenty-five dollars or less. (1) To comply with RCW ((42.17.680(4))) 42.17A.495(4), each person or entity who withholds contributions of individuals shall, in lieu of disclosing the names and signatures, substitute unique numerical identifiers for persons making contributions in the amount of twenty-five dollars or less during a calendar or fiscal year on the signed withholding authorization form or on other documents (such as payroll deductions) subject to RCW ((42.17.680(4))) 42.17A.495(4).

(2) Contribution withholding authorization forms or payroll deduction documentation of contributors whose annual aggregate contribution is twenty-five dollars or less during any calendar or fiscal year are not required by the commission to be made available for public inspection or copying

when such records display the names, signatures, home addresses, Social Security numbers, or other information capable of personally identifying contributors whose annual aggregate contribution is twenty-five dollars or less during any calendar or fiscal year.

(3) The names, signatures, home addresses, Social Security numbers or other information capable of personally identifying contributors whose annual aggregate contribution to a person or entity is twenty-five dollars or less during any calendar or fiscal year shall not be provided by the commission to the public or made available for public inspection or copying.

(4) Each person or entity who withholds contributions under RCW ((42.17.680)) 42.17A.495 shall, upon request, deliver to the commission documents of books and accounts described in RCW ((42.17.680(4))) 42.17A.495(4).

AMENDATORY SECTION (Amending WSR 03-08-050, filed 3/28/03, effective 4/28/03)

WAC 390-17-110 Employee notification of withhold provisions. (1)(a) By June 30, 2003, and at least annually by June 30 thereafter, employees from whom funds are being withheld for contributions to a candidate or political committee under RCW ((42.17.680)) 42.17A.495 shall be notified, in writing, of the nondiscriminatory provisions of RCW ((42.17.680(2))) 42.17A.495(2). Employee notification shall include the following language:

"No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for:

- (i) The failure to contribute to;
- (ii) The failure in any way to support or oppose; or
- (iii) In any way supporting or opposing a candidate, ballot proposition, political party, or political committee."

(b) The written notification shall be provided by the employer or labor organization. The employer or labor organization may agree on which entity shall send the notification.

(2)(a) Pursuant to RCW ((42.17.680(3))) 42.17A.495(3), by June 30, 2003, and at least annually by June 30 thereafter, each employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries shall ensure written notification is directly provided to the employees from whom funds are being withheld for contributions to a candidate or political committee stating that the employee authorization for withholding of wages or salary for such contributions may be revoked at any time. The employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries and the candidate, political committee, or sponsor of the political committee may agree on which of them shall send the notification.

(b) The written notification shall identify where an employee can submit the revocation, which shall be either:

- (i) The name and address of employer's contact; or
- (ii) The name and address of the person or entity responsible for the disbursement of funds in payment of wages or salaries.

(c) The employee withholding authorization is revoked as of:

- (i) The date specified in the revocation; or
- (ii) If no date is specified, as of the date the written notification is received by the employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries pursuant to RCW ((42.17.680)) 42.17A.495.

(3) "Written notification" means notice provided by mail, e-mail, newsletter, payroll insert or other similar direct communication in writing that is addressed to the employee. Posting information on web sites, bulletin boards and other passive communication vehicles shall not constitute notification under RCW ((42.17.680)) 42.17A.495. If the written notification appears in a newsletter or similar publication, the notice shall be prominently displayed or announced on the first page of the written communication.

(4) Each employer or other person who provides notice pursuant to subsection (1) or (2) of this section shall maintain

a copy of the annual notification and a listing of employees notified for a period of no less than five years.

AMENDATORY SECTION (Amending WSR 07-07-005, filed 3/8/07, effective 4/8/07)

WAC 390-17-300 Contribution designation for primary and general election. (1) Pursuant to RCW ((42.17.640)) 42.17A.405 and 42.17A.410, if a contribution is designated in writing by the contributor for a specific election, the contribution will be attributed to the contributor's limit for that designated election.

(2) An undesignated contribution made prior to the date of a primary election shall be attributed to the contributor's limit for the primary election. Undesignated contributions made after the date of the primary shall be attributed to the contributor's limit for the general election.

(3) Any portion of an undesignated contribution made prior to the date of the primary which exceeds the contributor's primary election contribution limit shall be attributed to the contributor's limit for the general election.

(4) Contributions for the primary election shall be accounted for separately from those for the general election, such that campaign records reflect one aggregate contribution total for each contributor giving in the primary election as well as one aggregate contribution total for each contributor giving in the general election.

(5) General election contributions shall not be spent for the primary election if to do so would cause the contributor of the general election contribution to exceed that contributor's contribution limit for the primary election.

(6) If a candidate loses in the primary election, or otherwise is not a candidate in the general election, all contributions attributed to the primary election remaining after repayment of outstanding campaign obligations shall be considered surplus funds, disposal of which is governed by RCW ((42.17.095)) 42.17A.430. If a candidate loses in the primary election, or otherwise is not a candidate in the general election, all contributions attributed to the general election shall be returned to the contributors of the funds in an amount equal to the contributor's general election aggregate total. If a portion of a contributor's general election contribution was spent on the primary election consistent with subsection (5) of this section, the amount returned to the contributor may be reduced by the amount of the contribution spent on the primary election.

AMENDATORY SECTION (Amending WSR 10-20-012, filed 9/24/10, effective 10/25/10)

WAC 390-17-302 Contributions after the primary election. (1) Pursuant to RCW ((42.17.640)) 42.17A.405 and ((42.17.645)) 42.17A.410, the date of the primary is the last day for making primary-related contributions unless a candidate subject to contribution limits loses in the primary, that candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary, and the contributions are used to satisfy this outstanding debt.

(2) For purposes of the contribution limit in RCW ((42.17.640)) 42.17A.405 and ((42.17.645)) 42.17A.410, any contribution made up to thirty days after the primary election

pursuant to RCW ((42-17-640)) 42.17A.405 and ((42-17-645)) 42.17A.410 is aggregated with contributions made on or before the date of the primary from the same contributor and any person with whom that contributor shares a limit under RCW ((42-17-660)) 42.17A.455 and WAC 390-16-309.

(3) The day following the primary election is considered the first day of the thirty-day period during which contributions may be made to candidates subject to contribution limits who lose in the primary election and who have outstanding primary debts.

(4) For purposes of RCW ((42-17-640)) 42.17A.405 and ((42-17-645)) 42.17A.410, "outstanding primary debts," "outstanding debts" and "debts outstanding" all mean:

(a) Unpaid primary-election related debts incurred on or before the date of the primary by the authorized committee of a candidate who lost the primary election for an office subject to contribution limits; and

(b) Reasonable costs associated with activities of the losing candidate's authorized committee necessary to retire the primary-related debts it incurred on or before the date of the primary. Examples of such reasonable costs include:

(i) Necessary administrative expenses (office space rental, staff wages, taxes, supplies, telephone and computer costs, postage, and the like) for activities actually and directly related to retiring the committee's debt; and

(ii) Necessary expenses actually and directly related to the fund-raising activities undertaken to retire the debt, as long as all persons solicited for contributions are notified that the contributions are subject to that contributor's primary election limit for that losing candidate.

(5) Nothing in this section is to be construed as authorizing contributors to make, or candidates subject to contribution limits who lose the primary to receive, contributions that are used for a purpose not specifically authorized by RCW ((42-17-640)) 42.17A.405 or ((42-17-645)) 42.17A.410, including use for some future election or as surplus funds.

(6) All contributions received in excess of the sum needed to satisfy outstanding primary debts shall be returned to the original contributors in an amount not to exceed the amount contributed in accordance with the first in, first out accounting principle wherein the most recent contribution received is the first to be returned until all excess funds are returned to contributors.

AMENDATORY SECTION (Amending WSR 07-14-126, filed 7/3/07, effective 11/7/07)

WAC 390-17-303 Superior court candidates—Eligibility to receive contributions. (1) Candidates for judicial office are subject to the contribution limits in RCW ((42-17-645)) 42.17A.410 and the timing restriction on contributions of a candidate's personal funds in RCW ((42-17-105(8))) 42.17A.420. Pursuant to Article 4, Section 29, Amendment 41 of the state Constitution and RCW ((42-17-645)) 42.17A.410, candidates for the office of judge of the superior court may only receive contributions for each election in which the candidate is on the ballot or appears as a write-in candidate.

(2) For purposes of RCW ((42-17-645)) 42.17A.410:

(a) Only superior court candidates who appear on the primary election ballot or as write-in candidates in the primary election may receive contributions with respect to that primary; and

(b) Only superior court candidates who appear on the general election ballot or as write-in candidates in the general election may receive contributions with respect to that general election.

(3)(a) A superior court candidate who is issued a certificate of election before the primary election and whose name does not appear on either the primary or general election ballot may receive contributions pursuant to RCW ((42-17-645)) 42.17A.410:

(i) Through the last day for withdrawal of declarations of candidacy pursuant to RCW 29A.24.131; or

(ii) If there is a reopening of filing for the position and no other candidate files, the last day for reopening of filing pursuant to RCW 29A.24.171 and 29A.24.181.

(b) Contributions remaining in the account of such a superior court candidate who is issued a certificate of election must be returned to contributors within two weeks of certification. Primary election related contributions are to be returned using the first-in, first-out accounting method. Any contributions received with respect to the general election must be returned in full to contributors.

(4) A superior court candidate who is issued a certificate of election after the primary election and whose name does not appear on the general election ballot may receive contributions pursuant to RCW ((42-17-645)) 42.17A.410. However, contributions received with respect to the general election must be returned in full to contributors within two weeks of certification.

AMENDATORY SECTION (Amending WSR 09-01-063, filed 12/11/08, effective 1/11/09)

WAC 390-17-305 Personal funds of a candidate. (1)

The personal funds of a candidate include:

(a) Assets which the candidate has legal access to or control over, and which he or she has legal title to or an equitable interest in, at the time of candidacy;

(b) Income from employment;

(c) Dividends and proceeds from stocks and other investments;

(d) Income from trusts, if established before candidacy;

(e) Income from trusts established from bequests, even if established after candidacy;

(f) Personal gifts, if customarily received; and

(g) Proceeds from lotteries and similar games of chance.

(2) A candidate may also use, as personal funds, his or her portion of assets owned jointly with a spouse or domestic partner. If the candidate's financial interest is not specified, then the candidate's share is deemed to be half the value of the asset.

(3) If any person gives or loans the candidate funds in connection with his or her campaign, the funds are not considered personal funds of the candidate. Such funds are considered a contribution under chapter ((42-17)) 42.17A RCW unless the loan meets the exemption provided in RCW ((42-17-720(3))) 42.17A.465(3).

AMENDATORY SECTION (Amending WSR 07-07-005, filed 3/8/07, effective 4/8/07)

WAC 390-17-310 Doing business in Washington. A corporation or business entity is "doing business in Washington state" for purposes of RCW ((42.17.640)) 42.17A.405 if it conducts continuous or substantial activities in Washington state of such character as to give rise to a legal obligation.

In determining whether a corporation or business entity is doing business in Washington state, the commission will take into consideration the following nonexclusive list of indicators:

- Purposefully availing itself of the privilege of conducting business in the state by invoking both benefits and protections of state law.
- Appointing an agent for service of process in Washington state.
- Registering as a corporation in Washington.
- Operating business locations in Washington.
- Hiring employees to work in Washington.
- Purchasing or selling goods or services in Washington.
- Operating an interactive internet web site for the purpose of conducting business.

AMENDATORY SECTION (Amending WSR 07-07-005, filed 3/8/07, effective 4/8/07)

WAC 390-17-320 Contributions from corporations, businesses, unions and political committees. Pursuant to RCW ((42.17.640)) 42.17A.405, entities prohibited from contributing to a candidate for state office, a state official against whom recall charges have been filed or a political committee having the expectation of making expenditures in support of the recall of the official shall not earmark or otherwise direct a contribution to one of these recipients through a political committee.

AMENDATORY SECTION (Amending WSR 08-01-062 and 08-06-067, filed 12/14/07 and 3/3/08, effective 1/14/08 and 4/3/08)

WAC 390-17-400 Time limit to solicit or accept contributions. The purpose of this rule is to clarify and implement RCW ((42.17.710)) 42.17A.560.

(1) **"Campaign debt,"** as used in RCW ((42.17.710)) 42.17A.560 and this rule, means any debt incurred by a candidate seeking election to a nonfederal public office, including campaigns for state, county, city, town, school district, special district or other state political subdivision elective office.

(2) **"Known candidates"** means individuals who are, or who become, candidates for state or local office during a legislative session freeze period.

(3) **"Legislative session freeze period"** means the period of time in RCW ((42.17.710)) 42.17A.560 within which contributions shall not be solicited or accepted by a state official or a person employed by or acting on behalf of a state official.

(a) The freeze period begins at 12:01 a.m. on the thirtieth day before the start of the regular legislative session and ends

at 11:59 p.m. on the day of adjournment of the regular legislative session.

(b) If a special session is held immediately following the end of the regular legislative session, the freeze period ends at 11:59 p.m. on the day the special session adjourns.

(c) If a special session is held other than within thirty days before a regular legislative session, the freeze period begins at 12:01 a.m. on the first day of the special session and ends at 11:59 p.m. on the final day of the special session.

(4) A successful candidate for state office who does not already hold a state office is not required to comply with RCW ((42.17.710)) 42.17A.560 until sworn into office.

(5) A state official must comply with RCW ((42.17.710)) 42.17A.560 until he or she no longer holds state office.

(6) **"Person employed by or acting on behalf of a state official"** includes a caucus political committee or any political committee financed or controlled by a legislative caucus as a whole or by one or more officers of a caucus political committee.

(7) **State officials may do the following.** During a legislative session freeze period, the activities in which state officials may engage include, but are not limited to:

(a) Soliciting or accepting contributions to assist his or her own campaign for federal office;

(b) Accepting gifts or other items permitted under chapter 42.52 RCW, so long as the gift or other item is not

- A contribution to an incumbent state official or known candidate,
- A contribution to a public office fund,
- Used to pay a nonreimbursed public office related expense, or
- Used to retire a campaign debt;

(c) Attending and speaking at a fund raising event held by or on behalf of a bona fide political party, so long as the contributions raised are not earmarked or otherwise designated for any incumbent state official or known candidate;

(d) Transferring their own personal funds, as defined in WAC 390-17-305, or their own surplus funds, as defined in RCW ((42.17.020)) 42.17A.005, to their own campaign account, so long as the funds are properly reported;

(e) Soliciting or accepting contributions on behalf of a nonprofit charity; or

(f) Soliciting or accepting contributions on behalf of any political committee, including a caucus political committee, a bona fide political party or a ballot measure committee, so long as the political committee does not spend the contributions for the benefit of incumbent state officials or known candidates.

(8) **State officials may not do the following.** During a legislative session freeze period, a state official, or a person employed by or acting on behalf of a state official, may not solicit or accept contributions that:

- (a) Go to an incumbent state official or known candidate;
- (b) Go to a public office fund;
- (c) Are used to pay a nonreimbursed public office related expense;
- (d) Are used to retire a campaign debt;

(e) Go to a caucus political committee if the committee spends the contributions for the benefit of incumbent state officials or known candidates; or

(f) Go to a bona fide political party or a political committee if the political party or committee spends the contributions for the benefit of incumbent state officials or known candidates.

(9) **Caucus political committees.** During a legislative session freeze period, a caucus political committee

(a) May solicit or accept contributions from caucus members if the members make the contributions with their own personal funds, as defined in WAC 390-17-305, or with their own surplus funds, as defined in RCW ((42.17.020)) 42.17A.005;

(b) May not solicit or accept contributions for any of the purposes specified in subsection (8) of this rule.

(10) **Persons acting on behalf of state officials.** During a legislative session freeze period, a person employed by or acting on behalf of a state official may not solicit or accept contributions for any of the purposes specified in subsection (8) of this ((rule)) section.

(11) **Bona fide political parties.** During a legislative session freeze period, a bona fide political party may not solicit or accept contributions that are

- Used for a public office fund,
- Used for a state official's nonreimbursed public office related expenses,
- Used for retiring a state official's campaign debt, or
- Earmarked contributions to specific incumbent state officials or known candidates.

However, a bona fide political party may solicit or accept contributions for its own fund raising purposes.

(12) **Segregating session freeze funds.** During a legislative session freeze period, if a state official, a caucus political committee, or another person employed by or acting on behalf of a state official solicits or accepts contributions to

- A caucus political committee,
- A bona fide political party, or
- Any political committee that supports or opposes state or local office candidates, the contributions are presumed to violate RCW ((42.17.710)) 42.17A.-560, unless the contributions are
- Deposited into a separate bank account and
- Not spent for the benefit of incumbent state officials or known candidates.

However, nothing in this subsection authorizes a state official, a caucus political committee or any person employed by or acting on behalf of a state official to take any of the actions prohibited by subsection((s)) (8) or (9)(b) of this ((rule)) section.

(13) **Session freeze solicitations.** If a person is solicited for a contribution during the legislative session freeze period

- By a state official, a caucus political committee, or another person employed by or acting on behalf of a state official, and
- The contribution is to a caucus political committee, a bona fide political party, or a political committee

that supports or opposes candidates for state or local office, and

- The person makes a contribution during or after the freeze period in response to this solicitation, the contribution is subject to RCW ((42.17.710)) 42.17A.560 and subsection (12) of this ((rule)) section.

(14) **Spending contributions to benefit incumbents or known candidates.** For purposes of complying with subsections (7)(f), (8)(e) and (f), and (12) of this ((rule)) section, contributions are considered spent for the benefit of incumbent state officials or known candidates if the contributions are used at any time for one or more of the following purposes.

(a) Contributions to incumbent state officials or known candidates.

(b) Independent expenditures supporting incumbent state officials or known candidates, or opposing their opponents, whether or not the opponents are themselves known candidates during a legislative session freeze period.

(c) Payments to staff, consultants or advisors for performing activities that directly assist or promote the election of incumbent state officials or known candidates.

(d) Polls or surveys that relate to incumbent state officials, known candidates or their districts, or to general voter attitudes or preferences, unless

- A poll or survey is produced, conducted, tabulated and analyzed according to the terms of a written confidentiality agreement and, if the agreement is breached, all reasonable steps are taken to enforce it, and
- The results of a poll or survey are not provided by the spender, or with the spender's permission or prior knowledge, to incumbent state officials, known candidates or their agents.

However, candidate recruitment poll or survey results may be provided to an individual who later becomes a known candidate without the expenditure being considered as benefiting a known candidate so long as the poll or survey does not constitute a contribution to the individual or does not otherwise support or promote his or her election to state or local office. For purposes of this subsection, a "candidate recruitment poll or survey" is a poll or survey that is conducted for the sole purpose of recruiting candidates to run for public office and only determines

- The respondent's party preference,
- The level of support the incumbent currently has and how strong that support is, but not why he or she has that support,
- Whether respondents recognize the names of individuals who may decide to seek that elective office,
- Whether respondents currently hold a favorable opinion about these individuals, their abilities or fitness for elective office, but not why such opinions are held,
- Whether respondents would likely vote for one or more of these individuals were they to seek office, but not why respondents would vote in the manner they indicated or whether they could be persuaded to change their vote, and

- The validity of the poll or survey results.

(e) Any other expenditure that directly benefits or promotes the election to state or local office of incumbent state officials or known candidates.

AMENDATORY SECTION (Amending WSR 07-07-005, filed 3/8/07, effective 4/8/07)

WAC 390-17-405 Volunteer services. (1) In accordance with RCW ((~~42.17.020 (15)(b)(vi)~~)) 42.17A.005 (13)(b)(vi), an individual may perform services or labor for a candidate or political committee without incurring a contribution, so long as the individual is not compensated by any person for the services or labor rendered and the services are of the kind commonly performed by volunteer campaign workers. These commonly performed services include:

- Office staffing;
- Doorbelling or leaflet drops;
- Mail handling (folding, stuffing, sorting and postal preparation);
- Political or fund raising event staffing;
- Telephone bank activity (conducting voter identification, surveys or polling, and get-out-the-vote campaigns);
- Construction and placement of yard signs, hand-held signs or in-door signs;
- Acting as a driver for candidate or candidate or committee staff;
- Scheduling of campaign appointments and events;
- Transporting voters to polling places on election day;
- Except as provided in subsection (2) of this section, preparing campaign disclosure reports required by chapter ((~~42.17~~)) 42.17A RCW and otherwise helping to ensure compliance with state election or public disclosure laws;
- Campaign consulting and management services, polling and survey design, public relations and advertising, or fund-raising performed by any individual, so long as the individual does not ordinarily charge a fee or receive compensation for providing the service; and
- All similar activities as determined by the commission.

(2) An attorney or accountant may donate his or her professional services to a candidate, a candidate's authorized committee, a political party or a caucus political committee, without making a contribution in accordance with RCW ((~~42.17.020 (15)(b)(viii)~~)) 42.17A.005 (13)(b)(viii), if the attorney or accountant is:

- Employed and his or her employer is paying for the services rendered;
- Self-employed; or
- Performing services for which no compensation is paid by any person. However, neither RCW ((~~42.17.020 (15)(b)(viii)~~)) 42.17A.005 (13)(b)(viii) nor this section authorizes the services of an attorney or an accountant to be provided to a political committee without a contribution ensuing, unless the political committee is a candidate's authorized committee, political party or caucus political committee and the conditions of RCW ((~~42.17.020 (15)(b)(viii)~~)) 42.17A.005 (13)(b)(viii) and (a), (b) or (c) of this subsection are satisfied, or unless the political committee pays the fair market value of the services rendered.

AMENDATORY SECTION (Amending WSR 06-11-132, filed 5/23/06, effective 6/23/06)

WAC 390-17-410 Electioneering communications may constitute contributions and be subject to limit. (1) Electioneering communications are contributions when they satisfy the definition of contribution in RCW ((~~42.17.020(15) or 42.17.570~~)) 42.17A.005(13) or 42.17A.310.

(2) Contributions are subject to all applicable provisions of chapter ((~~42.17~~)) 42.17A RCW and Title 390 WAC, including RCW ((~~42.17.105(8)~~)) 42.17A.405, 42.17A.410 and ((~~42.17.640~~)) 42.17A.420.

AMENDATORY SECTION (Amending WSR 11-05-051, filed 2/10/11, effective 3/13/11)

WAC 390-18-010 Advertising, political advertising, electioneering communications, and independent expenditures. (1) For the purposes of chapter ((~~42.17~~)) 42.17A RCW and Title 390 WAC:

(a) "Sponsor of an electioneering communication, independent expenditure or political advertising" is defined in RCW ((~~42.17.020~~)) 42.17A.005.

(b) Unless the context clearly provides otherwise, "advertising" or "advertisement" means political advertising, electioneering communications, or independent expenditures that are for political advertising and/or electioneering communications subject to the provisions of chapter ((~~42.17~~)) 42.17A RCW and as defined in RCW ((~~42.17.020~~)) 42.17A.005 or ((~~42.17.100~~)) 42.17A.255.

(2) With advertising for which no payment is demanded or for which a cost is not readily ascertainable, the sponsor is the candidate, political committee or person who solicits or arranges for the advertising to be displayed or broadcast.

(3) If more than one person sponsors specific advertising, the identity of each sponsor must be shown. However, if a person contributes in cash or in-kind to a candidate or political committee to assist in paying the cost of advertising, that person is not deemed a sponsor provided the contribution is reported in accordance with applicable provisions of chapter ((~~42.17~~)) 42.17A RCW and Title 390 WAC.

(4) Printed advertising shall clearly state, in an area set apart from any other printed matter, that it has been paid for by the sponsor (Example: (1) Paid for by the XYZ committee, mailing address, city, state, zip code; (2) Vote for John Doe, paid for by John Doe, mailing address, city, state, zip code). However, printed advertising undertaken as an independent expenditure or electioneering communication shall comply with the "no candidate authorized this ad" sponsor identification and, if relevant, the "top five contributors" and identification of the individual, corporation, union, association, or other entity that established, maintains, or controls the sponsoring political committee provisions of RCW ((~~42.17.510~~)) 42.17A.320 and provide this information in an area set apart from any other printed matter. Political committees that sponsor independent expenditure or electioneering communication printed advertising are required to provide the "top five contributors" to that political committee pursuant to WAC 390-18-025; however, this requirement does not apply to bona fide political parties sponsoring independent expenditures.

(5)(a) Advertising consisting of more than one page but intended to be presented as a single item (e.g., 3-page letter with return envelope) must identify the sponsor on the first page or fold of the advertising. Identification on an enclosed return envelope or the envelope in which the advertising is sent is not sufficient.

(b) Advertising which is a collection of several items relating to more than one candidate or committee and distributed simultaneously must show the respective sponsor on the respective items.

(6) The name of the sponsor of all radio or television advertising shall be clearly spoken or identified as required in RCW ((42.17.510)) 42.17A.320.

(a) All radio, telephone and television advertising undertaken as an independent expenditure as defined in RCW ((42.17.020)) 42.17A.005 shall comply with the "no candidate authorized this ad" sponsor identification and, if relevant, the "top five contributors" provisions of RCW ((42.17.510)) 42.17A.320 and this information shall be clearly spoken or identified as provided in RCW ((42.17.510)) 42.17A.320.

(b) All radio and television advertising undertaken as an electioneering communication as defined in RCW ((42.17.020)) 42.17A.005 shall comply with the "no candidate authorized this ad" sponsor identification and, if relevant, the "top five contributors" provisions of RCW ((42.17.510)) 42.17A.320 and this information shall be clearly spoken or identified as provided in RCW ((42.17.510)) 42.17A.320.

(c) Political committees that sponsor independent expenditure or electioneering communication radio and television advertising are required to clearly speak or otherwise identify the "top five contributors" to that political committee pursuant to WAC 390-18-025; however, this requirement does not apply to bona fide political parties sponsoring independent expenditures.

AMENDATORY SECTION (Amending WSR 06-11-132, filed 5/23/06, effective 6/23/06)

WAC 390-18-020 Advertising—Political party identification. (1) According to RCW ((42.17.510)) 42.17A.320, sponsors of advertising supporting or opposing a candidate who has expressed a party or independent preference on the declaration of candidacy must clearly identify the candidate's political party or independent status in the advertising.

(2) According to RCW ((42.17.510)) 42.17A.320, sponsors of electioneering communications identifying a candidate who has expressed a party or independent preference on the declaration of candidacy must clearly identify the candidate's political party or independent status in the advertising.

(3) To assist sponsors in complying with this requirement, the commission shall publish a list of abbreviations or symbols that clearly identify political party affiliation or independent status. These abbreviations may be used by sponsors to identify a candidate's political party.

AMENDATORY SECTION (Amending WSR 07-08-044, filed 3/28/07, effective 4/28/07)

WAC 390-18-025 Advertising—Identification of "top five contributors." (1) For purposes of RCW ((42.17.510)) 42.17A.320 (2), (4) and (5), "top five contributors" means the five persons, as defined in RCW ((42.17.020)) 42.17A.005, giving the largest aggregate contributions exceeding seven hundred dollars during the twelve-month period preceding the date on which the advertisement is published or otherwise presented to the public. If more than five contributors give an amount equal to the largest aggregate contribution exceeding seven hundred dollars and the funds are received during the relevant twelve-month period, the political committee sponsoring the advertisement shall select five of these contributors to identify as the top five contributors.

(2) For independent expenditure advertisements or electioneering communications, the "top five contributors" identification requirement of RCW ((42.17.510)) 42.17A.320 applies to all political committees that make independent expenditures, including continuing political committees and out-of-state political committees subject to chapter ((42.17)) 42.17A RCW other than a bona fide political party committee.

(3) If a political committee keeps records necessary to track contributions according to the use intended by contributors, and the committee subsequently makes independent expenditures for advertisements supporting or opposing a candidate or slate of candidates or an electioneering communication identifying a specific candidate or slate of candidates, that committee may identify the top five contributors giving for that purpose, as opposed to identifying the overall top five contributors to the committee as is otherwise required by RCW ((42.17.510)) 42.17A.320 and this section.

However, a contributor's contributions earmarked for independent expenditures supporting or opposing a specific candidate or slate of candidates or electioneering communications identifying a specific candidate or slate of candidates shall not be used with respect to a different candidate or slate of candidates without the contributor being identified as one of the top five contributors for the actual expenditure if that contributor is one of the top five contributors for that expenditure.

AMENDATORY SECTION (Amending WSR 06-11-132, filed 5/23/06, effective 6/23/06)

WAC 390-18-027 Medium that does not include a visual image. (1) For electioneering communications identifying sponsors and top five contributors as required by RCW ((42.17.510)) 42.17A.320 a "medium that does not include a visual image" means radio.

(2) For independent expenditures identifying sponsors and top five contributors as required by RCW ((42.17.510)) 42.17A.320 a "medium that does not include a visual image" means radio or telephone transmissions.

AMENDATORY SECTION (Amending WSR 11-05-051, filed 2/10/11, effective 3/13/11)

WAC 390-18-030 Advertising—Exemptions from identification. Pursuant to RCW ((42.17.510)) 42.17A.320(6), the following forms of advertising need not include the sponsor's name and address, the "no candidate authorized this ad" sponsor identification, the "top five contributors," or the identification of the individual, corporation, union, association, or other entity that established, maintains, or controls the sponsoring political committee as otherwise required by RCW ((42.17.510)) 42.17A.320 (1) and (2) because such identification is impractical: Ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers—size 4" x 15" or smaller, buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files, newspaper ads of one column inch or less, noisemakers, paper and plastic cups, paper and plastic plates, paper weights, pencils, pendants, pennants, pens, pinwheels, plastic tableware, pocket protectors, pot holders, reader boards where message is affixed in moveable letters, ribbons, 12-inch or shorter rulers, shoe horns, skywriting, staple removers, stickers—size 2-3/4" x 1" or smaller, sunglasses, sun visors, swizzle sticks, state or local voters pamphlets published pursuant to law, tickets to fund raisers, water towers, whistles, yard signs—size 4' x 8' or smaller, yo-yos, and all other similar items.

AMENDATORY SECTION (Amending WSR 06-11-132, filed 5/23/06, effective 6/23/06)

WAC 390-18-050 Commercial advertisers—Public inspection of records. (1) Pursuant to RCW ((42.17.110)) 42.17A.345, any person, without reference to or permission from the public disclosure commission, is entitled to inspect the advertising records of a commercial advertiser.

(2) No commercial advertiser shall be required to make available for public inspection information regarding advertising prior to the time when the advertisement has initially received public distribution or broadcast.

(3) The documents and books of account that must be maintained open for public inspection pursuant to RCW ((42.17.110)) 42.17A.345(1) are:

(a) The name of the candidate or ballot measure supported or opposed;

(b) The name and address of the person who sponsored the advertising;

(c) The total cost of the advertising, how much of that amount has been paid, who made the payment, when it was paid, and what method of payment was used; and

(d) Date(s) the commercial advertiser rendered service.

(4) In addition to subsection (3) of this section and pursuant to RCW ((42.17.110)) 42.17A.345 (1)(b), the documents and books of account open for public inspection must include a description of the major work components or tasks, as specified in (a) through (f) of this subsection, that were required to provide the advertising services.

(a) For printers, reproducers and other persons who provide commercial duplicating services: Quantity of items, item description, design, layout, typesetting, photography, printing, silk screening, binding.

(b) For mailing services: Quantity of items mailed, binding, stuffing, labeling, list or directory services, postage or delivery.

(c) For broadcast media: Time and number of spot advertisements. If the broadcaster provides additional services such as copy writing, talent, production, and tape reproduction, some type of record or notation evidencing the additional service must be available.

(d) For billboard or sign companies: Number and location of signs, design, printing and art work, erection/removal costs.

(e) For specialty or novelty commercial advertisers: Quantity of items provided, silk screening, design, printing and art work.

(f) For newspapers and other print media: Amount of advertising space and dates of publication. If the advertiser provides additional services such as design or layout, some type of record evidencing such additional services must be available.

AMENDATORY SECTION (Amending WSR 10-04-058, filed 1/29/10, effective 3/1/10)

WAC 390-19-020 Electronic filing—Mandatory filing. (1) RCW ((42.17.3691)) 42.17A.245 mandates that persons satisfying the qualifying criteria in that section file all contribution and expenditure reports by electronic means.

(2) Persons filing by electronic means shall register with the PDC and receive a filer identification number and password. Filers must have a current C-1 Candidate Registration Statement or a C-1pc Committee Registration Statement and an original signature on file with the PDC prior to receiving a filer identification number.

(3) A filer subject to RCW ((42.17.3691)) 42.17A.245 shall file all PDC C-3 and C-4 reports and all appropriate schedules electronically in compliance with subsection (5) of this section.

(4) Any filer required to file electronically, but who files on paper, is in violation of RCW ((42.17.3691)) 42.17A.245 and may be subject to enforcement action unless the filer is a candidate who has sought and been granted an exception from electronic filing under WAC 390-19-050.

(5) A filer subject to electronic filing shall file reports using one of the following:

(a) The ORCA software (Online Reporting of Campaign Activity) provided free-of-charge by the PDC; or

(b) Any other electronic filing application provided or approved by the PDC.

AMENDATORY SECTION (Amending WSR 01-22-052, filed 10/31/01, effective 1/1/02)

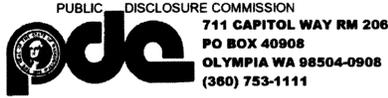
WAC 390-19-050 Electronic filing—Exceptions. (1) The commission may make exceptions on a case-by-case basis for candidates whose authorized committees lack the technological ability to file reports electronically.

(2) A candidate seeking an exception under RCW ((42.17.3694)) 42.17A.245 shall file with the PDC a written statement of reasons why the authorized committee lacks the ability to file reports electronically.

AMENDATORY SECTION (Amending WSR 05-06-070, filed 3/1/05, effective 4/1/05)

WAC 390-20-0101 Forms for lobbyist registration.

The official form for lobbyist registration as required by RCW ((42.17.150)) 42.17A.600 is designated "L-1," revised 2/05. Copies of this form are available 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.

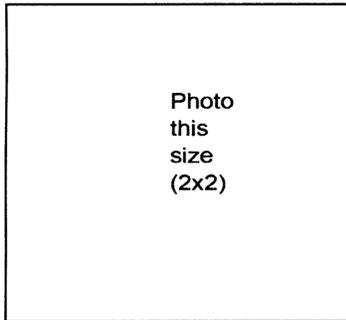


LOBBYIST REGISTRATION

THIS SPACE FOR OFFICE USE
L1

1. Lobbyist Name																						
Permanent Business Address		Business Telephone Numbers Permanent () Temporary ()																				
City	State	Zip																				
2. Temporary Thurston County address during legislative session		Cell Phone () or Pager																				
3. Employer's name and address (person or group for which you lobby)		E-Mail Address																				
4. Name and address of person having custody of accounts, receipts, books or other documents which substantiate lobbyist reports.		Employer's occupation, business or description of purpose of organization																				
5. What is your pay (compensation) for lobbying? \$ _____ per _____ (hour, day, month, year) Other: Explain:		Description of employment (check one or more boxes) <input type="checkbox"/> Full time employee <input type="checkbox"/> Part time or temporary employee <input type="checkbox"/> Contractor, retainer or similar agreement <input type="checkbox"/> Unsalariated officer or member of group <input type="checkbox"/> Sole duty is lobbying <input type="checkbox"/> Lobbying is only a part of other duties																				
6. Are you reimbursed for lobbying expenses? Explain which expenses. <input type="checkbox"/> Yes: \$ _____ per _____ <input type="checkbox"/> Yes: I am reimbursed for expenses. <input type="checkbox"/> No: I am not reimbursed for expenses.		Does employer pay any of your lobbying expenses directly? If yes, explain which ones.																				
7. How long do you expect to lobby for this organization? <input type="checkbox"/> Permanent lobbyist <input type="checkbox"/> Only during legislative session <input type="checkbox"/> Other, Explain:																						
8. Is your employer a business or trade association or similar organization which lobbies on behalf of its members? If "yes," attach a list showing the name and address of each member who has paid the association fees, dues or other payments over \$500 during either of the past two years or is expected to pay over \$500 this year. <input type="checkbox"/> No <input type="checkbox"/> Yes. However, no member has paid, pays, or is expected to pay over \$500. <input type="checkbox"/> Yes. The list is attached																						
9. Does your employer have a connected, related or closely affiliated political action committee which will provide funds for you to make political contributions including purchase tickets to fund raising events? If so, list the name of that political action committee. <input type="checkbox"/> No <input type="checkbox"/> Yes. Name of the committee is:																						
11. Areas of interest. Lobbying is most frequent before legislative committee members or state agencies concerned with following subjects: <table style="width:100%; border: none;"> <tr> <td style="width: 50%;">CODE SUBJECT</td> <td style="width: 50%;">CODE SUBJECT</td> </tr> <tr> <td>01 <input type="checkbox"/> Agriculture</td> <td>08 <input type="checkbox"/> Fiscal</td> </tr> <tr> <td>02 <input type="checkbox"/> Business and consumer affairs</td> <td>09 <input type="checkbox"/> Higher education</td> </tr> <tr> <td>03 <input type="checkbox"/> Constitutions and elections</td> <td>10 <input type="checkbox"/> Human services</td> </tr> <tr> <td>04 <input type="checkbox"/> Education</td> <td>11 <input type="checkbox"/> Labor</td> </tr> <tr> <td>05 <input type="checkbox"/> Energy and utilities</td> <td>12 <input type="checkbox"/> Law and justice</td> </tr> <tr> <td>06 <input type="checkbox"/> Environmental affairs - natural resources - parks</td> <td>13 <input type="checkbox"/> Local government</td> </tr> <tr> <td>07 <input type="checkbox"/> Financial institutions and insurance</td> <td>14 <input type="checkbox"/> State government</td> </tr> <tr> <td></td> <td>15 <input type="checkbox"/> Transportation</td> </tr> <tr> <td></td> <td>16 <input type="checkbox"/> Other - Specify:</td> </tr> </table>		CODE SUBJECT	CODE SUBJECT	01 <input type="checkbox"/> Agriculture	08 <input type="checkbox"/> Fiscal	02 <input type="checkbox"/> Business and consumer affairs	09 <input type="checkbox"/> Higher education	03 <input type="checkbox"/> Constitutions and elections	10 <input type="checkbox"/> Human services	04 <input type="checkbox"/> Education	11 <input type="checkbox"/> Labor	05 <input type="checkbox"/> Energy and utilities	12 <input type="checkbox"/> Law and justice	06 <input type="checkbox"/> Environmental affairs - natural resources - parks	13 <input type="checkbox"/> Local government	07 <input type="checkbox"/> Financial institutions and insurance	14 <input type="checkbox"/> State government		15 <input type="checkbox"/> Transportation		16 <input type="checkbox"/> Other - Specify:	Remarks:
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	15 <input type="checkbox"/> Transportation																					
	16 <input type="checkbox"/> Other - Specify:																					
12. LOBBYIST'S SIGNATURE		EMPLOYER'S AUTHORIZATION: Confirming the employment authority to lobby described in this registration statement.																				
DATE		EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED, AND TITLE																				
		DATE																				

LOBBYIST IDENTIFICATION FORM



NAME:
BUSINESS ADDRESS:

PHONE:

OLYMPIA ADDRESS:

PHONE:

EMPLOYERS' NAMES:

YEAR FIRST EMPLOYED AS A LOBBYIST:
BIOGRAPHY:

INSTRUCTIONS

- ATTACH THIS PAGE TO YOUR L-1 REGISTRATION.
- ATTACH 2" x 2" PASSPORT TYPE PHOTO. PHOTO SHOULD BE HEAD AND SHOULDERS, FULL FACE, AND TAKEN WITHIN LAST 12 MONTHS.
- PLEASE WRITE NAME, LIGHTLY IN PENCIL, ON BACK OF PHOTO BEFORE ATTACHING.
- PHOTOS WILL NOT BE RETURNED.
- PLEASE SEE INSTRUCTION BOOKLET FOR EXAMPLE OF BIOGRAPHY.
- LIST ALL EMPLOYERS ON THIS PAGE.

PDC FORM L-1, PAGE 2 (Rev. 2/05)

AMENDATORY SECTION (Amending WSR 99-12-070, filed 5/27/99, effective 6/27/99)

WAC 390-20-015 Lobbyists registration—Termination. A lobbyist who ceases lobbying activity may terminate his or her registration at any time by filing with the commission a signed statement, consistent with RCW ((42.17.150)) 42.17A.600(3), indicating that he or she is not lobbying or being compensated to lobby. This notice of termination may be provided on an L-2 report for the month in which termination has taken place. A lobbyist who terminates his or her registration shall file all reports required by chapter ((42.17)) 42.17A RCW for the period during which he or she was registered as a lobbyist. The employer of a lobbyist who terminates his or her registration shall not be relieved of any duty to file the reports otherwise required by chapter ((42.17)) 42.17A RCW.

AMENDATORY SECTION (Amending Order 85-05, filed 11/26/85)

WAC 390-20-018 Lobbyist voluntary registration. A person, exempt from registration under RCW ((42.17.160)) 42.17A.600, who voluntarily registers as a lobbyist, shall not be required to file the reports required by RCW ((42.17.170)) 42.17A.615.

The employer of any voluntarily registered lobbyist shall not be required to file the reports provided in RCW ((42.17.180)) 42.17A.630.

AMENDATORY SECTION (Amending Order 85-05, filed 11/26/85)

WAC 390-20-024 Lobbyist nonreportable expenses. A registered lobbyist who is not compensated for lobbying and, who in advance, informs the commission that the only expenses to be incurred are those exempt from reporting as provided in RCW ((42.17.170 (2)(a)(i-iv))) 42.17A.615 (3)(a) through (d) shall not be required to file an L-2 report.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-20-025 Lobbyists expenditures—Apportionment of expenses. For the purposes of compliance with RCW ((42.17.170)) 42.17A.615 (2)(a) requiring reporting of expenditures by lobbyists, a person registered and reporting as a lobbyist need only report those expenditures made or incurred for lobbying.

AMENDATORY SECTION (Amending Order 70, filed 2/25/76)

WAC 390-20-026 Definition of term "other expenses." The term "other expenses" in RCW ((42.17.170)) 42.17A.615 shall be deemed to include only expenses or services paid or incurred or performed in connection with lobbying.

AMENDATORY SECTION (Amending WSR 95-01-074A, filed 12/16/94, effective 1/16/95)

WAC 390-20-027 Definition—State elected official, candidate for state office. For the purposes of reporting by employers of registered lobbyists pursuant to RCW ((42.17.180)) 42.17A.630, the terms "state elected official" and "candidate for state office" shall include governor, lieutenant governor, attorney general, state auditor, commissioner of public lands, insurance commissioner, secretary of state, superintendent of public instruction, state treasurer, state senator and state representative.

AMENDATORY SECTION (Amending WSR 96-05-001, filed 2/7/96, effective 3/9/96)

WAC 390-20-052 Application of ((RCW 42.17.190)) 42.17A.635—Reports of agency lobbying. Pursuant to the authority granted in RCW ((42.17.190)) 42.17A.635(8), the commission adopts the following interpretations regarding the reporting of lobbying by public agencies pursuant to RCW ((42.17.190)) 42.17A.635:

(1) The phrase "in-person lobbying" contained in RCW ((42.17.190)) 42.17A.635 (5)(d)(v)(B) includes activity which is intended to influence the passage or defeat of legislation, such as testifying at public hearings, but does not include activity which is not intended to influence legislation, such as attending a hearing merely to monitor or observe testimony and debate.

(2) The phrase "a legislative request" contained in RCW ((42.17.190)) 42.17A.635 (5)(d)(ii) includes an oral request from a member of the legislature or its staff.

(3)(a) When any subagency (i.e. department, bureau, board, commission or agency) within a state agency, county, city, town, municipal corporation, quasi-municipal corporation or special purpose district (i.e. primary agency) has independent authority to expend public funds for lobbying, that subagency may file a separate L-5 reporting the information required by RCW ((42.17.190)) 42.17A.635(5).

(b) When a subagency elects to file its own, separate L-5, it shall notify the commission and the administrative head of the primary agency of its intentions in writing. The primary agency shall not thereafter include information for the subagency in its L-5, and shall have no legal obligation for the filings of the subagency.

(4) Pursuant to RCW ((42.17.190)) 42.17A.635(6), certain local agencies may elect to have lobbying activity on their behalf reported by their elected officials, officers and employees in the same manner as lobbyists who register and report under RCW ((42.17.150 and 42.17.170)) 42.17A.600 and 42.17A.615:

(a) Whenever such a local agency makes such an election, it shall provide the commission with a written notice.

(b) After such an election, those who lobby on behalf of such local agency shall register and report all lobbying activity reportable under RCW ((42.17.190)) 42.17A.635(5) in the same manner as lobbyists who are required to register and report under RCW ((42.17.150 and 42.17.170)) 42.17A.600 and 42.17A.615. Such a local agency shall report pursuant to RCW ((42.17.180)) 42.17A.630.

(c) In order to terminate such an election, such a local agency shall provide the commission with a written notice and it shall report pursuant to RCW ((42.17.190)) 42.17A.635(5) thereafter.

(d) The exemptions from reportable lobbying activity contained in RCW ((42.17.190)) 42.17A.635 (5)(d) apply to all agencies, whether or not they have exercised the election to report in the same manner as lobbyists who report under RCW ((42.17.150, 42.17.170 and 42.17.180)) 42.17A.600, 42.17A.615, and 42.17A.630. The exemptions contained in RCW ((42.17.160)) 42.17A.610 (1), (4) and (5) do not apply to any agency.

(5) Unless an agency has elected to report its lobbying pursuant to RCW ((42.17.190)) 42.17A.635(6) and subsection (3) of this section, an agency shall include the reportable lobbying activity on its behalf by an elected official in its quarterly report. Such an elected official does not file any separate report of that activity.

(6) Reportable in-person lobbying by elected officials, officers and employees:

(a) An elected official does not engage in reportable in-person lobbying on behalf of this agency unless and until that elected official has expended in excess of fifteen dollars of nonpublic funds in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington during any three-month period as provided in RCW ((42.17.190)) 42.17A.635 (5)(d)(v)(B).

(b) Other officers and employees do not engage in reportable in-person lobbying on behalf of their agency unless and until they have, in the aggregate, expended in excess of fifteen dollars of nonpublic funds in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington or they have, in the aggregate, engaged in such lobbying for more than four days or parts thereof during any three month period as provided in RCW ((42.17.190)) 42.17A.635 (5)(d)(v)(B).

(c) When limits in (a) or (b) of this subsection have been exceeded, the agency shall report such elected official, officer, or employee as a "person who lobbied this quarter" on the front of PDC Form L-5 and include a listing of those excess expenditures as noted on that form.

AMENDATORY SECTION (Amending Order 81-01, filed 3/26/81)

WAC 390-20-054 Agency lobbying—Reporting of lobbying by independent contractors. (1) An independent contractor who is retained to lobby on behalf of an agency shall register and report as a lobbyist pursuant to RCW ((42.17.150 and 42.17.170)) 42.17A.600 and 42.17A.615.

(2) An agency which retains an independent contractor as a lobbyist and reports all of its expenditures in connection therewith pursuant to RCW ((42.17.190)) 42.17A.635 shall not be obligated to file a report pursuant to RCW ((42.17.180)) 42.17A.630 with regard to that lobbyist.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

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 ((42.17.180)) 42.17A.630 (2)(a) is designated "L-3c" revised 1/02. Copies of this form are available 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.



Employer of Lobbyist Monthly Political Contribution Report

L-3C
1/02

THIS SPACE FOR OFFICE USE

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 \$100 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 \$100 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
--	-----------	------

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 \$100 -- 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.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

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 ((42.17.200)) 42.17A.-640 is designated "L-6," revised 1/02. Copies of this form are available 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.



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

GRASS ROOTS LOBBYING

PDC FORM
L-6
(1/02)

THIS SPACE FOR OFFICE USE

Sponsor's name
Address
City State Zip Telephone

1. Describe the topic(s) or legislation about which the campaign is conducted.
2. This report covers:
Registration (Initial report)
Monthly report
Final report (Campaign is ended)

Table with 3 columns: NAME, TITLE, ADDRESS. Row 1: Principal officers of the group or organization.

Table with 3 columns: NAME AND ADDRESS, OCCUPATION OR BUSINESS, TERMS OF COMPENSATION. Row 1: Who is organizing or managing the campaign?

5. Expenditures Made Or Incurred In The Campaign:
1. Previous expenditures (from line 4, last L-6 report)
2. Expenses this reporting period:
A. Radio
B. Television
C. Newspapers, magazines
D. Brochures, signs
E. Printing and mailing
F. Consultants, public relations
G. Office expense, travel, salaries
H. Contributions
I. Entertainment
J. Other expenses
3. Total expenditures this period (lines 2a-2j)
4. Total expenditures in the campaign (lines 1 + 3)

Continue On Reverse

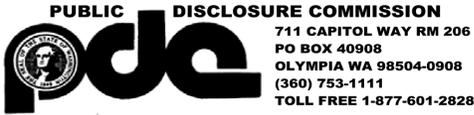
AMENDATORY SECTION (Amending WSR 05-11-002, filed 5/4/05, effective 6/4/05)

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 ((42.17.210)) 42.17A.645 is designated "L-7" revised ((5/05)) 1/12. Copies of this form are available 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.

((STRICKEN GRAPHIC))

 <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>	L7	5/05	TO BE FILED BY EMPLOYERS OF STATE LEGISLATORS STATE OFFICERS OR STATE EMPLOYEES
EMPLOYER'S NAME AND BUSINESS ADDRESS		THIS SPACE FOR OFFICE USE	
		POSTMARK	DATE RECEIVED
DATE PREPARED: _____		THIS FORM <input type="checkbox"/> AMENDS PREVIOUS FILING <input type="checkbox"/> REPLACES PREPARED (DATE) _____	
ITEM 1	NAME OF PERSON BEING EMPLOYED		
ITEM 2	DESCRIPTION OF WORK BEING PERFORMED		
ITEM 3	AMOUNT OF COMPENSATION		
ITEM 4	DESCRIPTION OF COMPENSATION		
ITEM 5	STATE OFFICE OR POSITION HELD BY PERSON NAMED IN #1 ABOVE (include title and employing agency, board, or commission)		
<p style="text-align: center;">INSTRUCTIONS</p> <p>WHO SHOULD FILE THIS FORM: 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>FILING DEADLINE: Within 15 days after commencement of employment.</p> <p>FORM TO BE SUBMITTED TO: Public Disclosure Commission.</p>		<p>CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.</p>	
		SIGNATURE	DATE
<p>EXCERPT FROM PUBLIC DISCLOSURE LAW RCW 42.17.210 — Employment of legislators, board or commission members, or state employees -- Statement, contents and filing. If any person registered or required to be registered as a lobbyist under this chapter employs, or if any employer of any person registered or required to be registered as a lobbyist under this chapter, employs any member of the legislature, or any member of any state board or commission, or any employee of the legislature, or any full-time state employee, if such new employee shall remain in the partial employ of the state or any agency thereof, then the new employer shall file a statement under oath with the commission setting out the nature of the employment, the name of the person to be paid thereunder, and the amount of pay or consideration to be paid thereunder. The statement shall be filed within fifteen days after the commencement of such employment.</p>			

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L7	TO BE FILED BY EMPLOYERS OF STATE LEGISLATORS STATE OFFICERS OR STATE EMPLOYEES
1/12	

EMPLOYER'S NAME AND BUSINESS ADDRESS	THIS SPACE FOR OFFICE USE	
	POSTMARK	DATE RECEIVED

DATE PREPARED: _____	THIS FORM	<input type="checkbox"/> AMENDS <input type="checkbox"/> REPLACES	PREVIOUS FILING PREPARED (DATE) _____
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ITEM 1	NAME OF PERSON BEING EMPLOYED
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ITEM 2	NATURE OF EMPLOYMENT BY REPORTING EMPLOYER
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ITEM 3	AMOUNT AND NATURE OF PAY OR CONSIDERATION
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ITEM 4	NATURE OF STATE OFFICE OR EMPLOYMENT
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<p style="text-align: center; font-weight: bold; margin: 0;">INSTRUCTIONS</p> <p style="font-size: 0.8em; margin: 5px 0;">WHO SHOULD FILE THIS FORM: 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 style="font-size: 0.8em; margin: 5px 0;">FILING DEADLINE: Within 15 days after commencement of employment.</p> <p style="font-size: 0.8em; margin: 5px 0;">FORM TO BE SUBMITTED TO: Public Disclosure Commission.</p>	<p style="font-size: 0.8em; margin: 0;">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; margin-top: 10px;"> <tr> <td colspan="2" style="padding: 5px;">SIGNATURE</td> </tr> <tr> <td style="width: 70%; padding: 5px;">TITLE</td> <td style="width: 30%; padding: 5px;">DATE</td> </tr> </table>	SIGNATURE		TITLE	DATE
SIGNATURE					
TITLE	DATE				
<p style="font-weight: bold; margin: 0;">EXCERPT FROM PUBLIC DISCLOSURE LAW</p> <p style="font-size: 0.8em; margin: 5px 0;">RCW 42.17A.645 — <u>Employment of legislators, board or commission members, or state employees -- Statement, contents.</u> 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>					

AMENDATORY SECTION (Amending Order 85-05, filed 11/26/85)

WAC 390-20-140 Loss of RCW ((42.17.160)) 42.17A.610 exemptions. (1) For the purpose of determining compliance with RCW ((42.17.220)) 42.17A.650, a lobbyist's employer shall be responsible for the applicability of all

of the exemptions provided in RCW ((42.17.160)) 42.17A.610 to any lobbyist the employer employs, pays, or agrees to pay.

(2) The commission recognizes that a lobbyist who initially intends in good faith to utilize the "casual lobbying" exemption from registration and reporting which is provided

in RCW ((42.17.160)) 42.17A.610(4) may thereafter become ineligible for that exemption, thus violating RCW ((42.17.150 and/or 42.17.170)) 42.17A.600 and/or 42.17A.615 by not having registered and/or reported within the prescribed time periods.

(3) The commission shall not commence enforcement proceedings against a lobbyist or his or her employer in circumstances described in subsection (2) of this section if the lobbyist:

(a) Registers pursuant to RCW ((42.17.150)) 42.17A.600 before doing any lobbying in excess of the exemption limitations in RCW ((42.17.160)) 42.17A.610(4); and

(b) Files a report on Form L-2 when next due under RCW ((42.17.170)) 42.17A.615, which report includes all reportable information for the lobbying activities cumulatively causing the exemption limitations to be reached.

(4) The duty under RCW ((42.17.230)) 42.17A.655(1) of a person required to register as a lobbyist to obtain and preserve all records necessary to substantiate required financial reports shall include such records of all activities which cumulatively cause the RCW ((42.17.160)) 42.17A.610(4) exemption limitations to be reached and exceeded.

(5) A lobbyist whose only compensation or other consideration for lobbying is payment of or reimbursement for expenditures not required to be reported per RCW ((42.17.170 (2)(a)(i-iv))) 42.17A.615 (3)(a) through (d), does not qualify for exemption from registration and reporting per RCW ((42.17.160(3))) 42.17A.610(4).

AMENDATORY SECTION (Amending Order 86-05, filed 6/27/86)

WAC 390-20-141 Registration and reporting required when a lobbyist employs another lobbyist. (1) If a registered lobbyist employs another lobbyist to perform lobbying activities in excess of the exemptions specified in RCW ((42.17.150(2) or 42.17.160)) 42.17A.600(2) or 42.17A.610 then such registered lobbyist is also an employer of a registered lobbyist.

(2) Any person who becomes an employer of a registered lobbyist under such circumstances must (a) confirm such employment on the employee's L-1 registration statement; (b) in a written instrument filed with such employee's L-1 registration statement identify which clients the employee is authorized to represent; (c) file an annual L-3 report as an employer of a registered lobbyist; and (d) continue to file monthly L-2 reports as a registered lobbyist.

AMENDATORY SECTION (Amending Order 85-05, filed 11/26/85)

WAC 390-20-143 Application of lobbying provisions to organizations. (1) A lobbyist other than a natural person shall be deemed to have properly restricted its lobbying activities and is eligible for the RCW ((42.17.160(4))) 42.17A.610(5) "casual lobbying" exemption during any three-month period in which its agents or employees do not make an expenditure of more than twenty-five dollars for or on behalf of legislators, state elected officials, public officers or employees of the state of Washington.

(2) A lobbyist other than a natural person which does sponsor or coordinate or directly make unreported expenditures exceeding twenty-five dollars during a three-month period, as fully described in subsection (1), must register and report as required by RCW ((42.17.150 and 42.17.170)) 42.17A.600 and 42.17A.615: Provided, That it can satisfy these requirements by having an individual agent (a) register and reports as a lobbyist, and (b) include as part of Form L-2 a report of these and all other lobbying expenditures made on behalf of the nonnatural person during that three-month period.

(3) An entity, including but not limited to a law firm, consulting firm, advertising agency, or other similar organization, which receives or expects to receive compensation for lobbying from any person, must register and report as a lobbyist pursuant to RCW ((42.17.150 and 42.17.170)) 42.17A.600 and 42.17A.615: Provided, That membership dues or contributions to a nonprofit organization made for the purpose of promoting a general interest and not in return for lobbying on behalf of any specific member or contributor shall not be regarded as compensation for this purpose. Registration statements and reports shall list as the lobbyists both the firm or organization and each individual acting on its behalf. The person paying the compensation shall report under RCW ((42.17.180)) 42.17A.630 as a lobbyist's employer.

AMENDATORY SECTION (Amending Order 85-05, filed 11/26/85)

WAC 390-20-144 Registration and reporting by lobbyist organizations. (1) Any firm, company, association or similar organization required to register as a lobbyist shall file one registration statement (PDC Form L-1) for each employer for whom the organization will lobby.

(a) The lobbying organization will attach to the registration statement a photo and the biographical information required by RCW ((42.17.155)) 42.17A.605 (page 3 of the L-1 Form) for each individual agent of the organization who is authorized to lobby for that particular employer.

(b) If the agent is authorized to lobby for several employers, only one photo and biographical sheet need be submitted.

(c) The organization will notify the commission in writing when there is any change in the employment or assignment of agents who lobby.

(2) One monthly expenditure report (PDC Form L-2) shall be submitted showing all expenditures made by the organization and its agents. It is unnecessary to prorate or attribute expenditures to individual agents of the organization. However, expenditures for entertainment exceeding \$25 per occasion shall identify the individual agent(s) who were present at the occasion. The L-2 report shall be signed by the president or chief executive officer of the lobbying organization.

(3) If any individual agent of the organization ceases to lobby or the organization terminates that agent's authority to lobby, the organization shall notify PDC in writing or by notation on the L-2 report of the termination.

AMENDATORY SECTION (Amending WSR 00-22-059, filed 10/27/00, effective 11/27/00)

WAC 390-20-146 Reporting of field trips and other excursions. (1) All persons required to file reports pursuant to RCW ((42.17.170)) 42.17A.615 who provide field trips or other excursions to elected and appointed officials, and other individuals required to file the Personal Financial Affairs Statement (PDC Form F-1) shall file, on the appropriate monthly L-2 or L-2 Memo Report, the identity of persons attending the field trip or other excursion along with the date, pro rata cost, and a brief description of the field trip or other excursion.

(2) All persons required to file pursuant to RCW ((42.17.241)) 42.17A.710 who attend a field trip or other excursion paid for or provided by a lobbyist, lobbyist employer, or other person paying for or providing field trips or other excursions shall report the date, name of the person paying for or providing the field trip or excursion, pro rata cost attributable to the filer, applicable code value, and a brief description of the field trip or other excursion as part of the F-1 statement that covers the date of the field trip or other excursion.

AMENDATORY SECTION (Amending WSR 94-11-016, filed 5/5/94, effective 6/5/94)

WAC 390-20-148 Lobbyist direction or control of employer contributions. For purposes of RCW ((42.17.670)) 42.17A.460, a lobbyist shall be deemed to be exercising direction or control over the choice of the recipient state office candidate, state official against whom recall charges have been filed or a political committee if the lobbyist:

(1) Officially decides to which state office candidates, state officials against whom recall charges have been filed or political committees the lobbyist employer or the employer's political committee contributes; or

(2) Has the ability, on his or her own initiative, to execute or authorize payment of a contribution by the lobbyist employer or the employer's political committee to a state office candidate, a state official against whom recall charges have been filed or a political committee.

AMENDATORY SECTION (Amending WSR 09-14-061, filed 6/29/09, effective 7/30/09)

WAC 390-24-010 Forms for statement of financial affairs. The official form for statements of financial affairs as required by RCW ((42.17.240)) 42.17A.700 is designated "F-1," revised ((7/09)) 1/12. Copies of this form are available 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 (7/09)	PERSONAL FINANCIAL AFFAIRS STATEMENT		P M PDC OFFICE USE O A S R T 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. SEND REPORT TO PUBLIC DISCLOSURE COMMISSION		DOLLAR CODE AMOUNT A \$1 to \$3,999 B \$4,000 to \$19,999 C \$20,000 to \$39,999 D \$40,000 to \$99,999 E \$100,000 or more									
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: _____ <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 \$2,000 or more during the period. Include stock options received during the reporting period that had a value of \$2,000 or more. (Report interest and dividends in Item 3.)											
Show Self (S) Spouse (SP/DP) Dependent (D)		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:50%;">Name and Address of Employer or Source of Compensation</th> <th style="width:25%;">Occupation or How Compensation Was Earned</th> <th style="width:25%;">Amount: (Use Code)</th> </tr> </thead> <tbody> <tr> <td colspan="3" style="height: 100px;"> Check Here <input type="checkbox"/> if continued on attached sheet </td> </tr> </tbody> </table>				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		
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 \$10,000 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						
All Other Property Entirely or Partially Owned					Mortgage Amount - (Use Code) Original Current						
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.			
<p>A. Name and address of each bank or financial institution in which you, a family member, including registered domestic partner, had an account over \$20,000 any time during the report period.</p> <p>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 \$20,000 during the period.</p> <p>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 \$2,000. 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.</p>	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)		
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 \$2,000 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	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>				
<p>ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.</p> <p><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.</p> <p><input type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.</p> <p>*CANDIDATES: Do not use public agency addresses or telephone numbers for contact information.</p>		<p>CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.</p> <p>Signature _____ Date _____</p> <p>Contact Telephone: () *</p> <p>Email: _____(work) *</p> <p>Email: _____(Home) Optional</p>			

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 <small>(7/09)</small>	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> <ul style="list-style-type: none"> (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 (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. <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 \$10,000 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:		Amount (actual dollars)	
Purpose of payments		\$	
PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$10,000 OR MORE:		Purpose of payment (amount not required)	
Agency name:			
PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 OR MORE		Purpose of payment (amount not required)	
Customer name:			
WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$20,000. 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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Page 2

F-1 Supplement

Name

ENTITY NO. 2 Reporting For: Self Spouse
 Registered Domestic Partner Dependent

LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP
 TRADE OR OPERATING NAME:
 ADDRESS:
 BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:
 PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:
 Purpose of payments Amount (actual dollars)
 \$
 PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$10,000 OR MORE:
 Agency name: Purpose of payment (amount not required)
 PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 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 \$20,000. 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)
<p>Check here <input type="checkbox"/> if continued on attached sheet</p>		

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; 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)
<p style="text-align: center;">\$</p>				
<p>Check here <input type="checkbox"/> if continued on attached sheet</p>				

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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 \$20,000 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 \$20,000 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 \$2,000. 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 \$2,000 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.

<p>ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.</p> <p><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.</p> <p><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.</p> <p><small>*CANDIDATES: Do not use public agency addresses or telephone numbers for contact information.</small></p>	<p>CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.</p> <p>Signature _____ Date _____</p> <p>Contact Telephone: () *</p> <p>Email: _____(work) *</p> <p>Email: _____(Home) Optional</p>
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REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE

 <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 (1/12)	SUPPLEMENT PAGE PERSONAL FINANCIAL AFFAIRS STATEMENT
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PROVIDE INFORMATION FOR YOURSELF, SPOUSE, REGISTERED DOMESTIC PARTNER, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

Last Name	First	Middle Initial	DATE
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A

OFFICE HELD, BUSINESS INTERESTS:

Provide the following information if, during the reporting period, you, your spouse, registered domestic partner or dependents

- (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
- (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.

- 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 \$10,000 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 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 \$10,000 OR MORE:
Agency name: _____ Purpose of payment (amount not required) _____

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 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 \$20,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here if continued on attached sheet

CONTINUE PARTS B AND C ON NEXT PAGE

Name				
ENTITY NO. 2		Reporting For: Self <input type="checkbox"/> Spouse <input type="checkbox"/>		
LEGAL NAME:		Registered Domestic Partner <input type="checkbox"/> Dependent <input type="checkbox"/>		
TRADE OR OPERATING NAME:		POSITION OR PERCENT OF OWNERSHIP		
ADDRESS:				
BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:				
PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:		Amount (actual dollars)		
Purpose of payments		\$		
PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$10,000 OR MORE:		Purpose of payment (amount not required)		
Agency name:				
PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 OR MORE:		Purpose of payment (amount not required)		
Customer name:				
WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$20,000. List street address, assessor parcel number, or legal description and county for each parcel):				
Check here <input type="checkbox"/> if continued on attached sheet				
B 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; 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				

AMENDATORY SECTION (Amending WSR 08-19-058, filed 9/12/08, effective 11/5/08)

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 ((42.17.240)) 42.17A.700 for all persons who have previously filed the Form F-1 is designated Form "F-1A," revised ((11/08)) 1/12.

(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 cre-

ate misunderstandings. Authority is delegated to the commission's executive director to make this determination.

(4) Copies of Form F-1A are available 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.

((STRICKEN GRAPHIC))

 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 (11/08)	PERSONAL FINANCIAL AFFAIRS STATEMENT Short Form	P M PDC OFFICE USE O A S R T K
The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed. 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 \$3,999 B \$4,000 to \$19,999 C \$20,000 to \$39,999 D \$40,000 to \$99,999 E \$100,000 or more	R E C E I V E D	
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; 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 42.17.130 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

((STRICKEN GRAPHIC))

~~((STRICKEN GRAPHIC))~~

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)
			\$	

~~STRICKEN GRAPHIC))~~

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 (1/12)	PERSONAL FINANCIAL AFFAIRS STATEMENT Short Form	P M PDC OFFICE USE O A R S A 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.		<table style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">DOLLAR CODE</th> <th style="text-align: left;">AMOUNT</th> </tr> <tr> <td>A</td> <td>\$1 to \$3,999</td> </tr> <tr> <td>B</td> <td>\$4,000 to \$19,999</td> </tr> <tr> <td>C</td> <td>\$20,000 to \$39,999</td> </tr> <tr> <td>D</td> <td>\$40,000 to \$99,999</td> </tr> <tr> <td>E</td> <td>\$100,000 or more</td> </tr> </table>		DOLLAR CODE	AMOUNT	A	\$1 to \$3,999	B	\$4,000 to \$19,999	C	\$20,000 to \$39,999	D	\$40,000 to \$99,999	E	\$100,000 or more	
DOLLAR CODE	AMOUNT															
A	\$1 to \$3,999															
B	\$4,000 to \$19,999															
C	\$20,000 to \$39,999															
D	\$40,000 to \$99,999															
E	\$100,000 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; 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

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)

AMENDATORY SECTION (Amending Order 86-06, filed 9/12/86)

WAC 390-24-025 Time for filing statement of financial affairs. It shall be the policy of the public disclosure commission to construe the filing requirements of RCW ((42.17.240)) 42.17A.700 for elected officials in the following manner: It is the interpretation of the commission that:

(1) Any person holding elected public office, except as exempted by the terms of RCW ((42.17.240)) 42.17A.700, and any appointed official and professional staff member listed or referenced in RCW ((42.17.240)) 42.17A.700, and any appointed official required to comply with the reporting requirements of RCW ((42.17.240)) 42.17A.700 by any other statute is required to file the statement of financial affairs if

such person holds such public office between January 1 and April 15 of any year. Such report shall be for the preceding calendar year.

(2) Any local elected official whose term of office expires immediately after December 31 shall file a statement of financial affairs for the calendar year which ended on that date.

(3) Any local elected official who resigns his public office prior to the completion of his current term of office shall file a statement of financial affairs covering that portion of the year that he was in office.

AMENDATORY SECTION (Amending Order 86-02, filed 3/26/86)

WAC 390-24-100 Definition—Direct financial interest. For the purpose of RCW ((42.17.241)) 42.17A.710 (1)(b), the phrase "direct financial interest" means and includes any direct ownership interest in a bank or savings account, in the cash surrender value of an insurance policy, in stocks, bonds, securities, evidences of indebtedness, judgments, accounts receivable, and other monetary claims in liquidated amounts.

The term "direct financial interest" as used in that subsection, shall not be deemed to include:

(1) Any direct financial interest which is required to be reported by such elected official or candidate under any other provision of chapter ((42.17)) 42.17A RCW;

(2) An account receivable by a business entity in the ordinary course of such entity's business.

AMENDATORY SECTION (Amending Order 86-02, filed 3/26/86)

WAC 390-24-105 Definition—Written sworn statement. The term written, sworn statement for the purposes of RCW ((42.17.240)) 42.17A.700(6) shall mean a statement prepared by the elected official or candidate written and sworn to as to truth and accuracy to his best and actual knowledge or belief, of the candidate or elected official.

AMENDATORY SECTION (Amending Order 86-02, filed 3/26/86)

WAC 390-24-110 Definition—Debt. (1) For the purpose of RCW ((42.17.241)) 42.17A.710 (1)(c), the term "debt" means and includes a personal obligation or liability to pay or return something of value.

(2) The term "debt" as used in RCW ((42.17.241)) 42.17A.710 (1)(c) shall not be deemed to include an account payable of a business entity in the ordinary course of such entity's business.

AMENDATORY SECTION (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94)

WAC 390-24-160 Definition—Professional staff member. (1) A professional staff member of the office of the governor and of the legislature includes all individuals retained on a full or part-time basis whose primary responsibilities require the exercise of judgment and discretion in pol-

icy related matters, including, but not limited to, such individuals who are involved in the development of legislation. A professional staff member does not include individuals retained primarily for clerical, ministerial, or internal accounting and bookkeeping purposes.

(2) To insure that the provisions of Referendum 36 and this rule are properly and fairly administered and to provide guidance to affected individuals, the commission, through its chair and executive director, shall confer annually in December with the governor, the secretary of the senate and the clerk of the house regarding the specific professional staff members believed to fall within the criteria set forth in subsection (1) of this section. The executive director shall submit a report of those conferences to the commission at its December meeting for approval, disapproval or modification, or other determination. Each determination shall be based on an annual review of the positions and personnel to be retained by the affected governmental bodies during the ensuing year and shall constitute the commission's administrative interpretation of the term "professional staff member" in RCW ((42.17.240)) 42.17A.705 (2) and (3) and its application to such positions and personnel.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-24-200 Descriptions of real property. (1) For the purposes of reporting real property as required by RCW ((42.17.241)) 42.17A.710 (1)(h) through (k), the filer shall list the street address of each parcel, the assessor's parcel number, the abbreviated legal description appearing on property tax statements, or the complete legal description.

(2) Each property description shall be followed by the name of the county in which the property is located.

AMENDATORY SECTION (Amending WSR 06-21-010, filed 10/6/06, effective 11/6/06)

WAC 390-24-201 Report of compensation by limited partnerships, limited liability partnerships, limited liability companies, and similar entities. For the purposes of filing financial disclosures required by RCW ((42.17.241)) 42.17A.710:

(1) The terms partnership, general partnership, limited partnership, limited liability partnership, and limited liability company as defined in Title 25 RCW will apply.

(2) Persons who have a partnership or membership in limited partnerships, limited liability partnerships, limited liability companies, and similar entities including but not limited to professional limited liability companies, shall file a personal financial affairs form (PDC F-1) as required in RCW ((42.17.241)) 42.17A.710, and shall also provide the information described in subsection (3) of this section.

(3) A person filing a personal financial affairs statement shall report the name of any limited partnership, limited liability partnership, limited liability company, professional limited liability company, and similar entity in which a partnership or membership is held by the person or member of the person's immediate family, and any title held. The person shall also report the following:

(a) Regarding a governmental unit in which the filer seeks or holds any office or position, if the entity has received compensation during the reporting period from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and

(b) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in the amount equal to or greater than the amount specified in WAC 390-24-010 and 390-24-020 (the F-1 reporting forms) during the reporting period and the consideration given or performed in exchange for the compensation.

AMENDATORY SECTION (Amending WSR 08-01-070, filed 12/14/07, effective 1/14/08)

WAC 390-24-202 Report of compensation from sales commissions. When a person receives compensation in the form of a commission on sales, the reporting of the compensation, required in RCW ((42-17-241)) 42.17A.710, shall include:

(1) The name and address of the person or persons through whom a commission was paid;

(2) For purposes of RCW ((42-17-241)) 42.17A.710 (1)(f), the name and address of each person (other than an individual) for whom a service was rendered or to whom a product was sold that resulted in a commission of \$2,000 or more in the aggregate;

(3) For purposes of RCW ((42-17-241)) 42.17A.710 (1)(g)(i), the name and address of each governmental unit for whom a service was rendered or to whom a product was sold that resulted in a commission;

(4) For purposes of RCW ((42-17-241)) 42.17A.710 (1)(g)(ii), the name and address of each person (other than an individual) for whom a service was rendered or to whom a product was sold that resulted in a commission of \$10,000 or more in the aggregate.

AMENDATORY SECTION (Amending WSR 00-22-059, filed 10/27/00, effective 11/27/00)

WAC 390-24-203 Reporting of field trips and other excursions. (1) All persons required to file reports pursuant to RCW ((42-17-170)) 42.17A.615 who provide field trips or other excursions to elected and appointed officials, and other individuals required to file the Personal Financial Affairs Statement (PDC Form F-1) shall file, on the appropriate monthly L-2 or L-2 Memo Report, the identity of persons attending the field trip or other excursion along with the date, pro rata cost, and a brief description of the field trip or other excursion.

(2) All persons required to file pursuant to RCW ((42-17-241)) 42.17A.710 who attend a field trip or other excursion paid for or provided by a lobbyist, lobbyist employer, or other person paying for or providing field trips or other excursions shall report the date, name of the person paying for or providing the field trip or excursion, pro rata cost attributable to the filer, applicable code value, and a brief description of the field trip or other excursion as part of the F-

1 statement that covers the date of the field trip or other excursion.

AMENDATORY SECTION (Amending Order 86-02, filed 3/26/86)

WAC 390-24-210 Report of officers and directors of financial institutions. An elected official or candidate who is an officer or director of a financial institution may comply in part with RCW ((42-17-241)) 42.17A.710 (1)(g)(ii) by incorporating by reference a list of the financial institution's officers and directors if such a list has been filed with the commission by the financial institution in the current year.

AMENDATORY SECTION (Amending WSR 08-01-070, filed 12/14/07, effective 1/14/08)

WAC 390-24-301 Changes in dollar amounts of reporting thresholds and code values. Pursuant to the commission's authority in RCW ((42-17-370(1+))) 42.17A.125(2) to revise the monetary reporting thresholds and code values found in chapter ((42-17)) 42.17A RCW to reflect changes in economic conditions, the following revisions are made:

Statutory Section	Subject Matter	Amount Enacted or Last Revised	Revision Effective January 1, 2008
((-241(1)(b))) <u>42.17A.710 (1)(b)</u>	Bank Accounts	\$15,000	\$20,000
((-241(1)(b))) <u>42.17A.710 (1)(b)</u>	Other Intangibles	\$1,500	\$2,000
((-241(1)(e))) <u>42.17A.710 (1)(c)</u>	Creditors	\$1,500	\$2,000
((-241(1)(f))) <u>42.17A.710 (1)(f)</u>	Compensation	\$1,500	\$2,000
((-241(1)(g)(ii))) <u>42.17A.710 (1)(g)(ii)</u>	Compensation to Business Entity	\$7,500	\$10,000
((-241(1)(g))) <u>42.17A.710 (1)(g)</u>	Bank Interest Paid	\$1,800	\$2,400
((-241(1)(h))) <u>42.17A.710 (1)(h)</u>	Real Property— Acquired	\$7,500	\$10,000
((-241(1)(i))) <u>42.17A.710 (1)(i)</u>	Real Property— Divested	\$7,500	\$10,000
((-241(1)(j))) <u>42.17A.710 (1)(j)</u>	Real Property— Held	\$7,500	\$10,000
((-241(1)(k))) <u>42.17A.710 (1)(k)</u>	Real Property— Business	\$15,000	\$20,000
((-241(1)(l))) <u>42.17A.710 (1)(l)</u>	Food and Beverages	\$50	
((-241(2))) <u>42.17A.710 (2)</u>	Dollar Code A	Up to \$2,999	Up to \$3,999
	Dollar Code B	\$3,000—\$14,999	\$4,000— \$19,999
	Dollar Code C	\$15,000—\$29,999	\$20,000— \$39,999
	Dollar Code D	\$30,000—\$74,999	\$40,000— \$99,999
	Dollar Code E	\$75,000 and up	\$100,000 and up

AMENDATORY SECTION (Amending WSR 07-14-117, filed 7/3/07, effective 8/3/07)

WAC 390-28-020 Definition—Applicant. The term applicant for the purposes of chapter 390-28 WAC shall mean any person as defined in RCW ((42-17-020)) 42.17A.005 that seeks a modification pursuant to RCW ((42-17-370(10))) 42.17A.120 and these rules.

AMENDATORY SECTION (Amending WSR 92-05-080, filed 2/18/92, effective 3/20/92)

WAC 390-28-025 Hearing to modify reporting requirements. (1) Any person who considers compliance with any of the reporting requirements of chapter ((42-17)) 42.17A RCW to be a manifestly unreasonable hardship in a particular case may apply for a modification of such reporting requirements pursuant to RCW ((42-17-370(10))) 42.17A.120 and further pursuant to these rules.

(2) A hearing to modify the reporting requirements shall be conducted pursuant to the Administrative Procedure Act (chapter 34.05 RCW) and its supporting regulations (chapter 10-08 WAC) shall be followed unless otherwise modified by chapter 390-28 WAC.

AMENDATORY SECTION (Amending WSR 91-22-083, filed 11/5/91, effective 12/6/91)

WAC 390-28-040 Hearing to modify reporting—Pre-hearing procedure and requirements. (1) An applicant must file with the commission a written request for hearing for suspension or modification of reporting requirements. The request should be submitted by the tenth day of the month preceding the month in which the report is due so that action on the request can be completed before the filing deadline.

(2) The request should contain (a) the required report completed to the extent possible, (b) the applicant's evidence to be submitted at the hearing, (c) a statement of reasons why the reporting of required information would cause a manifestly unreasonable hardship, with as much detail as possible. (A general statement, such as "violates right of privacy" shall not be deemed as sufficient compliance with this requirement.) The applicant is encouraged to also include a proposed modification to the required reporting which, in the applicant's opinion, will relieve the perceived hardship.

(3) The filing of a request for modification shall not suspend the reporting requirement of any portion of chapter ((42-17)) 42.17A RCW.

AMENDATORY SECTION (Amending WSR 91-22-083, filed 11/5/91, effective 12/6/91)

WAC 390-28-060 Hearing to modify reporting—Administrative law judge proceedings. (1) The commission may request through the office of administrative hearings the appointment of an administrative law judge to hear individual applicants.

(2) After such hearing is concluded, the administrative law judge shall prepare and distribute to the applicant and each commissioner a proposed decision determining the

issue. The applicant shall have five days to file with the commission specific objections to the administrative law judge's **proposed** decision and to request an opportunity to present additional evidence to the commission. When written objections are timely filed, the commission, at the time of review and ratification, shall consider the whole record or such portions as may be cited by the administrative law judge, applicant or executive director. The commission may also hear additional testimony.

(3) If the applicant files objections to the administrative law judge's proposed decision, the filing requirement from which the applicant has sought modification shall not be suspended unless the commission, upon notice of the filing of objections, determines that a temporary suspension is justifiable pursuant to the criteria set out in RCW ((42-17-370(10))) 42.17A.120. Such suspension of filing requirements shall be granted only until the decision is finalized by formal action of the commission.

(4) At the next meeting at which the matter can be lawfully considered, the commission shall review and either ratify or modify or revise the proposed order.

AMENDATORY SECTION (Amending WSR 07-14-117, filed 7/3/07, effective 8/3/07)

WAC 390-28-080 Hearing to modify reporting—Evidence, record, adverse decisions. (1) All evidence presented at hearings held pursuant to chapter 390-28 WAC and RCW ((42-17-370(10))) 42.17A.120 shall be considered to be a public record. There is a presumption that all hearings and evidence presented in hearing records are open to the public. Requests for closure of hearings or portions of hearings or hearing records generally will be denied. However, pursuant to RCW 34.05.449(5) and ((42-17-370(10))) 42.17A.120, the commission may close the hearing or a portion of the hearing or hearing record. The commission may close a hearing or portion of a hearing or hearing record for a limited purpose to protect compelling interests and where closure is specifically justified if it finds that it is necessary to allow the applicant to:

(a) Provide sufficient evidence to assure that proper findings are made regarding the name of an entity the disclosure of which would likely adversely affect the competitive position of the applicant as provided in RCW ((42-17-370(10))) 42.17A.120; or

(b) Provide other information or relevant legal authorities for which it finds a compelling interest has otherwise been shown by the applicant to close the hearing.

(2)(a) Before concluding that closure of a hearing or portion of a hearing or hearing record is warranted, the commission must find by clear and convincing evidence that:

(i) The applicant has satisfied a basis for seeking closure under subsection (1)(a) or (b) of this section;

(ii) An open hearing or record to report the information would work a manifestly unreasonable hardship on the applicant;

(iii) Anyone present when the closure request is made has been given an opportunity to object to the closure;

(iv) The proposed method for closing the hearing or hearing record is the least restrictive means available for protecting the threatened interests, after considering alternatives;

(v) The commission has had the opportunity to weigh the competing interests of the applicant seeking closure and the public's interests;

(vi) Closing the hearing or portion of the hearing or hearing record will not frustrate the purposes of chapter ~~((42.17))~~ 42.17A RCW; and

(vii) The proposed protective order is not broader in its application or duration than necessary to serve its purpose.

(b) All evidence presented at any portion of a closed session identifying the matters for which the applicant requests modification under these rules shall be considered confidential by the commission pursuant to a protective order which shall be entered by the commission unless otherwise ordered by a court of competent jurisdiction. In the event that an administrative law judge determines that testimony in private may be necessary, the judge shall immediately adjourn the hearing and refer the matter to the commission.

(3) Any decision or order adverse to an applicant rendered by the commission or the administrative law judge shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law.

AMENDATORY SECTION (Amending Order 85-04, filed 10/31/85)

WAC 390-28-090 Hearing to modify reporting—Required findings. The commission, after hearing as provided in these rules, may suspend the applicable reporting requirement of chapter ~~((42.17))~~ 42.17A RCW if it finds that the literal application of such requirement works a manifestly unreasonable hardship in the case under consideration and if it also finds that such suspension or modification will not frustrate the purposes of the act. The commission shall suspend or modify such reporting requirement or requirements only to the extent necessary to substantially relieve such hardship, and only upon clear and convincing proof to support such claim.

AMENDATORY SECTION (Amending WSR 09-20-081, filed 10/6/09, effective 11/6/09)

WAC 390-28-100 Reporting modifications—Possible qualifications—Statement of financial affairs. (1) One or more of the following may be considered by the commission as possible qualifications for a reporting modification with respect to the statement of financial affairs, when it is in the public interest:

(a) **Banks, savings accounts, insurance policies - Financial interests.** A candidate or official may be exempted from reporting any financial interest, otherwise required to be reported by RCW ~~((42.17.241))~~ 42.17A.710 (1)(b) if:

(i) The financial institution or other entity in which the candidate or official held an interest does not engage in business in the state of Washington, or is not regulated in whole or in part by the office sought or held by such candidate or official;

(ii) Such reporting would present a manifestly unreasonable hardship to the candidate or official; and

(iii) The interest would present no actual or potential conflict with the proper performance of the duties of the office sought or held.

(b) **Income and ownership interests.** A candidate or official may be exempted from reporting the information otherwise required by RCW ~~((42.17.241))~~ 42.17A.710 (1)(f) and (g), if:

(i) Public disclosure would violate any legally recognized confidential relationship;

(ii) The information does not relate to a business entity which would be subject to the regulatory authority of the office sought or held by the candidate or official in whole or in part;

(iii) Such reporting would present a manifestly unreasonable hardship to the candidate or official including but not limited to adversely affecting the competitive position of an entity in which the filer had an interest of ten percent or more as described in RCW ~~((42.17.370(10)))~~ 42.17A.120; and

(iv) The interest in question would present no actual or potential conflict with the performance of the duties of the office sought or held.

(c) **Immediate family members' interests.** A candidate or official may be exempted from reporting the information otherwise required by RCW ~~((42.17.241))~~ 42.17A.710 for members of the immediate family of a candidate or official, if:

(i) Such information relates to a financial interest held by such member under a bona fide separate property agreement, or other bona fide separate status; and, such financial interest does not constitute a present or prospective source of income to such candidate or official or to any other person who is dependent upon such candidate or official for support in whole or in part; or

(ii) Reporting the name of an entity in which the immediate family holds an interest of ten percent or more would be likely to adversely affect the competitive position of the entity, under RCW ~~((42.17.370(10)))~~ 42.17A.120.

(d) **Personal residence - Real property.** Regarding reporting the information otherwise required by RCW ~~((42.17.241))~~ 42.17A.710 (1)(h) through (k):

(i) Under WAC 390-24-200, the filer shall list the street address of each parcel, the assessor's parcel number, the abbreviated legal description appearing on property tax statements, or the complete legal description. Each property description shall be followed by the name of the county in which the property is located.

(ii) No modification will be necessary if the filer describes the real property using one of the alternatives in WAC 390-24-200, plus the name of the county.

(iii) A modification will be required if the filer seeks some other means to describe reportable real property including the personal residence of the filer. The commission may consider a modification, for example, when the filer or his or her immediate family member has received a threat, has a no contact order, or presents a similar personal safety situation.

(e) **Other.** A candidate or official may be exempted from reporting information otherwise required under RCW ~~((42.17.241))~~ 42.17A.710 which would constitute a mani-

festly unreasonable hardship in a particular case, when the circumstances presented would not indicate any actual or potential conflict with the proper performance of the duties of the office sought or held. Examples of members of professions often seeking modifications, and examples of other frequent situations that may result in modification requests, are described in commission interpretive statements.

(2) "Bona fide separate property agreement" means an agreement or court order describing separate property in a valid:

- (a) Prenuptial agreement;
- (b) Separate property contract under chapter 26.09 RCW;
- (c) Separate property court decree under chapter 26.09 RCW;
- (d) Domestic partnership agreement under chapter 26.60 RCW;
- (e) Domestic partnership agreement as part of a notice of termination under chapter 26.60 RCW; or
- (f) Postnuptial agreement.

(3) "Other bona fide separate status" means a valid written agreement or court decree recognizing the separate status of the parties under state law, including their individual property that is separate under state law.

AMENDATORY SECTION (Amending Order 85-04, filed 10/31/85)

WAC 390-32-010 Fair Campaign Practices Code for candidates and political committees. Pursuant to the provisions of RCW ((42.17.370)) 42.17A.110 (1) and (6) the public disclosure commission adopts this Fair Campaign Practices Code:

(1) I shall conduct my campaign, and to the extent reasonably possible shall insist that my supporters conduct themselves, in a manner consistent with the best American tradition, discussing the issues and presenting my record and policies with sincerity and candor.

(2) I shall uphold the right of every qualified voter to free and equal participation in the election process.

(3) I shall not participate in, and I shall condemn, personal vilification, defamation, and other attacks on any opposing candidate or party which I do not believe to be truthful, provable, and relevant to my campaign.

(4) I shall not use or authorize, and I shall condemn material relating to my campaign which falsifies, misrepresents, or distorts the facts, including but not limited to malicious or unfounded accusations creating or exploiting doubts as to the morality, patriotism or motivations of any party or candidate.

(5) I shall not appeal to, and I shall condemn appeals to, prejudices based on race, creed, sex or national origin.

(6) I shall not practice, and I shall condemn practices, which tend to corrupt or undermine the system of free election or which hamper or prevent the free expression of the will of the voters.

(7) I shall promptly and publicly repudiate the support of any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent(s) to methods in violation of the letter or spirit of this code.

(8) I shall refrain from any misuse of the Public Disclosure Law, chapter ((42.17)) 42.17A RCW to gain political advantage for myself or any other candidate.

AMENDATORY SECTION (Amending WSR 92-18-002, filed 8/20/92, effective 9/20/92)

WAC 390-32-020 Filing—Fair Campaign Practices Code. (1) A copy of the code provided in WAC 390-32-010 shall be printed in appropriate campaign reporting instructions made available to candidates and political committees.

(2) Failure to subscribe to the code shall not constitute a violation of chapter ((42.17)) 42.17A RCW.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

WAC 390-37-010 Enforcement procedures—General. This chapter provides the procedures for adjudicative proceedings (hearings) in compliance cases under the commission's jurisdiction. The procedures are also governed by RCW ((42.17.395)) 42.17A.755, and the adjudicative proceedings provisions of chapter 34.05 RCW. Unless they differ or are otherwise specifically addressed in this chapter, the procedure, are supplemented by the model rules of procedure in chapter 10-08 WAC. In lieu of holding an adjudicative proceeding or issuing an order as a result of such a proceeding, the commission may refer the matter to the attorney general or other law enforcement agency pursuant to RCW ((42.17.360(5))) 42.17A.105(5) and ((42.17.395(3))) 42.17A.755.

In addition, the procedures for requesting a hearing on a petition to modify or suspend reporting requirements are provided in RCW ((42.17.370(10))) 42.17A.120 and chapters 390-24 and 390-28 WAC.

The policy of the commission shall be to facilitate the resolution of compliance matters in a fair and expeditious manner. The commission encourages the parties to consider alternative resolution or partial resolution procedures such as stipulations under WAC 390-37-090, when appropriate. Informal settlements are encouraged by RCW 34.05.060.

AMENDATORY SECTION (Amending WSR 93-24-003, filed 11/18/93, effective 12/19/93)

WAC 390-37-020 Enforcement procedures—Initiation of complaint. (1) A complaint alleging a violation of chapter ((42.17)) 42.17A RCW may be brought to the attention of the commission staff by:

- (a) A member of the public;
- (b) The commission staff;
- (c) A commission member, who shall then be disqualified from participating in the decision of an enforcement hearing that may arise from the complaint;
- (d) Referral from the office of the attorney general or any other law enforcement agency;
- (e) A state agency, local agency or member of a state or local agency.

(2) The person or entity against whom a complaint is filed shall be known as the respondent.

AMENDATORY SECTION (Amending WSR 04-12-058, filed 5/28/04, effective 6/28/04)

WAC 390-37-030 Enforcement procedures—Citizen complaints filed with the commission. (1) When a citizen complaint has been filed with the agency pursuant to WAC 390-37-040, neither the complainant nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the commission. However, the staff shall give notice to the complainant of any open commission hearings on the matter and the complainant may be called as a witness in any enforcement hearing or investigative proceeding.

(2) The complainant or any other person may submit documentary evidence and/or written factual or legal statements to the staff at any time up to and including the fifth calendar day before the date of any enforcement hearing or proceeding.

(3) A person not satisfied with the dismissal of a complaint by the commission or its executive director may pursue an appropriate remedy under RCW ((42.17.400(4))) 42.17A.765(4).

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

WAC 390-37-040 Enforcement procedures—Procedures for filing complaints with the commission. (1) A complaint filed with the commission, relating to an elected official or a candidate for elective office, shall be in writing and signed by the complainant under oath.

(2) A complaint filed with the commission, other than a complaint specified in subsection (1) of this section, shall be made in writing.

(3) A complaint filed under the provisions of either subsection (1) or (2) of this section shall include:

(a) A statement of the nature of the alleged violation or violations, date, time and place of each occurrence and name of person or persons responsible;

(b) All available documentation and other evidence which the complainant is able to supply to demonstrate a reason for believing that a violation of the sections of chapter ((42.17)) 42.17A RCW that are enforced by the commission has occurred; and

(c) The name, address, telephone number, and other contact information for the complainant.

AMENDATORY SECTION (Amending WSR 04-12-059, filed 5/28/04, effective 6/28/04)

WAC 390-37-041 Enforcement procedures—Allegations submitted to the attorney general's office and/or prosecuting attorneys. When a person has notified the attorney general or prosecuting attorney under RCW ((42.17.400(4))) 42.17A.765(4) that there is reason to believe a violation of the sections of chapter ((42.17)) 42.17A RCW enforced by the commission has occurred, and the attorney general or prosecutor forwards the complaint to the commission, commission staff may:

(1) Initiate an investigation;

(2) Submit a report to the commission that may include a recommendation;

(3) Schedule the matter for an adjudicative proceeding before the commission following investigation; and/or

(4) Take any other steps consistent with the agency's authority and resources.

AMENDATORY SECTION (Amending WSR 05-11-001, filed 5/4/05, effective 6/4/05)

WAC 390-37-060 Enforcement procedures—Investigation of complaints—Initiation of hearing (adjudicative proceeding). (1) Upon receipt of a complaint not obviously unfounded or frivolous, the executive director shall direct an investigation be conducted. If after an initial review of the complaint it is determined that a complete and thorough investigation will require the expenditure of substantial resources, the executive director may request review and concurrence by the commission before continuing the investigation.

(2) The executive director shall initiate an adjudicative proceeding or provide a report to the commission whenever an investigation reveals facts that the executive director has reason to believe are a material violation of the sections of chapter ((42.17)) 42.17A RCW under the commission's jurisdiction, and do not constitute substantial compliance.

(3) The respondent shall be notified of the date of the adjudicative proceeding no later than ten calendar days before that date. The notice shall contain the information required by RCW 34.05.434. The complainant shall also be provided a copy of this notice.

(4) It is the policy of the commission during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW ((42.17.310-(1)(d))) 42.56.240(1). If a request is made for any such record that implicates the privacy of an individual, written notice of the records request will be provided to the individual in order that such individual may request a protective order from a court under RCW ((42.17.330)) 42.56.540. Certain documents shall be returned to candidates, campaigns, or political committees as required by RCW ((42.17.365)) 42.17A.105 within seven calendar days of the commission's final action upon completion of an audit or field investigation.

AMENDATORY SECTION (Amending WSR 03-18-003, filed 8/20/03, effective 9/20/03)

WAC 390-37-063 Enforcement procedures—Demand for information—Subpoenas. (1) During the course of an audit or an investigation, the executive director may issue a subpoena directed to any person who probably possesses information which is relevant and material to the audit or the investigation. The subpoena shall

(a) Specifically describe the information which is sought, and

(b) Set forth a reasonable time and place for the production of the information, and

(c) Notify the person that if the information is not produced, the executive director will apply to the superior court for an appropriate order or other remedy.

The subpoena may be personally delivered or sent by certified mail, return receipt requested.

(2) The commission may issue a subpoena under RCW ~~((42-17-370(6)))~~ 42.17A.110(6) and WAC 390-37-120 to compel persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other documents which the commission deems relevant and material.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

WAC 390-37-070 Enforcement procedures—Complaints dismissed by executive director. The executive director, with the concurrence of the chair or the chair's designee, at any time prior to consideration by the commission, may dismiss a complaint which on its face, or as shown by investigation, does not show reason to believe that a material violation of the sections of chapter ~~((42-17))~~ 42.17A RCW that are enforced by the commission has occurred and/or shows that the respondent is in substantial compliance with the relevant statutes or rules.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

WAC 390-37-100 Enforcement procedures—Conduct of hearings (adjudicative proceedings). (1) An enforcement hearing (adjudicative proceeding) shall be conducted pursuant to the Administrative Procedure Act (chapter 34.05 RCW). Chapter 390-37 WAC further governs these proceedings, as supplemented by chapter 10-08 WAC. To the extent chapters 390-37 and 10-08 WAC differ, chapter 390-37 WAC controls.

(2) An adjudicative proceeding shall be heard by the commission, except for brief adjudicative proceedings which are conducted by the chair or the chair's designee.

(3) The commission shall have the authority to:

- (a) Determine the order of presentation of evidence;
- (b) Administer oaths and affirmations;
- (c) Rule on procedural matters, objections, and motions;
- (d) Rule on offers of proof and receive relevant evidence;

(e) Pursuant to RCW 34.05.449(5), close parts of a hearing to public observation or order the exclusion of witnesses upon a showing of good cause;

(f) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(g) Take official notice of facts pursuant to RCW 34.05.452(5);

(h) Regulate the course of the hearing and take any appropriate action necessary to maintain order during the hearing;

(i) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(j) Issue an order of default pursuant to RCW 34.05.440;

(k) Take any other action necessary and authorized by any applicable statute or rule;

(l) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver; and

(m) The commission chair or the chair's designee may conduct the procedural aspects of the adjudicative proceeding under (a) through (l) of this subsection, unless a majority of members present vote to seek a full commission decision on any particular matter.

(4) The commission may decide dispositive motions, and any other matters referred to it by the presiding officer at a prehearing conference.

(5) After an adjudicative proceeding by the commission, the commission may find that:

(a) Respondent did not violate the act, as alleged, and dismiss the case; or

(b) Respondent violated chapter ~~((42-17))~~ 42.17A RCW, as alleged, and determine the sanction, if any, to be imposed; or

(c) Respondent is in apparent violation of chapter ~~((42-17))~~ 42.17A RCW, its own remedies are inadequate and enter its order referring the matter to the appropriate law enforcement agency as provided in RCW ~~((42-17-360))~~ 42.17A.105 and ~~((42-17-395))~~ 42.17A.755.

(6) Upon the conclusion of ~~((and))~~ an adjudicative proceeding, the commission:

(a) Shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case and enter an order; and

(b) Shall serve the respondent a copy of the findings of fact, conclusions of law and decision and order.

(7) The executive director is authorized to sign orders on behalf of the commission.

(8) When the commission finds an apparent violation and refers the matter to an enforcement agency, the commission shall give to the respondent written notice of such finding and order of referral.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

WAC 390-37-140 Brief enforcement hearings (adjudicative proceedings)—Authority. (1) The commission may provide a brief adjudicative proceeding for violations of the sections of chapter ~~((42-17))~~ 42.17A RCW that it enforces in which the facts are undisputed, the violations appear to be relatively minor in nature, and a penalty no greater than \$500 will be assessed for the violations. Typical matters to be heard in a brief adjudicative proceeding include, but are not limited to, the following:

(a) Failure to file or late filing of required reports,

(b) Failure to report or accurately report campaign contributions or expenditures or funds spent in lobbying,

(c) Use of public office facilities in election campaigns when the value of public funds expended was minimal,

(d) Infractions of political advertising law regarding sponsor identification or political party identification.

(2) The commission may utilize a penalty schedule for brief adjudicative proceedings.

(3) Brief adjudicative proceedings are set forth in RCW 34.05.482 through 34.05.494.

WSR 12-03-038
PERMANENT RULES
UNIVERSITY OF WASHINGTON

[Filed January 9, 2012, 2:03 p.m., effective February 9, 2012]

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

Purpose: Housekeeping amendments to Title 478 WAC rules are being made for the following reasons:

- The UW *University Handbook* was retired in December 2010 and citations of policies and orders formerly published in the *University Handbook* are corrected to indicate their current UW publication source in WAC 478-120-050, 478-124-030, and 478-136-012.
- Amendments that clarify the meaning of a rule without changing its effect are made in WAC 478-108-070, 478-116-111, 478-116-325, 478-120-050, 478-136-012, and 478-324-150.
- Job titles are updated in WAC 478-355-020, 478-355-030, and 478-355-060.

Citation of Existing Rules Affected by this Order: Amending WAC 478-108-070, 478-116-111, 478-116-325, 478-120-050, 478-124-030, 478-136-012, 478-324-140, 478-355-020, 478-355-030, and 478-355-060.

Statutory Authority for Adoption: RCW 28B.20.130.

Other Authority: *Board of Regents Governance, Standing Orders, Chapter 1.*

Adopted under notice filed as WSR 11-22-026 on October 25, 2011.

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 Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, 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 10, Repealed 0.

Date Adopted: January 5, 2012.

Rebecca Goodwin Deardorff
 Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 90-15-005, filed 7/6/90, effective 8/6/90)

WAC 478-108-070 Faculty employment relationships. All adjudicative proceedings affecting a faculty member at the University of Washington shall be governed exclusively by the provisions of relevant university codes, policies, and ((handbooks)) orders, as they may be amended from time to time, except that any additional procedural protections for adjudicative proceedings in applicable sections of the Washington Administrative Procedure Act shall be available to faculty through the university processes.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-111 Permit required for all motorized vehicles parked on campus. Except as provided in WAC 478-116-112 and 478-116-155, no person shall park or leave any motorized vehicle, whether attended or unattended, upon the campus unless the person first purchases a valid permit from transportation services or a transportation services permit-issuance machine. Permission to park on campus ((will)) shall be shown by display of a valid permit in accordance with WAC 478-116-122.

(1) A valid permit is:

(a) A current, physical vehicle permit issued by an authorized agent or permit-issuance machine designated by transportation services and displayed in accordance with WAC 478-116-122;

(b) A temporary physical permit issued by an authorized agent or permit-issuance machine designated by transportation services. Temporary permits are valid through the date or time of the permit; or

(c) A virtual permit that is stored within a permit-issuance machine for designated spaces. Virtual permits are valid for a specific space through the date or time stored in the machine and, if applicable, listed on the customer receipt.

(2) Parking permits are not transferable, except as provided in WAC 478-116-114.

(3) Transportation services reserves the right to refuse to issue parking permits.

(4) The university may allow persons without permits to drive through the campus without parking.

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

WAC 478-116-325 Motor vehicle fine schedule. The following schedule of fines for violations of the rules listed below is hereby established.

Offense Category	Maximum Citation Fine	Fine if Citation is Paid Within 20 Calendar Days	Applicable Violations
Minor	\$20.00	\$15.00	<ul style="list-style-type: none"> • Permit not registered to vehicle, see WAC 478-116-114; • Parking outside of area assigned by permit, see WAC 478-116-114; • Improper display of permit, see WAC 478-116-122.

Offense Category	Maximum Citation Fine	Fine if Citation is Paid Within 20 Calendar Days	Applicable Violations
General	\$40.00	\$35.00	<ul style="list-style-type: none"> • No valid permit displayed, no valid permit for space or parking without making payment, see WAC 478-116-111, 478-116-112, and 478-116-155; • Occupying more than one space, see WAC 478-116-135; • Parking at expired meter, see WAC 478-116-155; • Overtime parking, see WAC 478-116-175; • All other violations of this chapter.
Major	\$60.00	\$50.00	<ul style="list-style-type: none"> • Obstructing traffic or pedestrian movements, see WAC 478-116-135; • Parking in restricted, prohibited, or nonparking areas, see WAC 478-116-135, 478-116-191, ((and)) 478-116-193, <u>and 478-116-197.</u>
Serious	\$300.00	\$250.00	<ul style="list-style-type: none"> • Disability/wheelchair space violations, see WAC 478-116-195; • Use of revoked, stolen, forged, or altered parking products, see WAC ((478-116-315)) <u>478-116-321.</u>
Late Payment Fee	Maximum Citation Fine + \$25.00	N/A	Penalty for failure to pay fine, respond, or comply with final decision of the citation hearing office within time limits, see WAC 478-116-301.

AMENDATORY SECTION (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

WAC 478-120-050 Jurisdiction. (1) The vice-president and vice-provost for student life, the chancellors of the University of Washington Bothell and Tacoma campuses, or their delegates, may initiate any disciplinary action related to violations of any of the university's rules, regulations, procedures, policies, standards of conduct, or orders. Jurisdiction in such cases may be transferred to the dean of the school or college, or at the University of Washington Bothell and Tacoma campuses, to the dean or director of the program in which the student is enrolled if the alleged misconduct bears upon the student's fitness to continue in the school or college.

(2) Additionally, the dean of each college or school, including the graduate school, or the dean's delegate, or the dean or director of programs in which the student is enrolled on the University of Washington Bothell or Tacoma campuses may initiate any disciplinary action:

(a) Related to violations of university rules, regulations, procedures, policies, standards of conduct, and orders which pertain to that particular campus, college or school, or at the University of Washington Bothell and Tacoma campuses, the program in which the student is enrolled; and

(b) Related to violations of rules, procedures, policies, and standards of conduct of that particular campus, college or school, or at the University of Washington Bothell and Tacoma campuses, the program in which the student is enrolled. The student academic grievance procedure is a separate procedure and is set forth in the ~~((University Handbook))~~ Executive Order No. 58 (graduate school students should also refer to Graduate School Memorandum No. 33).

Violations involving academic misconduct should be reported to the dean of the appropriate school or college, or dean or program director at the University of Washington Bothell or Tacoma campuses.

(3) Other departments of the university have proceedings separate and distinct from the student conduct code. For example:

(a) Campus parking and traffic regulations are under the general jurisdiction of the transportation services department and the police department at the University of Washington Seattle campus and under the jurisdiction of public safety officers at the University of Washington Bothell and Tacoma campuses. (See chapters 478-116, 478-117 and 478-118 WAC.)

(b) The library fines appeals committee has the authority to consider appeals of library charges. (See chapter 478-168 WAC.)

AMENDATORY SECTION (Amending WSR 07-03-069, filed 1/17/07, effective 2/17/07)

WAC 478-124-030 Conduct on campus code—Sanctions. (1) Any person while on the university campus who willfully refuses the request of a uniformed campus police officer to desist from conduct prohibited by these rules may be required by such officer to leave such premises.

(2) Disciplinary action which may result in dismissal from the university will be initiated against faculty, staff, or students who violate these rules, in accordance with the applicable disciplinary codes or other appropriate due process procedures.

(3) Sanctions which may be imposed against faculty are set forth in the ~~((University of Washington Handbook, Volume H))~~ Faculty Code, Chapter 25, Sections 25-51 and 25-71.

(4) Sanctions which may be imposed against students are set forth in WAC 478-120-040.

(5) Sanctions which may be imposed against the classified staff are set forth in the relevant University of Washington labor contract for contract-classified staff, and in Title 357 WAC and applicable university policy for classified non-union staff.

(6) Sanctions which may be imposed against the professional staff are set forth in the University of Washington Professional Staff Program.

(7) Violation of any of the above regulations may also constitute violation of the criminal laws or ordinances of the city of Seattle, the state of Washington, or the United States and may subject a violator to criminal sanctions in addition to any sanctions imposed by the university.

AMENDATORY SECTION (Amending WSR 10-13-098, filed 6/17/10, effective 7/18/10)

WAC 478-136-012 Definitions. (1) "Chair" of the committee on the use of university facilities means the person delegated authority by the president of the University of Washington and the chancellors of the University of Washington to authorize the use of university facilities, as provided for herein, for activities which take place on their respective campuses or at locations governed by their respective campuses; who oversee the committee on the use of university facilities for their respective campuses; and who liaise with other chairs to promote coordination in the application of this policy across campuses. The University of Washington attorney general's division shall provide legal guidance to the chair as needed.

(2) "Committee on the use of university facilities" means a committee appointed by the chair of the committee on the use of university facilities, which meets on a schedule to be determined by the chair, to provide nonbinding guidance to the chair on the application of these rules. Committee representatives might include representatives for UW police, environmental health and safety, risk management, student affairs, student government, and faculty and staff representatives.

(3) "Facility" or "facilities" includes all structures, grounds, parking lots, waterfront, and airspace owned or operated by the University of Washington, except where a "facility" is excluded from the application of this rule pursuant to a contract (such as a lease or rental agreement). Specific rules also apply to parking lots, bicycle and skateboard use (chapters 478-116, 478-117, and 478-118 WAC), boat moorage facilities (chapter 478-138 WAC ~~((and University Handbook, Volume 4, Part VII, Chapter 3, Section 2))~~), ~~((residence halls))~~ student housing (chapter 478-156 WAC), airspace use ~~((University Handbook, Volume 4, Part VII, Chapter 3, Section 5))~~ Executive Order No. 22), nonuniversity speakers on campus ~~((University Handbook, Volume 4, Part VII, Chapter 3, Section 4))~~ Executive Orders No. 23 and No. 42), and use of facilities by the Associated Students Uni-

versity of Washington (ASUW), Graduate and Professional Student Senate (GPSS), and other affected organizations ~~((University Handbook, Volume 3, Part III, Chapter 5))~~ Student Governance and Policies, Chapter 202).

(4) "Use of facilities" includes, but is not limited to, the holding of events, the posting and removal of signs, all forms of advertising, commercial activities, and charitable solicitation.

AMENDATORY SECTION (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

WAC 478-324-140 Additional methods of public notice. The university shall provide public notice of scoping, DNS with comment period, public hearings scheduled in accordance with these procedures and availability of draft and final EISs by providing notice in such form as a press release or advertisement in the on-line ~~((University Week))~~ UW Today, University of Washington Daily, and/or in another legal newspaper of general circulation in the area where the property which is the subject of the action is located (e.g., The Seattle Times or Tacoma News Tribune).

AMENDATORY SECTION (Amending WSR 93-24-049, filed 11/24/93, effective 12/25/93)

WAC 478-355-020 Purpose. To expedite the award of public work contracts at minimum cost, the University of Washington ~~((executive))~~ senior vice-president for finance and facilities is authorized to establish a small works roster.

AMENDATORY SECTION (Amending WSR 01-08-007, filed 3/22/01, effective 4/22/01)

WAC 478-355-030 Project construction cost. Whenever the estimated project construction cost of any University of Washington public work is less than two hundred thousand dollars, the University of Washington ~~((executive))~~ senior vice-president for finance and facilities is authorized to use the small works roster in lieu of public advertisement for bids. In the event the legislature further increases the small works roster limit, the university is authorized to use the small works roster for any projects up to the subsequently authorized limit.

AMENDATORY SECTION (Amending WSR 93-24-049, filed 11/24/93, effective 12/25/93)

WAC 478-355-060 Administration. The ~~((executive))~~ senior vice-president for finance and facilities is authorized to establish procedures for university use of its small works roster.

WSR 12-03-040

PERMANENT RULES

THE EVERGREEN STATE COLLEGE

[Filed January 10, 2012, 11:26 a.m., effective February 10, 2012]

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

Purpose: This rule articulates standards for student conduct and procedures for adjudicating allegations of student misconduct.

Citation of Existing Rules Affected by this Order: Repealing chapter 174-120 WAC.

Statutory Authority for Adoption: RCW 28B.40.120.

Adopted under notice filed as WSR 11-22-094 on November 1, 2011.

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 Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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: January 10, 2012.

John Carmichael
Rules Coordinator

Chapter 174-123 WAC

STUDENT CONDUCT CODE

NEW SECTION

WAC 174-123-010 The Evergreen State College student conduct code. This chapter will be known as the student conduct code (code) for The Evergreen State College.

BACKGROUND

NEW SECTION

WAC 174-123-020 Purpose. The Evergreen State College can thrive only when all members of the community participate in the social contract, which prizes academic and interpersonal honesty, conveys our commitment to resolving differences with a strong will toward collaboration, and protects community values and individual rights. The student conduct code articulates specific procedures and standards for upholding the values and aspirations expressed in the social contract. Specifically, the code strives to afford opportunities for informal resolution and to support students to be accountable for their decisions and actions. The code has been crafted in the spirit of education and compassion, with the aim of healing individuals, preserving our common interests, and protecting each other from harm.

NEW SECTION

WAC 174-123-030 Student rights and responsibilities. (1) Every student has a duty to know, understand and abide by the rules and policies of the college.

(2) In most cases, students will have the opportunity to resolve alleged violations informally through mediation, arbitration, or restorative justice conference.

(3) Students alleged to have violated the code have the following rights under the code:

(a) To be informed of the charges against them and know who the complainant is;

(b) To request an informal resolution of the complaint;

(c) To participate in developing a mutually agreed upon contract of accountability with the student conduct administrator;

(d) To appeal a determination of responsibility and/or required resolution and sanctions, issued by a student conduct administrator, to the student conduct appeals board;

(e) To hear and respond to information upon which a charge is based;

(f) To call relevant persons to provide information at hearings before the student conduct code appeals board;

(g) To request that any person serving as a student conduct code administrator, or serving as a student conduct code appeals board member, be replaced as provided in the code on the grounds of bias, prejudice, or conflict of interest.

(4) Complainants have the following rights under the code:

(a) To participate in an informal resolution of the complaint;

(b) To inquire about the status of the complaint;

(c) To appeal a determination of responsibility and/or required resolution and sanctions, issued by a student conduct administrator, to the student conduct appeals board and to call relevant persons to provide information before the student conduct code appeals board in cases where a complaint alleges sexual misconduct, sexual harassment, or physical abuse;

(d) To request that any person serving as a student conduct code administrator, or serving as a student conduct code appeals board member, be replaced as provided in the code on the grounds of bias, prejudice, or conflict of interest.

NEW SECTION

WAC 174-123-040 Definitions. (1) "College" means The Evergreen State College.

(2) "Student" means:

(a) Any applicant who becomes enrolled, for violations of the code committed as part of the application process or committed following the applicant's submittal of the application through official enrollment;

(b) Any applicant accepted for admission or readmission to the college;

(c) Any person currently enrolled at the college;

(d) Any person enrolled at the college in a prior quarter or summer session, and eligible to continue enrollment in the quarter or summer session that immediately follows; or

(e) Any person who was enrolled for violations of the code that occurred while enrolled; or

(f) Any person not employed by the college on a permanent basis who resides in college housing.

(3) "**Faculty member**" means any person employed by the college to conduct teaching activities or who is otherwise considered by the college to be a member of the faculty.

(4) "**Staff member**" means any person employed by the college for nonteaching purposes.

(5) "**College official**" means any person employed by the college performing assigned teaching, administrative or professional responsibilities.

(6) "**Member of the college community**" means any person who is a student or faculty or staff member. A person's status in a particular situation will be determined by the vice-president for student affairs.

(7) "**Guest**" means any person who is not a member of the college community on college premises at the invitation and/or hosting of a student.

(8) "**College premises**" means all land, buildings, facilities, and other property in the possession of or owned, used, leased or controlled by the college including adjacent streets and sidewalks.

(9) "**College-sponsored event or activity**" means activities or events involving planning or funding, or other authorized participation by the college.

(10) "**Recognized organization**" means any group which has complied with the formal requirements for college recognition and is an officially recognized college organization. A group's status in a particular situation will be determined by the vice-president for student affairs.

(11) "**Policy**" means the official written policies and procedures of the college published on the college's web site or in the college catalog; or the individual requirements of a department or office, posted anywhere on college premises or at college-sponsored events or activities.

(12) "**Vice-president for student affairs**" is the person designated by the college president to oversee the administration of the code, and for performing the other duties and obligations of the position.

(13) "**Senior student conduct administrator**" means the primary college official authorized by the vice-president for student affairs responsible for administering the code.

(14) "**Student conduct administrator**" means a college official authorized by the vice-president for student affairs to administer the code in response to a complaint.

(15) "**Complainant**" means any person who submits a complaint alleging that a student violated the code and/or a student who believes they have been the victim of another student's misconduct.

(16) "**Respondent**" means any student alleged to have violated the code.

(17) "**Restorative justice conference**" means an informal process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things right as possible.

(18) "**No contact order**" means a directive of no contact with a member of the college community which may require a student to organize their activities in order to avoid contact with designated individuals.

(19) "**Conduct hold**" means a hold placed on the student's official record with the registrar by the senior student conduct code administrator prohibiting a student from registering for academic credit or receiving a copy of their transcript until the hold is removed by the senior student conduct code administrator or the vice-president for student affairs.

(20) "**Resolution and sanction(s)**" means those tasks or consequences, and associated deadlines, the respondent must complete to address violations of the code articulated in the contract of accountability.

(21) "**Contract of accountability**" means a written mutual agreement between the respondent and student conduct administrator which states the violations of the code and the resolution and sanction(s).

(22) "**Determination of responsibility**" means a decision of the student conduct administrator regarding whether or not the respondent is responsible for the alleged violation(s) of the code.

(23) "**Required resolution and sanction**" means the decision of the student conduct administrator regarding the resolution and sanction(s) appropriate to the level of responsibility for violating the code as conveyed in the determination of responsibility.

(24) "**Final determination**" means a decision by the student conduct appeals board stating the outcome of the hearing.

(25) "**Written notice**" means written communication personally provided to the student or delivered via the student's assigned college account electronic mail address.

(26) "**Served notice**" means written communication personally provided to the student, or upon deposit in the United States mail addressed to the student at his or her last known address. A student's last known address will be the current address on file with the registrar unless a student has provided written notice of a different address to the office of the vice-president for student affairs.

(27) "**Calendar day**" means every day of the month including weekends and state holidays.

(28) "**Business day**" means any calendar day, exclusive of weekends and federal and school holidays, in which the college is open to the public for the conduct of business.

NEW SECTION

WAC 174-123-050 Jurisdiction. (1) The code applies to:

(a) Prohibited conduct that occurs on college premises or at college-sponsored events or activities; and applies in all locations of the college, including locations other than Olympia, Washington; and

(b) Prohibited conduct that does not occur on college premises or in the context of college-sponsored events or activities where it is reasonable to conclude the conduct causes, or threatens to cause, substantial and material disruption or interference with teaching by the college and student learning; or where the conduct causes, or threatens to cause, a substantial and material danger to the health, welfare, or personal safety of any member of the college community, or to college property. The vice-president for student affairs

will determine whether the code will be applied to conduct occurring off campus on a case-by-case basis.

(2) Each student is responsible for their conduct from the time of application for admission through the actual awarding of a degree as follows:

(a) Before a program or course of study begins or after it ends;

(b) During the academic year; and

(c) During periods between terms of actual enrollment, even if the person's conduct is reported after a degree is awarded.

(3) The code applies to a student's conduct even if the student withdraws from the college while a complaint is pending.

(4) Alleged misconduct by a student organization will be addressed by student activities' policies and procedures.

(5) Nothing herein will be construed as being intended to create a legal obligation on the part of the college to protect any person or class of persons from injury or harm, or to deny students their legal and/or constitutionally protected rights.

NEW SECTION

WAC 174-123-060 Computation of time. In computing any period of time in these rules, the day from which the designated period begins to run will not be included. The last day of the period will be included unless it is a Saturday, Sunday, or holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or holiday.

NEW SECTION

WAC 174-123-070 Prohibited conduct. Students are expected to engage in responsible conduct that reflects credit upon the college community and to model good citizenship. Students are expected to preserve college functions, maintain academic integrity, provide honest and accurate information, prevent harm to self or others, foster a safe community, protect and preserve college and personal property, and to adhere to published policies, contracts, and local, state and federal laws. Attempting or engaging in any of the following conduct is specifically prohibited under the code.

(1) Academic dishonesty which includes, but is not limited to, the following:

(a) Plagiarism defined as appropriating or incorporating any other person's published or unpublished work in one's own work without full, clear and correct acknowledgment;

(b) Copying from another person's academic work without proper acknowledgment;

(c) Using assistance or materials that are expressly forbidden to complete an academic product or assignment;

(d) The unauthorized collaboration with any other person during the completion of independent academic work;

(e) Knowingly falsifying or assisting in falsifying in whole, or in part, the contents of one's academic work;

(f) Permitting any other person to substitute oneself to complete academic work; or

(g) Engaging in any academic behavior specifically prohibited by a faculty member in the course covenant, syllabus, or individual or class discussion.

(2) Conduct that obstructs or disrupts any college learning, teaching, research, administration, adjudicative process, public service functions or college-sponsored events or activities.

(3) Failure to be truthful to the college or a college official. This includes, but is not limited to, knowingly making false charges against another member of the college community; and providing false or misleading information in an application for admission, to gain employment, or in a college investigation, hearing or process.

(4) Forgery, alteration, or the misuse of college documents, records or identification cards.

(5) Failure to comply with the direction of or failure to identify yourself to a college official or other public official acting in the performance of their duties.

(6) Physical abuse of any person including, but not limited to, physical assault with bodily injury or the threat of physical harm to another person.

(7) The recording of any private conversation, by any device, without the consent of all persons engaged in the conversation except as permitted by state law chapter 9.73 RCW. For purposes of this section, the term "consent" will be considered obtained only when one party has announced to all other parties engaged in the communication or conversation that such communication or conversation will be recorded or transmitted; and the announcement itself is recorded as part of the conversation or communication.

(8) Viewing, photographing, or filming another person without that person's knowledge and consent, while the person being photographed, viewed or filmed is in a place where he or she would have a reasonable expectation of privacy.

(9) Unauthorized entry into or onto, or the unauthorized remaining in, or upon, any college premises; or the unauthorized possession, duplication, or use of a college key or other access device.

(10) Intentional sounding of a false alarm which includes, but is not limited to, initiating or causing to be initiated any false report, warning or threat, such as that of fire, explosion or emergency that intentionally causes a false emergency response; and the improper use or disabling of safety equipment and signs.

(11) Failure to evacuate during a fire alarm; the improper use or damaging of fire prevention or safety equipment, such as fire extinguishers, smoke detectors, alarm pull stations, or emergency exits; or the unauthorized setting of fires.

(12) The possession, use, manufacture, or distribution of alcohol except as expressly permitted by law or college policy; or public appearance on college premises while intoxicated. Alcoholic beverages may not, in any circumstance, be used, possessed, consumed by, or distributed to, any person under the legal age.

(13) Possession, use, manufacture, cultivation, packaging, distribution, selling, or the providing of any controlled substance as identified in chapter 69.50 RCW; or the possession or use of drug paraphernalia as defined in RCW 69.50.102; use of a prescription drug other than as prescribed, use of a prescription drug not issued to the student, or the distribution or sale of a prescription drug to a person to whom the prescription was not originally issued; or public appear-

ance while under the influence of a controlled or illegal substance.

(14) Damaging, defacing, destroying, or tampering with, college property or other personal or public property. This includes, but is not limited to, graffiti and vandalism.

(15) The attempted or actual theft of property or services. This includes, but is not limited to, taking, attempting to take, possessing, or aiding another to take college property or services, or property belonging to any person, without express permission.

(16) Possessing firearms or other dangerous weapons other than to secure them with police services; the unauthorized use, possession or storage of any explosives, fireworks, dangerous chemicals, or substances; or the use of any instrument designed to cause harm, or realistic replica of such instrument, in such a manner which might reasonably threaten or cause fear or alarm to others.

(17) Sexual misconduct which includes the following:

(a) The actual or attempted sexual intercourse or sexual contact that is unwanted or forced upon another, without the consent of that person. Sexual contact is any intentional contact with the breasts, buttock, groin or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts. Sexual intercourse means any anal, oral or vaginal intercourse, however slight, with any object. Consent means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating a voluntary and mutually understandable agreement between the parties to engage in the action(s) or behavior(s). Consent may not be given or granted when one's capacity for effective decision making has been diminished by the use of alcohol or drugs, or a person is unconscious, or is experiencing some other cognitive impairment. Consent is not considered voluntary when obtained through threats, intimidation, or coercion. Sexual misconduct can occur with any combination of genders, gender expressions and sexual orientations.

(b) The photographing or filming of the intimate areas of another person without that person's knowledge and consent and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

(c) The indecent exposure of a person's genitals when done in a place where such exposure is likely to be an offense against generally accepted standards of decency.

(d) Sexual exploitation which occurs when one takes nonconsensual or abusive sexual advantage of another for another's advantage or benefit and that behavior does not otherwise constitute one of the other sexual misconduct prohibitions. Sexual exploitation includes, but is not limited to, going beyond the boundaries of consent (such as allowing others to view otherwise consensual sexual activity).

(18) Harm, which is behavior directed at an individual that is sufficiently severe, pervasive, or persistent such that it diminishes or interferes with the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the college or an employee to engage in their work duties.

(19) Stalking which is defined as repeatedly engaging in a course of conduct directed at another individual that would cause a reasonable person to experience alarm, fright or

determine that their safety, or the safety of those affiliated or associated with them is at risk.

(20) Harassment which is defined as conduct against a person on the basis of race, color, ethnicity, national origin, religious affiliation, sex, gender identity or expression, disability, age, military status, or sexual orientation that is sufficiently severe, pervasive, or persistent to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the college, or an employee to engage in work duties.

(21) Failing to monitor the behavior of a visitor or guest to assure their adherence to the code.

(22) Violation of any college policy including, but not limited to, residential and dining services policies.

(23) Knowingly assisting another person to violate the code or failing to report to a college official conduct that constitutes significant damage to property or a serious danger to the health or personal safety of an individual.

(24) Tampering with the election of any student organization or group.

(25) Hazing which is conduct that includes any activity or method of initiation into a recognized organization or student social, living, learning, or athletic group that causes, or is likely to cause, bodily danger or physical, mental, or emotional harm to any member of the college community.

(26) Being charged with violation of federal, state, or local law by law enforcement, or conviction of a felony or misdemeanor, under circumstances where it is reasonable to conclude that the presence of the person on college premises would constitute a danger to the health, or personal safety of members of the college community.

NEW SECTION

WAC 174-123-080 Emergency suspension. (1) The vice-president for student affairs, or designee, may immediately suspend a student from the college for an interim period prior to the completion of an investigation of an alleged code violation by the student conduct administrator, if the student's alleged act of misconduct is of such a serious nature that continued enrollment at the college presents a threat to the safety, health, or welfare of any member of the college community, or the protection of personal or college property.

(2) A student placed on emergency suspension will be served notice of the suspension, the reason for imposing an emergency suspension, and advised of the date, time and place for a hearing regarding the suspension before the vice-president of student affairs, or their designee. The hearing will take place no later than ten business days from the effective date of the emergency suspension.

(3) The respondent may request to proceed with a conduct conference with the senior conduct administrator prior to the emergency suspension hearing. The resolution of the conduct conference may result in removal of the emergency suspension with the vice-president's approval.

(4) Failure of a student to appear at the time and place scheduled in the served notice will result in the issuance of an order of default and in the loss of the student's right to a hearing challenging the emergency suspension.

STUDENT CONDUCT CODE PROCEDURES

NEW SECTION

WAC 174-123-090 Purpose. The procedures governing a student conduct administrator's handling of complaints under the code are designed to afford complainants and respondents informal resolution options and a fair and accessible process. The process educates students about their rights and responsibilities, holds students accountable for their actions, and provides due process.

NEW SECTION

WAC 174-123-100 Submitting a complaint. (1) Any person may submit a complaint against a student alleging a violation of the code. The complaint must be submitted in writing to the senior student conduct administrator or to any other college official. A complaint should be submitted as soon as possible after the event has taken place.

(2) The senior conduct administrator, or designee, will be responsible for addressing alleged violations of the code. If there is a question about who should be responsible for addressing a complaint, the vice-president for student affairs, or designee, will assign responsibility for handling the complaint and if necessary, serve as a student conduct administrator.

(3) A complainant or respondent may request, in writing to the vice-president for student affairs, to have a complaint addressed by an alternate student conduct administrator if a bias, prejudice, or conflict of interest is identified. The vice-president of student affairs will have the final authority to determine the appropriate student conduct administrator to assign in this case.

NEW SECTION

WAC 174-123-110 Notification to respondent. (1) The respondent will meet with the student conduct code administrator for a conduct conference as directed in a written notice.

(2) The student conduct administrator may impose interim restrictions on the respondent prior to, or at any stage during, a conduct conference, when the health or safety of the complainant or any member of the college community is deemed at risk. The interim restriction may include a no contact order and/or loss of privileges limiting access to community members who may be at risk due to the respondent's presence.

A student issued an interim restriction that includes loss of privileges will receive written notice of the interim restriction, the reason for imposing an interim restriction, and advised of the date, time and place for a hearing regarding the interim restriction before the student conduct administrator, or their designee. The hearing will take place no later than three business days from the effective date of the interim restriction.

(3) The interim restriction will remain in place until a contract of accountability exists, an appeal board issues a final determination, or the student conduct administrator

notifies the respondent in writing that the interim restriction has been modified or is no longer in effect.

NEW SECTION

WAC 174-123-120 Conduct conference. (1) During the conduct conference, which may occur over a series of meetings, the student conduct administrator will explain to the respondent the process for addressing complaints under the code, advise the respondent of their rights and responsibilities, and review with the respondent the complaint and alleged violation(s) of the code.

(2) If there is more than one respondent involved in the complaint, the student conduct administrator, at their discretion, may conduct the conferences concerning each respondent either separately, or jointly.

(3) Failure to meet with the student conduct administrator at the appointed time during the conduct conference process may subject a respondent to a conduct hold. If the respondent fails to meet with the student conduct administrator as required, a determination of responsibility and required resolution and sanctions may be determined in the respondent's absence.

(4) In addition to information sought from the respondent regarding the allegations, the student conduct administrator may seek additional information from other persons with information relevant to the investigation of the complaint.

(5) If the complaint is determined to have merit, the student conduct administrator will proceed with informal resolution, enter into a contract of accountability with the respondent, or complete an investigation and issue a determination of responsibility and required resolution and sanction(s). If the student conduct administrator determines that the respondent is not responsible for violating the code, no action will be taken and the complaint will be dismissed.

NEW SECTION

WAC 174-123-130 Informal resolution. If the student conduct administrator concludes that efforts at informal resolution are appropriate to resolve a complaint, the administrator will take whatever steps are useful to that end, including mediation, arbitration or a restorative justice conference. The complainant may end the informal resolution process at any time and request formal resolution of the complaint.

If an informal resolution is reached and the respondent complies with the agreed terms and conditions, if any, no further action against the respondent will be taken and the matter will be closed. If a resolution is not reached, or the respondent fails to comply with the agreed terms and conditions of the resolution, the student conduct code administrator may proceed to take action necessary to resolve the complaint.

NEW SECTION

WAC 174-123-140 Contract of accountability. (1) The student conduct administrator may work with any respondent who acknowledges responsibility for engaging in prohibited conduct to identify the resolution and sanction(s). If an agreement is reached, the resolution and sanction(s) will

be contained in a written contract of accountability signed by both the respondent and the student conduct administrator.

(2) A respondent who enters into a contract of accountability will comply with the resolution and sanction(s) set forth in the contract and will have no further right of appeal under the code. A respondent's failure to comply with a contract of accountability may be the basis for a separate violation of misconduct under the code and may result in the student conduct administrator issuing a conduct hold. The conduct hold will remain in effect until such time that the student satisfactorily completes all of the requirements of the contract of accountability. If a complaint alleges sexual misconduct, sexual harassment, or physical abuse, the complainant is to be informed of the contract of accountability.

NEW SECTION

WAC 174-123-150 Notice of determination of responsibility and required resolution and sanctions. (1) If a complaint is not resolved through informal resolution or by entering into a contract of accountability, the student conduct administrator will issue a determination of responsibility based on a standard of more likely than not and if appropriate, a required resolution and sanction(s).

(2) The determination of responsibility will identify the specific conduct that has violated the code. The required resolution and sanction(s) will provide for those tasks or consequences, and associated deadlines, the respondent must execute to address violations of the code.

(3) The student conduct administrator's determination of responsibility and required resolution and sanction(s) will be final unless the respondent files a timely appeal to the student conduct appeals board. If a complaint alleges sexual misconduct, sexual harassment, or physical abuse, the complainant is to be informed of the final determination and any sanction imposed against the respondent and may file a timely appeal to the student conduct appeals board.

NEW SECTION

WAC 174-123-160 Resolution and sanctions. The following resolution and sanctions may be agreed to by, or required of, a respondent found to have violated the code. More than one resolution and sanction may be imposed for any single violation. Resolution and sanctions are based on the unique aspects of each situation and should be appropriate to the violation, taking into consideration the context and seriousness of the violation. History, patterns, and frequency of misconduct; severity and level of impact on the community; and a student's motivation and response all determine the resolution and sanction for each individual respondent.

(1) **Warning.** This is a written notice that the student is violating, or has violated, the code.

(2) **Educational and discretionary actions.** This includes, but is not limited to, work assignments, essays, behavior assessment and recommended treatment, completion of a workshop or training, restorative justice conference, or service to the college.

(3) **Probation.** A written reprimand and notice that for a designated period of time a student will be on special status with conditions imposed that include the probability of addi-

tional required resolution and sanctions if the student is found to violate the code during the probationary period of time.

(4) **Loss of privileges.** This may include, but is not limited to, limited access or restriction from college premises, college-sponsored activities or events, use of equipment, student employment, or participation in cocurricular activities.

(5) **Restitution.** Compensation for loss, damage, or expenses for injury incurred by the college or persons resulting from a violation of the code. This may take the form of appropriate service, monetary or material replacement, or a combination of both.

(6) **No contact order.** A directive that a student may have no contact with other stated members of the college community. In the case where a "no contact order" is issued, a student may be required to organize their activities in order to avoid contact with designated individuals.

(7) **Residence hall suspension.** Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions allowing for a student to return to the residence hall may be specified in the suspension.

(8) **Residence hall expulsion.** Permanent separation of the student from the residence halls.

(9) **College suspension.** Separation of the student from the college for a definite period of time, after which the student is eligible to return, provided that the student has complied with all conditions imposed as part of the suspension and the student is otherwise qualified for reenrolling. Conditions for reenrollment may be specified in the suspension.

(10) **College expulsion.** Permanent separation of the student from the college with a notation on the student's transcript.

(11) **Withholding admission or degree.** The withholding of admission to, or the withholding of a degree awarded from, the college for a specified amount of time.

(12) **Revocation of admission or degree.** The revocation of the admission to or the revocation of a degree from the college in those cases in which egregious academic dishonesty is discovered subsequent to a student's graduation. Degree revocation must be approved by the board of trustees and will be noted on the student's academic record.

(13) **Records hold.** The placement of a records hold on the student's academic record prohibiting the release of any transcripts, diploma(s) or other records until a student satisfies the terms and conditions of any required resolution and sanction.

STUDENT CONDUCT APPEALS

NEW SECTION

WAC 174-123-170 Filing of appeal. (1) A respondent may appeal a student conduct administrator's determination of responsibility and required resolution and sanction(s) to the student conduct appeals board. A complainant, in cases where a complaint alleges sexual misconduct, sexual harassment, or physical abuse may also appeal a student conduct administrator's determination of responsibility and required resolution and sanction(s) to the student conduct appeals board. An appeal must be in writing and received by the

vice-president for student affairs within twenty calendar days of written notice of the student conduct administrator's determination of responsibility and required resolution and sanction(s).

(2) Except in cases of an emergency suspension, the respondent's enrollment status, and rights as an enrolled student, will not be altered if a timely appeal is filed with the student conduct appeals board under subsection (1) of this section.

NEW SECTION

WAC 174-123-180 Notice of hearing. (1) After receipt of a timely request for a hearing, the vice-president for student affairs, or designee, will schedule a hearing before the student conduct appeals board and provide served notice to the respondent at least seven business days in advance of the hearing. The seven days advance notice may be waived by the vice-president for student affairs, or designee, with the student's permission.

(2) The served notice provided to the respondent will include the following:

(a) The date, time, location, and nature of the proceeding;

(b) A date by which the respondent and student conduct administrator must identify advisors and/or individuals who will be involved in sharing information on their behalf as well as requests for reasonable accommodations, if any, for these individuals;

(c) A date by which the student conduct administrator and respondent must provide copies of any documents to be provided to the board at the hearing. The date for providing documents must be at least two business days prior to the hearing date.

NEW SECTION

WAC 174-123-190 Procedure at hearing. The procedures to be followed at hearings conducted by the student conduct appeals board are as follows:

(1) All procedural questions and other decisions are subject to the final decision of the chair of the board unless otherwise provided for in these rules. The chair will ensure that the proceeding is held in an orderly manner such that the rights of all parties to a full, fair and impartial proceeding that adheres to the code is achieved.

(2) The hearing is a closed proceeding which includes only members of the board; the advisor to the board, if any; the student conduct administrator and their advisor, if any; the complainant and the respondent and their advisor(s), if any; and persons requested to provide information at the hearing. Admission of any other person to the hearing is at the discretion of the board's chair and subject to the requirement set forth in subsection (8) of this section.

(3) The complainant and the respondent are neither encouraged nor required to be assisted by an advisor of their choosing at their own expense. The student conduct administrator and respondent are expected to present all information during the proceedings. Proceedings will not be automatically delayed due to the scheduling conflicts of an advisor. In cases where the complaint alleges sexual misconduct,

sexual harassment, or physical abuse, the complainant may present information during the proceedings.

(4) There will be a single verbatim sound recording of the hearing, and the record will be on file with the vice-president for student affairs and is the property of the college.

(5) The respondent's failure to cooperate with or attend a hearing will not preclude the board from proceeding and issuing a final determination or upholding the determination of the student conduct administrator.

(6) Only those materials and information presented at the hearing will be considered. The chair may exclude or limit ineffectual, irrelevant, or unduly repetitious information.

(7) Any person disrupting the proceeding will be duly warned and subsequently may be excluded from the hearing by the chair. Any student engaging in such interference will be in violation of the student conduct code.

(8) The chair is authorized to take reasonable measures to maintain control over the proceedings in order to elicit relevant information, to prevent the mistreatment of participants, to insure that proceedings are not disrupted and the interests of fairness are served. This may include regulating the timing, length and manner of presentations, declaring recesses in the proceedings, and taking other appropriate actions.

(9) Only members of the student conduct appeals board and the advisor to the board, if any, will be present for deliberations. Deliberations are not recorded. During deliberations the board will consider all the information presented and decide by majority vote whether it is more likely than not that the respondent is responsible for violating each section of the code the respondent is charged with violating and/or what resolution and sanction(s) to impose.

NEW SECTION

WAC 174-123-200 Board composition. (1) The board will be composed of five members consisting of one faculty member, one staff member, and three students. One member will be designated by the vice-president to serve as the chair of the board for a hearing.

(2) The faculty agenda committee will designate faculty members to serve on the student conduct appeals board as needed.

(3) The vice-president for student affairs will be responsible for designating the student and staff members serving on the board. The student members, including the selection of alternate members to serve as necessary, will be done through an open selection process established by the vice-president.

(4) A respondent, complainant, and/or the student conduct administrator may request removal of a member of the board at the commencement of the hearing for reasons of bias, prejudice or conflict of interest. The chair of the board will be responsible for making decisions regarding removal, unless the student is requesting removal of the chair. When there is a request to remove the chair, and the chair does not voluntarily step down, a quorum of the remaining members will decide whether removal is warranted. If a member is removed, an appropriate alternate member (i.e., faculty, student or staff) will serve on the board for the excused member.

NEW SECTION

WAC 174-123-210 Final determination. The board will issue a final determination that:

(1) Upholds part, or all, of the determination of responsibility; and upholds the required resolution and sanction(s), or modifies or develops an alternate resolution and sanction(s); or

(2) Determines that it is more likely than not that the student is not responsible for violating the code, reverse the determination of responsibility issued by the student conduct administrator, and dismiss the case.

The final determination will be provided to the respondent by served notice. If a complaint alleges sexual misconduct, sexual harassment, or physical abuse, the complainant will be informed of the final determination and any sanction imposed against the respondent by written notice.

NEW SECTION

WAC 174-123-220 Reconsideration. (1) Within ten business days of the served notice of the final determination, the complainant or the respondent may submit a petition for reconsideration with the student conduct appeals board. The petition must state the specific grounds upon which relief is requested.

(2) The petition will be deemed submitted on the day of actual receipt by the board. Service on the board can be made by one of the following means:

(a) E-mail received by the office of the vice-president for student affairs; or

(b) By deposit in the United States mail, postage prepaid, addressed as follows: The Evergreen State College, Student Conduct Appeals Board, Office of the Vice-President for Student Affairs, 2700 Evergreen Parkway N.W., Olympia, Washington 98505; or

(c) By personal service on the student conduct appeals board which will be deemed accomplished by hand delivering the petition to the office of the vice-president for student affairs during regular business hours at the address listed in (b) of this subsection.

(3) The final determination issued by the student conduct appeals board will remain in effect during the time period that a petition for reconsideration is under review by the board. The board will respond within twenty business days from the date the petition is submitted.

MAINTENANCE OF STUDENT CONDUCT CODE RECORDS

NEW SECTION

WAC 174-123-230 Retention. (1) A student's conduct record may be retained for seven years after the final disposition of the case unless the college is required to retain the record for a longer period of time under another provision of state or federal law. When the resolution and sanction(s) includes college expulsion or revocation of a degree the record will be retained in perpetuity. Final disposition is defined as when:

(a) A respondent fulfills the contract of accountability or the required resolution and sanction(s) issued by the student conduct appeals board; or

(b) A case is closed at the discretion of the student conduct administrator when the respondent has not completed the required resolution and sanction and has not been enrolled for twelve months.

(2) Other than college expulsion, degree revocation, or withholding of a degree, resolution and sanctions will not be made part of the student's permanent academic record, but will be part of the student's conduct record.

SIMULTANEOUS CIVIL OR CRIMINAL PROCEEDINGS

NEW SECTION

WAC 174-123-240 Simultaneous civil or criminal proceedings. (1) Student conduct code proceedings may be instituted and carried out without regard to any criminal or civil litigation or external processes with which the student may be involved. Issuance of a determination of responsibility or required resolution and sanction(s) by the student conduct administrator or appeals board will not be subject to change because criminal charges or civil litigation from the same facts resulting in an allegation of violation of the code were dismissed, reduced, or resolved in favor of or against the respondent.

(2) If a respondent charged with misconduct under this code has been charged with a crime for the same act or closely related acts by federal, state, or local authorities, or if it appears that such criminal charge is under consideration, the respondent may petition the vice-president for student affairs to postpone action on the complaint until there has been a disposition of the criminal charge or of the consideration of filing such charge. The vice-president will have the discretion to grant or deny the request.

(3) When a respondent is charged by federal, state, or local authorities with a violation of law, the college will not request or agree to special consideration for the individual because of their status as a student. If the alleged criminal offense is also being addressed under the code, the college may advise off-campus authorities of the existence of the code and how such matters are typically handled within the college community.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 174-120-015	Purpose.
WAC 174-120-025	Definitions.
WAC 174-120-035	Student conduct code—Specific examples of student conduct code violations.
WAC 174-120-045	Student conduct code—Levels of resolution.

WAC 174-120-055	Student conduct code— Grievance officer review process.
WAC 174-120-065	Student conduct code—Formal hearing notice, process and rights.
WAC 174-120-075	Student conduct code— Examples of corrective action.
WAC 174-120-085	Student conduct code—Procedural appeals.

Chapter 198-14 WAC**PUBLIC RECORDS**NEW SECTION

WAC 198-14-010 Authority and purpose. The Public Records Act (act), chapter 42.56 RCW, applies to the environmental and land use hearing office (ELUHO), a state agency, and the boards within that agency. The purpose of these rules is to establish the procedures ELUHO, and the boards, will follow in order to provide full access to public records concerning the conduct of government. These rules provide information to persons wishing to request access to public records of ELUHO and the boards within ELUHO, and also establish processes for both requestors and ELUHO employees that are designed to best assist members of the public in obtaining access to public records. In carrying out its responsibilities under the act, ELUHO will be guided by the provisions of the act describing its purposes and interpretation. The act and these rules will be interpreted in favor of disclosure.

NEW SECTION

WAC 198-14-020 Definitions. (1) "Environmental and land use hearing office (ELUHO)" means the single state agency comprised of the pollution control hearings board, the shoreline hearings board, and the growth management hearings board. Where appropriate, the term ELUHO also refers to the employees of the agency.

(2) "Public records" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(3) "Public records officer" means the administrative manager of ELUHO. The public records officer serves as the point of contact for members of the public and oversees compliance with the act but, may designate another ELUHO employee to serve as the point of contact for members of the public and to process requests for public records.

(4) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

NEW SECTION

WAC 198-14-030 Agency description—Contact information—Public records officer. (1) The environmental land use hearing office (ELUHO) is a single quasi-judicial environmental, land use and adjudicatory agency comprised of three boards: The pollution control hearings board, created in RCW 43.21B.010, the shoreline hearings board, cre-

WSR 12-03-042**PERMANENT RULES****ENVIRONMENTAL AND
LAND USE HEARINGS OFFICE**

[Filed January 10, 2012, 1:13 p.m., effective February 10, 2012]

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

Purpose: The environmental and land use hearings office, the successor agency resulting from the administrative consolidation of environmental hearings office (EHO) and the growth management hearing[s] board (GMHB), is required by RCW 42.56.040 to have public records rules for the agency. These rules are proposed for adoption as chapter 198-14 WAC.

Statutory Authority for Adoption: RCW 42.56.040, 43.21B.005, 43.21B.090, 36.70A.270(7).

Adopted under notice filed as WSR 11-22-091 filed on November 1, 2011.

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 10, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental 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: January 10, 2012.

Kathleen D. Mix
Director

ated in RCW 90.58.170, and the growth management hearings board, created in RCW 36.70A.250. Each board provides for the expeditious and efficient disposition of environmental and/or land use appeals within its respective area of statutory jurisdiction.

(2) Any person wishing to request access to public records of ELUHO, or seeking assistance in making such a request, shall contact the public records officer of ELUHO, or the board maintaining such records at the offices of ELUHO. Information identifying ELUHO's public records officer and the specific physical and mailing addresses for the agency is available on ELUHO's web site: www.eluho.wa.gov.

The ELUHO office is located at:
1111 Israel Road S.W.
Tumwater, WA 98501
Phone: 360-664-9160

(3) ELUHO, through its public records officer or designee(s), will provide the "fullest assistance" to requestors; create and maintain an index to public records of ELUHO for use by the public and ELUHO officials; ensure that public records are protected from damage or disorganization; and ensure that responses to public records requests do not cause excessive interference with essential functions of the ELUHO.

NEW SECTION

WAC 198-14-040 Availability of public records. (1) Hours for inspection of records. Public records are available for inspection and copying during normal business hours of ELUHO, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the offices of ELUHO or the offices of the boards that comprise ELUHO.

(2) **Records index.** An index of public records is available for use by members of the public, including final orders, declaratory orders, interpretive statements, and statements of policy. The index may be accessed on-line at www.eluho.wa.gov.

(3) **Organization of records.** ELUHO and the boards of the ELUHO will maintain records in a reasonably organized manner. ELUHO and the boards will take reasonable actions to protect records from damage and disorganization. A requestor shall not take records from the offices at which the records are maintained without the permission of the public records officer or designee. Many records are available on the ELUHO web site at www.eluho.wa.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

NEW SECTION

WAC 198-14-050 Requests for public records. (1) Any person wishing to inspect or copy public records of ELUHO or the boards of ELUHO should make the request in writing on ELUHO's request form, or by letter, fax, or e-mail addressed to the public records officer and include the following information:

(a) Name of requestor;

(b) Address of requestor;

(c) Other contact information, including telephone number and an e-mail address, if available;

(d) Identification of the public records adequate for the public records officer or designee to locate the records; and

(e) The date and time of the request.

(2) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or pay a deposit as provided for in WAC 198-14-090.

(3) Forms are available for use by requestors at the office of ELUHO and on-line at www.eluho.wa.gov.

(4) The public records officer or designee may accept requests for public records by telephone or in person, if the request contains the above information. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

NEW SECTION

WAC 198-14-060 Processing of public records requests—General. (1) Providing "fullest assistance." By statute, ELUHO must adopt 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 assistance" 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 the requestor;

(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 or in writing. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request and provide a written statement specifying the reasons for denial.

(3) **Failure to respond.** If ELUHO does not respond in writing within five business days of receipt of the request for disclosure, the requestor is encouraged to contact the public records officer to inquire into the status of the public records request.

(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 ELUHO believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption relied upon and provide a brief explanation of why the record or a portion of the record is being withheld from disclosure. 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 the basis for redaction.

(6) **Inspection of records.**

(a) Consistent with other demands, ELUHO 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. Access to file cabinets, shelves, or storage areas is restricted to ELUHO employees, who shall be present during the inspection. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of ELUHO's notification to him or her that the records are available for inspection or copying. ELUHO 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 or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, ELUHO 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 may 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 that have been made available for inspection, 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 ELUHO 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 ELUHO has closed the request.

(11) **Later discovered documents.** If, after ELUHO has informed the requestor that it has provided all available records, ELUHO 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.

NEW SECTION

WAC 198-14-070 Processing of public records requests—Electronic records. (1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by ELUHO and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by RCW 43.105.280 and WAC 198-14-090(2).

(3) **Customized access to data bases.** With the consent of the requestor, the agency may provide customized access to an agency data base under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. ELUHO may charge a fee consistent with RCW 43.105.280 for such customized access, which may include reasonable charges for staff time necessary to conduct customized searches of the agency data bases.

NEW SECTION

WAC 198-14-080 Exemptions. (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure.

(2) ELUHO incorporates by reference the exemptions to the act including, but not limited to, the following:

RCW 42.56.230 Personal information;

RCW 42.56.250 Employment and licensing;

RCW 42.56.270 Financial, commercial, and proprietary information;

RCW 42.56.280 Preliminary drafts, notes, recommendations, and intra-agency memorandums;

RCW 42.56.290 Agency party to controversy;

RCW 42.56.600 Mediation communications;

RCW 5.60.060 Attorney client privilege.

(3) ELUHO is prohibited by statute from disclosing lists of individuals for commercial purposes.

NEW SECTION

WAC 198-14-090 Costs of providing copies of public records. (1) **Costs for paper copies.**

(a) There is no fee for inspecting public records. Photocopies of thirty-five pages or more will be charged at fifteen cents per page and, nonstandard copies, including planning or

engineering documents, oversized maps, and photographs, will be charged at the actual cost of reproduction. ELUHO may, in its discretion, send records to a commercial copying center for duplication. The requestor is required to pay the actual cost of copying performed by a copying vendor. Actual cost will be charged for manuals and nonprinted materials, such as audio or video tapes or CDs.

(b) 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. ELUHO will not charge sales tax when it makes copies of public records.

(2) **Costs for electronic records.** The cost of electronic copies of records shall be the actual cost of medium and preparation, including the actual cost of any necessary scanning. There will be no charge for e-mailing electronic records to a requestor, unless another cost applies, such as a scanning fee. ELUHO may charge a fee consistent with RCW 43.105.280 and WAC 198-14-070(3) for customized access of electronic records.

(3) **Costs of mailing.** ELUHO may also charge actual costs of mailing, including the cost of the shipping container.

(4) **Payment.** Payment may be made by cash, check, or money order to ELUHO.

NEW SECTION

WAC 198-14-100 Review of denials of public records. (1) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if ELUHO denies access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may ask the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(2) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550, as amended, regardless of any internal administrative appeal. Final agency action, for the purposes of judicial review, shall be deemed completed at the end of the second business day following the denial.

WSR 12-03-052

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed January 11, 2012, 10:53 a.m., effective February 11, 2012]

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

Purpose: The purpose of the amendments to WAC 180-51-050 are to: (1) Remove from the definition of a high school credit the requirement to include one hundred fifty hours of planned instructional activities; (2) substitute a non-time-based definition of a credit and clarify that this definition is related to: (a) Successful completion of course work; and (b) proficiency/competency based credit for knowledge or skills gained outside of a public school classroom setting;

(3) eliminate the provision providing for high school credit for courses taken in grades seven and eight and instead references RCW 28A.230.090 (which proscribes the circumstances under which a district can award credit for courses taken prior to high school); and (4) eliminate the requirement for the state board of education to notify the state board for community and technical colleges and the higher education coordinating board of any school or school district awarding credit for proficiency/competency given that no authority requires such reporting and this requirement has not been implemented in recent years.

Citation of Existing Rules Affected by this Order:
Amending WAC 180-51-050.

Statutory Authority for Adoption: RCW 28A.230.090.

Adopted under notice filed as WSR 11-19-081 on [September 19, 2011].

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 Request of a Nongovernmental 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: November 10, 2011.

Ben Rarick
Executive Director

AMENDATORY SECTION (Amending WSR 05-19-105, filed 9/20/05, effective 10/21/05)

WAC 180-51-050 High school credit—Definition. As used in this chapter the term "high school credit" shall mean:

(1) Grades nine through twelve or the equivalent of a four-year high school program, ~~((and grades seven and eight under the provisions of))~~ or as otherwise provided in RCW 28A.230.090(4) ((and (5))):

(a) ~~((One hundred fifty hours of planned instructional activities approved by the district;))~~ Successful completion, as defined by written district policy, of courses taught to the state's essential academic learning requirements (learning standards). If there are no state-adopted learning standards for a subject, the local governing board, or its designee, shall determine learning standards for the successful completion of that subject; or

(b) ~~Satisfactory demonstration by a student of ((clearly identified competencies established pursuant to a process defined in written district policy. Districts are strongly advised to confirm with the higher education coordinating board that the award of competency-based high school credit meets the minimum college core admissions standards set by the higher education coordinating board for admission into a~~

~~public, baccalaureate institution)) proficiency/competency, as defined by written district policy, of the state's essential academic learning requirements (learning standards).~~

(2) College and university course work. At the college or university level, five quarter or three semester hours shall equal 1.0 high school credit: Provided, That for the purpose of this subsection, "college and university course work" means course work that generally is designated 100 level or above by the college or university.

(3) Community/technical college high school completion program - Diploma awarded by community/technical colleges. Five quarter or three semester hours of community/technical college high school completion course work shall equal 1.0 high school credit: Provided, That for purposes of awarding equivalency credit under this subsection, college and university high school completion course work includes course work that is designated below the 100 level by the college and the course work is developmental education at grade levels nine through twelve or the equivalent of a four-year high school program. (See also WAC 180-51-053)

(4) Community/technical college high school completion program - Diploma awarded by school district. A minimum of .5 and a maximum of 1.0 high school credit may be awarded for every five quarter or three semester hours of community/technical college high school completion course work: Provided, That for purposes of awarding equivalency credit under this subsection, college and university high school completion course work includes course work that is designated below the 100 level by the college and the course work is developmental education at grade levels nine through twelve or the equivalent of a four-year high school program. (See also WAC 180-51-053)

(5) Each high school district board of directors shall adopt a written policy for determining the awarding of equivalency credit authorized under subsection (4) of this section. The policy shall apply uniformly to all high schools in the district.

(6) Each high school district board of directors shall adopt a written policy regarding the recognition and acceptance of earned credits. The policy shall apply to all high schools in the district. The policy may include reliance on the professional judgment of the building principal or designee in determining whether or not a credit meets the district's standards for recognition and acceptance of a credit. The policy shall include an appeal procedure to the district if it includes reliance on the professional judgment of the building principal or designee.

(7) A student must first obtain a written release from their school district to enroll in a high school completion program under subsection (3) of this section if the student has not reached age eighteen or whose class has not graduated.

~~((8) The state board of education shall notify the state board for community and technical colleges and the higher education coordinating board of any school or school district that awards high school credit as authorized under subsection (1)(b) of this section.))~~

**WSR 12-03-060
PERMANENT RULES
OFFICE OF**

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2011-22—Filed January 12, 2012, 8:44 a.m., effective February 12, 2012]

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

Purpose: This new rule amends WAC 284-30-500 (1)(b) to ensure that insured's policy limits for their family and household members are not reduced to the financial responsibility limits in RCW 46.29.090.

Citation of Existing Rules Affected by this Order: Amending WAC 284-30-500 (1)(b).

Statutory Authority for Adoption: RCW 48.02.060.

Adopted under notice filed as WSR 11-23-167 on November 22, 2011.

A final cost-benefit analysis is available by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7041, fax (360) 586-3109, e-mail kacys@oic.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 Request of a Nongovernmental 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: January 12, 2012.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2007-07, filed 9/19/07, effective 10/20/07)

WAC 284-30-500 Unfair practices with respect to vehicle insurance. (1) The following practices by any insurer with respect to every vehicle liability insurance policy applicable to private passenger automobiles registered or principally garaged in this state are unfair and prohibited:

(a) Failing to provide, to any insured under such policy, liability limits at least as great as those required by RCW 46.29.090, as measured at the effective date of the applicable policy or its renewal;

(b) Denying or limiting liability coverage in such policy to less than the insured's policy limits (~~((required by RCW 46.29.090,))~~) solely because the injured person (~~((is related to the insured by blood or marriage, as, for example, through use of so-called "family" or "household" exclusions))~~) qualifies as an insured as defined in RCW 48.22.005 (5)(a);

(c) Denying or limiting liability coverage in such policy, with respect to injuries sustained by motorcycle passengers,

to an amount below the bodily injury liability limits required by RCW 46.29.090, if the policy provides liability coverage for an insured's ownership, operation, or use of a motorcycle.

(2) With respect to vehicle insurance policies applicable to private passenger vehicles registered or principally garaged in this state, failing to provide a named insured an itemization of the premium costs for the coverages under the policy if there are identifiable separate premium charges for the coverages is unfair and prohibited. The required itemization must be given to a named insured no later than at the time of delivery of a policy and must accompany each offer to renew thereafter.

(3) It is an unfair practice for any insurer to consider traffic violations or accidents which occurred more than three years in the past, with respect to the acceptance, rejection, cancellation or nonrenewal of any insured under a private passenger automobile insurance policy, unless, because of the individual's violations, accidents or driving record during the three years immediately past, the earlier violations or accidents are significantly relevant to the individual's qualifications for insurance.

(4) For purposes of this section, the definition of a "private passenger automobile" is that set forth in RCW 48.18.297, and includes a motorcycle except as otherwise specifically provided in this section.

WSR 12-03-065

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed January 12, 2012, 10:30 a.m., effective February 12, 2012]

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

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Session Law 1087 establishes office of superintendent of public instruction (OSPI) to adopt rules to enact ESHB 1449.

Purpose: These rules are to support the 2011 legislature in that the legislature finds that the current economic environment requires that the state, when appropriate, charge for some of the services provided directly to the users of those services. The legislature finds that the processing of certifications should be moved to an on-line system that allows educators to manage their certifications and provides better information to policymakers. The legislature intends to assess a certification processing fee to eliminate state-funded support of the cost to issue educator certificates. The hearing on December 28, 2011, brought forth proposed WAC 392-194-001 and 392-194-002 and with no opposing comment OSPI submits WAC 392-194-001 and 392-194-002 to be made permanent.

Statutory Authority for Adoption: Session Law 1087.

Other Authority: ESHB 1449.

Adopted under notice filed as WSR 11-23-122 on November 21, 2011.

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 Request of a Nongovernmental 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: December 28, 2011.

Randy Dorn
State Superintendent
of Public Instruction

Chapter 392-194 WAC

SCHOOL PERSONNEL CERTIFICATE FEES

NEW SECTION

WAC 392-194-001 Purpose and authority. The purpose of this chapter is to establish the fee for processing initial educator certificate applications and subsequent actions. The authority for this chapter is chapter 23 (ESHB 1449), Laws of 2011.

NEW SECTION

WAC 392-194-002 Fee for processing initial educator certificate applications and subsequent actions. Effective October 1, 2011, the superintendent of public instruction will charge a nonrefundable fee of thirty-three dollars for processing any certificate application or requests for administrative action which results in the issuance, renewal or reissuance of a permit or certificate pursuant to RCW 28A.410.010, 28A.410.025, 28A.410.210, and chapters 181-85 and 181-77 WAC; for issuance of a letter authorizing internship/student teaching pursuant to WAC 181-78A-130; and any subsequent action upon any certificate or permit referred to within this chapter. Educator certificates governed under this chapter include:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 181-79A-140, authorizes service as a classroom teacher.

(2) Career and technical. The career and technical education certificate authorizes service in career and technical education programs in accordance with the provisions of chapter 181-77 WAC.

(3) First people's language/culture. The first peoples' language, culture, and oral tribal traditions teacher certificate authorizes service as defined under WAC 181-78A-700(8).

(4) Administrator.

(5) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physi-

cal therapists, school psychologists, and school social workers: Provided, That nothing within chapter 181-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

(6) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC 181-79A-231:

- (a) Conditional certificate.
- (b) Substitute certificate.
- (c) Emergency certificate.
- (d) Emergency substitute certificate.
- (e) Nonimmigrant alien exchange teacher.
- (f) Intern substitute teacher certificate.
- (g) Transitional certificate.
- (h) Provisional alternative administrative certificate.

WSR 12-03-067
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed January 12, 2012, 10:44 a.m., effective February 12, 2012]

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

Purpose: The proposed changes:

- Align the rules with ESHB 2065, passed by the 2011 legislature.
- Remove the "district responsibility" section to eliminate duplication between chapter 28A.250 RCW and the rules.
- Adjust the approval process timeline so that, beginning with the 2012-13 school year, applications are available January 1. This timeline will shorten the time between approval notification and the effective date of approval and avoid the scheduling conflicts inherent in the current timeline.
- Add a formal process to modify the assurances, criteria, and approval process. Potential changes will be announced in October, any interested parties will have an opportunity to comment on the proposal. Final versions will be posted by January 1.
- Add clarity to the assurances, approval, and rescindment sections.

Citation of Existing Rules Affected by this Order: Amending chapter 392-502 WAC.

Statutory Authority for Adoption: Chapter 28A.250 RCW.

Adopted under notice filed as WSR 11-23-150 on November 22, 2011.

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 9, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, 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 9, Repealed 1.

Date Adopted: December 29, 2011.

Randy Dorn
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 10-01-099, filed 12/17/09, effective 1/17/10)

WAC 392-502-001 Authority. The authority for these rules is ((~~chapter 34.05~~)) RCW 7.60.055, which authorizes the superintendent of public instruction to adopt rules ((~~regarding approval of multidistrict on-line~~)) defining minimum requirements and accountability for alternative learning experience on-line programs and RCW 28A.250.020, which authorizes the superintendent to adopt by rule criteria and processes for approving on-line providers.

AMENDATORY SECTION (Amending WSR 10-01-099, filed 12/17/09, effective 1/17/10)

WAC 392-502-005 Purposes. The purpose of this chapter is to develop and implement criteria and processes for approving ((~~multidistrict~~)) on-line providers in order to further on-line learning opportunities for K-12 students in Washington state.

AMENDATORY SECTION (Amending WSR 10-01-099, filed 12/17/09, effective 1/17/10)

WAC 392-502-010 Definitions. As used in this chapter, the term:

(1) "Multidistrict on-line provider" means:

(a) A private or nonprofit organization that enters into a contract with a school district to provide on-line courses or programs to K-12 students from more than one school district;

(b) A private or nonprofit organization or a school district that enters into contracts with multiple school districts to provide on-line courses or programs to K-12 students from those districts; or

(c) Except as provided in (c)(i) and (ii) of this subsection, a school district that provides on-line courses or programs to students who reside outside the geographic boundaries of the school district.

(i) "Multidistrict on-line provider" does not include a school district on-line learning program in which fewer than ten percent of the students enrolled in the program are from other districts under the interdistrict student transfer provisions of RCW 28A.225.225. ((~~If, at the end of a school year, the annual average headcount for that school year of students who reside outside the geographic boundaries of a school dis-~~

trict and are enrolled in a school district on-line program increases to ten percent or more of the total program enrollment headcount, the program shall be required to apply as a multidistrict on-line provider in the next approval cycle. The program can continue operating the year of the required approval review, but not the following school year unless approved as a multidistrict on-line provider.)

(ii) "Multidistrict on-line provider" also does not include regional on-line learning programs that are jointly developed and implemented ~~((by))~~ through an interdistrict cooperative program between two or more school districts or between one or more school districts and an educational service district ((through an interdistrict cooperative program)), unless the annual average headcount of students who reside outside the geographic boundaries of those school districts and who are enrolled in the regional on-line program is ten percent or more of the total program enrollment headcount. Any agreement ((that addresses)) establishing such a program must address, at minimum, how the districts share student full-time equivalency for state basic education funding purposes and how categorical education programs, including special education, are provided to eligible students ((unless at the end of a school year, the annual average headcount for that school year of students who reside outside the geographic boundaries of those school districts and are enrolled in the regional on-line program increases to ten percent or more of the total program enrollment headcount, the program shall be required to apply as a multidistrict on-line provider in the next approval cycle. The program can continue operating the year of the required approval review, but not the following school year unless approved as a multidistrict on-line provider)).

(2) "On-line course" means a course ~~((that))~~ in which:

(a) ~~((Is))~~ More than half of the course content is delivered ((primarily)) electronically using the internet or other computer-based methods; and

(b) ~~((Is taught by a teacher primarily))~~ More than half of the teaching is conducted from a remote location ~~((Students enrolled in))~~ through an on-line course ~~((may have access to the teacher synchronously, asynchronously,))~~ learning management system or ~~((both))~~ other on-line or electronic tools.

An on-line course may be delivered to students at school as part of the regularly scheduled school day. An on-line course also may be delivered to students, in whole or in part, independently from a regular classroom schedule ~~((, but such courses))~~. On-line courses delivered to students independently of a regular classroom schedule must comply with RCW 28A.150.262 and WAC 392-121-182 to qualify for state basic education funding.

(3) "On-line school program" means a school program that:

(a) ~~((Is))~~ Offers courses or grade-level course work that are delivered primarily electronically using the internet or other computer-based methods;

(b) ~~((Is))~~ Offers courses or grade-level course work that are taught by a teacher primarily from a remote location using on-line or other electronic tools. Students enrolled in an on-line program may have access to the teacher synchronously, asynchronously, or both;

(c) ~~((Delivers a part-time or full-time sequential program))~~ Offers a sequential set of on-line courses or grade-

level course work that may be taken in a single school term or throughout the school year in a manner that could provide a full-time basic education program if so desired by the student. Students may enroll in the program as part-time or full-time students; and

(d) Has an on-line component of the program with on-line lessons and tools for student and data management.

An on-line school program may be delivered to students at school as part of the regularly scheduled school day. An on-line school program also may be delivered to students, in whole or in part, independently from a regular classroom schedule ~~((, but such programs))~~. On-line programs delivered to students independently of a regular classroom schedule must comply with RCW 28A.150.262 and WAC 392-121-182 to qualify for state basic education funding.

(4) "On-line provider" means any provider of an on-line course or program, multidistrict on-line providers, all school district on-line learning programs, and all regional on-line learning programs.

(5) "Accrediting organizations" means the designated bodies identified by the superintendent of public instruction after consultation with the Washington council for on-line learning and published on the superintendent of public instruction web site. Accrediting organizations are for providers to use to satisfy the accreditation qualification for being an approved ~~((multidistrict))~~ on-line provider.

~~((5))~~ "Approval" means the provider may offer courses/programs taught by Washington certified teachers to Washington students, and districts can claim the students for basic education funding starting with the 2011-12 school year.)

(6) For the purposes of this section, "primarily" is defined as more than half.

AMENDATORY SECTION (Amending WSR 10-01-099, filed 12/17/09, effective 1/17/10)

WAC 392-502-020 ((Multidistrict)) On-line provider approval process and timeline. (1) ~~((Multidistrict))~~ This section sets forth the process that on-line providers ~~((as defined in WAC 392-502-010))~~ must ~~((complete the approval process as specified in this subsection in order to be eligible for listing as an))~~ follow to be approved ~~((multidistrict provider on))~~ in accordance with RCW 28A.250.020. On-line providers must be approved by the ~~((OSPI web site, and))~~ superintendent of public instruction ~~((school))~~ districts ~~((claim))~~ collect state ~~((basic education))~~ funding ~~((for students enrolled in those approved multidistrict on-line courses or programs beginning in the 2011-12 school year and))~~, to the extent otherwise allowed by state law, for courses offered by those providers in accordance with WAC 392-502-080.

~~((When questions arise whether an entity is subject to approval as a multidistrict on-line course or program provider, the final determination will be made by the superintendent of public instruction taking into consideration the intent of the SSB 5410 legislation.~~

(2) The superintendent of public instruction shall make a first round of approval decisions by April 1, 2010, for those multidistrict on-line providers applying for approval. ~~Subse-~~

quent approval decisions shall be made annually by November 1, 2010, and each subsequent year.

	Application for approval available	Application due date	Approval decisions made by
Initial Approval	December 31, 2009	January 31, 2010	April 1, 2010
Fall 2010 Approval Cycle	July 1, 2010	September 1, 2010	November 1, 2010
Subsequent Approvals	April 1	September 1	November 1

For each of the dates on the table above, the effective dates move to the subsequent business day if they fall on a holiday or weekend; all are 5:00 p.m. deadlines.

~~(3))~~ (2) Any multidistrict on-line provider that was approved by the digital learning commons or accredited by the Northwest ~~((association of accredited schools))~~ accreditation commission before July 26, 2009, and meets the Washington state teacher certification requirements is exempt from the initial approval process until August 31, 2012, but must comply with the process for renewal of approvals and must comply with approval requirements including the approval assurances and criteria.

~~((4))~~ (3) If at the end of ~~((a given))~~ the 2011-12 school year, the annual average headcount for that school year of students who reside outside the geographic boundaries of a school district or regional on-line learning program and are enrolled in a school district on-line program or regional on-line learning program increases to ten percent or more of the total on-line program enrollment headcount, the program ~~((shall))~~:

(a) ~~((Be required to))~~ Must seek approval ~~((in the upcoming))~~ prior to November ~~((cycle in order to be eligible to claim state basic education funding the subsequent school year))~~ 1, 2013.

(b) May continue operating during the 2012-13 school year ~~((of the required review))~~, but not the following school year unless approved as a multidistrict on-line provider.

~~((5))~~ Multidistrict on-line providers seeking approval ~~((will))~~ (4) Prior to the 2012-13 school year, multidistrict on-line providers seeking approval must submit an application for approval. The application form is outlined on the superintendent of public instruction web site. The superintendent or his or her designee will review submitted applications for compliance with the assurances and designated approval criteria set forth in WAC 392-502-030 and must meet or exceed the acceptable defined score. Beginning with the 2013-14 school year, all on-line providers seeking approval must submit an application outlined on the superintendent of public instruction web site which will be reviewed for compliance with the requested assurances and designated approval criteria and must meet or exceed the acceptable defined score.

~~((6))~~ (5) The superintendent of public instruction ~~((will notify provider applicants))~~ makes decisions regarding approval of applications submitted pursuant to this chapter no later than November 1st of each year. An on-line provider's approval status takes effect the ~~((results))~~ beginning of the ~~((review, including feedback about))~~ school year following

the date of the superintendent's approval of the on-line provider's application.

(6) For the 2011-12 school year, final modifications to the conditions for approval, required assurances ~~((and))~~, approval criteria ~~((that were not in compliance))~~, and application forms will appear on the superintendent of public instruction's web site by ~~((April 1, 2010, for the initial round of approvals and by November 1, 2010, and each subsequent year after that))~~ February 15, 2012.

(7) ~~((Any))~~ Beginning with the 2012-13 school year, any proposed modifications to the conditions for approval, required assurances, approval criteria, and application forms will appear on the superintendent of public instruction web site by ~~((July 1, 2010, and April 1st each subsequent))~~ October 1st of each year. The superintendent will accept feedback from on the proposed modifications from any interested parties prior to November 1st of each year. Any final modifications to the conditions for approval, required assurances, approval criteria, and application forms will appear on the superintendent of public instruction's web site by January 1st of each year.

AMENDATORY SECTION (Amending WSR 10-01-099, filed 12/17/09, effective 1/17/10)

WAC 392-502-030 Approval assurances and criteria.

(1) ~~((In order to be approved, multidistrict on-line providers must meet))~~ This section sets forth the ~~((following))~~ assurances and criteria that on-line providers must meet to be approved under this chapter.

(a) To be approved, on-line providers must provide the following ~~((required))~~ assurances ~~((include, but are not limited))~~ to the superintendent of public instruction:

(i) ~~((Have accreditation))~~ The on-line provider is accredited through an accrediting body as defined in WAC 392-502-010 and agrees to maintain accredited status for the duration of the approval period.

(ii) ~~((Offer courses/programs eighty percent aligned to Washington state academic standards.~~

~~((iii))~~ Demonstrate that all teachers are certified in accordance with chapter 181-82 WAC.

~~((iv))~~ For multidistrict) Each course and program the on-line provider offers is aligned with at least eighty percent of the current applicable grade/subject area of Washington state standards. For courses with content that is not included in state standards, the on-line provider's courses are aligned with at least eighty percent of nationally accepted content standards set for the relevant subjects. On-line providers must submit information to the superintendent regarding the standards alignment and the standards aligned.

(iii) All instruction delivered to Washington state students is delivered by Washington state certificated teachers who are assigned to instruct courses in a manner which meets the "highly qualified" definition under the No Child Left Behind Act and in a manner which meets the requirements set forth in chapter 181-82 WAC.

(iv) For on-line providers that offer high school courses, the courses offered by the on-line provider must be eligible for high school credit ~~((per))~~ pursuant to WAC 180-51-050. ~~((However, final decisions regarding the awarding of high~~

school credit shall remain the responsibility of school districts.)

(v) ~~Courses meet the credit/content requirements as outlined in any respective WACs.)~~

(v) All of the on-line provider's current and future courses in the following areas meet the credit/content requirements as provided for in WAC 392-410-120 (Washington state history and government requirements), WAC 392-410-135 (Physical education—Grade school and high school requirement), and WAC 392-410-140 (Sexual health education—Definition—Optional course or subject matter—Excusal of students).

(vi) All advanced placement courses offered by the on-line provider have ~~(all)~~ been approved ~~(via)~~ in accordance with the college board advanced placement course audit. For advanced placement courses not yet offered at the time of application, the on-line provider must assure that those courses will be approved by the college board prior to offering those courses to students.

(vii) The on-line provider's data management systems ensure all student information remains confidential, as required by the Family Educational Rights and Privacy Act ~~((FERPA))~~ of 1974, as amended.

(viii) The on-line provider's web systems and content meet ~~((specified))~~ accessibility conformance levels specified in the list of approved provider assurances on the office of superintendent of public instruction's web site.

(ix) The on-line provider provides all information as directed or as requested by the office of superintendent of public instruction, the secretary for the department of education, and other federal officials for audit, program evaluation compliance, monitoring, and other purposes and to maintain all records for the current year and three previous years.

(x) The on-line provider informs the office of superintendent of public instruction in writing of any significant changes to the program including, but not limited to, changes in assurances, program description, fiscal status, or ownership.

(xi) The on-line provider upholds any pertinent federal or state laws, rules or regulations, in the delivery of the on-line courses or programs.

(xii) ~~The ~~((applicant))~~ on-line provider~~ retains responsibility for the quality of courses and content offered, regardless of any third-party contractual arrangements, partnerships or consortia, contributing to the content or delivery of the on-line courses or programs.

(xiii) ~~((Comply))~~ The on-line provider complies with the state assessment requirements including, but not limited to, the requirements of chapter 28A.655 RCW and WAC 392-121-182, as applicable.

(xiv) All of the provider's current and future career and technical education (CTE) courses are aligned to Washington state CTE program standards and have been approved by the office of superintendent of public instruction's CTE office. CTE courses must be taught by a Washington certificated teacher who is also CTE-certificated in the subject area of the course.

(xv) The on-line provider agrees to abide by any additional assurances required by the superintendent of public instruction.

(b) On-line providers must meet the following approval criteria ~~((categories must be met through))~~ by a preponderance of evidence submitted with the on-line provider's application ~~((at an acceptable level established by the superintendent of public instruction. Criteria shall include, but are not limited to))~~:

(i) Course content and instructional design incorporating course goals and outcomes, materials and content organization, and student engagement.

(ii) Classroom management incorporating grading and privacy policies, internet etiquette, and expectations for communications.

(iii) Student assessment incorporating various types, frequent feedback, and appropriateness for the on-line learning environment.

(iv) Course evaluation and management incorporating strategies for obtaining feedback about the courses/programs and processes for quality assurance and updating content.

(v) Student support incorporating policies and systems to enhance the students' learning experience and their success.

(vi) ~~((Mentor))~~ School-based support incorporating strategies and systems to allow ~~((them))~~ school-based staff to support student success.

(vii) Technology elements, requirements and support including descriptions and ease of navigation.

(viii) Staff development and support including training and on-line instructor performance reviews conducted on a planned and regularly scheduled basis.

(ix) Program management including timeliness and quality of teachers' responses to students, handling of fees, prompt distribution of materials and processing of enrollments, and handling fees and payments.

~~((2))~~ (x) The superintendent may require additional approval criteria pursuant to WAC 392-502-080.

(2) After review by the on-line learning advisory committee, the approval criteria with explanations and suggested supporting evidence will be posted on the superintendent of public instruction web site ~~((by December 31, 2009, and any modifications to those will appear by July 1, 2010, and by April 1st each subsequent year after review by the on-line learning advisory committee and the state board of education))~~ on or before the date the application is made available.

(3) On-line provider's application~~((s))~~ will be reviewed by ~~((a committee))~~ reviewers selected by the superintendent of public instruction for their experience and expertise. The ~~((committee))~~ reviewers will be provided orientations and training to review and score the ~~((multidistrict))~~ on-line provider applications using the approval criteria and scoring protocols.

(4) Prior to the 2013-14 school year, when developing local or regional on-line learning programs, school districts ~~((shall))~~ must incorporate the approval criteria developed by the superintendent of public instruction into the program design.

AMENDATORY SECTION (Amending WSR 10-01-099, filed 12/17/09, effective 1/17/10)

WAC 392-502-040 Appeal of the superintendent's decision. ~~((1) Provider applicants not approved may file an~~

~~appeal to~~) In the event the superintendent of public instruction denies an on-line provider's application for (reconsideration within) approval, the on-line provider may appeal the decision as follows:

(1) The on-line provider may file a revised application with the superintendent of public instruction no later than fifteen (business) days (of notification) after the on-line provider received notice of the denial. (The provider must provide specific, objective information that details the basis for their appeal.)

(2) The superintendent of public instruction (shall act upon the appeal and) will designate an official to review the on-line provider's revised application. The designated official will notify the applicant in writing whether the (appeal was) revised application is approved or denied within forty-five business days of the superintendent's receipt of the revised application. This deadline for acting on the (appeal) request may be extended by the superintendent of public instruction if additional information is required from the applicant.

(3) Decisions made by the superintendent of public instruction under WAC 392-502-020 may be appealed as provided for in RCW 34.05.514.

AMENDATORY SECTION (Amending WSR 10-01-099, filed 12/17/09, effective 1/17/10)

WAC 392-502-050 Approval duration and conditions for continued approval. Approvals will be for the four subsequent consecutive full school years.

(1) Grandfathered multidistrict on-line providers are granted their initial approval only until August 31, 2012, and must be approved in a renewal process prior to that date in order to continue offering their courses/school programs for the 2012-13 school year.

(2) ~~(Multidistrict)~~ On-line providers that have been approved (shall) must annually (be required to) provide the superintendent of public instruction information (on) regarding the following:

- (a) On-line provider's overall instructional program;
- (b) Content of individual on-line courses and on-line school programs;
- (c) Direct link to the on-line provider's web site;
- (d) Registration information for on-line learning programs and courses;
- (e) Teacher qualifications;
- (f) Student-to-teacher ratios as defined by the superintendent of public instruction;
- (g) Course completion and pass rates as defined by the superintendent of public instruction; and
- (h) Other evaluative and comparative information requested by the superintendent of public instruction.

(3) On-line providers must carry out the program/courses described in the approval application, abide by the assurances listed in WAC 392-502-030 and certified in the application process and maintain the approval criteria listed in WAC 392-502-030.

AMENDATORY SECTION (Amending WSR 10-01-099, filed 12/17/09, effective 1/17/10)

WAC 392-502-060 Rescinding approvals. (1) ~~Approved (multidistrict)~~ on-line providers that fail to comply with the conditions of approval in WAC 392-502-050, may be subject to rescindment of approval.

(2) Process for rescindment.

(a) The superintendent of public instruction or his or her designee will notify an on-line provider(s will be notified) when there is substantial evidence that (they are) the on-line provider is not meeting one or more of the approval conditions and that the superintendent is considering rescindment (is being considered). The (letter shall) notification will be in writing and will state the specific areas of concern.

(b) The on-line provider will be invited to submit a corrective action plan with a timeline to address the specific areas of concern. The corrective action plan must be submitted within fifteen business days of the superintendent's notification. If no corrective action plan is received by the superintendent of public instruction or his or her designee, the provider's approval will be rescinded.

(c) The superintendent of public instruction (shall) will consider the corrective action plan and (make a determination) determine whether ((it) the plan satisfactorily addresses the specific areas of concern, whether additional actions are necessary, or whether the plan is substantially incomplete and (the) approval (should) must be immediately rescinded. Before making this decision, the superintendent (shall) or his or her designee will provide an opportunity for the (multidistrict) on-line provider to clarify and adjust (their) its plan.

(d) Recognizing the serious nature of rescindment and its potential impact on students, districts and providers, the superintendent of public instruction or his or her designee will only rescind approvals if he or she finds that the multidistrict on-line provider is unwilling to take the necessary corrective actions to bring the courses/programs in compliance with the approval assurances and criteria. If the superintendent of public instruction or his or her designee determines that a multidistrict on-line provider's approval must be rescinded, the implementation of the rescindment shall, to the greatest extent possible, be timed to prevent unnecessary disruption to the education of the students.

(e) The superintendent of public instruction reserves the right to immediately rescind approval of any provider where conditions exist that jeopardize academic or fiscal integrity or compromise the health and safety of students or staff.

(3) Rescinded providers are responsible for communicating that change in status to their clients. The superintendent of public instruction or his or her designee will remove rescinded providers from the agency's web site.

(4) Rescinded providers are permitted to submit for reapproval during subsequent approval application periods.

AMENDATORY SECTION (Amending WSR 10-01-099, filed 12/17/09, effective 1/17/10)

WAC 392-502-080 Approval required for state funding. (1) Beginning with the 2011-12 school year, school districts may claim state basic education funding, to the extent

otherwise allowed by state law, for students enrolled in on-line courses or programs only if the on-line courses or programs are:

(a) Offered by a multidistrict on-line provider approved by the superintendent of public instruction;

(b) Offered by a school district on-line learning program if the program serves students who reside within the geographic boundaries of the school district, including school district programs in which fewer than ten percent of the program's students reside outside the school district's geographic boundaries; or

(c) Offered by a regional on-line learning program jointly developed and offered by two or more school districts or an educational service district through an interdistrict cooperative or consortium program agreement in which fewer than ten percent of the program's students reside outside the school districts' geographic boundaries.

(2) Beginning with the 2013-14 school year, school districts may claim state funding under RCW 28A.150.260, to the extent otherwise allowed by state law, for students enrolled in on-line courses or programs only if the on-line courses or programs are offered by an on-line provider approved under RCW 28A.250.020 by the superintendent of public instruction.

(3) Criteria shall be established by the superintendent of public instruction to allow on-line courses that have not been approved by the superintendent of public instruction to be eligible for state funding if the course is in a subject matter in which no courses have been approved and, if it is a high school course, the course meets Washington high school graduation requirements. These criteria will be posted on the superintendent of public instruction web site by December 31, 2009, and any modifications to those will appear by July 1, 2010, and April 1st each subsequent year after review by the on-line learning advisory committee and the state board of education.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-502-011 District responsibility.

WSR 12-03-068
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed January 12, 2012, 12:14 p.m., effective February 12, 2012]

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

Purpose: To amend the definition of resident full-time enrollment for the purposes of federal forest funds to consider and address the impact of alternative learning experience students.

The definition is as follows:

As used in RCW 28A.520.020, resident full-time enrollment means full-time equivalent students as defined in WAC 392-121-122, excluding students enrolled in alternative

learning experience programs who reside outside the count of the school district boundaries.

Statutory Authority for Adoption: SSB 5239, Section I(5).

Adopted under notice filed as WSR 11-23-123 on November 21, 2011.

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 Request of a Nongovernmental 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: December 28, 2011.

Randy Dorn
State Superintendent
of Public Instruction

NEW SECTION

WAC 392-121-421 Definition—Resident student—Basic education allocation—Federal forest funds. As used in RCW 28A.520.020, resident full-time equivalent students means full-time equivalent students as defined in WAC 392-121-122, excluding students enrolled in alternative learning experience programs who reside outside the county of the school district boundaries.

WSR 12-03-069

PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed January 12, 2012, 12:14 p.m., effective February 12, 2012]

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

Purpose: The purpose of this request is to establish the process and definition of an eligible school with respect to K-3 high poverty funding. This will allow the state to allocate the funds allotted in the biennial budget bill for enhanced K-3 class size for schools that have more than fifty percent poverty.

Statutory Authority for Adoption: Second adoption of ESHB 1087, section 502.

Adopted under notice filed as WSR 11-23-119 on November 21, 2011.

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 Request of a Nongovernmental 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 0, Amended 0, Repealed 0.

Date Adopted: December 28, 2011.

Randy Dorn
State Superintendent
of Public Instruction

NEW SECTION

WAC 392-140-915 High poverty funding—Process and definition of eligible schools. For the purposes of this section, an eligible school is one in which the free and reduced priced lunch percentage for students in grades K-6 exceeds fifty percent within the school building, and the school is not part of a district that receives any type of K-6 small school or remote and necessary funding. CEDARS data as of October of the previous school year will be used to determine school eligibility. If a school is determined to be eligible, the K-3 full-time equivalent enrollment as reported to the office of superintendent of public instruction on the P-223 will be used to generate funding at an enhanced class size as determined by the legislature.

A preliminary CEDARS extract of October data will be pulled on March 31st to be used to determine a preliminary list of eligible schools to be published in April. This list will be used by districts as a basis for estimating the total eligible high poverty enrollment to be put into the F-203 for budgeting purposes. Districts will have until September 30th to make adjustments to this data before it is considered final for funding purposes.

A secondary CEDARS extract of October data will be pulled on July 30th. An updated list of eligible schools will be presented to districts in August.

On September 30th, the October CEDARS data for the previous school year will be considered final for K-3 high poverty funding purposes. A final data extract will be used to determine schools that are eligible for high poverty funding. Final determination of eligible schools for the current school year will be available in mid-October.

Funding of K-3 high poverty schools will be based upon budgeted K-3 enrollment in eligible high poverty schools as stated in a district's F-203 from September through December. Funding based on average annual full-time equivalent enrollment reported in final approved eligible schools will begin in January and continue through August.

WSR 12-03-073

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed January 13, 2012, 12:31 p.m., effective February 13, 2012]

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

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 28A.230.090 (2)(c) requires the state board of education to forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review and to the quality education council established under RCW 28A.290.010. The legislature must have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the Omnibus Appropriations Act or other enacted legislation.

Purpose: The purpose of the amendments to WAC 180-51-066 was to designate that the graduation requirements would apply only to those students entering the ninth grade on or after July 1, 2009, through June 30, 2012. Students entering the ninth grade after this time period will be subject to the graduation requirements in WAC 180-51-067. The purpose of new section WAC 180-51-067 is to provide for the following changes to Washington state's high school graduation requirements for those students entering the ninth grade on or after July 1, 2012: (1) The number of English credits is increased to four, the number of social studies credits is increased to three; and the number of elective credits is decreased to four. (2) The social studies credits earned must include .5 credit in civics. (3) Washington state history and government is changed to a noncredit required course that must be successfully completed and noted on a student's transcript. (4) The two credits of health and fitness now specify that .5 credits must be in health and 1.5 credits in fitness. (5) A "two for one" policy is established that enables students taking a CTE equivalent course to satisfy two graduation requirements while earning one credit. WAC 180-51-067 also provides for satisfaction of the state's high school graduation requirements for those students who earn an international baccalaureate diploma. In addition, WAC 180-51-067 varies from the requirements in WAC 180-51-066 in that it does not contain requirements for graduation required by statute (with the exception of the language from RCW 28A.230.090), and includes an overarching statement regarding alignment with the state learning standards and a single clause providing for course content to be determined by the local school district. All other graduation requirements set forth in WAC 180-51-066 not otherwise changed as noted continue to be included in WAC 180-51-067.

Citation of Existing Rules Affected by this Order: Amending WAC 180-51-066.

Statutory Authority for Adoption: RCW 28A.230.090.

Other Authority: RCW 28A.230.093, 28A.230.050, 28A.230.170, 28A.230.060, 28A.305.215(8).

Adopted under notice filed as WSR 11-19-112 on [September 21, 2011].

Changes Other than Editing from Proposed to Adopted Version: A new subsection was added to read WAC 180-51-067: (12) A school district may obtain a two-year extension from the effective date for the implementation of the four credits of English and/or the three credits of social studies required under this rule upon the filing of a written resolution by the district's school board with the state board of education stating the district's intent to delay implementation of the increased English and/or social studies requirements effective for the class of 2016. The resolution must be filed by June 1, 2012. A district filing a timely resolution with the state board of education shall maintain the English, social studies, and elective credits in effect under WAC 180-51-066 for the period of the extension.

In addition, in subsection (4)(b)(i) of WAC 180-51-067, the word "and" was changed to "or."

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 Request of a Nongovernmental 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: November 10, 2011.

Ben Rarick
Executive Director

AMENDATORY SECTION (Amending WSR 10-19-118, filed 9/21/10, effective 10/22/10)

WAC 180-51-066 Minimum requirements for high school graduation—Students entering the ninth grade on or after July 1, 2009, through June 30, 2012. (1) The statewide minimum subject areas and credits required for high school graduation (~~(beginning July 1, 2009)~~) for students who enter the ninth grade or begin the equivalent of a four-year high school program as of July 1, 2009, through June 30, 2012, shall total twenty as listed below.

(a) Three **English** credits (reading, writing, and communications) that at minimum align with grade level expectations for ninth and tenth grade, plus content that is determined by the district. Assessment shall include the tenth grade Washington assessment of student learning beginning 2008.

(b) Three **mathematics** credits that align with the high school mathematics standards as developed and revised by the office of superintendent of public instruction and satisfy the requirements set forth below:

(i) Unless otherwise provided for in (b)(iv) through (vii) of this subsection, the three mathematics credits required under this section must include:

- (A) Algebra 1 or integrated mathematics I;
- (B) Geometry or integrated mathematics II; and
- (C) Algebra 2 or integrated mathematics III.

(ii) A student may elect to pursue a third credit of high school-level mathematics, other than algebra 2 or integrated mathematics III if all of the following requirements are met:

(A) The student's elective choice is based on a career oriented program of study identified in the student's high school and beyond plan that is currently being pursued by the student;

(B) The student's parent(s)/guardian(s) (or designee for the student if a parent or guardian is unavailable) agree that the third credit of mathematics elected is a more appropriate course selection than algebra 2 or integrated mathematics III because it will better serve the student's education and career goals;

(C) A meeting is held with the student, the parent(s)/guardian(s) (or designee for the student if a parent or guardian is unavailable), and a high school representative for the purpose of discussing the student's high school and beyond plan and advising the student of the requirements for credit bearing two- and four-year college level mathematics courses; and

(D) The school has the parent(s)/guardian(s) (or designee for the student if a parent or guardian is unavailable) sign a form acknowledging that the meeting with a high school representative has occurred, the information as required was discussed, and the parent(s)/guardian(s) (or designee for the student if a parent or guardian is unavailable) agree that the third credit of mathematics elected is a more appropriate course selection given the student's education and career goals.

(iii) Courses in (b)(i) and (ii) of this subsection may be taken currently in the following combinations:

(A) Algebra 1 or integrated mathematics I may be taken concurrently with geometry or integrated mathematics II.

(B) Geometry or integrated mathematics II may be taken concurrently with algebra 2 or integrated mathematics III or a third credit of mathematics to the extent authorized in (b)(ii) of this subsection.

(iv) Equivalent career and technical education (CTE) mathematics courses meeting the requirements set forth in RCW 28A.230.097 can be taken for credit instead of any of the mathematics courses set forth in (b)(i) of this subsection if the CTE mathematics courses are recorded on the student's transcript using the equivalent academic high school department designation and course title.

(v) A student who prior to ninth grade successfully completed algebra 1 or integrated mathematics I; and/or geometry or integrated mathematics II, but does not request high school credit for such course(s) as provided in RCW 28A.230.090, may either:

- (A) Repeat the course(s) for credit in high school; or
- (B) Complete three credits of mathematics as follows:

(I) A student who has successfully completed algebra 1 or integrated mathematics I shall:

- Earn the first high school credit in geometry or integrated mathematics II;
- Earn the second high school credit in algebra 2 or integrated mathematics III; and

- Earn the third high school credit in a math course that is consistent with the student's education and career goals.

(II) A student who has successfully completed algebra 1 or integrated mathematics I, and geometry or integrated mathematics II, shall:

- Earn the first high school credit in algebra 2 or integrated mathematics III; and
- Earn the second and third credits in mathematics courses that are consistent with the educational and career goals of the student.

(vi) A student who satisfactorily demonstrates competency in algebra 1 or integrated mathematics I pursuant to a written district policy, but does not receive credit under the provisions of WAC 180-51-050, shall complete three credits of high school mathematics in the following sequence:

- Earn the first high school credit in geometry or integrated mathematics II;
- Earn the second high school credit in algebra 2 or integrated mathematics III; and
- Earn the third credit in a mathematics course that is consistent with the student's education and career goals.

(vii) A student who satisfactorily demonstrates competency in algebra 1 or integrated mathematics I and geometry or integrated mathematics II pursuant to a written district policy, but does not receive credit for the courses under the provisions of WAC 180-51-050, shall complete three credits of high school mathematics in the following sequence:

- Earn the first high school credit in algebra 2 or integrated mathematics III;
- Earn the second and third high school credits in courses that are consistent with the educational and career goals of the student.

(c) Two **science** credits (physical, life, and earth) that at minimum align with grade level expectations for ninth and tenth grade, plus content that is determined by the district. At least one credit in laboratory science is required which shall be defined locally. Assessment shall include the tenth grade Washington assessment of student learning beginning 2010.

(d) Two and one-half **social studies** credits that at minimum align with the state's essential academic learning requirements in civics, economics, geography, history, and social studies skills at grade ten and/or above plus content that is determined by the district. The assessment of achieved competence in this subject area is to be determined by the local district although state law requires districts to have "assessments or other strategies" in social studies at the high school level by 2008-09. In addition, districts shall require students to complete a classroom-based assessment in civics in the eleventh or twelfth grade also by 2008-09. The state superintendent's office has developed classroom-based assessment models for districts to use (RCW 28A.230.095). The social studies requirement shall consist of the following mandatory courses or equivalencies:

(i) One credit shall be required in United States history and government which shall include study of the Constitution of the United States. No other course content may be substituted as an equivalency for this requirement.

(ii) Under the provisions of RCW 28A.230.170 and 28A.230.090, one-half credit shall be required in Washington state history and government which shall include study of the

Constitution of the state of Washington and is encouraged to include information on the culture, history, and government of the American Indian people who were the first inhabitants of the state.

(A) For purposes of the Washington state history and government requirement only, the term "secondary student" shall mean a student who is in one of the grades seven through twelve. If a district offers this course in the seventh or eighth grade, it can still count towards the state history and government graduation requirement. However, the course should only count as a high school credit if the academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors (RCW 28A.230.-090(4)).

(B) The study of the United States and Washington state Constitutions shall not be waived, but may be fulfilled through an alternative learning experience approved by the local school principal under written district policy.

(C) Secondary school students who have completed and passed a state history and government course of study in another state may have the Washington state history and government requirement waived by their principal. The study of the United States and Washington state Constitutions required under RCW 28A.230.170 shall not be waived, but may be fulfilled through an alternative learning experience approved by the school principal under a written district policy.

(D) After completion of the tenth grade and prior to commencement of the eleventh grade, eleventh and twelfth grade students who transfer from another state, and who have or will have earned two credits in social studies at graduation, may have the Washington state history requirement waived by their principal if without such a waiver they will not be able to graduate with their class.

(iii) One credit shall be required in contemporary world history, geography, and problems. Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on current problems may be accepted as equivalencies.

(e) Two **health and fitness** credits that at minimum align with current essential academic learning requirements at grade ten and/or above plus content that is determined by the local school district. The assessment of achieved competence in this subject area is to be determined by the local district although state law requires districts to have "assessments or other strategies" in health and fitness at the high school level by 2008-09. The state superintendent's office has developed classroom-based assessment models for districts to use (RCW 28A.230.095).

(i) The fitness portion of the requirement shall be met by course work in fitness education. The content of fitness courses shall be determined locally under WAC 180-51-025. Suggested fitness course outlines shall be developed by the office of the superintendent of public instruction. Students may be excused from the physical portion of the fitness requirement under RCW 28A.230.050. Such excused students shall be required to substitute equivalency credits in

accordance with policies of boards of directors of districts, including demonstration of the knowledge portion of the fitness requirement.

(ii) "Directed athletics" shall be interpreted to include community-based organized athletics.

(f) One **arts** credit that at minimum is aligned with current essential academic learning requirements at grade ten and/or above plus content that is determined by the local school district. The assessment of achieved competence in this subject area is to be determined by the local district although state law requires districts to have "assessments or other strategies" in arts at the high school level by 2008-09. The state superintendent's office has developed classroom-based assessment models for districts to use (RCW 28A.-230.095). The essential content in this subject area may be satisfied in the visual or performing arts.

(g) One credit in **occupational education**. "Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate competency of skills under student learning goal four and which skills are required for success in current and emerging occupations. At a minimum, these competencies shall align with the definition of an exploratory course as proposed or adopted in the career and technical education program standards of the office of the superintendent of public instruction. The assessment of achieved competence in this subject area is determined at the local district level.

(h) Five and one-half electives: Study in a world language other than English or study in a world culture may satisfy any or all of the required electives. The assessment of achieved competence in these subject areas is determined at the local district level.

(i) Each student shall complete a culminating project for graduation. The project shall consist of the student demonstrating both their learning competencies and preparations related to learning goals three and four. Each district shall define the process to implement this graduation requirement, including assessment criteria, in written district policy.

(j) Each student shall have a high school and beyond plan for their high school experience, including what they expect to do the year following graduation.

(k) Each student shall attain a certificate of academic achievement or certificate of individual achievement. The tenth grade Washington assessment of student learning and Washington alternate assessment system shall determine attainment.

(2) State board of education approved private schools under RCW 28A.305.130(5) may, but are not required to, align their curriculums with the state learning goals under RCW 28A.150.210 or the essential academic learning requirements under RCW 28A.655.070.

NEW SECTION

WAC 180-51-067 State subject and credit requirements for high school graduation—Students entering the ninth grade on or after July 1, 2012. The statewide subject areas and credits required for high school graduation, beginning July 1, 2012, for students who enter the ninth grade or begin the equivalent of a four-year high school program, shall

total twenty as provided below. All credits are to be aligned with the state's essential academic learning requirements (learning standards) for the subject. The content of any course shall be determined by the local school district.

(1) Four **English** credits.

(2) Three **mathematics** credits that satisfy the requirements set forth below:

(a) Unless otherwise provided for in (d) through (g) of this subsection, the three mathematics credits required under this section must include:

(i) Algebra 1 or integrated mathematics I;

(ii) Geometry or integrated mathematics II; and

(iii) Algebra 2 or integrated mathematics III.

(b) A student may elect to pursue a third credit of high school-level mathematics, other than algebra 2 or integrated mathematics III, if all of the following requirements are met:

(i) The student's elective choice is based on a career oriented program of study identified in the student's high school and beyond plan that is currently being pursued by the student;

(ii) The student's parent(s)/guardian(s) (or designee for the student if a parent or guardian is unavailable) agree that the third credit of mathematics elected is a more appropriate course selection than algebra 2 or integrated mathematics III because it will better serve the student's education and career goals;

(iii) A meeting is held with the student, the parent(s)/guardian(s) (or designee for the student if a parent or guardian is unavailable), and a high school representative for the purpose of discussing the student's high school and beyond plan and advising the student of the requirements for credit bearing two- and four-year college level mathematics courses; and

(iv) The school has the parent(s)/guardian(s) (or designee for the student if a parent or guardian is unavailable) sign a form acknowledging that the meeting with a high school representative has occurred, the information as required was discussed, and the parent(s)/guardian(s) (or designee for the student if a parent or guardian is unavailable) agree that the third credit of mathematics elected is a more appropriate course selection given the student's education and career goals.

(c) Courses in (a) and (b) of this subsection may be taken currently in the following combinations:

(i) Algebra 1 or integrated mathematics I may be taken concurrently with geometry or integrated mathematics II.

(ii) Geometry or integrated mathematics II may be taken concurrently with algebra 2 or integrated mathematics III or a third credit of mathematics to the extent authorized in (b) of this subsection.

(d) Equivalent career and technical education (CTE) mathematics courses meeting the requirements set forth in RCW 28A.230.097 can be taken for credit instead of any of the mathematics courses set forth in (a) of this subsection if the CTE mathematics courses are recorded on the student's transcript using the equivalent academic high school department designation and course title.

(e) A student who prior to ninth grade successfully completed algebra 1 or integrated mathematics I; and/or geometry or integrated mathematics II, but does not request high school

credit for such course(s) as provided in RCW 28A.230.090, may either:

- (i) Repeat the course(s) for credit in high school; or
- (ii) Complete three credits of mathematics as follows:

(A) A student who has successfully completed algebra 1 or integrated mathematics I shall:

- Earn the first high school credit in geometry or integrated mathematics II;
- Earn the second high school credit in algebra 2 or integrated mathematics III; and
- Earn the third high school credit in a math course that is consistent with the student's education and career goals.

(B) A student who has successfully completed algebra 1 or integrated mathematics I, and geometry or integrated mathematics II, shall:

- Earn the first high school credit in algebra 2 or integrated mathematics III; and
- Earn the second and third credits in mathematics courses that are consistent with the educational and career goals of the student.

(f) A student who satisfactorily demonstrates competency in algebra 1 or integrated mathematics I pursuant to a written district policy, but does not receive credit under the provisions of WAC 180-51-050, shall complete three credits of high school mathematics in the following sequence:

- Earn the first high school credit in geometry or integrated mathematics II;
- Earn the second high school credit in algebra 2 or integrated mathematics III; and
- Earn the third credit in a mathematics course that is consistent with the student's education and career goals.

(g) A student who satisfactorily demonstrates competency in algebra 1 or integrated mathematics I and geometry or integrated mathematics II pursuant to a written district policy, but does not receive credit for the courses under the provisions of WAC 180-51-050, shall complete three credits of high school mathematics in the following sequence:

- Earn the first high school credit in algebra 2 or integrated mathematics III;
- Earn the second and third high school credits in courses that are consistent with the educational and career goals of the student.

(3) Two **science** credits, at least one of the two credits must be in laboratory science.

(4) Three **social studies** credits (2.5 credits prescribed courses, plus a .5 credit social studies elective) and a non-credit requirement. The social studies requirement shall consist of the following mandatory courses or equivalencies:

(a) One credit shall be required in United States history.

(b) Successful completion of Washington state history and government shall be required, subject to the provisions of RCW 28A.230.170; RCW 28A.230.090 and WAC 392-410-120, and shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state. Successful completion must be noted on each student's transcript. The Washington state history and government requirement may be waived by the principal for students who: (i) Have successfully completed a state history and government course of study in another state; or (ii) are in eleventh or twelfth grade and who

have not completed a course of study in Washington's history and state government because of previous residence outside the state.

(c) One credit shall be required in contemporary world history, geography, and problems. Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on contemporary world problems may be accepted as equivalencies.

(d) One-half credit shall be required in civics and include at a minimum the content listed in RCW 28A.230.093.

(5) Two **health and fitness** credits (.5 credit health; 1.5 credits fitness). Students may be excused from the fitness requirement under RCW 28A.230.050. Such excused students shall be required to demonstrate proficiency/competency in the knowledge portion of the fitness requirement, in accordance with written district policy.

(6) One **arts** credit. The essential content in this subject area may be satisfied in the visual or performing arts.

(7) One credit in **occupational education**. "Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate competency of skills under student learning goal four and which skills are required for success in current and emerging occupations. At a minimum, these competencies shall align with the definition of an exploratory course as contained in the career and technical education (CTE) program standards of the office of the superintendent of public instruction.

(a) Students who earn a graduation requirement credit through a CTE course locally determined to be equivalent to a non-CTE course will not be required to earn a second credit in the non-CTE course subject; the single CTE course meets two graduation requirements.

(b) Students who earn a graduation requirement credit in a non-CTE course locally determined to be equivalent to a CTE course will not be required to earn a second credit in the CTE course subject; the single non-CTE course meets two graduation requirements.

(c) Students satisfying the requirement in (a) or (b) of this subsection will need to earn five elective credits instead of four; total credits required for graduation will not change.

(8) Four credits of electives.

(9) Each student shall complete a culminating project for graduation. The project shall consist of the student demonstrating both their learning competencies and preparations related to learning goals three and four. Each district shall define the process to implement this graduation requirement, including assessment criteria, in written district policy.

(10) Each student shall have a high school and beyond plan for their high school experience, including what they expect to do the year following graduation.

(11) Students who complete and pass all required International Baccalaureate Diploma Programme courses are considered to have satisfied state subject and credit requirements for graduation from a public high school, subject to the provisions of RCW 28A.230.090, 28A.230.170, and chapter 28A.230 RCW.

(12) A school district may obtain a two-year extension from the effective date for the implementation of the four credits of English and/or the three credits of social studies

required under this section upon the filing of a written resolution by the district's school board with the state board of education stating the district's intent to delay implementation of the increased English and/or social studies requirements effective for the class of 2016. The resolution must be filed by June 1, 2012. A district filing a timely resolution with the state board of education shall maintain the English, social studies, and elective credits in effect under WAC 180-51-066 for the period of the extension.

WSR 12-03-074

PERMANENT RULES

HORSE RACING COMMISSION

[Filed January 13, 2012, 2:07 p.m., effective February 13, 2012]

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

Purpose: Gives the executive secretary and board of stewards [the ability] to approve changes on the day to day operation requests by stakeholders.

Citation of Existing Rules Affected by this Order: Amending Title 260 WAC, Horse racing commission.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 11-23-118 on November 21, 2011.

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 Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 14, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 14, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 13, 2012.

Douglas L. Moore
Deputy Secretary

AMENDATORY SECTION (Amending WSR 07-11-114, filed 5/18/07, effective 6/18/07)

WAC 260-12-235 Accepted conditions of race meeting. The association is obligated to conduct parimutuel racing, except in the case of emergencies, on each race date allocated. The commission must approve any change in race dates. In the case of emergencies the stewards may authorize cancellation of all or a portion of any race day. The executive secretary may temporarily approve changes in the conditions of the race meet including, but not limited to, post time and additional days pending final approval of the commission at the next regularly scheduled meeting.

AMENDATORY SECTION (Amending WSR 07-01-052, filed 12/14/06, effective 1/14/07)

WAC 260-36-180 Authority to search. In order to protect the integrity of horse racing and to protect the interests and safety of the public and participants, the commission and its employees have the right to enter into or upon the buildings, stables, rooms, motor vehicles or other places within the grounds of a racing association to examine the same and to inspect and examine the personal property and effects of any licensee within such places. Any person who has been granted a license by the commission, by accepting a license, authorizes the commission or its employees to search his/her person and the areas indicated herein and to seize any medication, drugs, paraphernalia or device prohibited by the rules of racing, or other evidence of a violation of the rules of racing. If a licensee refuses to allow a search, the board of stewards must revoke his/her license ~~((and refer the matter to the commission))~~.

AMENDATORY SECTION (Amending WSR 08-17-049, filed 8/14/08, effective 9/14/08)

WAC 260-48-610 ~~((Coupled entries and))~~ Mutuel field. (1) Horses coupled in wagering as a ~~((coupled entry or))~~ mutuel field will be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any horse in a ~~((coupled entry or))~~ mutuel field be officially withdrawn or scratched, the remaining horses in that ~~((coupled entry or))~~ mutuel field will remain valid betting interests and no refunds will be granted. If all horses within a ~~((coupled entry or))~~ mutuel field are scratched, then tickets on such betting interests will be refunded, notwithstanding other provisions of these rules.

(2) For the purpose of price calculations only, ~~((coupled entries and))~~ mutuel fields will be calculated as a single finisher, using the finishing position of the leading horse in that ~~((coupled entry or))~~ mutuel field to determine order of placing. This rule will apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

AMENDATORY SECTION (Amending WSR 08-17-049, filed 8/14/08, effective 9/14/08)

WAC 260-48-625 Prior approval required for betting pools. (1) An association that desires to offer new forms of wagering must apply in writing to the commission and receive written approval prior to implementing the new betting pool. New forms of wagering may only be offered by a host association after they have been established in rule, except as provided in WAC 260-48-710.

(2) An association may suspend previously approved forms of wagering with the prior approval of the commission. Any carryover will be held until the suspended form of wagering is reinstated. An association may request approval of a form of wagering or separate wagering pool for a specific performance.

(3) The executive secretary may approve new type wagering pools subject to final approval by the commission at its next regular meeting.

AMENDATORY SECTION (Amending WSR 08-17-049, filed 8/14/08, effective 9/14/08)

WAC 260-48-820 Place pools. (1) The amounts wagered to place on the first two betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to place on that betting interest, the resulting quotient is the profit per dollar wagered to place on that betting interest.

(2) The net place pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a (~~(coupled entry or)~~) mutuel field finished in the first two places, as a single price pool to those who selected the (~~(coupled entry or)~~) mutuel field; otherwise

(b) As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then

(c) As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(d) As a single price pool to those who selected the third-place finisher; but if there are no such wagers, then

(e) The entire pool will be refunded on place wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the place pool will be distributed as a single price pool.

(b) Horses representing two or more betting interests, the place pool will be distributed as a profit split.

(4) If there is a dead heat for second involving:

(a) Horses representing the same betting interest, the place pool will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the place pool is divided with one-half of the profit distributed to place wagers on the betting interest finishing first and the remainder is distributed equally amongst place wagers on those betting interests involved in the dead heat for second.

AMENDATORY SECTION (Amending WSR 08-17-049, filed 8/14/08, effective 9/14/08)

WAC 260-48-830 Show pools. (1) The amounts wagered to show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to show on that betting interest, the resulting quotient being the profit per dollar wagered to show on that betting interest. The net show pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a (~~(coupled entry or)~~) mutuel field finished in the first three places, as a single price pool to those who selected the (~~(coupled entry or)~~) mutuel field; otherwise

(b) If horses of a (~~(coupled entry or)~~) mutuel field finished as two of the first three finishers, the profit is divided with two-thirds distributed to those who selected the (~~(coupled entry or)~~) mutuel field and one-third distributed to those

who selected the other betting interest included within the first three finishers; otherwise

(c) As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then

(d) As a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then

(e) As a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then

(f) As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then

(g) The entire pool will be refunded on show wagers for that race.

(2) If there is a dead heat for first involving:

(a) Two horses representing the same betting interest, the profit is divided with two-thirds distributed to those who selected the first-place finishers and one-third distributed to those who selected the betting interest finishing third.

(b) Three horses representing a single betting interest, the show pool will be distributed as a single price pool.

(c) Horses representing two or more betting interests, the show pool will be distributed as a profit split.

(3) If there is a dead heat for second involving:

(a) Horses representing the same betting interest, the profit is divided with one-third distributed to those who selected the betting interest finishing first and two-thirds distributed to those who selected the second-place finishers.

(b) Horses representing two betting interests, the show pool will be distributed as a profit split.

(c) Horses representing three betting interests, the show pool is divided with one-third of the profit distributed to show wagers on the betting interest finishing first and the remainder is distributed equally amongst show wagers on those betting interests involved in the dead heat for second.

(4) If there is a dead heat for third involving:

(a) Horses representing the same betting interest, the show pool will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the show pool is divided with two-thirds of the profit distributed to show wagers on the betting interests finishing first and second and the remainder is distributed equally amongst show wagers on those betting interests involved in the dead heat for third.

AMENDATORY SECTION (Amending WSR 08-17-049, filed 8/14/08, effective 9/14/08)

WAC 260-48-860 Quinella pools. (1) The quinella requires selection of the first two finishers, regardless of order, for a single race.

(2) The net quinella pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a (~~(coupled entry or)~~) mutuel field finish as the first two finishers, as a single price pool to those selecting the (~~(coupled entry or)~~) mutuel field combined with the

next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(e) The entire pool will be refunded on quinella wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the quinella pool will be distributed to those selecting the ~~((coupled entry or))~~ mutuel field combined with the next separate betting interest in the official order of finish.

(b) Horses representing two betting interests, the quinella pool will be distributed as if no dead heat occurred.

(c) Horses representing three or more betting interests, the quinella pool will be distributed as a profit split.

(4) If there is a dead heat for second involving horses representing the same betting interest, the quinella pool will be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving horses representing two or more betting interests, the quinella pool will be distributed to wagers in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then

(d) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then

(e) The entire pool will be refunded on quinella wagers for that race.

AMENDATORY SECTION (Amending WSR 08-17-049, filed 8/14/08, effective 9/14/08)

WAC 260-48-870 Exacta pools. (1) The exacta requires selection of the first two finishers, in their exact order, for a single race.

(2) The net exacta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a ~~((coupled entry or))~~ mutuel field finish as the first two finishers, as a single price pool to those selecting the ~~((coupled entry or))~~ mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then

(e) The entire pool will be refunded on exacta wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the exacta pool will be distributed as a single price pool to those selecting the ~~((coupled entry or))~~ mutuel field combined with the next separate betting interest in the official order of finish.

(b) Horses representing two or more betting interests, the exacta pool will be distributed as a profit split.

(4) If there is a dead heat for second involving horses representing the same betting interest, the exacta pool will be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving horses representing two or more betting interests, the exacta pool will be distributed to ticket holders in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those wagers correctly selecting the winner for first-place and those wagers selecting any of the dead-heated betting interests for second-place; but if there are no such wagers, then

(d) The entire pool will be refunded on exacta wagers for that race.

AMENDATORY SECTION (Amending WSR 08-17-049, filed 8/14/08, effective 9/14/08)

WAC 260-48-890 Trifecta pools. (1) The trifecta requires selection of the first three finishers, in their exact order, for a single race.

(2) The net trifecta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire pool will be refunded on trifecta wagers for that race.

(3) If less than three betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race will be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat will share in a profit split.

(b) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest will share in a profit split.

(5) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second will share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third will share in a profit split.

~~(7) ((Trifecta wagering is prohibited on any race in which there is more than one coupled entry, except with written permission of the executive secretary.~~

~~(8))~~ Trifecta wagering is prohibited on any race in which there is a mutuel field.

AMENDATORY SECTION (Amending WSR 08-17-049, filed 8/14/08, effective 9/14/08)

WAC 260-48-900 Twin trifecta pools. (1) The twin trifecta requires selection of the first three finishers, in their exact order, in each of two designated races. Each winning ticket for the first twin trifecta race must be exchanged for a free ticket on the second twin trifecta race in order to remain eligible for the second-half twin trifecta pool. Winning first-half wagers will receive both an exchange and a monetary payoff. Both of the designated twin trifecta races will be included in only one twin trifecta pool.

(2) Twin trifecta wagering may be conducted by Class A and B licensees at the discretion of the commission upon written application by an association.

(3) After wagering closes for the first-half of the twin trifecta and commissions have been deducted from the pool, the net pool will then be divided into two separate pools: The first-half twin trifecta pool and the second-half twin trifecta pool. The percentage allocated to each pool must be approved by the commission.

(4) In the first twin trifecta race only, winning wagers will be determined using the following precedence, based upon the official order of finish for the first twin trifecta race:

(a) As a single price pool to those whose combination finished in the correct sequence as the first three betting interest; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire twin trifecta pool for that day will be refunded on twin trifecta wagers for that race and the second-half will be canceled.

(5) If no first-half twin trifecta ticket selects the first three finishers of that race in exact order, winning ticket holders will not receive any exchange tickets for the second-half twin trifecta pool. In such case, the second-half twin trifecta pool will be retained and added to any existing twin trifecta carry-over pool.

(6) Winning tickets from the first-half of the twin trifecta will be exchanged for tickets selecting the first three finishers of the second-half of the twin trifecta. The second-half twin trifecta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta race:

(a) As a single price pool, including any existing carry-over moneys, to those whose combination finished in correct sequence as the first three betting interest; but if there are no such tickets, then

(b) The entire second-half twin trifecta pool for that race will be added to any existing carry-over moneys and retained for the corresponding second-half twin trifecta pool of the next consecutive race card.

(7) Subject to subsection ~~((49(e)))~~ (18)(e) of this section of the twin trifecta rules, if a winning first-half twin trifecta ticket is not presented for cashing and exchange prior to the second-half twin trifecta race, the ticket holder may still collect the monetary value associated with the first-half twin trifecta pool but forfeits all rights to any distribution of the second-half twin trifecta pool.

(8) Twin trifecta wagering is prohibited on any race in which there is a mutuel field, except with written permission of the executive secretary.

~~(9) ((Twin trifecta wagering is prohibited on any race in which there is more than one coupled entry.~~

~~(10))~~ Should a betting interest in the first-half of the twin trifecta be scratched, those twin trifecta wagers including the scratched betting interest will be refunded.

~~((11))~~ (10) Should a betting interest in the second-half of the twin trifecta be scratched, an announcement concerning the scratch will be made and a reasonable amount of time will be provided for exchange of tickets that include the scratched betting interest.

~~((12))~~ (11) If there is a dead heat or multiple dead heats in either the first- or second-half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, will be a winner. In the case of dead heat occurring in:

(a) The first-half of the twin trifecta, the payoff will be calculated as a profit split

(b) The second-half of the twin trifecta, the payoff will be calculated as a single price pool.

~~((13))~~ (12) If either of the twin trifecta races are canceled prior to the first twin trifecta race, or the first twin trifecta race is declared "no contest," the entire twin trifecta

pool for that day will be refunded on twin trifecta wagers for that race and the second-half will be canceled.

~~((14))~~ (13) If the second-half twin trifecta race is canceled or declared "no contest," all exchange tickets and outstanding first-half winning twin trifecta tickets will be entitled to the net twin trifecta pool for that race as a single price pool, but not the twin trifecta carry-over. If there are no such tickets, the net twin trifecta pool will be distributed as described in subsection ~~((s))~~ (4) of this section of the twin trifecta rules.

~~((15))~~ (14) If, due to a late scratch, the number of betting interests in the second-half of the twin trifecta is reduced to fewer than 3, all exchange tickets and outstanding first-half winning tickets will be entitled to the second-half twin pool for that race as a single price pool, but not the twin trifecta carry-over.

~~((16))~~ (15) If it be determined by the stewards that a horse has been prevented from racing because of the failure of the stall door of the starting gate to open (nonstarter) in the second-half of the twin trifecta only, there will be no refund or consolation payoff. The official order of finish as posted will be used to determine payoffs. This will not affect other pools for this race.

~~((17))~~ (16) A written request for permission to distribute the twin trifecta carry-over on a specific race card may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date of race card for the distribution.

~~((18))~~ (17) Contrary to subsection (5) of this section of the twin trifecta rules, during a race card designated to distribute the twin trifecta carry-over, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the twin trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets will be issued for combinations as described in subsection (4) of this section of the twin trifecta rules.

~~((19))~~ (18) Should the twin trifecta carry-over be designated for distribution on a specified date, the following precedence will be followed in determining winning tickets for the second-half of the twin trifecta after completion of the first-half of the twin trifecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) As a single price pool to holders of valid exchange tickets.

(e) As a single price pool to holders of outstanding first-half winning tickets.

~~((20))~~ (19) The twin trifecta carry-over will be designated for distribution on a specified date and race card only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection ~~((17))~~ (16) of this section of the twin trifecta rules.

(b) On the closing race card of the meet or split meet.

~~((21))~~ (20) If, for any reason, the twin trifecta carry-over must be held over to the corresponding twin trifecta pool of the association's subsequent meet, the carry-over will be deposited in an interest-bearing account approved by the commission. The twin trifecta carry-over plus accrued interest will then be added to the second-half twin trifecta pool of the association's following meet.

~~((22))~~ (21) If racing is canceled prior to the first-half of the twin trifecta on the closing race card of the meet or split meet, the carry-over will be held over in accordance with subsection ~~((20))~~ (19) of this section of the twin trifecta rules.

~~((23))~~ (22) If racing is canceled after the running of the first-half but before the running of the second-half on the closing race card of the meet or split meet, the carry-over pool will be paid as a single price to holders of exchange tickets or outstanding winning tickets from the first-half.

~~((24))~~ (23) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This will not prohibit necessary communications between parimutuel system and parimutuel department employees for processing of pool data.

~~((25))~~ (24) The acceptance of a twin trifecta ticket by taking an issued ticket away from the window of the terminal from which it was issued will constitute an acknowledgment by the bettor that the ticket is correct. Exchange tickets may not be canceled and/or reissued except as provided by these rules. The association, parimutuel company, and state will not be liable to any person for a twin trifecta ticket which is not:

(a) A winning ticket in accordance with the provisions of this rule; or

(b) Delivered for any reason, including but not limited to mechanical malfunction, electrical failure, machine locking, phone line failure, or other cause.

~~((26))~~ (25) Twin trifecta tickets will be sold and exchanged only by the association through parimutuel machines.

~~((27))~~ (26) The twin trifecta carry-over may be capped at a designated level approved or set by the commission so that if, at the close of any race card, the amount in the twin trifecta carry-over equals or exceeds the designated cap, the twin trifecta carry-over will be frozen until it is won or distributed under other provisions of this rule. After the twin trifecta carry-over is frozen, 100 percent of the net twin trifecta pool for each individual race will be distributed to winners of the first-half of the twin trifecta pool.

AMENDATORY SECTION (Amending WSR 08-17-049, filed 8/14/08, effective 9/14/08)

WAC 260-48-910 Superfecta pools. (1) The superfecta requires selection of the first four finishers, in their exact order, for a single race.

(2) The net superfecta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(e) The entire pool will be refunded on superfecta wagers for that race.

(3) If less than four betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race will be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat will share in a profit split.

(b) Horses representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place betting interest will share in a profit split.

(c) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests will share in a profit split.

(5) If there is a dead heat for second involving:

(a) Horses representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second will share in a profit split.

(b) Horses representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place betting interest will share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for third will share in a profit split.

(7) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth will share in a profit split.

(8) ~~((Superfecta wagering is prohibited on any race in which there is more than one coupled entry, except with written permission of the executive secretary.~~

(((9))) Superfecta wagering is prohibited on any race in which there is a mutuel field.

AMENDATORY SECTION (Amending WSR 08-17-049, filed 8/14/08, effective 9/14/08)

WAC 260-48-915 Quinfecta pools with carryover. (1)

The quinfecta requires selection of the first five finishers in their exact order, for a single race.

(2) The net quinfecta pool will be distributed as a single price pool to those who selected the first five finishers in exact order based on the official order of finish. If there are no such wagers, then the net quinfecta pool will be carried forward to the next quinfecta performance as a carryover or added to an existing carryover.

(3) If less than five betting interests finish the race and the race is declared official, the entire quinfecta pool for that performance will be refunded.

(4) If, due to a late scratch or a participant is declared a nonstarter, and this causes the number of betting interest in the quinfecta pool to be reduced to fewer than five, the entire quinfecta pool for that performance will be refunded.

(5) If the quinfecta contest is ~~((canceled))~~ canceled or declared "no contest," the entire quinfecta pool for that performance will be refunded.

(6) If horses representing the same betting interest finish in the first five positions, the quinfecta pool will be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(7) If there is a dead heat for first involving:

(a) Horses representing five or more betting interests, all of the wagering combinations selecting five betting interests which correspond with any of the betting interests involved in the dead heat will share in a profit split.

(b) Horses representing four betting interests, all of the wagering combinations selecting the four dead-heated betting interests, irrespective of order, along with the fifth-place betting interest will share in a profit split.

(c) Horses representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place and fifth-place betting interests will share in a profit split.

(d) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place, fourth-place and fifth-place betting interests will share in a profit split.

(8) If there is a dead heat for second involving:

(a) Horses representing four or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the four or more betting interests involved in the dead heat for second will share in a profit split.

(b) Horses representing three betting interests, all of the wagering combinations correctly selecting the winner, the three dead-heated betting interests, irrespective of order, and the fifth-place betting interests will share in a profit split.

(c) Horses representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place and fifth-place betting interests will share in a profit split.

(9) If there is a dead heat for third involving:

(a) Horses representing three or more betting interests, all of the wagering combinations correctly selecting the winner, the second-place betting interest, and the three or more dead-heated betting interests will share in a profit split.

(b) Horses representing two betting interests, all the wagering combinations correctly selecting the winner, the second-place betting interest, the two dead-heated betting interests, irrespective of order and the fifth-place betting interest will share in a profit split.

(10) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for fourth will share in a profit split.

(11) If there is a dead heat for fifth, all wagering combinations correctly selecting the first four finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth will share in a profit split.

(12) Quinfecta wagering is prohibited on any race in which there is more than one ~~((coupled entry or a))~~ mutuel field, except with written permission of the board of stewards.

(13) Mandatory distribution of the carryover. The quinfecta carryover will be designated for a change in distribution on a specified date and performance under the following circumstances:

(a) Upon approval from the board of stewards. If the designated date of the race for the mandatory distribution is during the race meet and the carryover pool is not distributed, the quinfecta wager must be offered on a subsequent race until the carryover pool is distributed. A written request must contain the following information:

(i) The reason and justification for the change.

(ii) The date of the proposed distribution.

(b) On the closing performance of the meet.

(14) If the quinfecta pool and any carryover are approved for distribution, the net quinfecta pool and carryover, if any, will be distributed as a single price pool to winning wagers based upon the official order of finish.

(a) As a single price pool to those whose combination finished in correct sequence as the first five betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first four betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(e) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(f) The entire net pool will be refunded on quinfecta wagers for that race and the carryover, if any, will be held over to a quinfecta pool of the subsequent meet.

(15) If, for any reason, the quinfecta carryover must be held over to the corresponding quinfecta pool of a subsequent meet, the carryover will be deposited in an interest-bearing

account approved by the executive secretary. The quinfecta carryover plus accrued interest will then be added to the net quinfecta pool of the following meet on a date and performance approved by the board of stewards.

AMENDATORY SECTION (Amending WSR 08-17-049, filed 8/14/08, effective 9/14/08)

WAC 260-48-920 Pick (n) pools. (1) The pick (n) requires selection of the first-place finisher in each of a designated number of races. The association must obtain written approval from the ~~((commission))~~ executive secretary concerning the scheduling of pick (n) races, the designation of one of the methods prescribed in part (2), and the amount of any cap to be set on the carryover. The number of races so designated must be more than three (3), but no greater than ten (10). Any changes to the approved pick (n) format require prior approval from the ~~((commission))~~ executive secretary.

(2) The pick (n) pool will be apportioned under one of the following methods:

(a) Method 1, pick (n) with carryover: The net pick (n) pool and carryover, if any, will be distributed as a single price pool to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the remainder will be added to the carryover.

(b) Method 2, pick (n) with minor pool and carryover: The major share of the net pick (n) pool and the carryover, if any, will be distributed to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool will be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor share of the net pick (n) pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the major share will be added to the carryover.

(c) Method 3, pick (n) with no minor pool and no carryover: The net pick (n) pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(d) Method 4, pick (n) with minor pool and no carryover: The major share of the net pick (n) pool will be distributed to those who selected the first place finisher in the greatest number of pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool will be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n) pool will be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If the greatest number of first-place finishers selected

is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(e) Method 5, pick (n) with minor pool and no carryover: The major share of net pick (n) pool will be distributed to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool will be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all pick (n) races, the entire net pick (n) pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n) pool will be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the pick (n) races. If there are no winning wagers, the pool is refunded.

(f) Method 6, pick (n) with minor pool, jackpot pool, major carryover and jackpot carryover: Predetermined percentages of the net pick (n) pool will be set aside as a major pool, minor pool and jackpot pool. The major share of the net pick (n) pool and the major carryover, if any, will be distributed to those who selected the first-place finisher of each of the pick (n) races, based on the official order of finish. If there are no tickets selecting the first-place finisher in each of the pick (n) races, the major net pool will be added to the major carryover. If there is only one single ticket selecting the first-place finisher of each of the pick (n) races, based on the official order of finish, the jackpot share of the net pick (n) pool and the jackpot carryover, if any, will be distributed to the holder of that single ticket, along with the major net pool and the major carryover, if any. If more than one ticket selects the first-place finisher of each of the pick (n) races the jackpot net pool will be added to the jackpot carryover. The minor share of the net pick (n) pool will be distributed to those who selected the first-place finisher of the second greatest number of pick (n) races, based on the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor net pool of the pick (n) pool will be distributed as a single price pool to those who selected the first-place finisher of the greatest number of pick (n) races.

(3) If there is a dead heat for first in any of the pick (n) races involving:

(a) Horses representing the same betting interest, the pick (n) pool will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the pick (n) pool will be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(4) Should a betting interest in any of the pick (n) races be scratched:

(a) The racing association may allow patrons the option of selecting an alternate betting interest prior to the running of the first leg of the pick (n). The selected alternate betting interest will be substituted for the scratched betting interest, for all purposes, including pool calculations.

(b) If no alternate betting interest is selected or the selected alternate betting interest is also scratched, the actual

favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that race, will be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection will be the betting interest with the lowest program number. The parimutuel system will produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) The pick (n) pool will be ~~((cancelled))~~ cancelled and all pick (n) wagers for the individual race day will be refunded if:

(a) At least three races included as part of a pick 4, pick 5 or pick 6 are ~~((cancelled))~~ cancelled or declared "no contest."

(b) At least four races included as part of a pick 7, pick 8 or pick 9 are ~~((cancelled))~~ cancelled or declared "no contest."

(c) At least five races included as part of a pick 10 are ~~((cancelled))~~ cancelled or declared "no contest."

(6) If at least one race included as part of a pick (n) is ~~((cancelled))~~ cancelled or declared "no contest," but not more than the number specified in subsection 5 of this rule, the net pool will be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races for that race day. Such distribution will include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous race days.

(7) The pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any race day, the amount in the pick (n) carryover equals or exceeds the designated cap, the pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the pick (n) carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the pick (n) carryover, will be distributed to those whose selection finished first in the greatest number of pick (n) races for that race day.

(8) A written request for permission to distribute the pick (n) carryover on a specific race day may be submitted to the ~~((commission))~~ executive secretary. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and race day for the distribution.

(9) Should the pick (n) carryover be designated for distribution on a specified date and race day in which there are no wagers selecting the first-place finisher in each of the pick (n) races, the entire pool will be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races. The pick (n) carryover will be designated for distribution on a specified date and race day only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection 8 of this rule.

(b) Upon written approval from the ~~((commission))~~ executive secretary when there is a change in the carryover cap, a change from one type of pick (n) wagering to another, or when the pick (n) is discontinued.

(c) On the closing race day of the meet or split meet.

(10) If, for any reason, the pick (n) carryover must be held over to the corresponding pick (n) pool of a subsequent meet, the carryover will be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest will then be added to the net pick (n) pool of the following meet on a date and race day so designated by the commission.

(11) With the written approval of the ~~((commission))~~ executive secretary, the association may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

(12) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This will not prohibit necessary communication between parimutuel system and parimutuel department employees for processing of pool data.

(13) The association may suspend previously-approved pick (n) wagering with the prior approval of the ~~((commission))~~ executive secretary. Any carryover will be held until the suspended pick (n) wagering is reinstated. An association may request approval of a pick (n) wager or separate wagering pool for specific race day.

AMENDATORY SECTION (Amending WSR 08-17-049, filed 8/14/08, effective 9/14/08)

WAC 260-48-960 Handicapping contests. A licensed class 1 racing association may ~~((with the approval of the commission;))~~ operate a handicapping contest at which the participants may be charged an entry fee. All paid-entry handicapping contests must be conducted in accordance with the provisions of this rule. The executive secretary may approve handicapping contests provided they meet the following criteria:

(1) A handicapping contest is defined as a competitive event, where participants, using individual skill to evaluate a variety of factors including the past performance of horses to determine the relative qualities and abilities of horses in a race, attempt to outperform other participants in selecting the finish of horses. Participants who are most successful in selecting horses become eligible to win prizes as prescribed in the official rules of the contest. Prizes and format are pre-defined and at the discretion of the class 1 racing association.

(2) A class 1 racing association desiring to offer a paid-entry handicapping contest must first apply for and receive approval from the commission to conduct a handicapping contest. The class 1 racing association must apply to the commission for approval of each and every contest. The class 1 racing association must include with its application the proposed rules for conducting the handicapping contest and the determination of prizes. The class 1 racing association will obtain written approval to operate the handicapping contest prior to the acceptance of any entry fees regarding said contest.

(3) The class 1 racing association approved to operate a handicapping contest will distribute at least ninety-five percent of the entry fees as prizes to the winners. Nothing in this section will preclude an operator from providing additional prizes or promotions.

(4) The entry fee to enter a handicapping contest will be set by the class 1 racing association. The entry fee and a description of all goods and services to be awarded as part of the handicapping contest must be fully disclosed to each participant prior to paying the entry fee. In addition, all prizes, including amenities such as airfare, meals and lodging, will also be fully disclosed to each participant prior to paying the entry fee.

(5) Races that are the subject of a handicapping contest must be races on which the class 1 racing association is authorized to conduct parimutuel wagering.

(6) The officers and employees of the class 1 racing association operating a handicapping contest, and their immediate families are prohibited from participating in any handicapping contest. Commissioners and employees of the commission are also prohibited from participating in any handicapping contest in Washington.

(7) The class 1 racing association will provide the commission a report on every handicapping contest including a record of all entry fees collected, the number of participants for each contest, the amount the class 1 racing association paid in prizes, and the name and address of each winning participant.

(8) Any violation of this section will be referred to the executive secretary. The executive secretary will have sole authority to ensure compliance with this rule, conduct hearings on violations, and determine penalties. Any decision of the executive secretary may be challenged as provided in WAC 260-08-675.

WSR 12-03-075

PERMANENT RULES

HORSE RACING COMMISSION

[Filed January 13, 2012, 2:08 p.m., effective February 13, 2012]

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

Purpose: Allows jockeys to participate as owners with certain restrictions.

Citation of Existing Rules Affected by this Order: Amending WAC 260-32-040 Jockey may not be owner or trainer.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 11-23-117 on November 21, 2011.

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 Request of a Nongovernmental 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 1, Repealed 0; Pilot Rule Mak-

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

Date Adopted: January 13, 2012.

Douglas L. Moore
Deputy Secretary

AMENDATORY SECTION (Amending WSR 06-07-065, filed 3/10/06, effective 4/10/06)

WAC 260-32-040 Jockey (~~(may not be)~~) as an owner or trainer. (1) A jockey shall not be (~~(an owner or)~~) a trainer of any horse competing at the race meet where the jockey is riding.

(2) A jockey may be an owner of a horse(s) competing at the race meet where the jockey is riding under the following conditions:

(a) A jockey may not enter more than one horse in an overnight race in which they have an ownership interest in.

(b) A jockey may not ride any horse in a race in which he/she has an ownership interest except the horse that they own.

(c) A jockey is not eligible to claim as an owner.

WSR 12-03-076

PERMANENT RULES

HORSE RACING COMMISSION

[Filed January 13, 2012, 2:09 p.m., effective February 13, 2012]

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

Purpose: Clarifies the procedures and consequences for an apprentice jockey's to waive all or portions of the weight allowances.

Citation of Existing Rules Affected by this Order: Amending WAC 260-32-370 Apprentice jockeys.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 11-23-120 on November 21, 2011.

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 Request of a Nongovernmental 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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 13, 2012.

Douglas L. Moore
Deputy Secretary

AMENDATORY SECTION (Amending WSR 06-07-065, filed 3/10/06, effective 4/10/06)

WAC 260-32-370 Apprentice jockeys. (1) An applicant for an apprentice jockey license may be prohibited from riding until the stewards or the commission has sufficient opportunity (not to exceed 14 days) to verify the applicant's previous riding experience.

(2) An apprentice jockey may be granted an apprentice certificate by the board of stewards. The apprentice certificate (~~(shall)~~) will grant an apprentice all the allowances and conditions stated in these rules.

(3) An apprentice jockey eligible for a ten-pound allowance may not accept mounts on two year olds and first time starters, without prior approval of the board of stewards.

(4) The conditions of an apprentice jockey license do not apply to quarter horse or mixed breed racing. A jockey's performances in quarter horse or mixed breed racing do not apply to the conditions of an apprentice jockey.

(5) An applicant with an approved apprentice certificate from another jurisdiction may be licensed as an apprentice jockey.

(6) An apprentice certificate may be obtained from the stewards on a form provided by the commission. A person (~~(shall)~~) may not receive more than one apprentice certificate. In case of emergencies, a copy of the original may be obtained from the commission where it was issued.

(7) The apprentice jockey (~~(shall)~~) will be responsible to have his/her apprentice certificate with them at all times. Prior to riding, the apprentice certificate (~~(shall)~~) will be submitted to the clerk of scales at each racing association in which the apprentice is licensed and riding.

(8) The apprentice jockey (~~(shall)~~) must keep an accurate updated record of his/her first forty winners, to be recorded on the certificate by the clerk of scales.

(9) An apprentice jockey may claim the following weight allowances in all overnight races except stakes and handicaps:

(a) Ten pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners:

(b) Seven pound allowance until the apprentice has ridden an additional thirty-five winners; and

(c) If an apprentice has ridden a total of forty winners prior to the end of a period of one year from the date of riding their fifth winner, the apprentice jockey (~~(shall)~~) will have an allowance of five pounds until the end of that year;

(d) If after one year from the date of the fifth winning mount, the apprentice jockey has not ridden forty winners, the applicable weight allowance (~~(shall)~~) will continue for one more year or until the 40th winner, whichever comes first. In no event may a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted.

(e) An apprentice may waive (~~(the ten or seven pound)~~) any or all of the above weight allowances, but (~~(shall)~~) may not be eligible to reinstate (~~(either)~~) any of the allowances once voluntarily waived.

(f) An apprentice may be named as a replacement rider on a mount entered without the apprentice weight allowance only after entries have been drawn at which time the appren-

tice allowance will not be deemed to have been voluntarily waived.

(10) The commission may extend the period in which an apprentice jockey is allowed a weight allowance when, at the discretion of the commission, an apprentice jockey is unable to continue riding due to:

- (a) Physical disablement or illness;
- (b) Military service;
- (c) Attendance in an institution of secondary or higher education;
- (d) Restriction on racing;
- (e) Other valid reasons.

(11) In order to qualify for an extension, an apprentice jockey ~~((shall))~~ must have been rendered unable to ride for a period of not less than seven consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance.

(12) The commission currently licensing the apprentice jockey ~~((shall))~~ will have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced documentation, verifying time lost as defined by this regulation.

(13) An apprentice may petition the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances granted by the commission, and the apprentice ~~((shall))~~ will be bound by the decision of the jurisdiction so petitioned.

WSR 12-03-077

PERMANENT RULES

HORSE RACING COMMISSION

[Filed January 13, 2012, 2:11 p.m., effective February 13, 2012]

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

Purpose: Gives the board of stewards the authority to grant licenses to applicants with certain felony convictions.

Citation of Existing Rules Affected by this Order: Amending WAC 260-36-120 Denial, suspension, and revocation—Grounds.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 11-23-121 on November 21, 2011.

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 Request of a Nongovernmental 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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 13, 2012.

Douglas L. Moore
Deputy Secretary

AMENDATORY SECTION (Amending WSR 10-07-048, filed 3/11/10, effective 4/11/10)

WAC 260-36-120 Denial, suspension, and revocation—Grounds. (1) The commission ~~((or its designee)),~~ executive secretary, or board of stewards may refuse to issue or may deny a license to an applicant, may modify or place conditions upon a license, may suspend or revoke a license issued, may order disciplinary measures, or may ban a person from all facilities under the commission's jurisdiction, if the applicant licensee, or other person:

(a) Has been convicted of ~~((violating any law regarding gambling or a controlled substance))~~ any felony or gross misdemeanor crime;

(b) Is subject of current prosecution of any felony crime;

(c) Has any felony conviction under appeal;

~~((b))~~ (d) Has pending criminal charges;

~~((c))~~ (e) Has failed to meet the minimum qualifications required for the license for which they are applying;

~~((d))~~ (f) Has failed to disclose or states falsely any information required in the application;

~~((e))~~ (g) Has been found in violation of statutes or rules governing racing in this state or other jurisdictions;

~~((f))~~ (h) Has a proceeding pending to determine whether the applicant or licensee has violated the rules of racing in this state or other racing jurisdiction;

~~((g))~~ (i) Has been or is currently excluded from a race-track at which parimutuel wagering on horse racing is conducted by a recognized racing jurisdiction;

~~((h))~~ (j) Has had a license denied by any racing jurisdiction;

~~((i))~~ (k) Is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or who may interfere or has interfered with the orderly conduct of a race meeting;

~~((j))~~ (l) Demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused;

~~((k))~~ (m) Has violated any of the alcohol or substance abuse provisions outlined in chapter 260-34 WAC;

~~((l))~~ (n) Has violated any of the provisions of chapter 67.16 RCW;

~~((m))~~ (o) Has violated any provisions of Title 260 WAC;

~~((n))~~ (p) Has association with persons of known disreputable character; or

~~((o))~~ (q) Has not established the necessary skills or expertise to be qualified for a license as required by WAC 260-36-060.

(2) The commission, executive secretary or ~~((its designee))~~ board of stewards must deny the application for license or suspend or revoke an existing license if the applicant or licensee:

~~((a) Has been convicted of any felony crime against a person. "Crime against a person" means a conviction for any~~

~~offense enumerated in chapters 9A.32, 9A.36, 9A.40, 9A.42, and 9A.44 RCW, or an offense which would constitute an offense enumerated in those chapters if committed in Washington state;~~

~~(b) Has been convicted of any felony drug crime involving the possession or use of any drug as defined in chapter 69.41 RCW or any controlled substance as defined in chapter 69.50 RCW within the past three years;~~

~~(c) Has been convicted of any other felony drug crime as defined in chapter 69.41 RCW or felony crime involving a controlled substance as defined in chapter 69.50 RCW, or a felony drug crime which would constitute an offense enumerated in those chapters if committed in Washington state;~~

~~(d) Has been convicted of any other felony crime within the past ten years. Other felony crime includes any felony conviction not listed in (a), (b), and (c) of this subsection. This also includes an offense committed in another jurisdiction, which would constitute a felony if committed in Washington state;~~

~~(e) Has five or more convictions for gross misdemeanors within the last three years, as classified by the laws of the state of Washington or the laws of the jurisdiction in which the conviction occurred;~~

~~(f) Is subject to current prosecution for any felony crime;~~

~~(g) Has any felony conviction under appeal;~~

~~(h) Is currently suspended or revoked in Washington or by another recognized racing jurisdiction;~~

~~(i)) (a) Is certified under RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order; ((or~~

~~(j)) (b) Has any outstanding arrest warrants((-~~

~~(3) In considering a challenge of a decision denying or revoking a license pursuant to subsection (2) of this section, the commission may only reverse the denial or revocation on a showing by the appellant of mitigating information and that the best interests of horse racing would not be compromised by granting or reinstating a license.~~

~~(4)); or~~

~~(c) Is currently suspended or revoked in Washington or by another recognized racing jurisdiction.~~

~~(3) A license suspension or revocation will be reported in writing to the applicant or licensee and electronically to the Association of Racing Commissioners International, Inc.~~

WSR 12-03-078

PERMANENT RULES

HORSE RACING COMMISSION

[Filed January 13, 2012, 2:12 p.m., effective February 13, 2012]

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

Purpose: Address how wins at Class C meets affect the eligibility of thoroughbreds that enter mixed breed races offered at Class A and B meets.

Citation of Existing Rules Affected by this Order: Amending WAC 260-40-155 The effect of wins on eligibility.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 11-23-115 on November 21, 2011.

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 Request of a Nongovernmental 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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 13, 2012.

Douglas L. Moore
Deputy Secretary

AMENDATORY SECTION (Amending WSR 09-05-065, filed 2/13/09, effective 3/16/09)

WAC 260-40-155 The effect of wins on eligibility. (1)

For thoroughbreds, all wins at a Class C race meet in the state or a fair meet in the state of Oregon will not be considered in determining any eligibility at a Class A or B race meet, with the ~~((only))~~ exceptions ~~((that))~~:

(a) Any horse which has won a race at a recognized race meet may not compete in a maiden race.

(b) Thoroughbreds running at a Class A or B race meet in a mixed breed race, all wins at any recognized meet will be considered in eligibility requirements.

(2) All wins at any recognized race meet will be considered in eligibility requirements of horses running at Class C race meets.

(3) For other breeds, all wins, including maiden wins, will count in eligibility at all race meets, if the win is recognized by the breed registry association listed in WAC 260-16-050(2).

WSR 12-03-080

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed January 13, 2012, 2:58 p.m., effective February 13, 2012]

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

Purpose: The Federal Motor Carrier Administration has implemented the comprehensive [comprehensive] safety analysis (CSA) program which requires additional parts of Title 49 C.F.R. that need to be adopted into WAC rule, which include but may not be limited to adopting C.F.R. 373, 376, 379, and 381. The addition of these C.F.R.s will provide statutory authority for conducting compliance reviews and will be the least burdensome alternative for compliance with C.F.R.

Citation of Existing Rules Affected by this Order: Amending WAC 446-65-010.

Statutory Authority for Adoption: RCW 46.32.020.

Adopted under notice filed as WSR 11-23-135 on November 21, 2011.

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

Number of Sections Adopted at Request of a Nongovernmental 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: January 13, 2012.

John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 09-01-016, filed 12/5/08, effective 1/5/09)

WAC 446-65-010 Transportation requirements. (1)

The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations (CFR), and any amendments thereto for motor carriers used in intrastate or interstate commerce in their entirety:

(a) Part 40 Procedures for transportation workplace drug and alcohol testing programs.

(b) Part 325 Compliance with interstate motor carrier noise emission standards.

(c) Part 350 Commercial motor carrier safety assistance program.

(d) Part 355 Compatibility of state laws and regulations affecting interstate motor carrier operations.

(e) Part 365 Rules governing applications for operating authority.

(f) Part 367 Standards for registration with states.

(g) Part 372 Exemptions, commercial zones and terminal areas.

(h) Part 373 Receipts and bills.

(i) Part 376 Lease and interchange of vehicles.

(j) Part 379 Preservation of records.

(k) Part 380 Special training requirements.

~~((h))~~ (l) Part 381 Waivers, exemptions, and pilot programs.

(m) Part 382 Controlled substances and alcohol use and testing.

~~((i))~~ (n) Part 383 Compliance with commercial driver's license program.

~~((j))~~ (o) Part 385 Safety fitness procedures.

~~((k))~~ (p) Part 387 Minimum levels of financial responsibility for motor carriers.

~~((l))~~ (q) Part 390 General.

~~((m))~~ (r) Part 391 Qualification of drivers. Provided that 49 CFR 391 subpart D (Tests), and E (Physical Qualifications and Examinations) do not apply to motor carriers

operating vehicles with gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating intrastate, and not used to transport hazardous materials in a quantity requiring placarding.

~~((n))~~ (s) Part 392 Driving of motor vehicles.

~~((o))~~ (t) Part 393 Parts and accessories necessary for safe operation.

~~((p))~~ (u) Part 395 Hours of service of drivers: Except if a company has:

(i) Drivers of commercial motor vehicle of any size, hauling logs from the point of production or driving in dump truck operations in intrastate commerce; or

(ii) Operators of intrastate property-carrying commercial motor vehicles that do not require a commercial drivers license to operate.

They are exempt from the requirements of CFR 395.3 (maximum driving time) and CFR 395.8 (record of duty status) and ineligible to use the provisions of CFR 395.1 (e)(1), (g) and (o) provided that:

(A) The driver must:

(I) Operate within a one hundred air-mile radius of the location where the driver reports to work and the driver must return to the work reporting location at the end of each duty tour;

(II) Have at least ten consecutive hours off duty separating each on-duty period;

(III) Not drive:

- More than twelve hours following at least ten hours off duty; or

- After the fourteenth hour after coming on duty on at least five days of any period of seven consecutive days; and

- After the sixteenth hour after coming on duty on no more than two days of any period of seven consecutive days; and

- After having been on duty for eighty hours in seven consecutive days if the employing motor carrier does not operate commercial motor vehicle every day of the week; or

- After having been on duty for ninety hours in eight consecutive days if the employing motor carrier operates commercial motor vehicle every day of the week; in any period of seven or eight consecutive days may end with the beginning of any off-duty period of twenty-four or more consecutive hours.

(B) The motor carrier that employs the driver must maintain and retain for a period of twelve months accurate and true time recordings showing:

(I) The time the driver reports for duty each day;

(II) The total number of hours the driver is on duty each day;

(III) The total number of hours the driver drives each day;

(IV) The time the driver is released from duty each day; and

(V) The total time the driver is driving and on duty for the preceding seven days.

~~((q))~~ (v) Part 396 Inspection, repair, and maintenance.

~~((r))~~ (w) Part 397 Transportation of hazardous materials; driving and parking rules.

(2) As provided in Part 395, exemption for agricultural transporters, the harvest dates are defined as starting February 1 and ending November 30 of each year.

(3) Agricultural operations exceptions:

(a) Agricultural operations transporting agricultural products other than Class 2 material (Compressed Gases), over roads, other than the National System of Interstate Defense Highways, between fields of the same farm, is excepted from Part 397 when:

(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier.

(ii) The movement of the agricultural product conforms to all other laws in effect on or before July 1, 1998, and 49 CFR 173.24, 173.24a, and 173.24b.

(b) The transportation of an agricultural product to or from a farm within one hundred fifty miles of the farm, is excepted from the requirements of 49 CFR Part 172 subpart G (emergency response information) and H (training requirements) when:

(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier;

(ii) The total amount of agricultural product being transported on a single vehicle does not exceed:

(A) Sixteen thousand ninety-four pounds of ammonium nitrate fertilizer properly classed as Division 5.1, PGIII, in bulk packaging; or

(B) Five hundred two gallons for liquids or gases, or five thousand seventy pounds for solids, of any other agricultural product;

(iii) The packaging conforms to the requirements of state law and is specifically authorized for transportation of the agricultural product by state law and such state law has been in effect on or before July 1, 1998; and

(iv) Each person having any responsibility for transporting the agricultural product or preparing the agricultural product for shipment has been instructed in the applicable requirements of 49 CFR adopted in this section.

~~((C))~~ (c) Formulated liquid agricultural products in specification packaging of fifty-eight gallon capacity or less, with closures manifolded to a closed mixing system and equipped with a positive dry disconnect device, may be transported by a private motor carrier between a final distribution point and an ultimate point of application or for loading aboard an airplane for aerial application.

(4) Links to the CFRs are available on the Washington state patrol web site at www.wsp.wa.gov. Copies of the CFRs may also be ordered through the United States Government Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20401.

WSR 12-03-081

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed January 13, 2012, 2:59 p.m., effective February 13, 2012]

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

Purpose: With the passage of SB [E2SSB] 5000, the rules regarding vehicle impounds need to be updated to reflect the new process for a DUI impound.

Citation of Existing Rules Affected by this Order:
Amending WAC 204-96-010.

Statutory Authority for Adoption: RCW 46.55.075.

Adopted under notice filed as WSR 11-23-134 on November 21, 2011.

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 2, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, 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: January 13, 2012.

John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 04-07-012, filed 3/4/04, effective 4/4/04)

WAC 204-96-010 Vehicle impounds. (1) When a driver of a vehicle is arrested for a violation of(=

~~RCW 46.61.502 Driving under the influence,~~

~~RCW 46.61.504 Physical control of vehicle under the influence,~~

~~RCW 46.20.342 Driving while license suspended or revoked,~~

~~Driving under other license/permit while license suspended or revoked,))~~

RCW 46.20.342, the arresting officer may, in his/her own discretion, considering reasonable alternatives, cause the vehicle to be impounded.

(a) When an arrest is made for violation of RCW 46.20.342 and the vehicle is a commercial vehicle, the driver of the vehicle is not the owner of the vehicle, the owner was not in the vehicle at the time, and the owner has not received a prior release under RCW 46.55.113(3) or 46.55.120 (1)(a) (ii), prior to impounding the vehicle the officer ~~((shall))~~ will attempt in a reasonable and timely manner to contact the owner of the vehicle and may release the vehicle to the owner if the owner is reasonably available.

(b) If the driver is arrested for a violation of RCW 46.20.342 (1)(c) (3rd degree suspended/revoked) and has no convictions for violations of RCW 46.20.342 in the past five years, the vehicle may be impounded, but no suspended driver hold ~~((shall))~~ will be placed on the vehicle. If the driver is also the registered owner then the vehicle ~~((shall))~~ will be held until all outstanding penalties, fines, and forfeitures owed by him/her are satisfied. The driver/registered owner

must present proof from a court of law that he/she has no outstanding penalties, fines, or forfeitures.

(c) If the driver is arrested for a violation of RCW 46.20.342 (1)(c) (3rd degree suspended/revoked) and has any prior convictions for violations of RCW 46.20.342 in the past five years, the vehicle may be held for thirty days.

(d) If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has no convictions for violations of RCW 46.20.342 in the past five years, the vehicle may be held for thirty days.

(e) If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has been convicted of a violation of RCW 46.20.342 (1)(a) or (b) in the past five years, the vehicle may be held for sixty days.

(f) If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has been convicted of a violation of RCW 46.20.342 (1)(a) or (b) two or more times in the past five years, the vehicle may be held for ninety days.

(2) The release of all vehicles impounded under this (~~WAC shall~~) section will be governed by RCW 46.55.120. Commercially rented vehicles may be impounded, however no suspended driver holds (~~shall~~) will be placed upon these vehicles. The rental company (~~shall~~) will be notified by phone.

(3) A vehicle may be released prior to the hold period upon a showing of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record; or that the owner of the vehicle was not the driver, the owner did not know that the driver's license was suspended or revoked, and the owner has not received a prior release under RCW 46.55.120 (1)(a)(ii) or 46.55.113(3). Release (~~shall~~) will be denied in all other circumstances. All release requests (~~shall~~) will be in writing. Any denial or approval of a release (~~shall~~) will be in writing and (~~shall~~) will include factors considered by the impounding agency in reaching the decision.

~~((A uniform Washington state tow/impound and inventory record form is available through the office of the state printer.))~~

NEW SECTION

WAC 204-96-020 Vehicle impound—DUI/PC with twelve hour hold. When a driver of a vehicle is arrested for a violation of RCW 46.61.502 or 46.61.504, the arresting officer will impound the vehicle in accordance with RCW 46.55.360.

NEW SECTION

WAC 204-96-030 Impound form. A uniform Washington state tow/impound and inventory record form established under RCW 46.55.075 as outlined in this chapter will be made available through the office of the state printer.

**WSR 12-03-082
PERMANENT RULES
WASHINGTON STATE PATROL**

[Filed January 13, 2012, 2:59 p.m., effective February 13, 2012]

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

Purpose: With the passage of SSB 5502 during the 2011 legislative session language was added allowing a city with a population of five hundred thousand or more to enforce chapter 46.72A RCW through a joint agreement with the department of licensing. Updates to the WAC are necessary to bring the rules in-line with RCW and provide clean-up to the existing language.

Citation of Existing Rules Affected by this Order: Amending WAC 204-95-030 and 204-95-080.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.320.

Adopted under notice filed as WSR 11-23-131 on November 21, 2011.

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 Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, 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: January 13, 2012.

John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 02-21-001, filed 10/2/02, effective 11/2/02)

WAC 204-95-030 Fees. ~~(1) The fee for each vehicle inspection will be \$25.00. The ((master license service of the)) department of licensing, as authorized in RCW 46.72A.030 and 46.72A.090, ((shall)) will charge ((and collect)) the ((following)) inspection fees on behalf of the ((Washington state patrol:~~

~~Fees listed in WAC 308-87-060~~

~~Initial and Annual Limousine Vehicle Safety~~ \$25.00

~~Inspection~~

~~Background Check Fees as set in WAC 446-20-600))~~

inspecting agency, except a city or port that meets the criteria in chapter 46.72A RCW may collect the fee at the time of the inspection.

(2) When required for a limousine carrier business license applicant, licensee, or limousine chauffeur, the background check (~~shall~~) will consist of a (~~finger~~) print card

~~based criminal background search at the state level conducted by the Washington state patrol identification section)) background check as allowed through the Washington state Criminal Records Privacy Act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834 as outlined in WAC 308-87-070. Pursuant to RCW 43.43.742, the applicant, driver, or employer will pay cost associated with the record check.~~

AMENDATORY SECTION (Amending WSR 02-21-001, filed 10/2/02, effective 11/2/02)

WAC 204-95-080 Annual inspections, safety of equipment. (1) Upon the request of a limousine carrier business license applicant or licensee applying for the initial issuance, or annual renewal of their limousine vehicle certificate(s) with the department of licensing, the ~~((Washington state patrol shall))~~ inspecting agency as outlined in RCW 46.72A.030 will conduct a safety inspection of the vehicle(s) to be used in the limousine service. Applicants and licensees must present their limousine vehicle(s) at ~~((a Washington state patrol))~~ an inspection site established by the inspection agency, by appointment((Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.)). The limousine vehicle must pass the inspection to qualify for initial issuance or renewal of the limousine vehicle certificate by the department of licensing. The vehicle inspection will consist of the following:

~~((1))~~ (a) Verification of vehicle liability insurance and current vehicle registration.

(b) Check of all standard equipment for vehicles ((will be checked)) for conformance with requirements as outlined in chapter 46.37 RCW, to include: Brake ((systems)) equipment, functional brake performance test, wheel systems, steering and suspension, fuel system, exhaust system, lighting and signal system, visibility system, window safety glazing and sunscreening or coloring, body components, horn, doors, hood, trunk latch, seatbelts, and bumpers.

(c) Review of interior condition and cleanliness.

(2) Upon successful completion of the safety inspection, the licensee will be given a copy of the inspection form to submit to department of ~~((licensing))~~ revenue. Upon receipt and approval of all licensing documents and fees, the ~~((master license service))~~ department of licensing will issue a decal ((to the limousine carrier business licensee for each limousine vehicle to be placed on the vehicle's right rear bumper.)) which must be located to the left of the rear license plate, easily observable, and within twelve inches of the plate. The decal shall not be affixed to the license plate or a light.

(3) If a vehicle fails the initial inspection, the original inspection paperwork must be provided at the time of reinspection, and the reinspection must be done at the same inspection facility as the initial inspection.

WSR 12-03-083

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed January 13, 2012, 3:00 p.m., effective February 13, 2012]

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

Purpose: With the passage of HB [SHB] 1328, the legislature clarified when helmet requirements are temporarily suspended. Changes to chapter 204-53 WAC update the language to mirror language recently amended in RCW 46.61.-613 and provide clean up to the existing language.

Citation of Existing Rules Affected by this Order: Amending WAC 204-53-010.

Statutory Authority for Adoption: RCW 46.37.005.

Adopted under notice filed as WSR 11-23-133 on November 21, 2011.

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 Request of a Nongovernmental 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: January 13, 2012.

John R. Batiste
Chief

AMENDATORY SECTION (Amending Order 90-004, filed 2/11/91, effective 3/14/91)

WAC 204-53-010 Helmet exemption—Antique motor-driven cycle. ~~((As provided by RCW 46.37.530 (1)(c), a person operating or riding upon an antique motor-driven cycle is not required to use a protective helmet.))~~ As the term is used in RCW 46.37.530 (1)(c) and this section, an antique motor-driven cycle is a motor-driven cycle not less than forty years old which has been restored to its original condition and which is being ridden ~~((to or from or otherwise in conjunction with an antique or classic motoreycle contest, show, or other such assemblage))~~ on a closed road during a parade or public demonstration that has been permitted by a local jurisdiction. Further, an antique motor-driven cycle ~~((shall))~~ will not be powered by a motor which produces more than five brake horsepower as defined in RCW 46.-04.332.

WSR 12-03-084**PERMANENT RULES****WASHINGTON STATE PATROL**

[Filed January 13, 2012, 3:01 p.m., effective February 13, 2012]

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

Purpose: Changes are needed to reference current standards regarding lamps so school buses can comply with new technology and save public school districts money when purchasing new buses and replacing lamp bulbs.

Citation of Existing Rules Affected by this Order: Amending WAC 204-21-190 and 204-21-210.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.320.

Adopted under notice filed as WSR 11-23-132 on November 21, 2011.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, 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: January 13, 2012.

John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 08-19-104, filed 9/17/08, effective 10/18/08)

WAC 204-21-190 School bus warning lamps. (1) If the bus is a privately owned school bus or private carrier bus, then it must not use the eight lamp warning system unless such use is in conformance with the rules and regulations set forth by the superintendent of public instruction in chapters 392-143 and 392-145 WAC. The requirements for private carrier buses may be found under chapter 204-32 WAC.

(2) If the bus is a school bus owned and operated by any public school district and all privately owned school buses operated under contract with a school district in the state and used for the transportation of public school children, then the warning lamp system must:

(a) Be operated in accordance with the regulations set forth in chapter 392-145 WAC.

(b) Consist of a total of eight lamps conforming to SAE Standard J887((a, H318)) or the standard in effect for such lamp at the time it was manufactured. Two amber and two red on both the front and rear of the bus. The amber lamps must be mounted inboard of the red lamps.

(c) Be mounted as high as practicable on the bus body and as near the outside edges of the body as curvature permits.

(d) Have shielding to protect the lamps from the elements and/or be mounted flush with the body surface.

(e) Be mounted on a background that is painted black and extends a minimum of three inches outward from the lamps.

(f) Be mounted and aimed as specified in 49 CFR Part 571.108 (FMVSS 108) and SAE Standard J887a.

(g) Be clearly visible from a distance of at least five hundred feet in normal sunlight.

(h) Be activated only by means of a manually operated switch. Such activation will cause the right and left amber lamps to flash alternately until the stop signal arm is extended, or the bus entrance door is opened, at which time the amber lamps must be automatically deactivated and the right and left red lamps must be automatically activated. Whenever the warning lamp system has been activated, opening of the entrance door must automatically deactivate the amber lamps, cause the stop signal arm to extend, and activate the red lamps. Automatic extension of the stop signal arm does not apply to systems equipped with a manually operated stop signal arm.

(i) Have all lamps flashing at a rate from sixty to one hundred twenty times per minute and must reach full brilliance during each cycle.

(j) Have lamp controls which must consist of:

(i) The master or sequencing switch which must be in plain view and mounted within easy reach of the driver, and which must activate the system sequencing and deactivate the system at any time during the sequence.

(ii) An override switch which must automatically activate the red lamps whenever the stop signal arm is extended even though the master control switch is turned off, and which must automatically deactivate the amber lamps if previously activated regardless of the then present normal state of sequencing or entrance door position. Such override switch must be designed and installed so as to function with air, vacuum, electric, or manually operated stop signal arms. The stop signal arm must be capable of being extended at any time, regardless of the position of the entrance door. The opening of the entrance door must not cause extension of the stop signal arm, or the activation of the red lamps unless the master switch has been activated.

(iii) A minimum of two pilot lamps, one amber and one red, each of which must flash when the like colored warning lamps are in operation. Pilot lamps which show the operation of each individual lamp are permissible. All pilot indicators must be located so as to be clearly visible to the driver.

AMENDATORY SECTION (Amending WSR 08-19-104, filed 9/17/08, effective 10/18/08)

WAC 204-21-210 Bus hazard warning strobe lamp.

All bus hazard warning strobe lamps must meet the Class ((#) 2) requirements of SAE Standard J1318, and may only be used as follows:

(1) School buses may be equipped with a single additional hazard strobe lamp in addition to the eight lamp warning system. Such lamps must:

(a) Not be mounted any closer than six feet from the rear of the bus measured from a vertical plane tangent to the rear-most point of the bus body. However:

(i) If the bus is equipped with a roof hatch falling within the above mentioned measurements, the strobe lamp may be located directly behind the roof hatch.

(ii) If the bus has a clear lens strobe lamp, less than eight inches in height, it may be mounted on the centerline of the roof in the rear one-half of the bus.

(b) Be activated by a switch independent of all other lamp switches. This switch must be plainly labeled and have a pilot lamp that must indicate when the lamp is in operation.

(c) Only be used when the bus is occupied with school children and one or more of the following conditions exists:

(i) The bus is in motion in inclement, sight obscuring conditions, including but not limited to rain, fog, snow, and smoke;

(ii) There is a need to improve the visibility of the bus when stopping, standing, or starting onto a highway;

(iii) There is limited visibility caused by geographic hazards such as winding roadways, hills, trees, buildings, etc.

The strobe lamp shall not be activated solely because of darkness.

(2) Municipal transit vehicles (as defined in RCW 46.04.355) may be equipped with a single additional hazard strobe lamp. Such lamps:

(a) May be mounted on the centerline of the roof in the rear one-half of the bus so long as the lamp is clear and less than eight inches in height.

(b) Be activated by a switch independent of all other lamp switches. The hazard strobe lamp switch must be plainly labeled and have a pilot lamp that must indicate when the lamp is in operation.

(c) Only be used when the bus is occupied with passengers and one or more of the following conditions exists:

(i) The bus is in motion in inclement, sight obscuring conditions, including but not limited to rain, fog, snow, and smoke;

(ii) There is a need to improve the visibility of the bus when stopping, standing, or starting onto a highway;

(iii) There is limited visibility caused by geographic hazards, such as winding roadways, hills, trees, etc.

The strobe lamp must not be activated solely because of darkness.

WSR 12-03-085

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed January 13, 2012, 3:01 p.m., effective February 13, 2012]

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

Purpose: With the passage of SB 5585, the legislature created a new vehicle classification "custom vehicle." Changes to WAC 204-10-022 include updated [updates] to reflect these recent changes and provide clean up to existing language.

Citation of Existing Rules Affected by this Order: Amending WAC 204-10-022.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.320.

Adopted under notice filed as WSR 11-23-130 on November 21, 2011.

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 Request of a Nongovernmental 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: January 13, 2012.

John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 09-18-071, filed 8/31/09, effective 10/1/09)

WAC 204-10-022 Body requirements. (1) Defroster and defogging devices: Every enclosed motor vehicle must be equipped with a device capable of defogging and defrosting the windshield area. Vehicles or exact replicas of vehicles manufactured prior to January 1938 are exempt from this requirement.

(2) Door latches: Every enclosed motor vehicle equipped with side doors leading directly into a compartment that contains one or more seating accommodations must be equipped with door latches which firmly and automatically secure the door when pushed closed and which allow each door to be opened both from the inside and outside.

(3) Hoodlatches: A front opening hood must be equipped with a primary and a secondary latching system to hold the hood in a closed position.

Hoods are optional equipment on vehicles defined as street rod((s)) vehicles, custom vehicles and kit vehicles (~~((by the Washington state patrol vehicle inspectors))~~).

(4) Enclosed passenger compartment: A motor vehicle with an enclosed passenger compartment and powered by an internal combustion engine must be constructed to prevent the entry of exhaust fumes into the passenger compartment.

(5) Floor pan: A motor vehicle must be equipped with a floor pan under the entire passenger compartment capable of supporting the weight of the number of occupants that the vehicle is designed to carry.

(6) Bumpers: A motor vehicle must be equipped with a bumper on both the front and rear of the vehicle with the exception of motor vehicles where the original or predominant body configuration, provided by a recognized manufacturer, did not include such bumper or bumpers in the design of the vehicle. For the relevant model year, bumpers must accommodate recognized manufacturer impact absorption

systems pursuant to applicable SAE Bumper Standards or equivalent standards.

Bumpers are optional equipment on vehicles defined as street rod(~~(s)~~) vehicles, custom vehicles and kit vehicles (~~(by the Washington state patrol vehicle inspectors)~~).

Bumpers, unless specifically exempted above, must:

(a) Be at least four and one-half inches in vertical height.

(b) Be centered on the vehicle's centerline.

(c) Extend no less than the width of the respective wheel track distances.

(d) Be attached to the vehicle in a manner equivalent to the original manufacturer's installation.

(e) Be horizontal load bearing and attach to the vehicle frame to effectively transfer energy when impacted.

(f) Be mounted at a maximum height based on the original gross vehicle weight rating (GVWR) of the vehicle, measured from a level surface to the highest point on the bottom of the bumper. For vehicles exempted from the bumper requirement for the reasons stated above, a maximum frame elevation measurement must be made to the bottom of the frame rail. Maximum heights are as follows:

	Front	Back
Passenger Vehicles	22 Inches	22 Inches
4,500 lbs. and under GVWR	24 Inches	26 Inches
4,501 lbs. to 7,500 lbs. GVWR	27 Inches	29 Inches
7,501 lbs. and over GVWR	28 Inches	30 Inches

A blocker beam or additional bumper may not be used to meet the above requirements.

(g) If an existing bumper from a recognized manufacturer is not used and a special bumper is fabricated, it must be certified as meeting the bumper standards set under 49 CFR 581.

(7) Fenders: All wheels of a motor vehicle must be equipped with fenders designed to cover the entire tire tread width that comes in contact with the road surface. Coverage of the tire tread circumference must be from at least fifteen degrees in front and to at least seventy-five degrees to the rear of the vertical centerline at each wheel measured from the center of the wheel rotation. At no time can the tire come in contact with the body, fender, chassis, or suspension of the vehicle. Street rods and kit vehicles which are more than forty years old and are owned and operated primarily as a collector's item need not be equipped with fenders when the vehicle is used and driven during fair weather on well-maintained, hard-surfaced roads.

(8) Frame: A motor vehicle must be equipped with a frame. If an existing frame from a recognized manufacturer is not used and a special frame is fabricated, it must be constructed of wall box or continuous section tubing, wall channel, or unitized construction capable of supporting the vehicle, its load, and the torque produced by the power source under all conditions of operation. The structural strength of the frame must be certified by the builder as meeting the applicable standards set under 49 CFR 571 Parts 201, 214,

216, and 220 through 224, and the SAE Standards. Such certification must be made by either:

(a) Certification provided on the vehicle in the form of a label which has been affixed in accordance with FMVSS outlining the portions of the FMVSS which have been met; or

(b) A notarized letter from the builder of the frame outlining the portions of the Federal Motor Vehicle Safety Standards (FMVSS) which have been met; or

(c) If the vehicle is a kit vehicle, as outlined in RCW 46.12.440, documentation from the manufacturer of the vehicle frame that informs the owner that the frame has not been certified as meeting the applicable federal motor vehicle safety standard set under 49 CFR 571 Parts 201, 214, 216, and 220 through 224, and the applicable SAE Standards.

WSR 12-03-087

PERMANENT RULES

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2011-15—Filed January 15, 2012, 2:14 p.m., effective February 15, 2012]

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

Purpose: These new rules improve the clarity and make it easier for requesters to understand the office of insurance commissioner's procedures for access to public records.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-03-045, 284-03-050, 284-03-055, 284-03-060, 284-03-065, 284-03-070, 284-03-075, 284-03-100 and 284-03-105; and amending WAC 284-03-005, 284-03-010, 284-03-015, 284-03-020, 284-03-025, 284-03-030, 284-03-035, and 284-03-040.

Statutory Authority for Adoption: RCW 48.02.060, 42.56.040.

Adopted under notice filed as WSR 11-23-166 on November 22, 2011.

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 Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 8, Repealed 9.

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 8, Repealed 0.

Date Adopted: January 16 [15], 2012.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2003-10, filed 7/21/04, effective 8/21/04)

WAC 284-03-005 (~~What is a public record?~~)

Authority and purpose. ("Public record" is defined in RCW 42.17.020. Public records include any written or recorded communication containing information relating to the conduct of the OIC or the performance of any governmental or proprietary function prepared, owned, used, or retained by the OIC.) (1) The purpose of these rules is to establish the procedures the office of the insurance commissioner (OIC) will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the OIC and establish processes for both requestors and OIC staff that are designed to best assist members of the public in obtaining such access.

(2) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of persons' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the OIC will be guided by the provisions of the act describing its purposes and interpretation.

AMENDATORY SECTION (Amending Matter No. R 2003-10, filed 7/21/04, effective 8/21/04)

WAC 284-03-010 (~~Who should I contact about a public record request?~~) **Agency description—Contact information—Public records manager.** ((The public records officer is in charge of all records maintained by the office of the insurance commissioner (OIC). This includes records at any office in the state maintained by the insurance commissioner. The public records officer is responsible for overseeing the release of public records, coordinating OIC public disclosure staff, and maintaining the records indexes.)) (1) The OIC's central office is located at Tumwater, Washington. The OIC has field offices in Seattle and Spokane.

(2) Any person wishing to request access to public records of the OIC, or seeking assistance in making such a request should contact the OIC public records manager at:

Public Records Manager
Office of the Insurance Commissioner
5000 Capitol Boulevard S.E.
Tumwater, WA 98501
pdr@oic.wa.gov
360-725-7003
fax 360-664-2782

Information is also available at the insurance commissioner's web site at www.insurance.wa.gov.

(3) The public records manager will oversee compliance with the act but other OIC staff members may process the request. Therefore, these rules will refer to the public records manager "or designee." The public records manager or designee and agency staff will provide the "fullest assistance" to requestors, create and maintain for use by the public an index to public records of the OIC, ensure that public records are protected from damage or disorganization, and prevent ful-

filling public records requests from causing excessive interference with essential functions of the agency.

AMENDATORY SECTION (Amending Matter No. R 2003-10, filed 7/21/04, effective 8/21/04)

WAC 284-03-015 (~~How do I make a public record request?~~) **Availability of public records.** ((Public record requests must be made in writing. The OIC accepts written public record requests made in person or sent by e-mail, fax, or mail. Requests will be accepted either:

(1) On an OIC Public Disclosure Request form. The forms are available on the OIC web site or by contacting the public records officer; or

(2) If the OIC form is not used, the public record request should be in writing and include the following information:

(a) The name of the person requesting the record;

(b) The calendar date on which the request was made;

(c) A sufficient description of the record requested; and

(d) If the information you are requesting may include a list of individuals, a statement that the list will not be used for commercial purposes-)

(1) Hours for inspection of records. Public records are available for inspection and copying during normal business hours of the OIC, Monday through Friday, 8:00 a.m. to 5:00 p.m. (excluding legal holidays). Records must be inspected at the offices of the OIC.

(2) Records index. An index for categories of public records is available for use by members of the public upon request to the public records manager.

(3) Organization of records. The OIC will maintain its records in a reasonably organized manner. The OIC will take reasonable actions to protect records from damage and disorganization. A requestor shall not take records from OIC offices without the permission of the public records manager or designee. A variety of records is available on the OIC web site at www.insurance.wa.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy public records of the OIC should make the request in writing on the agency request form, by letter, fax, or e-mail addressed to the public records manager and should include the following information:

(i) Name of requestor;

(ii) Address of requestor;

(iii) Other contact information, including telephone number and e-mail address;

(iv) Identification of the public records adequate for the public records manager or designee to locate the records.

(b) A form is available for use by requestors. The form is available either on the OIC's web site: www.insurance.wa.gov or by contacting the public records manager by e-mail at pdr@oic.wa.gov or by phone at 360-725-7003;

(c) The public records manager or designee may accept requests for public records that contain the information described in (a) of this subsection by telephone or in person. When the public records manager or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

AMENDATORY SECTION (Amending Matter No. R 2003-10, filed 7/21/04, effective 8/21/04)

WAC 284-03-020 (~~What records indexes are available?~~) **Retention of records.** ((The OIC does not maintain or have custody of all agency records. Historical records are sent to the secretary of the state's archives division. The OIC maintains a current index providing identifying information regarding OIC public records. The index is available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. The records are indexed:

- (1) By appropriate names;
- (2) By calendar year;
- (3) By topic; or

(4) A combination of the above methods, as appropriate.) The retention and lawful destruction of OIC records are governed by the retention schedules approved by the state records committee. The most current version of the state government general records retention schedule can be found on the secretary of state's web site www.sos.wa.gov. Retention schedules specific to the OIC are available from the public records manager upon request. The records maintained by the OIC will be regularly destroyed in accordance with the state retention schedule applicable to the OIC unless otherwise required to be held for a longer period of time pursuant to directives to the OIC to hold any such records under applicable federal or state rules of civil procedure governing discovery of documents and things in litigation or other legal proceedings.

AMENDATORY SECTION (Amending Matter No. R 2003-10, filed 7/21/04, effective 8/21/04)

WAC 284-03-025 (~~Is the OIC required to create public records for me?~~) **Processing of public records requests—General.** ((The Public Disclosure Act (RCW 42.17.250 through 42.17.348) requires access to existing, identifiable public records in an agency's possession at the time of the request (see RCW 42.17.270). The OIC is not required to collect or organize data to create a public record that does not exist at the time of the public record request.))

(1) Providing "fullest assistance." The OIC 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 assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records manager 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 manager will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) Provide a reasonable estimate of when records will be available;
- (c) 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 manager or designee may revise the estimate of when records will be available; or

(d) Deny the request.

(3) Lack of acknowledgment. If the OIC does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records manager 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 manager 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) No requirement to create record. The Public Records Act requires the OIC to provide access to existing, identifiable public records in the agency's possession. There is no requirement for the agency to gather and/or organize records to create a public record that does not exist at the time of the request.

(6) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If the OIC believes that a record is exempt from disclosure and should be withheld, the public records manager 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 manager will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(7) Providing records in installments. When the request is for a large number of records, the public records manager 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 manager or designee may stop searching for the remaining records and close the request.

(8) Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations, the public records manager will close the request and indicate to the requestor that the OIC has closed the request.

(9) Later discovered documents. If, after the OIC has informed the requestor that it has provided all available records, the agency 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 Matter No. R 2003-10, filed 7/21/04, effective 8/21/04)

WAC 284-03-030 (~~How will the OIC respond to my public record request?~~) **Exemptions.** ((1) For purposes of this chapter, the functions, organization and administration of the office relating to insurance matters shall be as set forth in chapter 284-02-WAC.

Within five business days after receiving a request, the OIC will either:

- (a) Provide the record(s);
- (b) Acknowledge your request and give you a reasonable estimate of how long the agency will take to provide records. If your request is not clear, the OIC may ask you for more information (see WAC 284-03-035); or
- (c) Deny all or part of the request in writing, with reasons for the denial (see WAC 284-03-040 and 284-03-045). The explanation will include the law the OIC relied upon in its denial. Every denial will be sent to the public records officer for review as required by RCW 42.17.320.

(2) At his or her discretion, the public records officer may send the requested records to you by e-mail, fax, or mail. The records may be delivered on computer or compact disks, or by use of other methods of transmittal or storage.)) (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions found specifically in the insurance code (Title 48 RCW), that restrict the availability of some documents held by the OIC for inspection and copying:

- (a) Medical malpractice - Closed claim reports - Annual reports, RCW 48.140.040 and 48.140.050.
- (b) Confidentiality of documents, materials, or other information, RCW 48.02.065.
- (c) Insurer's reports, RCW 48.05.510 through 48.05.535.
- (d) Insurance fraud, RCW 48.30A.045 through 48.30A.-065 and 48.135.060.
- (e) Confidential proprietary and trade secret information, RCW 48.31C.020 through 48.31C.050 and 48.31C.070.
- (f) Material acquisitions or disposition information, RCW 48.43.200, 48.44.530 through 48.44.555, and 48.46.-600 through 48.46.625.
- (g) Service contract provider's annual reports, RCW 48.110.040.
- (h) Statistical summaries, RCW 48.140.040.

(2) The OIC is prohibited by statute from disclosing lists of individuals for commercial purposes.

This list is for informational purposes only and a failure to list an exemption shall not affect the efficacy of any exemption.

AMENDATORY SECTION (Amending Matter No. R 2003-10, filed 7/21/04, effective 8/21/04)

WAC 284-03-035 (~~Why might the OIC need to extend the time to respond to a public record request?~~) **Agency rules for copy charges.** ((The OIC may need to extend the time to respond to a public record request to:

- (1) Locate and gather the information requested;

(2) Notify an individual or organization affected by the request;

(3) Determine whether the information requested is exempt from disclosure and whether all or part of the public record requested can be released; or

(4) Contact you to clarify the intent, scope or specifics of the request. If you fail to clarify the request, the OIC may not have to respond to your request.)) (1) **No fees for costs of inspection.** There is no fee for inspecting public records held by the OIC.

(2) **Standard photocopy charges.** Unless otherwise requested, the OIC provides electronic copies of responsive documents in a portable document format (pdf). A requestor may obtain standard 8.5 x 11, black and white photocopies of responsive documents. The OIC will not charge a requestor for electronic copies, or for paper copies of fewer than one hundred pages. For copy requests of one hundred pages or more, the OIC will charge three dollars and fifty cents for the first one hundred and seventeen cents for each additional page. A statement of the factors and the manner used to determine this charge is available from the public records manager.

(3) **Use of outside vendor.** The OIC may use an outside vendor for nonstandard copies or for voluminous requests if an outside vendor can make copies more quickly and less expensively than the OIC. In the event an outside vendor is used, the requestor may be charged the actual costs billed by the vendor.

(4) **Costs of mailing.** The OIC may also charge the requestor for the actual costs of mailing, including the cost of the shipping container.

AMENDATORY SECTION (Amending Matter No. R 2003-10, filed 7/21/04, effective 8/21/04)

WAC 284-03-040 (~~What happens if the public record I requested is exempt from disclosure?~~) **Review of denials of public records.** ((If the OIC determines that a record is exempt from disclosure, you will be informed in writing of the specific exemption authorizing the OIC to withhold the record.)) (1) **Petition for internal administrative review of denial of access.** Any requestor who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records manager for a review of that decision. The petition should include a copy of the OIC denial, or reasonably identify the written statement by the public records manager or designee denying the request.

(2) **Review by the attorney general's office.** If the OIC denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter.

(3) **Judicial review.** Any requestor may obtain court review of denials of public records requests at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-03-045	What happens if only part of the record I requested is exempt?
WAC 284-03-050	Will the OIC review the denial of my request?
WAC 284-03-055	What are the fees to copy or inspect records?
WAC 284-03-060	What records can I inspect and/or copy?
WAC 284-03-065	When can I inspect or copy documents?
WAC 284-03-070	Do I need to make an appointment?
WAC 284-03-075	Can I take original records away from the OIC's office?
WAC 284-03-100	If I make a complaint or inquiry, how will the OIC use that information?
WAC 284-03-105	Will the OIC protect my personal information?

WSR 12-03-088**PERMANENT RULES
DEPARTMENT OF****LABOR AND INDUSTRIES**

[Filed January 17, 2012, 8:27 a.m., effective February 17, 2012]

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

Purpose: The rule currently requires that a department-approved claims administrator choosing to renew their status via continuing education earn a total of seventy-five credits, including a minimum number of credits in five different categories. This rule making reduces the number of credit categories to three, simplifying the continuing education requirements. Department-approved claims administrators will still need to earn seventy-five credits.

Other changes in the rule have been made for clarity.

Citation of Existing Rules Affected by this Order: Amending WAC 296-15-360 Qualifications of personnel.

Statutory Authority for Adoption: RCW 51.04.020, 51.14.030.

Adopted under notice filed as WSR 11-22-079 on November 1, 2011.

A final cost-benefit analysis is available by contacting Yuanlong Ge, P.O. Box 44320, Olympia, WA 98504-4320, phone (360) 902-5139, fax (360) 902-4249, e-mail Yuanlong.Ge@Lni.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 Request of a Nongovernmental Entity: New 0, Amended 1, 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 1, Repealed 0.

Date Adopted: January 17, 2012.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 07-17-162, filed 8/22/07, effective 10/1/07)

WAC 296-15-360 Qualifications of personnel. (1) How ~~((does an individual))~~ do I initially become a ~~((department approved))~~ certified claims administrator for self-insured claims?

In order to become a ~~((department approved))~~ certified claims administrator, ~~((an individual))~~ you must first have a minimum of three years of experience in the administration of time loss claims under Title 51 RCW. The experience must have occurred within the five years immediately prior to ~~((the))~~ your filing of the application to take the "self-insurance claims administrator" test.

~~((An individual))~~ You must then take and pass the department's "self-insurance claims administrator" test. After passing the test, ~~((an individual is))~~ you are designated a ~~((department approved))~~ certified claims administrator. The initial designation of ~~((department approved))~~ certified claims administrator is valid for five years.

(2) How ~~((does an applicant))~~ do I receive approval to take the test? To be approved to take the "self-insurance claims ~~((administration))~~ administrator" test, ~~((an applicant))~~ you must ~~((submit a completed application form))~~ apply to the department ~~((Form F207-177-000). The application must be received by the department))~~ no less than forty-five days prior to the next scheduled test date.

The department will review ~~((the))~~ your application and determine if ~~((the applicant))~~ you meet ~~((s))~~ the minimum requirements to take the test. ~~((Notification of approval to take the test will be mailed to the applicant))~~ We will respond to your application no less than fourteen days prior to the next scheduled test date.

(3) What happens ~~((when an applicant))~~ if I fail ~~((s))~~ the test? ~~((When an applicant))~~ If you are not currently a certified claims administrator and you fail ~~((s))~~ the test, ~~((the applicant))~~ you must reapply to take the test again. ~~((An applicant))~~ You will not be permitted to retake the test until six months have passed after the failed result.

~~((The most recent test results will determine an individual's status as a claims administrator.))~~ If you are a certified claims administrator and you fail the test, your approval will be revoked. You must then reapply to take the test again.

You will not be permitted to retake the test until six months have passed after the failed result.

(4) How does a ~~((department approved)) certified claims administrator maintain their ~~((approved)) certified status beyond the initial five-year designation?~~~~ ~~((An)) A certified claims administrator may maintain ~~((approved)) certified status by:~~~~

(a) Retaking and passing the "self-insurance claims administrator" test as outlined in subsections (1) and (2) of this section; or

(b) ~~((Providing documentation to the department that the individual has remained))~~ Remaining employed for a minimum of three of the last five years in the administration of, or the oversight of, claims under Title 51 RCW, and ~~((meeting))~~ earning the required continuing education ~~((criteria-~~

~~To meet continuing education criteria, the administrator))~~ credits as outlined in subsection (5) of this section.

(5) What is required if I choose to maintain my certified status using continuing education credits?

(a) You must ~~((submit verification to the department that))~~ earn a minimum of seventy-five credits ~~((have been obtained))~~ prior to lapse of the ~~((approved)) certified status.~~ Extensions will not be granted.

Credits must be earned in the following categories:

(i) ~~((Twenty))~~ Forty claims ~~((process/procedure))~~ management credits;

(ii) Twenty legal credits;

(iii) ~~((Twenty medical credits;~~

~~iv))~~ Two ethics credits; and

~~(v))~~ Thirteen) Fifteen elective credits (e.g., industry-specific training). Excess claims management or legal credits may be applied toward the elective credit requirement.

The seventy-five credits must include any training designated as mandatory by the department. If ~~((an administrator))~~ you fail(s) to ~~((complete))~~ earn sufficient continuing education credits, ~~((he or she))~~ you will be required to retake the written test to maintain your certified status.

(b) Assignment of course credit will be determined by the department review committee.

(c) Courses approved prior to the effective date of this rule change that were assigned different credit categories will be applied as follows:

(i) Claims process/procedure credits will apply toward claims management credits.

(ii) Medical credits will apply toward claims management credits.

(iii) Ethics credits will apply toward elective credits.

(d) Individuals whose ~~((department approved)) certified status expires between October 1, ~~((2008)) 2011, and September 30, 2012, and who exercise the continuing education option in lieu of retaking the test, must meet the following modified requirements. If the individual's certification expiration date falls between:~~~~

(i) ~~((10/1/2008 – 3/31/2009: Earn a minimum of thirty credits (eight process/procedure credits, eight legal credits, eight medical credits, one ethics credit, and five elective credits);~~

~~ii))~~ 4/1/2009 – 9/30/2009: Earn a minimum of thirty-five credits (ten process/procedure credits, ten legal credits, ten medical credits, one ethics credit, and four elective credits);

~~iii))~~ 10/1/2009 – 3/31/2010: Earn a minimum of forty credits (eleven process/procedure credits, eleven legal credits, eleven medical credits, one ethics credit, and six elective credits);

~~iv))~~ 4/1/2010 – 9/30/2010: Earn a minimum of forty-five credits (twelve process/procedure credits, twelve legal credits, twelve medical credits, two ethics credits, and seven elective credits);

~~v))~~ 10/1/2010 – 3/31/2011: Earn a minimum of fifty credits (fourteen process/procedure credits, fourteen legal credits, thirteen medical credits, two ethics credits, and seven elective credits);

~~vi))~~ 4/1/2011 – 9/30/2011: Earn a minimum of fifty-five credits (fifteen process/procedure credits, fifteen legal credits, fifteen medical credits, two ethics credits, and eight elective credits);

~~vii))~~ 10/1/2011 - 3/31/2012: Earn a minimum of sixty credits ~~((sixteen process/procedure))~~ thirty-two claims management credits, sixteen legal credits, ~~((sixteen medical credits, two ethics credits,))~~ and ~~((ten))~~ twelve elective credits;

~~viii))~~ ii) 4/1/2012 - 9/30/2012: Earn a minimum of sixty-five credits ~~((eighteen process/procedure))~~ thirty-six claims management credits, eighteen legal credits, ~~((eighteen medical credits, two ethics credits,))~~ and ~~((nine))~~ eleven elective credits.

~~((5))~~ **How does an approved administrator report earned continuing education credit to the department?** ~~Each department approved administrator))~~ (e) You must track and report earned credits at the department's ~~((online))~~ on-line data base. ~~((The approved administrator))~~ You must obtain and retain signed verification of courses attended. Verification of earned credits must be received by the department by the date the ~~((approved)) certified claims administrator's certification expires.~~ Extensions will not be granted.

(f) The department may audit the reported credits of any ~~((approved)) certified claims administrator at random, or "for cause." Falsification of reported credits will result in revocation of the individual's ~~((approved)) certified claims administrator status, and may result in the department's refusal of future applications to take the self-insurance claims administrator test.~~~~

(6) ~~((The department approved))~~ **How often must certified claims administrators notify the department of changes to their contact information?** Certified claims administrators must notify the department within thirty calendar days of the effective date of a change in mailing address, work location, or name. Changes must be reported using the department's on-line data base.

WSR 12-03-090

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed January 17, 2012, 8:29 a.m., effective March 1, 2012]

Effective Date of Rule: March 1, 2012.

Purpose: In the 2011 legislative session, the legislature passed EHB 2123 addressing the workers' compensation sys-

tem. This rule making addresses the part of EHB 2123 which amended chapter 49.17 RCW to provide permanent funding for the safety and health investment projects (SHIP) grants program. The amendments will be put into the Washington Administrative Code (WAC) to make the rules consistent with the legislation and adopt the provisions dictated by statute.

Citation of Existing Rules Affected by this Order: Amending WAC 296-900-17505, 296-900-17510, 296-900-17515, 296-900-17520, 296-900-17525, 296-900-17530, 296-900-17535, and 296-900-17540.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Other Authority: EHB 2123 (chapter 37, Laws of 2011).

Adopted under notice filed as WSR 11-22-080 on November 1, 2011.

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 8, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental 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 8, 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 8, Repealed 0.

Date Adopted: January 17, 2012.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 08-03-025, filed 1/8/08, effective 2/8/08)

WAC 296-900-17505 Scope and purpose. (1) The program for safety and health investment projects (SHIP) was established during the ~~((2007))~~ 2011 legislative session to provide funding for safety and health projects for workplaces ~~((covered by the medical aid fund))~~ insured for workers' compensation through the department's state fund. The purpose of these projects shall be to: Prevent workplace injuries, illnesses, and fatalities; create early return to work programs; and reduce long-term disability through the cooperation of employers and employees or their representatives.

(2) ~~((Priority is given to projects involving accident prevention through cooperation between employers and employees or their representatives.))~~ Funds for awards shall be distributed as follows:

- At least twenty-five percent for projects designed to develop and implement innovative and effective return-to-work programs for injured workers;
- At least twenty-five percent for projects that specifically address the needs of small businesses; and
- At least fifty percent for projects that foster workplace injury and illness prevention by addressing priorities identi-

fied by the department in cooperation with the Washington Industrial Safety and Health Act advisory committee and the workers' compensation advisory committee.

AMENDATORY SECTION (Amending WSR 08-03-025, filed 1/8/08, effective 2/8/08)

WAC 296-900-17510 Definitions. (1) **Applicant** means the entity submitting an application and formal proposal for a safety and health investment projects award.

(2) **Department** means the department of labor and industries.

~~((3))~~ ~~((Department staff means those individuals within the department of labor and industries who assist with project development and monitor recipient performance.))~~

~~((4))~~ **Funding cycle** means how frequently safety and health investment project awards are given.

~~((5))~~ **Medical aid fund** refers to industrial insurance funds established in chapter 51.44 RCW.

~~((6))~~ **Milestones** means critical points of achievement for the safety and health investment projects, showing progress toward project completion. Milestones are interim accomplishments that define project progress.

~~((7))~~ **Product** means any of the following that are developed as the result of a safety and health investment project: Written materials; manufactured materials; designs; equipment; programs; services; workplace changes; or other results of any kind, tangible or intangible.

~~((8))~~ **Recipient** means an agency, firm, organization, individual or other legal entity receiving project award funds from the safety and health investment projects.

AMENDATORY SECTION (Amending WSR 08-03-025, filed 1/8/08, effective 2/8/08)

WAC 296-900-17515 Eligibility. (1) All projects must address the needs of employers and employees covered by the ~~((medical aid))~~ department's state fund.

(2) Projects must have clearly identified:

- (a) Objectives and work plan;
- (b) Products; and
- (c) Criteria for evaluating the success of the project.

(3) Awards may be granted to any agency, firm, organization, individual or other legal entity such as, but not limited to, the following:

- (a) Trade associations;
- (b) Business associations;
- (c) Employers (including but not limited to private, public, nonprofit, or self-insured employers if collaborating with medical aid fund employers);
- (d) Employees;
- (e) Labor unions;
- (f) Employee organizations;
- (g) Joint labor and management groups;
- (h) Educational institutions in collaboration with state fund employer and employee representatives;
- (i) Others deemed appropriate by L&I.

(4) SHIP funds may not be used for:

- (a) Lobbying or political activities;
- (b) Supporting, opposing, or developing legislative or regulatory initiatives;

(c) Any activity not designed to reduce workplace injuries, illnesses, or fatalities; or

(d) Reimbursing employers for the normal costs of complying with safety and health rules.

AMENDATORY SECTION (Amending WSR 08-03-025, filed 1/8/08, effective 2/8/08)

WAC 296-900-17520 Advisory committee. (1) The department will create ~~((an advisory committee representing the broadest spectrum of interests, appointed by the assistant director of the division of occupational safety and health (DOSH), and consisting of:~~

~~(a) Three employer representatives;~~

~~(b) Three employee representatives;~~

~~(c) Two members with expertise in safety and health selected by the assistant director; and~~

~~(d) One nonvoting member from DOSH who will serve as committee chair.~~

~~(2) Members are appointed to serve three-year renewable terms. At the request of the assistant director of DOSH, employer and employee organizations may make recommendations for advisory committee membership.~~

~~(3) The advisory committee will provide the following assistance:~~

~~(a) Make recommendations to DOSH regarding funding priority areas;~~

~~(b) Recommend applications that merit funding to the assistant director of DOSH;~~

~~(c) Keep records of the committee's decisions;~~

~~(d) Make recommendations to DOSH regarding individual project expenditure limitations and appropriate indirect costs;~~

~~(e) Develop and maintain communication networks in the community.~~

~~(4)) a SHIP advisory committee (SAC) that will be a subcommittee of the WISHA advisory committee and will advise the department on program policy issues and participate in the grant application review process. The SAC will have eight to ten members, including equal numbers of employer and employee representatives, and others with relevant experience and expertise. Members will be appointed to serve three-year renewable terms by the assistant director of the division of occupational safety and health (DOSH). The initial term for half of the first group of appointees will be eighteen months. SAC membership will include:~~

~~(a) At least one employer representative from the WISHA advisory committee or an employer representative recommended by the WISHA advisory committee employer representatives; and~~

~~(b) At least one employee representative from the WISHA advisory committee or an employee representative recommended by the WISHA advisory committee employee representatives.~~

~~(2) The SAC will be supplemented by ad hoc grant review committees consisting of selected members of the SAC together with other individuals with experience and expertise in the specific topic areas under review. Members of such ad hoc grant review committees will be appointed by the assistant director for DOSH, taking into consideration~~

~~recommendations from the SAC and WISHA advisory committee.~~

~~(3) All meetings of the SAC will be convened and chaired by the assistant director for DOSH or designee.~~

~~(4) The SAC will provide the following assistance:~~

~~(a) Advice on SHIP policy issues to DOSH and the WISHA advisory committee;~~

~~(b) Make recommendations to DOSH and the WISHA advisory committee regarding funding priority areas;~~

~~(c) Review and comment on funding recommendations made by grant review committees to the assistant director of DOSH;~~

~~(d) Keep records of the SACs decisions;~~

~~(e) Develop and maintain communication networks in the community.~~

~~(5) SAC and grant review committee members will disclose to the ((committee)) department any potential conflicts of interest with specific project applications, whether direct or indirect. The ((committee)) department will determine whether a member's connection to a project should result in recusal from voting on the project. The ((committee's)) department's decision and reasons supporting the decision will be documented in the meeting minutes.~~

~~((5)) (6) SAC and grant review committee members will not disclose any information about applications to anyone not authorized access to the information by law or regulation. ((All applications and other material submitted under this program are confidential and are not open to public inspection. See RCW 49.17.210.))~~

AMENDATORY SECTION (Amending WSR 08-03-025, filed 1/8/08, effective 2/8/08)

WAC 296-900-17525 Application. (1) ~~((Interested applicants may download an application packet from the web site, or for a printed application, contact:~~

~~Safety and Health Investment Projects~~

~~P.O. Box 44640~~

~~Olympia, WA 98504-4640~~

~~e-mail: INVEST@lni.wa.gov~~

~~web site: SafetyGrants.lni.wa.gov))~~

~~The department will periodically prepare grant application packets that will be available on the department's web site.~~

~~(2) Applicants must complete the entire application to be considered for project funding. Incomplete applications or those submitted after a posted deadline will not be considered for funding. ((Applications are accepted throughout the year, and funding is awarded throughout each six-month funding cycle. Application deadlines are posted at SafetyGrants.lni.wa.gov. Applications received after posted deadlines will not be considered for the current funding cycle. However, they may be considered for a subsequent funding cycle at the discretion of the assistant director of DOSH, or designee.))~~

~~(3) Some funding cycles may include limitations on the maximum amount that will be awarded for any proposal. Limitations, if any, will be posted ((at SafetyGrants.lni.wa.gov)) on the department's web site or in current application packets.~~

(4) All products developed as a result of an approved SHIP project belong in the public domain and their dissemination and use shall not be restricted in any way. Such products may not be copyrighted, patented, claimed as trade secrets, or otherwise restricted in any other way. The department retains the right to publish or otherwise disseminate these products as the department in its sole discretion deems appropriate.

(5) The department will not use information contained in submitted application packets as the basis for the initiation of compliance inspections or the issuance of citations and/or penalties to applicants, under WISHA, chapter 49.17 RCW. However, employers are not exempt from compliance inspections initiated for other reasons because they submitted an application packet.

(6) Projects may include, but are not limited to:

(a) The development and implementation of innovative and effective return-to-work programs for injured workers;

(b) The development of technical innovation and engineering controls for the recognition and control of workplace hazards;

~~((b))~~ (c) Best practices for workplace safety and health programs;

~~((c))~~ (d) Education and training;

~~((d))~~ (e) Efforts that address the needs of small businesses;

(f) Priorities identified by DOSH in cooperation with the WISHA advisory committee and the workers' compensation advisory committee; ~~(and~~

~~(e))~~ (g) Initiatives intended to build organizational capacity in workplace safety and health; and

(h) Other projects that foster ~~((accident))~~ injury and illness prevention through cooperation between employers and employees or their representatives.

AMENDATORY SECTION (Amending WSR 08-03-025, filed 1/8/08, effective 2/8/08)

WAC 296-900-17530 Review and approval of proposals. (1) DOSH staff will:

(a) Review applications to make sure they meet application criteria ~~((and forward those that meet the criteria to the advisory committee.))~~;

(b) Conduct a substantive evaluation of eligible applications;

(c) Forward applications along with scored evaluations and funding recommendations to the assistant director for DOSH and a designated grant-review committee.

(2) The ~~((advisory))~~ designated grant-review committee will:

(a) Review project applications and the accompanying DOSH evaluations and recommendations;

(b) Evaluate each project application and provide concurrence or dissension with DOSH evaluation and funding recommendations;

(c) Prioritize and select, by a majority vote of the eligible voting members, those projects recommended for funding ~~((with a minority report allowed))~~;

~~((e))~~ (d) Forward ~~((project))~~ funding recommendations to the SAC and the assistant director of DOSH ~~((for final approval)).~~

(3) The assistant director of DOSH, after consulting with the SAC, will make a final decision on project approval and funding.

(a) ~~((Approval))~~ Safety and health projects, regardless of size, will be based on the ability of the project to foster accident prevention through cooperation between employers and employees or their representatives; the likelihood of reducing workplace injuries, illnesses, or fatalities; and the ability of the applicant to achieve project goals. Assessment will be based on an objective scoring method developed by the department.

(b) Return-to-work project approval, regardless of size, will be based on the ability of the project to foster return-to-work through cooperation between employers and employees or their representatives, the likelihood of increasing return-to-work, and the ability of the applicant to achieve project goals. Assessment will be based on an objective scoring method developed by the department.

(c) If the assistant director rejects an application the grant-review committee has recommended for funding or approves an application the grant-review committee recommended for denial, the assistant director will provide a written explanation to the ~~((advisory committee))~~ SAC. The ~~((advisory committee))~~ SAC may request reconsideration of such decision by a majority vote of the voting members, with a minority report allowed. The assistant director will reconsider the decision in consultation with the director.

(4) Applicants will be notified in writing when their application is(~~=~~

~~(a) Approved for funding;~~

~~(b) Not approved, including the reason it was not funded;~~

~~or~~

~~(c) Held over for a subsequent funding cycle))~~ approved or not approved for funding.

(5) Upon approval of an application and before project activities begin, the department and the applicant will enter into a written agreement. The agreement will:

(a) Include~~((s))~~ the approved application packet in its entirety, which will outline the project scope and timeline, activities, work plan, milestones, and products; and

(b) Spell~~((s))~~ out the terms and conditions governing the project, project participants, and the products resulting from the project.

AMENDATORY SECTION (Amending WSR 08-03-025, filed 1/8/08, effective 2/8/08)

WAC 296-900-17535 Monitoring. ~~((Department))~~ DOSH staff will monitor projects for compliance with award terms and achievement of approved project milestones and/or outcomes.

(1) Milestones are intermediate targets or goals that are defined in the project applications. Ongoing funding will be tied to the achievement of approved milestones (including but not limited to accounting for grant funds).

(2) Outcomes are the final products that will be produced by the project.

AMENDATORY SECTION (Amending WSR 08-03-025, filed 1/8/08, effective 2/8/08)

WAC 296-900-17540 Suspension or revocation of funding. (1) The assistant director of DOSH may suspend or revoke funding for a project if advised by the SHIP program staff or the ~~((advisory committee))~~ SAC that:

(a) The recipient is not in compliance with project award terms;

(b) There are unapproved funding expenditures; or

(c) There are compelling and substantive reasons.

(2) Any suspension or revocation will:

(a) Be in writing and delivered by either personal service or certified mail. The suspension or revocation will be effective upon service or five days after being mailed by certified mail;

(b) Include the reasons for suspension or revocation; and

(c) Be subject to appeal as described in chapter 34.05 RCW, the Administrative Procedure Act and contain an explanation of how to appeal the department's decision.

WSR 12-03-093

PERMANENT RULES

SOUTH PUGET SOUND COMMUNITY COLLEGE

[Filed January 17, 2012, 10:18 a.m., effective February 17, 2012]

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

Purpose: To reflect updates to the RCW numbers, update college title/office changes and language for clarification; for inclusion of new language to update and clarify guidelines and procedural changes; to change terminology from "policy" to rule; to update college title changes and definitions and to update and clarify language; to update and add definitions of college terms and for inclusion of new language to update and clarify guidelines and procedural changes; to specify the governing authority for faculty tenure and dismissal and to clarify purposes of granting professional leave to faculty; to identify and provide guidelines for course materials sales and cost savings; and to provide process for brief and full adjudicative hearing.

Citation of Existing Rules Affected by this Order: Repealing WAC 132X-10-150, 132X-50-080, 132X-50-190, 132X-60-075, 132X-60-110, 132X-60-178 and 132X-60-180; and amending chapters 132X-10, 132X-40, 132X-50 and 132X-60 WAC; and adding chapters 132X-70, 132X-80, and 132X-90 WAC.

Statutory Authority for Adoption: Chapter 28B.50 RCW and RCW 42.56.040.

Adopted under notice filed as WSR 11-22-009 on December [October] 21, 2011.

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 Request of a Nongovernmental Entity: New 3, Amended 4, Repealed 3.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 4, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 4, Repealed 3.

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: January 10, 2012.

Gerald Pumphrey
College President

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-10-010 Purpose. The purpose of this chapter shall be to ensure compliance by the South Puget Sound Community College District 24 with the provisions of chapter ~~((42.17))~~ 42.56 RCW, ~~((Disclosure Campaign finances Lobbying Records; and in particular with RCW 42.17.250 through 42.17.340, dealing with))~~ Public Records Act.

AMENDATORY SECTION (Amending Order 88-1, filed 10/18/88)

WAC 132X-10-020 Definitions. (1) Public records. "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) ~~((Writing))~~ "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation ~~((;))~~ including, but not limited to, letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents ~~((;))~~ including existing data compilations from which information may be obtained or translated.

(3) South Puget Sound Community College District 24. The South Puget Sound Community College District 24 is an agency organized by statute pursuant to RCW 28B.50.040. Where appropriate, the term college also refers to the staff, the board of trustees, and the employees of the college.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-10-050 Public records available. All public records of the college, as defined in WAC 132X-10-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW ~~((42.17.310, 42.17.315, 42.17.260(1)))~~ 42.56.210, 42.56.230, 42.56.070, 42.56.510 and WAC 132X-10-100.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-10-060 Public records officer. The college's public records shall be in the charge of the public records officer designated by the president. The person so designated at the college is the ~~((vice president for))~~ chief human resources officer. The public records officer shall be responsible for the following: The implementation of the college's rules and regulations regarding release of public records, coordinating the staff of the college in this regard, ~~((and generally ensuring))~~ servicing as a point of contact for members of the public in requesting disclosure of public records, and to oversee the college's compliance ((by the staff)) with the public records disclosure requirements of RCW ((42.17.250)) 42.56.001 through ((42.17.340)) 42.56.904.

AMENDATORY SECTION (Amending Order 88-1, filed 10/18/88)

WAC 132X-10-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the college. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through ~~((Friday))~~ Thursday, excluding legal holidays.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-10-080 Requests for public records. In accordance with requirements of RCW ~~((42.17.250)) 42.56.001 through ((42.17.340)) 42.56.904~~ that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request should be made in writing upon a form prescribed by the college which shall be available at its ~~((administrative))~~ human resources office. The form shall be presented to the public records officer and/or his/her designees, at the ~~((administrative))~~ human resources office during customary office hours referenced in WAC 132X-10-070. The request shall include the following information:

(a) The name, signature, mailing address, telephone and e-mail address (if any) of the person requesting the record;

(b) The time of day and calendar date on which the request was made; and

(c) The nature of the request~~((;~~

~~((d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;~~

~~((e) If the requested matter is not identifiable by reference to the college's current index, an appropriate description of the record requested))~~ and the specific identifiable record(s) being sought.

(2) In all cases ~~((in which a member of the public is making a request, it shall be the obligation of))~~ the public records

officer and/or his/her designees, ~~((to))~~ should, whenever possible, assist the ((member of the public)) requestor in appropriately identifying the public record requested.

(3) The public records officer and/or his/her designee to whom the request is presented shall, by the close of five business days:

(a) Make the requested document available; or

(b) Advise the requestor as to the estimated date of availability of the requested record(s); or

~~((c))~~ (c) State that such a document does not exist; or

~~((d))~~ (d) Ask for clarification of the document requested; or

~~((e))~~ (e) Deny access because the document is exempt from public inspection under WAC 132X-10-050.

AMENDATORY SECTION (Amending Order 88-1, filed 10/18/88)

WAC 132X-10-090 Copying. No fee shall be charged for the inspection of public records. The college shall charge a fee of 15¢ per page of copy for providing copies of public records and for use of the college's copy equipment. This charge is the amount necessary to reimburse the college for its actual costs incident to 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 cost. All fees must be paid by money order, cashier's check or cash either in advance or at the time of tender of the records.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-10-100 Exemptions. (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132X-10-080 is exempt under the provisions of ~~((RCW 42.17.310, 42.17.315 and 42.17.260))~~ chapter 42.56 RCW including, but not limited to, RCW 42.56.510.

(2) In addition, pursuant to RCW ~~((42.17.260)) 42.56.070~~, the college reserves the right to ~~((delete identifying details when it makes available or publishes any public record))~~ lawfully strike out information in public records it discloses, in ((any)) cases when ((there is reason to believe that)) disclosure of such details would ((be an invasion of personal privacy protected by chapter 1, Laws of 1973)) constitute personal information as defined in RCW 42.56.230 or would constitute an invasion of privacy as defined in RCW 42.56.050 and referenced in RCW 42.56.230(2). The public records officer and/or his/her designee will ~~((fully justify such deletion in writing))~~ reflect the relevant RCWs supporting such strikeouts either on the document at the point of striking out or in a strikeout log enclosed with or part of the transmittal letter accompanying the records.

(3) All denials of requests for public records ~~((must))~~ will be accompanied by a written statement specifying the ~~((reason for the denial, including a statement of the specific exemption))~~ RCW exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(4) The release or disclosure of student educational records is governed by federal regulation (FERPA). Separate and different procedures are established by the college for student educational records.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-10-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer and/or his/her designees which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer and/or his/her designee denying the request shall refer it to the president. The president or his/her designee shall consider the college's obligation to comply with the intent of chapter ~~((42.17))~~ 42.56 RCW, the exemptions provided in ~~((RCW 42.17.310 or))~~ chapter 42.56 RCW including, but not limited to, RCW 42.56.070, 42.56.320, 42.56.510 and other pertinent statutes, ((and the)) along with statutory provisions which require the college to protect public records from damage or disorganization, prevent excessive interference with essential college functions, and prevent any unreasonable invasion of personal privacy by deleting identifying details. In any case, the request shall be returned with a final decision, within five business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the college has returned the petition with a decision or until the close of the fifth business day following denial of inspection, whichever occurs first.

(4) Whenever the college concludes that a public record is exempt from disclosure and denies inspection and copying, the requestor may request a review of the matter by the office of the attorney general. A written request for review by the attorney general's office, along with a copy of the request and the college's written denial should be sent directly to the office of attorney general in Olympia, Washington. The office of the attorney general will conduct a prompt and independent review of the request and the college's denial and provide a written opinion as to whether the record requested is exempt from disclosure. This review is not binding upon the college or the requestor.

AMENDATORY SECTION (Amending Order 88-1, filed 10/18/88)

WAC 132X-10-120 Protection of public records. Requests for public records shall be to the public records officer and/or his/her designees in the ~~((appropriate location))~~ human resources office. Public records and a facility for their inspection will be provided by the public records officer and/or his/her designees. Such records shall not be removed from the place designated for their inspection. Copies shall be made at South Puget Sound Community College. If copying facilities are not available at the college, the college will

arrange to have copies made commercially according to the provisions of WAC 132X-10-090.

AMENDATORY SECTION (Amending Order 88-1, filed 10/18/88)

WAC 132X-10-130 Records index. (1) Index. The public records officer and/or his/her designees have available to all persons a current index which provides identifying information as to those records adopted or promulgated and indexed since ~~((June 30, 1972))~~ January 2, 1973, in the following areas:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of ~~((policy))~~ rules and interpretations of ~~((policy))~~ rules, statute and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others;

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party;

(g) Financial records and budgets; and

(h) Board of trustees' minutes and reports.

(2) Availability. The current index promulgated by the college shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132X-10-150	Request for public records to South Puget Sound Community College.
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AMENDATORY SECTION (Amending Order 88-1, filed 10/18/88)

WAC 132X-40-010 Environmental protection ~~((policy))~~ rule. It shall be the ~~((policy))~~ rule of South Puget Sound Community College District 24 that capital projects proposed and developed by the college shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA); chapter 197-11 WAC, SEPA rules; and WAC 131-24-030, SEPA implementation rules of the state board for community college education.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-40-020 Responsible officer. In compliance with WAC ((197-10-820)) 197-11-910, the vice-president for administrative services is designated to be the "responsible official" for carrying out this ((policy)) rule.

AMENDATORY SECTION (Amending Order 88-1, filed 10/18/88)

WAC 132X-50-010 Purpose for adopting parking and traffic regulations. Pursuant to the authority granted in RCW 28B.50.140(10), the board of trustees of South Puget Sound Community College District 24, on behalf of the college is granted authority to adopt rules and regulations for pedestrian and vehicular traffic upon public lands devoted to, operated by or maintained by the college. The objectives of these regulations are:

- (1) To protect and control pedestrian and vehicular traffic.
- (2) To assure access at all times for emergency traffic.
- (3) To minimize traffic disturbances ((during class hours)).
- (4) To facilitate the work of the college ((by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all)).
- (5) To regulate the use of parking spaces.
- (6) To protect state-owned property.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-020 Applicable parking and traffic regulations. (1) All regulations in this chapter and all motor vehicle and other traffic laws of the state of Washington shall apply on the campus.

(2) The traffic code of the city of Olympia shall apply upon all lands located within the city of Olympia. The traffic codes of the city of Tumwater shall apply upon all lands located within the city of Tumwater. The traffic code of the city of Lacey shall apply upon all lands located within the city of Lacey.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-030 Definitions. As used in this chapter, the following words and phrases shall mean:

- (1) "Annual permits": Permits which are valid from the date of issue until the first day of the following fall quarter. Annual permits are sold during fall quarter.
- (2) "Board": The board of trustees of South Puget Sound Community College, District 24.
- (3) "Campus": All lands and buildings devoted to, operated by, or maintained by South Puget Sound Community College, District 24.
- (4) "Campus security officer": An employee of the college who is responsible for campus traffic control, parking, security, and safety.

(5) "College": South Puget Sound Community College, District 24.

(6) "Director of security": The college's safety and security supervisor.

(7) "Employee": Any individual appointed to the faculty, staff, or administration of the college. Student employment positions or college work study positions are not considered employees of the college in these definitions.

((7)) (8) "Full-time employee": An employee of the college employed twenty hours or more per week on a permanent regular basis.

((8)) (9) "Full-time student": Any person who is enrolled at this college and is taking ((ten)) twelve credit hours or more ((on the main campus)).

((9)) (10) "Guests/visitors": ((A person or)) Persons who ((come upon the campus as guests and person or persons who lawfully)) visit the campus.

((10)) "~~Main campus~~": All lands and buildings located at 2011 Mottman Road S.W., Olympia, WA.)

(11) "Part-time employee": An employee of the college employed less than twenty hours per week. Student employees or college work study employees are not classified as part-time employees under these definitions.

(12) "Part-time student": Any person who is enrolled at this college and is taking ((nine)) eleven credits ((hours)) or less ((on the main campus)).

(13) ("~~Safety and security supervisor~~": The college's safety and security supervisor.

((14)) "Security office": The college's campus security office.

((15)) (14) "Temporary permits": Permits which are valid for a specific period designated on the permit.

((16)) (15) "Vehicle": Automobile, truck, motor-driven cycle, scooter or any vehicle otherwise powered.

((17)) (16) "Vice-president for administrative services": The vice-president for administrative services for South Puget Sound Community College, District 24.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-040 Authorization for issuance of permits. The ((safety and)) director of security ((supervisor)), or designee, is authorized to issue parking permits ((to students, administrators, exempt employees, faculty, staff, guests and visitors to the college,)) pursuant to the following regulations:

(1) ((A person may be issued a parking permit)) Upon the proper registration of his/her vehicle with the college.

(2) ((The safety and security supervisor, or a designee, may issue temporary, permanent or special parking permits)) When such permits are necessary to enhance the business or operation of the college.

(3) ((Additional permits are available at the current fee schedule to individuals who have registered other vehicles.)) Only one vehicle registered to an individual under one permit fee shall be permitted to park on campus at any one time.

(4) Persons who pay the current fee for parking permits and who later request a refund shall receive refunds according to the college's refund ((policy published in the college

catalogues and bulletins)) rule. The person must first turn in the current quarter/annual permit to the cashier's office, before a refund will be issued.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-050 Parking fees for vehicle permits. All students and employees of the college (~~wanting to park on campus~~) shall obtain and properly display a valid parking permit (~~(as issued by the college)~~) by the first day of the quarter on all vehicles (~~(parked or left standing unattended upon the college campus for both day and night classes,)~~) in accordance with WAC 132X-50-040. (~~(A valid temporary, daily, quarterly, or annual parking permit must be visibly displayed on the vehicle by the first day of the quarter.)~~) Day permits can be purchased at the pay station.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-060 Parking fee exceptions. All guests/visitors (including, but not limited to, salespersons, contractors or service personnel) will park in appropriate parking areas without paying a fee after obtaining a temporary permit from the security office or (~~(they may park in metered parking (all users must pay) or)~~) purchase a daily permit at the pay station(s). (~~(These exceptions include, but are not limited to:~~

(1) Federal, state, county, city, school district and similar governmental personnel on official business in vehicles with tax exempt licenses.

(2) Vehicles owned by contractors and their employees working on campus construction may be parked within available construction sites or areas.

(3) Members of the press, television, radio and wire services, on official business.

(4) Taxis and commercial delivery vehicles for the pick up and delivery of passengers, supplies and equipment.

(5) Persons attending special college events.

(6) Guests/visitors invited to the campus for the purpose of rendering services to the college. Visitors parking spaces are reserved for visitors/guests. These spaces are time restricted and vehicles with a valid permit are not permitted to park in these spaces.

(7) Students and faculty participating in Friday evening (after 4:30 p.m.) and/or weekend classes only. Friday evening and weekend classes are not required to obtain temporary permits.)

AMENDATORY SECTION (Amending Order 88-1, filed 10/18/88)

WAC 132X-50-090 Transfer of permits. Parking permits are not transferable. If a vehicle is sold or traded, the new vehicle must be registered with the security office and the permit will be reissued (~~(or a new permit will be issued to the permit holder after paying the replacement cost)~~).

AMENDATORY SECTION (Amending Order 88-1, filed 10/18/88)

WAC 132X-50-100 Permit revocation. Permits are licenses and the property of the college, and may be (~~(recalled for any of the following)~~) revoked for reasons including, but not limited to:

(1) When the purpose for which the permit was issued changes or no longer exists.

(2) When a permit is used on an unregistered vehicle or by an unauthorized person.

(3) Falsification on a vehicle registration application.

(4) Continued violations of parking regulations.

(5) Counterfeiting or altering of permits.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-130 Delegation of authority. The authority and powers conferred upon the vice-president for administrative services by these regulations shall be subject to delegation to that individual's subordinates.

(~~(Campus)~~) The director of security or ((their)) designee((s)) have the authority (~~(in appropriate circumstances)~~) to demand and receive identification (~~(in appropriate circumstances)~~) from any person on owned or rented college property.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-150 Violation of parking and traffic regulations. (1) Operators of illegally operated or parked vehicles shall be warned or cited (~~(through an appropriate means)~~) that they are in violation of these regulations. (~~(All fines are payable at the cashier's office.)~~)

(2) In instances where violations are repeated (five or more (~~(unpaid/outstanding)~~) citations); or, vehicle is parked in such a manner as to endanger the college community; or, vehicle is parked in a fire lane or other posted tow-away, said vehicle(s) may be impounded and or immobilized.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-160 Issuance of traffic tickets or summons. (1) Upon (~~(probable cause to believe)~~) reasonable belief that a violation of these regulations has occurred, the (~~(safety and)~~) director of security ((supervisor)) or designee(~~((s))~~), may issue a warning or citation.

(2) Such warning or citation may be served by attaching (~~(or affixing)~~) a copy (~~(thereof in some prominent place)~~) outside such vehicle or by personally serving the operator/owner or by mailing the citation.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-170 Fines and penalties. The (~~(safety and)~~) director of security ((supervisor,)) or designee(~~((s,))~~) is

authorized to impose the following ~~((fines and penalties for violation of the regulations contained in this chapter))~~:

(1) Fines may be levied for all violations of the regulations contained in this chapter. All fines are payable at the cashier's office.

(2) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas, may be subject to a fine, immobilized or may be impounded and taken to such place for storage as the safety and security supervisor, or designee, selects. The expenses of such impounding and storage shall be the responsibility of the registered owner or driver of the vehicle.

(3) The college shall not be liable for loss or damage of any kind resulting from immobilizing or impounding and storage of vehicles.

(4) Vehicles involved in violations of these regulations may be impounded or immobilized with a wheel lock as provided for in these regulations.

(5) A schedule of fines shall be set by the board of trustees.

(6) In the event a person fails or refuses to pay an uncontested fine which has been outstanding, the vice-president for administrative services or designee, shall initiate the following actions:

(a) Students will not be able to obtain a transcript of credits until all fines are paid.

(b) Students will not receive a degree/diploma or grades until all fines are paid.

(c) Students will not be able to register for subsequent quarters until all fines are paid.

(d) Staff, administrator or faculty members with outstanding fines may be turned over to a ~~((private))~~ collection agency for the collection of past due fines ~~((or other appropriate collection procedures))~~ ~~((such as garnishing wages may be used))~~.

(7) The following violations will be assessed ~~((in accordance with the fees and fine schedules as established by the board of trustees))~~:

- (a) No valid permit displayed.
- (b) Metered parking violation.
- (c) No parking zone/area (not designated for parking).
- (d) Carpool violation.
- (e) Blocking vehicles/roadway.
- (f) Parked in a fire lane.
- (g) Disabled parking violation.
- (h) Visitor parking violation.
- (i) Occupying more than one space.
- (j) ~~((Other parking violations of the college's parking regulations and its objectives.~~

~~((k))~~ Driving wrong way on a one-way roadway.

~~((h))~~ ~~((k))~~ Failure to yield right of way.

~~((m))~~ ~~((l))~~ Exceeding the posted speed limit or as conditions warrant.

~~((n))~~ ~~((m))~~ Failure to stop at sign or signal.

~~((o))~~ ~~((n))~~ Improper lane change.

~~((p))~~ ~~((o))~~ Reckless driving.

~~((q))~~ ~~((p))~~ Other violations of the college's traffic regulations and its objectives.

~~((r))~~ ~~((q))~~ Wheel lock removal fee.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-180 Appeals proceedings—Appeal of fines and penalties. (1) The alleged violator must submit the appeal in writing, giving full particulars, listing witnesses, evidence, etc.

(2) The appeal must be submitted to the security office within five days from date of citation.

(3) If the appeal is not resolved to the satisfaction of the alleged violator, he or she ~~((shall have five additional days from receipt of the decision by the security office to appeal to the vice president for administrative services))~~ may appeal for a brief adjudicative proceeding in accordance with chapter 132X-90 WAC.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-210 Designation of parking. The parking spaces available on campus may be allocated and designated by the vice-president for administrative services in such a manner as will best achieve the objectives of these rules and regulations.

(1) Provisions will be made for ~~((disabled employees, visitors, and students. The college will meet or exceed the Americans with Disabilities Act requirement as to the number of disabled spaces available. Disabled individuals utilizing))~~ people with disabilities. People with disabilities using disabled parking spaces must display ((in that vehicle)) a valid state issued disabled parking permit or license plate on that vehicle. In addition to the disabled permit, a valid college parking permit must be purchased and displayed on the vehicle.

(2) Visitors parking shall be limited to spaces so designated.

(3) Parking spaces may be designated for special purposes as deemed necessary.

AMENDATORY SECTION (Amending Order 88-1, filed 10/18/88)

WAC 132X-50-220 Parking within designated spaces. (1) No vehicle shall be parked on the campus except in those areas ~~((set aside and))~~ designated for parking.

(2) No vehicle shall be parked ~~((so as to occupy any portion of))~~ in more than one parking space or stall.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-240 Speed limit. No vehicle, except for emergency vehicles, shall be operated on the campus at a speed in excess of ~~((twenty miles per hour))~~ the posted speed limit, or such slower speed as is reasonable and prudent ~~((to))~~ under the circumstances. No vehicle of any type shall at any time use the campus parking lots for testing, racing, or other unauthorized activities. Exception may be granted by the vice-president for administrative services.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-260 Two-wheeled motorbikes or bicycles. (1) All two-wheeled vehicles powered by an engine shall park in areas designated for motorcycles only and will not use spaces assigned to automobiles or bicycles. All motorcycles parked on campus must ~~((purchase))~~ have a parking permit displayed.

(2) Bicycles and other nonengine powered cycles are to be parked in bicycle racks where provided. No person shall park a bicycle inside a building, by a doorway, on a path, sidewalk, walkway, or in such a manner as to block or obstruct the normal flow of pedestrian traffic. Bicycles and motorcycles may be cited, immobilized or impounded if in violation of this section.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-270 Report of accidents. ~~((1))~~ The operator of any vehicle involved in an accident on campus ~~((resulting in injury or death of any person or claimed damage to either or both vehicles exceeding five hundred dollars))~~ shall immediately report such accident to the security office. ~~((The operator shall within twenty-four hours after such an accident file all required state of Washington vehicle collision reports.~~

~~((2) Other minor accidents may be reported to the security office.))~~

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-50-280 Disabled and inoperative vehicles—Impounding. (1) ~~((Disabled or))~~ Inoperative vehicles shall not be parked on the campus for a period exceeding twenty-four hours, without authorization from the vice-president for administrative services, or designee.

(2) Vehicles parked more than forty-eight hours without authorization may be impounded and stored at the expense of either or both the owner and operator thereof.

~~((3) The security office will attempt to contact the owners and/or operator and advise that vehicle will be impounded, if not removed.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132X-50-080 Display of permits.

WAC 132X-50-190 Parking advisory committee.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-010 Preamble. South Puget Sound Community College is dedicated not only to learning and the advancement of knowledge but also the development of ethically sensitive and responsible persons. It seeks to achieve

these goals through a sound educational program and policies concerning conduct that encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community. Sharing goals held in common, the students, faculty, and staff of South Puget Sound Community College are joined in voluntary association in an educational community.

~~((The student is, first of all, a member of the community at large, and as such, is entitled to the rights and responsibilities of any citizen of comparable age and maturity. In addition, students, as members of the college, are in the unique position of being citizens of two communities, subject to the regulations imposed by both and accountable to both. South Puget Sound Community College expects that students will respect the laws of the greater society. As an agency of the state of Washington, the college must respect and adhere to the regulations established by local, state, and federal authorities. As an educational institution, it has the added responsibility for assisting students in gaining an understanding of the law and its function, and the responsibilities imposed upon each individual in a democratic society to respect and support the legal structure which protects the individual and the society. As a functioning organization, it also has the responsibility to develop a set of regulations to assure the orderly conduct of the affairs of the college.))~~

Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges and property of other members of the college community and will not interfere with legitimate college affairs.

~~((An atmosphere of learning and self development is created by appropriate conditions in the college community. The rights and responsibilities in this document are critical ingredients in the free, creative, and spirited educational environment to which the students, faculty and staff at South Puget Sound Community College are committed.))~~

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-015 Definitions. As used in this *Code of Student Rights and Responsibilities* the following words and phrases shall mean:

(1) **Associated student body (ASB) SPSCC senate** means the representative governing body for students, also referred to as student government, at South Puget Sound Community College recognized by the board of trustees.

(2) **Assembly** means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or ~~((disseminated))~~ disseminate information to any person, persons or group of persons.

(3) **Board** means the board of trustees of South Puget Sound Community College District 24, state of Washington.

(4) **College** means South Puget Sound Community College ~~((located within Community College))~~, District 24 ~~((state of Washington))~~.

(5) **College facilities** means and includes any or all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) **College personnel** refers to any person employed by Community College District 24 on a full-time or part-time basis ~~((, except those who are faculty members))~~.

(7) **Disciplinary action** means and includes dismissal or any lesser sanction of any student by the vice-president for student services, the student ~~((hearing committee))~~ judicial board, or the college president ~~((, or the board of trustees))~~ for the violation of any of the provisions of the code of student rights and responsibilities for which such sanctions may be imposed.

(a) The college president or designee shall have the authority to take any disciplinary action including the authority to suspend any student of the college for a period not to exceed ten academic calendar days.

(b) The college president or designee shall have the authority to take any disciplinary action including the authority to dismiss any student of the college.

(8) **District** means Community College District 24, state of Washington.

(9) ~~((Faculty member(s))~~ means any employee of South Puget Sound Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments.

~~((10))~~ Hazing includes any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending the college. Hazing does not include customary athletic events or other similar contests or competitions.

(10) **Initiation** means the ceremonies or rites by which a person is admitted into a club, organization, or living group not amounting to hazing. Initiation conduct may include embarrassments, ridicule, sleep deprivation, verbal abuse or personal humiliation.

(11) **President** means the duly appointed chief executive officer of South Puget Sound Community College, District 24, state of Washington, or in his/her absence, the designee.

~~((11))~~ (12) **Recognized student organization** means and includes any group or organization composed of students which is recognized formally by ~~((the student government of))~~ the college.

~~((12))~~ (13) **A sponsored event or activity** means any activity that is scheduled by the college or a recognized student organization and is supervised and controlled by ~~((the college's faculty members or))~~ college personnel. Such sponsorship shall continue only as long as the event is supervised and controlled by ~~((the college faculty member or))~~ college personnel. When the sponsored event or activity is of a prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of ~~((the college's faculty member or))~~ college person-

nel responsible for the event or activity shall be deemed to be a nonsponsored activity.

~~((13))~~ (14) **Student**, unless otherwise qualified, means and includes any person who is enrolled for classes ~~((or formally in the process of applying for admission to the college))~~.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-020 Jurisdiction. All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college or recognized student organization sponsored activity or function which is held on or in noncollege facilities ~~((not open to attendance by the general public))~~.

Persons aiding or abetting a student's breach of this code shall be subject to having their privilege removed as to remaining on college property or engaging in college-sponsored activities, and/or appropriate disciplinary action pursuant to ~~((HEPB rules or faculty and administrative rules and regulations of conduct))~~ this code, college policies and procedures, and/or state civil or criminal law. If the privilege to remain on campus is revoked, trespassers shall be subject to possible arrest and prosecution under the state criminal trespass law.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-035 ~~((Authority to prohibit))~~ Trespass regulations. (1) The college president ~~((is authorized in the instance of any event that the college president deems impedes the movement of persons or vehicles or which the college president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from college facilities, and the college president acting through the vice-president for student services, or such other designated person, shall have the authority and power to:~~

(a) Prohibit the entry of, withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(b) Give notice against trespass to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility; or

(c) Order the person, persons or group of persons to leave or vacate all or any portion of a college facility.

(2) Any student who shall disobey a lawful order given by the campus president or designee pursuant to the requirements of subsection (1) of this section shall be subject to disciplinary action) or designee, acting through campus security, shall have the authority and power to:

(a) Prohibit the entry of, or withdraw the license or privilege of, any individual to enter onto or remain upon any portion of a college facility; or

(b) Give notice against trespass to any individual against whom the license or privilege has been withdrawn or who

have been prohibited from entering onto or remaining upon all or any portion of a college facility; or

(c) Order any individual to leave or vacate all or any portion of a college facility.

(2) Authority under subsection (1) of this section may be exercised when:

(a) An individual who violates these regulations persists in the violation after notice of the specific nature of the violation has been given;

(b) Or an individual or event is deemed to be substantial and material physical disruption of the peaceful functioning of the campus;

(c) An individual or event threatens to disrupt the movement of persons within or to or from facilities owned and/or operated by the college; or

(d) An individual threatens the safety or well-being of another person on campus or college activity.

Students, faculty, and staff of the college may only be ejected pursuant to this protocol where the duration of the ejection is for no more than a single day or where the ejection applies to a portion of the college facilities that the student or employee does not need to access in order to perform his or her studies or work.

(3) Students who violate WAC 132X-30-020 will be disciplined under chapter 132X-60 WAC.

(4) Faculty and staff members who violate WAC 132X-30-020 will be disciplined in accordance with established college policies.

(5) Individuals who are not students, faculty members, or college staff and who violate WAC 132X-30-020 will be given notice of violation, and if the individuals persist in the violation, the college president or designee, acting through campus security, shall ask them to leave the college property.

This request to leave college property revokes any license or privilege the individuals may have had to enter onto or remain upon any portion of the college campus.

(6) Individuals who fail to leave campus after receiving notices of the violation shall be subject to arrest for criminal trespass under RCW 9A.52.070 or 9A.52.080.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-046 Student participation in college governance. As members of the college community, students will be free, individually and collectively, to express their views on college ~~((policy))~~ rules, and on matters of general interest to the student body. The ASB-SPSCC constitution and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policies regarding academic and student affairs. Individuals affected by a ~~((policy))~~ rule shall have a representative voice in the formulation of that ~~((policy))~~ rule.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-050 Student records. In compliance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g and its implementing regula-

tions, ~~((45))~~ 34 CFR § 99, this ~~((policy))~~ rule has been created to ~~((insure))~~ provide confidentiality of student records at the college and govern the release of personally identifiable information contained within.

(1) Education records. Education records are defined as those records, files, ~~((and))~~ documents and other materials containing information directly ~~((pertaining))~~ related to a student ~~((At South Puget Sound Community College these are:~~

~~(a) Records pertaining to admission, advisement, registration, grading and progress to a degree that are maintained by enrollment services;~~

~~(b) Testing information used for advisement purposes by the counseling center;~~

~~(c) Information concerning payment of fees as maintained by the treasurer;~~

~~(d) Financial aid information as collected by the financial aid office;~~

~~(e) Information regarding students participating in student government or athletics that is maintained by the student programs office)) and which records are maintained by the college or by a person acting for the college.~~

(2) Access to education records. Students who are or have attended the college have the right to examine or review their ~~((personal))~~ education records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired.

(3) Directory information. The following information is considered "directory information" and thus may be disclosed without consent of the student, unless otherwise directed by the student~~((:))~~ at any time, in writing, to the registrar ~~((in writing))~~: The student's name, address, telephone number, date and place of birth, major field of study, ~~((eligibility for and))~~ participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, academic honors, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) Disclosure from education records. In addition to directory information the college will, at its discretion, make disclosures from education records of students ~~((with the student's prior written consent or))~~ to the following listed parties without the consent of the student:

(a) To other college officials ~~((including college administrative and clerical staff, faculty, and students where officially elected or appointed to the ASB-SPSCC senate or employed by the college. Access or release of records to the above is permissible only when the information is required for the advisement, counseling, recordkeeping, reporting, or other))~~ who have legitimate educational interests ~~((consonant with their specific duties and responsibilities:))~~ in the information, including the educational interests of the student for whom consent would otherwise be required;

(b) To officials of ~~((another))~~ other schools or school systems in which the student seeks or intends to enroll~~((:))~~, upon condition that the student receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

(c) To authorized federal, state, or local officials as required or authorized by law~~((:))~~;

(d) In connection with financial aid for which the student has applied or received~~(-);~~

(e) To accrediting organizations, or organizations conducting studies ~~((for))~~ of or on behalf of the ~~((institution-))~~ college as qualified by FERPA;

(f) To appropriate parties in a health or safety emergency~~(-)~~ if the knowledge of such information is necessary to protect the health or safety of the student or other persons;

(g) To persons in compliance with a judicial order or a lawfully issued subpoena~~(-)~~ provided that the college first ~~((makes a reasonable effort to notify))~~ notifies the student~~(-)~~ before complying with the subpoena or court order;

(h) To parents of a dependent student~~(-)~~ as defined in 26 U.S.C. section 152 ~~((of the Internal Revenue Code of 1954)),~~ upon receipt of a written affidavit stating that the student is a dependent for income tax purposes~~(-This, however, will not affect the other rights of the student));~~ and

(i) To other parties authorized by FERPA to receive such information without the student's consent.

In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested information from educational records and the nature of the interest in that information.

Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the written consent of the student. The college is not precluded from permitting third party disclosures to other parties ~~((listed in (a) through (h) of this subsection))~~ as permitted by law.

(5) Challenge of education records. Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy ~~((or other rights))~~ of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a ~~((hearing by the academic standards committee through a written request to the administrator for enrollment services. Should the academic standards committee deem that the education records in question are inaccurate or misleading, the committee can ask that the records be amended by the appropriate college official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within))~~ brief adjudicative procedure.

~~((Each eligible))~~ Students ~~((is))~~ are afforded the right to file a written complaint concerning alleged ~~((failures))~~ violations under FERPA by the college ~~((to comply with the requirements of the act)).~~ The address of the office designated to investigate, process, and review violations and complaints which are filed is:

~~((The Family Educational Rights and Privacy Act Office (FERPA) Department of Health, Education and Welfare 330 Independence))~~ Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. ((20201)) 20202

Copies of the Federal Register pertaining to the Family ~~((Education))~~ Educational Rights and Privacy Act may be obtained from:

Superintendent of Documents
U.S. Government Printing Office
732 N. Capitol Street N.W.
Washington, D.C. 20402

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-060 Student publications. The college will establish a student publications ~~((policy))~~ code relating to officially sponsored publications and create a student publications board charged with the enforcement of the ~~((policy))~~ code. The publications board shall be composed of an administrator and three faculty appointed by the college president, and three students appointed by the associated student body president. These students shall not, while serving on the board, hold any student publications position appointed by the student publications board and shall not serve on any superior budgetary body.

The student publications ~~((policy))~~ code shall protect the students' freedom to deal with any ideas and to express any opinions in the student publications without fear of their censorship. Editors and managers of student publications are protected from arbitrary suspension and removal. Only for proper and stated causes, as outlined in the statement of purpose or philosophy adopted for each student publication, or for violation of responsible journalism practices should editors and managers be subject to removal and then by orderly and prescribed procedures.

The student editors and managers must practice responsible journalism and have freedom of expression as outlined in the "South Puget Sound Community College Student Publications Code," ~~((June 1999, Article I, A and B.~~

~~The operational responsibilities of the publication board are outlined in the "South Puget Sound Community College Student Publications Code" June 1999, Article IX:~~

- ~~(1) Appointment of each publication's editor.~~
- ~~(2) Reviewing budget requests of each student publication, prior to the submittal of those requests, recommending action on funding.~~

(3) Review any complaints pertaining to student publications:

(4) Resolve complaints about student editors and managers:))

AMENDATORY SECTION (Amending WSR 03-03-089, filed 1/16/03, effective 2/16/03)

WAC 132X-60-065 ((Distribution and)) Posting of materials. Permission for the posting of materials and literature on college property is not required in designated public posting areas on the campus.

Permission for the posting of materials and literature on ((college property)) nondesignated public posting areas shall be obtained from the following college officials:

(1) The dean of student ((programs)) life for the posting of materials in nondesignated areas in the student union building, the college center, hallways, within buildings and those areas located on campus outside of college buildings.

(2) No posting will be allowed on railings unless paint protection devices are used. Permission for any such postings must have the prior approval of the dean of student ((programs)) life.

(3) The appropriate college vice-president for permission for the ((dissemination and distribution)) posting of materials in other areas of the college campus, buildings, or facilities.

In addition, the following apply to the posting of materials:

(4) No posting of obscene materials.

(5) No materials will be posted or tacked on trees or the covered walkway gazebo(s).

AMENDATORY SECTION (Amending Order 88-1, filed 10/18/88)

WAC 132X-60-070 Use of college facilities. Any ((recognized associated students of South Puget Sound Community College)) chartered student club or organization may request use of available college facilities for authorized activities. Facilities ((with)) may be provided free of charge to the student club or organization except when such use necessitates staffing and services beyond regular college requirements. ((Standard)) College fees will be charged in these cases.

Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for ((and)) the student club or organization.

Use of college facilities by noncollege organizations or individuals is addressed separately under chapter 132X-30 WAC.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-080 Student complaints ((and grievances)). The purpose of these procedures is to establish a process where a student may express and resolve misunderstandings((;)) or complaints ((or grievances)) with any college employee or procedure in a fair and equitable manner. ((This procedure emphasizes an informal resolution.))

A complaint is any expression of dissatisfaction with the performance of a college employee or procedure. The student who has a complaint about an action of a college employee should use the following procedure:

Nonacademic complaints

(1) Initiating ((a)) an informal nonacademic complaint:

(a) The student complainant and the college employee should make a good faith effort to resolve the ((grievance)) complaint on a one to one basis within fifteen ((instructional)) calendar days from the date of the complaint. In the event of absence from campus by the employee or if the student feels that he/she cannot meet face-to-face with the employee, the student ((shall)) may contact the organizational unit administrator for advice on how to proceed with the complaint. ((If the student feels that he/she cannot meet face-to-face with the employee he/she may directly contact the organizational unit administrator.))

(b) If the student determines that a complaint cannot be resolved appropriately with the employee concerned, the student may contact the organizational unit administrator of the employee to facilitate a solution to the ((grievance)) complaint.

(c) If a complaint filed with the appropriate organizational unit administrator has not been resolved, the student may proceed with a formal complaint.

(2) Proceeding with a formal nonacademic complaint:

(a) Office to address: Complaints regarding an instructional employee, procedure or ((policy)) rule shall be addressed to the vice-president ((of)) for instruction or designee. Complaints regarding an administrative services employee, procedure or ((policy)) rule shall be addressed to the vice-president ((of)) for administrative services or designee. Complaints regarding a student services employee((s)), procedure or ((other college personnel)) rule shall be addressed to the vice-president ((of)) for student services or designee. Complaints regarding all other employees, procedures or rules shall be addressed to the chief human resources officer.

(b) The vice-president/chief human resources officer/designee shall discuss with the student the concerns and options available to resolve the concern. If the student should elect to proceed with the formal complaint the student must outline in writing the complaint, identifying dates and persons involved ((as accurately as possible)).

(c) ((The vice-president shall also inform the student that the student may ask the vice-president for student services or another person the student chooses to act as an advocate in assisting the student in the completion of the complaint process.

((d)) The student's written complaint shall be forwarded to the employee concerned who shall provide a written response to the vice-president/chief human resources officer within ten ((instructional)) calendar days.

((e) If the written response does not resolve the complaint to the satisfaction of the student, the vice-president shall convene a conference of all the involved parties within ten instructional days to (i) attempt to resolve to the satisfaction of all parties the complaint and/or (ii) hear the issue(s) and take appropriate action(s) to resolve the complaint.

~~(f))~~ (d) The vice-president/chief human resources officer/designee shall provide a written response to the student within ten calendar days of the receipt of the employee response or the complaint concerning a procedure or rule.

(e) Action taken by the vice-president~~(, if any,)~~/chief human resources officer/designee may be appealed to the president~~(, and must be done)~~ in writing within ten ~~(instructional)~~ calendar days. The decision of the president is final.

(3) ~~(Discrimination grievances:~~

~~Students who believe they have been discriminated against as defined in Title VII and Title IX of the Higher Education Act or Section 504 of the Handicapped Assistance Act may file a grievance through the human resources office.)~~

Academic complaints:

Students with an academic complaint including, but not limited to, grade disputes, should contact the faculty member within ten calendar days of the incident and attempt to resolve the issue(s). If unable to resolve the issue(s), the student should contact the appropriate dean or director within ten calendar days of contact with the faculty. If still unable to resolve the issue(s), the student should contact the supervising vice-president within ten calendar days within contacting the dean or director. The decision of the vice-president shall be final.

(4) ~~(Academic grievances:~~

~~Students with an academic grievance should first contact the instructor and attempt to resolve the issue(s). If unable to resolve the issue(s), the student should contact the appropriate division chair. If still unable to resolve the issue(s), the student should contact the vice president for instruction. The decision of the vice president shall be final.)~~ Discrimination complaints:

Students who believe they have been discriminated against, including sexual harassment, may pursue an institutional complaint under the procedures outlined in the South Puget Sound Community College nondiscrimination policy and discrimination complaint/grievance procedures and/or may pursue other remedies provided by law. Procedures for filing discrimination complaints, other than those related to disability discrimination or denial of accommodations, may be found at <http://www.spscc.ctc.edu/getting-to-know-us/policies>.

Procedures for filing disability discrimination complaints or denial of accommodations are addressed by the South Puget Sound Community College procedures and appeals process for accommodating students with disabilities and disability discrimination complaints. Those procedures may be found at <http://www.spscc.ctc.edu/getting-to-know-us/policies>.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-090 Violations. Any student ~~(shall be subject to disciplinary action who, either as a principal actor or aider or abettor commits any of the following which are hereby prohibited)~~ found to have committed or to have attempted to commit any of the following violations on college-owned or controlled property or at college-sponsored or

supervised functions is subject to the disciplinary sanctions outlined in WAC 132X-60-120:

(1) Abusive conduct: Physical and/or verbal abuse of any person or conduct, including hazing and initiations which is intended ~~((unlawfully))~~ to threaten imminent bodily harm or to endanger the health or safety of any person ~~((on college-owned or controlled property or at college-sponsored or supervised functions))~~.

(2) Destroying or damaging property: Malicious damage to or malicious misuse of college property, or the property of any person ~~((where such property is located on the college campus))~~.

(3) Dishonesty: All forms of dishonesty including: Cheating; plagiarism; knowingly furnishing false information to the college; intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency, ~~((on college premises or at any college-sponsored activity))~~; forgery; alteration or use of college documents or instruments of identification with intent to defraud.

(4) Disorderly conduct: Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college.

(5) Drugs: Using, possessing, furnishing, or selling any narcotic or dangerous drug as those terms are used in Washington statutes, except when the use or possession of a drug is specifically prescribed to the student as medication by an authorized medical practitioner.

(6) Inciting others: Intentionally inciting others to engage in any prohibited conduct as defined herein, which incitement directly leads to such conduct. Inciting is the advocacy which prepares the group or individual addressed for immediate action and compels that individual or group to engage in the prohibited conduct.

(7) Insubordination: Failure to comply with lawful directions of college personnel acting in performance of their ~~((lawful))~~ official duties.

(8) Liquor: Possessing, consuming, or furnishing of alcoholic beverages ~~((on college-owned or controlled property or at college-sponsored or supervised functions))~~ where prohibited by law or college rules.

(9) Theft: Theft or conversion of college property or private property.

(10) Trespass/unauthorized presence: Entering or remaining unlawfully, as defined by state law, or using college premises, facilities, or property, without authority.

(11) Sexual harassment: ~~((It is the policy of the college that employees and students must be allowed to work and learn in an environment free from sexual harassment. Sexual harassment is expressly prohibited and will not be tolerated.~~

Sexual harassment is)) Unwelcome sexual advances, requests for sexual favors, other ~~((verbal or physical))~~ conduct ~~((of))~~ soliciting sexual favors, or other ~~((verbal or physical))~~ conduct of ~~((the))~~ a sexual nature which conduct objectively and subjectively creates a hostile environment that substantially interferes with a student's educational performance, or substantially interferes with an individual's work, regardless of whom is initiating or receiving that conduct. That is, sexual harassment conduct of employees toward students, supervisors toward supervisees, students toward students, ~~((of))~~ students toward employees. Sexual harassment com-

plaints are covered by the college's Nondiscrimination Policy and Discrimination Complaint/Grievance Procedures at <http://www.spscc.ctc.edu/getting-to-know-us/policies>.

~~((Complaints of sexual harassment should be made orally or in writing to the vice president for human resources (cases involving staff) or the vice president for student services (cases involving students). Complaints should be reported promptly (within thirty days) in order to help ensure effective investigation and resolution. Complaints will be promptly investigated in a full and fair manner. The vice president for human resources, serving as the college's affirmative action officer, is ultimately responsible for ensuring resolution of any sexual harassment complaints.~~

~~Anyone who is found to have violated this policy is subject to the normal and applicable disciplinary procedures of the college.))~~

(12) Weapons: Carrying, exhibiting, displaying or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(13) Computers - Misuse of technology: Use of college computers and/or computer programs for any purpose other than legitimate college business.

(14) Other violations: Students may be accountable to ~~((both))~~ civil and criminal authorities and to the college for acts which constitute violations of federal, state, or local law as well as college rules and policy. The college may refer any such violation to ~~((civilian))~~ civil and criminal authorities for disposition.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-100 ((Initial)) Disciplinary proceedings. (1) Initiation of disciplinary action. ~~((Anyone may report, orally or in writing, violations to the vice president for student services, or designee, who may initiate disciplinary action.))~~ Alleged violations shall be reported in writing to the vice president for student services within ten calendar days of occurrence.

(2) Notice requirements. Any student charged with ~~((a))~~ an alleged violation shall receive written notice from the office of the vice president for student services delivered to the student personally or by registered or certified mail to the student's last known address no later than two calendar weeks after a reported violation. The notice shall not be ineffective if presented later due to student's absence. ~~((Such))~~ The notice to the accused student shall:

(a) Inform the student ~~((that a report has been filed alleging that the student violated specific provisions of college policy and the date of the violation; and~~

~~((b) Set forth those provisions allegedly violated; and~~

~~((c))~~ what provision(s) of the student code he/she is charged with allegedly violating; and

~~((b))~~ Specify the exact time and date the student is required to meet with the vice president for student services; and

~~((d)) Specify the exact time, date, and location of the formal hearing with the student judicial board, if one is required; and~~

~~((e)) Inform the student that he/she may question witnesses, that he/she may have anyone appear in his/her behalf to defend him/her, that he/she may have a maximum of three character witnesses appear in his/her behalf; and~~

~~((f))~~ (c) Inform the student that failure to appear at ((either of)) the appointed time(s) to meet with the vice president for student ((services' office or at the hearing)) ser- vices may subject the student to suspension from the institution for a stated or indefinite period of time.

(3) Meeting with the vice president for student services.

(a) At the meeting with the vice president for student services the student shall be ~~((informed))~~ reinformed of the provision(s) of the code of student rights and responsibilities that are involved, and that the student may appeal any sanction imposed by the vice president for student services ~~((and that if a hearing with the student judicial board is required the student may have that hearing open to the public))~~ as outlined in WAC 132X-60-105.

(b) After considering the evidence in the case and, as appropriate, interviewing the student or students involved, the vice president for student services may take any of the following actions:

(i) Terminate the proceedings exonerating the student or students; or

(ii) Impose disciplinary sanctions as provided for in WAC 132X-60-120~~((; or~~

~~((iii) Refer the matter to the student judicial board for appropriate action)).~~

(c) A student accused and found guilty of violating any provision of ~~((college policy))~~ this code shall, within ten calendar days, be given ~~((immediate))~~ notification of any disciplinary action taken by the vice president for student services, including a brief statement of the reasons for the decision and notice of their right to appeal to the student judicial board within ten calendar days of the disciplinary action taken by the vice president.

(d) ~~((No))~~ Disciplinary action taken by the vice president for student services is final unless the student ((fails to)) exercises the right of appeal ((as provided for in these rules)) to the student judicial board.

~~((4)) Student judicial board.~~

~~((a)) Composition. The college shall have a standing student judicial board composed of nine members, who shall be chosen and appointed to serve as a standing committee until their successors are appointed. The membership of the board shall consist of three members of the administration, excepting the vice president for student services, appointed by the president; three faculty members appointed by the faculty organization; and three students appointed by the associated students of South Puget Sound Community College senate. Any student entitled to a hearing before the student judicial board shall choose, in writing, five members of the board to hear and decide the appeal or disciplinary case, provided, the student must choose at least one student, one faculty member and one member of the administration from the nine member board. In the event that unforeseen circumstances prevent a previously selected board member from attending the hear-~~

ing, the student must choose a replacement from among the balance of the standing committee.

(b) Hearing procedures.

(i) The five members of the student judicial board will hear, de novo, all disciplinary cases appealed to the committee by the student or referred to it by the vice-president for student services.

(ii) The five members of the student judicial board shall elect from among themselves a chairperson for the purpose of presiding at the disciplinary hearing.

(iii) The student shall be given written notice of the time, date, and location of the hearing; the specific charges against him/her; and shall be accorded reasonable access to the case file, which will be retained by the vice-president for student services.

(iv) Hearings will be closed to the public except for the vice-president for student services and/or designee, immediate members of the student's family, and the student's representative. An open hearing may be held, in the discretion of the chairperson, if requested by the student. All parties, the witnesses, and the public shall be excluded during the student judicial board's deliberations.

(v) The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the student, who disrupts a hearing or who fails to adhere to the rulings of the chairperson or committee advisor may be excluded from the proceedings and may be subject to disciplinary action as set forth in this policy.

(vi) The student may question witnesses, bring an advocate to defend him/her, and have a maximum of three character witnesses appear on his/her behalf.

(vii) The burden of proof shall be on the vice-president for student services who must establish the guilt of the student by a preponderance of the evidence.

(viii) Formal rules of evidence and procedure shall not be applicable in disciplinary proceedings conducted pursuant to this code. The chairperson shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

(ix) The vice-president for student services may appoint a special presiding officer to the student judicial board in complex cases or in any case in which the respondent is represented by legal counsel. Special presiding officers may participate in committee deliberations but shall not vote.

(x) In order that a complete record of the proceeding, including all evidence presented, can be made, hearings may be tape recorded or transcribed. If a recording or a transcription is not made, the decision of the student judicial board must include a summary of the testimony and shall be sufficiently detailed to permit appellate review.

(xi) After considering the evidence in the case and interviewing the student or students involved, the student judicial board shall decide by majority vote whether to:

(A) Terminate the proceedings exonerating the student(s); or

(B) Impose disciplinary sanctions as provided in WAC 132X-60-120.

(xii) Final decisions of the student judicial board, including findings of fact or reasons for the decision, shall be delivered to the student personally or by registered or certified mail to the student's last known address and a copy filed with the office of the vice-president for student services.)

NEW SECTION

WAC 132X-60-105 Student judicial board appeals process. (1) Composition. The college shall have a student judicial board composed of six members, who shall be chosen and appointed to serve until their successors are appointed. The membership of the board shall consist of two members of the exempt staff, excepting the vice-president for student services, appointed by the president; two faculty members appointed by the faculty senate; and two students appointed by the associated student body president. Any student entitled to a hearing before the student judicial board shall choose, in writing, three members of the board to hear and decide the appeal, provided the student must choose at least one student, one faculty member and one exempt staff from the six-member board. In the event that unforeseen circumstances prevent a previously selected board member from attending the hearing, the student must choose a replacement from among the balance of the board.

(2) Disciplinary hearing procedures.

(a) The three members of the student judicial board will hear the appeal within ten days of receipt of the appeal from the student.

(b) The three members of the student judicial board shall elect from among themselves a chairperson for the purpose of presiding at the disciplinary hearing.

(c) At least seven calendar days in advance, the student shall be given written notice of the time, date, and location of the hearing; the specific charges against him/her; and shall be given reasonable access to a list of witnesses who will appear with a brief summary of the witness expected testimony and other evidence. The evidence will be retained by the vice-president for student services.

(d) Student judicial board hearings shall be held in closed session. The complainant, accused student and their representative/advocate, if any, the vice-president for student services, college counsel, counsel for the judicial board, and a court reporter or person operating audio recording equipment shall be allowed to attend the entire portion of the student judicial board hearing, excluding deliberation. Admission of any other person to the student judicial board hearing shall be at the election of the accused student.

(e) The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the accused student, who disrupts a hearing or who fails to adhere to the rulings of the chairperson or board may be excluded from the proceedings and may be subject to disciplinary action as set forth in this code.

(f) The accused student has the right to be assisted by any person they choose, at their own expense. The chosen person is not permitted to speak or participate directly in any hearing before the judicial board. If the accused student chooses a licensed attorney, the accused student must notify the vice-

president for student services at least five calendar days prior to the hearing, of the attorney's intended appearance.

(g) The accused student, vice-president for student services and/or their counsel may arrange for witnesses to present pertinent information to the student judicial board. Witnesses will provide information under oath and answer questions.

(h) Formal rules of evidence and procedure shall not be applicable in disciplinary proceedings conducted under this code. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the student judicial board at the discretion of the chairperson. All procedural questions are subject to the final decision of the chairperson of the student judicial board.

(i) There shall be a single verbatim record, such as a tape recording or transcript, of all student judicial board hearings, excluding deliberations. The record shall be the property of the college.

(3) Hearing conclusions. After considering the evidence in the case, the student judicial board shall decide by majority vote whether to:

(a) Affirm the disciplinary sanctions imposed by the vice-president for student services; or

(b) Terminate the proceedings exonerating the student(s); or

(c) Impose other appropriate disciplinary sanctions as provided in WAC 132X-60-120.

Final decisions of the student judicial board, reasons for the decision, including findings of fact, and conclusions of law, shall be delivered within ten calendar days of the hearing by return receipt requested mail to the student's last known address and a copy filed with the office of the vice-president for student services.

The decision of the student judicial board is final.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-120 Disciplinary sanctions. The following sanctions may be imposed by the vice-president for student services or the student judicial board upon any student found to have violated the code of student rights and responsibilities:

(1) Warning. Notice to a student, either verbally or in writing (~~(, that the student has been in violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct)~~). Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary ~~((actions))~~ sanctions described below.

(2) Reprimand. Formal action censuring a student for violation of the college ~~((rules or regulations or has otherwise failed to meet the college's standards of conduct))~~ code. Reprimands shall be made in writing to the student ~~((as appropriate by the vice-president for student services or the student judicial board))~~ with copies filed in the office of the ~~((dean of students))~~ vice-president for student services. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will nor-

mally result in one of the more serious disciplinary ~~((actions))~~ sanctions described below.

(3) Fines. ~~((The vice-president for student services and/or the student judicial board may))~~ Assess monetary fines ((up to a maximum of one hundred dollars per violation)) against individual students for violation of ~~((rules and regulations or for the failure to meet the college's standards of conduct))~~ code. The fines imposed will be deposited in the appropriate college account. Failure to pay such fines within thirty days ~~((will))~~ may, at the discretion of the vice-president for student services, result in suspension for an indefinite period of time as set forth in subsection (6) of this section, provided that a student may be reinstated upon payment of the fine.

(4) Restitution. An individual student may be required to make restitution for damage or loss to college or other property and for injury to persons. Failure to make restitution within thirty days ~~((will))~~ may, at the discretion of the vice-president for student services, result in suspension for an indefinite period of time as set forth in subsection ~~((6))~~ (8) of this section, provided that a student may be reinstated upon payment.

(5) Forfeit of state-funded grants, scholarships or awards. A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college.

(6) Deprivation of official recognition of organization, association, student living group or club. Any organization, association, student living group or club that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

(7) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violations of ~~((rules or regulations or other failure to meet the college's standards of conduct))~~ code. Written notice of disciplinary probation will specify the period of probation and any conditions, such as limiting the student's participation in extracurricular activities or access to specific areas of the college's facilities. Copies of the notice shall be kept on file in the office of the vice-president for student services and, at the discretion of the vice-president for student services, in the student's official educational records. Disciplinary probation ~~((may))~~ will be for a specified term ~~((or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college))~~.

~~((6))~~ (8) Suspension/dismissal. Temporary, ((indefinite,)) summary or permanent dismissal of a student from the college ((of a student)) for violation of college ((rules and regulations)) code. The written notification suspending a student will ((indicate, in writing,)) state the term of the suspension ((and)), any special conditions which must be met before readmission, and the provision for appeal for readmission as outlined in WAC 132X-60-130. ((Copies of the notification)) Notice shall be ((kept)) on file in the office of the vice-president for student services and in the student's official education record.

~~((Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy.))~~

Students who are suspended from the college may be denied access to all or any part of the campus or other facility during the duration of the period of suspension.

Refund of tuition and fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund rules.

(9) Withholding transcripts and/or degree. The college may withhold issuing transcripts or awarding a degree otherwise earned until completion of the process set forth in this code.

(10) More than one of the sanctions listed above may be imposed for any single violation.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-130 Readmission after suspension/dismissal. If the student has been suspended ~~((for an indefinite period))~~/dismissed, or feels that circumstances warrant reconsideration of the ~~((temporary))~~ suspension/dismissal prior to its expiration, the student may be readmitted following approval of a written petition submitted to the vice-president for student services. Such petition~~(s)~~ must state reasons, including appropriate documentation, which support a reconsideration of the matter. The vice-president for student services will respond in writing within ten calendar days of receiving the written petition for readmission.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-140 Summary suspension procedures. (1) Initiation of summary suspension procedures. The vice-president for student services, or designee, may suspend any student of the college for not more than ten ~~((academic))~~ calendar days pending investigation, action or ~~((prosecution on charges))~~ initiating disciplinary proceedings of alleged violation~~(s)~~ ~~((or violations))~~ of the college ~~((policy))~~ code, if the vice-president for student services has reason to believe the student's ~~((physical or emotional safety and well-being, or the safety and well-being of other college community members, or the safety and well-being of the college property requires such suspension))~~ presence presents an immediate danger to the public health, safety or welfare requiring immediate action.

(2) Permission to enter or remain on campus. During the period of summary suspension, the suspended student shall not enter the campus of the college or any facility under the operation of the college other than to meet with the vice-president for student services or to attend the disciplinary hearing. However, the vice-president for student services may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for the disciplinary hearing.

(3) Notice of order of summary suspension proceedings.

(a) If the vice-president for student services or designee finds it necessary to exercise the authority to summarily suspend a student, he/she shall ~~((give the student notice, orally~~

~~or in writing, stating: The time, date, place, and nature of the alleged misconduct; the evidence in support of the charge(s);~~);

(i) Send a notice including a brief statement of reason for the decision (findings of fact and conclusions of law); and

(ii) The corrective action or punishment which may be imposed against the student; that anything the student says to the vice-president may be used against the student; and that the student may either accept the disciplinary action or, within forty-eight hours or two ~~((work))~~ academic days following receipt of ~~((this notification))~~ the notice, file at the office of the vice-president for student services, ~~((a written request for a hearing by))~~ an appeal to the student judicial board. If the ~~((request))~~ appeal is not filed within the prescribed time, it will be deemed ~~((as))~~ waived. The college shall maintain its official record all documents considered or prepared regarding the matter.

(b) Appeal and disciplinary hearing. ~~((If oral notice is given, it shall be followed by written notice within forty-eight hours or two working days.))~~ The hearing shall be ~~((accomplished))~~ held according to the ~~((procedures))~~ process set forth in WAC ~~((132X-60-100))~~ 132X-60-105. Failure by the student to appear at the hearing with the student judicial board ~~((shall))~~ may result in the vice-president for student services or designee suspending the student from the college.

~~((e))~~ (4) Classroom summary suspension and appeal process. Nothing herein shall prevent faculty members from taking ~~((reasonable))~~ summary action as may be reasonably necessary to maintain order when they have reason to believe that such action is necessary for the ~~((physical safety and well-being of the student, or the safety and protection of other students or of college property))~~ public health, safety or welfare requiring immediate college action or where the student's conduct materially and substantially disrupts the educational process.

(a) Such summary action in the form of removal from the classroom shall be effective for a period not to exceed ~~((two))~~ three scheduled classroom days.

(b) The faculty member must immediately report such suspension to the vice-president for student services who will follow the process in subsections (1), (2) and (3) of this section.

(c) Any summary action may be appealed immediately in writing by the student to the vice-president for student services ~~((for an informal hearing)).~~

(d) The vice-president for student services must decide the appeal within twenty-four hours' receipt of the appeal and their decision is final.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-150 Emergency procedures. In the event of activities which interfere with the orderly operation of the college, the vice-president for student services or the president, or their designees shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

(1) Inform those involved in such activities that they are in violation of college ~~((and/or))~~ code or civil/criminal laws or regulations.

(2) Inform them that they should cease and desist. Indicate an area on campus where they are able to conduct their activities without interfering with the operation of the college, if such an area is available.

(3) If they do not respond within a reasonable time, call ~~((the civil authorities))~~ campus security.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-160 ~~Athletics—~~Grounds for ineligibility. Any student found to have violated chapter 69.41 RCW, which prohibits the unlawful sale, delivery or possession of prescription drugs, shall, after hearing and any appeals, be disqualified from participation in any college-sponsored athletic events or activities.

AMENDATORY SECTION (Amending WSR 00-05-023, filed 2/8/00, effective 3/10/00)

WAC 132X-60-170 Initiation of athletic ineligibility proceedings. The vice-president for student services or ~~((his or her))~~ designee ~~((shall have the authority to request commencement of))~~ can initiate athletic ineligibility proceedings whenever he or she has reasonable cause to believe that the student has violated chapter 69.41 RCW or ~~((has))~~ been advised that the student has been convicted of a crime involving the violation of chapter 69.41 RCW. ~~((The))~~ A notice of the alleged violations ~~((and)),~~ proposed ~~((suspension))~~ disqualification from participation and the opportunity for a ~~((hearing))~~ brief adjudicative proceeding shall be given to the student at least ten calendar days before the hearing. ~~((A student convicted of violating chapter 69.41 RCW in a separate criminal proceeding may be given by the vice president for student services or his or her designee an interim suspension pending final determination of any administrative proceeding held under these rules.))~~ Should the student desire not to go forward with the hearing, the disqualification for participation in athletic events or activities shall be imposed as set forth in the notice of hearing to the student.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132X-60-075	Commercial and promotional activities.
WAC 132X-60-110	Appeals of disciplinary action.
WAC 132X-60-178	Noncollege speaker policy.
WAC 132X-60-180	Ineligibility proceedings.

Chapter 132X-70 WAC

FACULTY TENURE

NEW SECTION

WAC 132X-70-010 Tenure and dismissal. It is the rule of the board of trustees of Community College District XXIV that all matters related to tenure and dismissal of academic employees shall be governed by the laws of the state of Washington and the terms of the negotiated agreement between the board of trustees of Community College District XXIV and the South Puget Sound Community College federation of teachers as contained in that agreement.

NEW SECTION

WAC 132X-70-020 Professional leave. It is the rule of the college that faculty be granted professional leave for the purpose of providing opportunities for study, research and creative activities for the enhancement of the college's instructional programs and services per RCW 28B.10.650.

Chapter 132X-80 WAC

COURSE MATERIALS SALES

NEW SECTION

WAC 132X-80-010 Purpose. This rule governs affiliated bookstores in materials for courses.

NEW SECTION

WAC 132X-80-020 Definitions. (1) **Materials** means any supplies or texts required or recommended by faculty or staff for a given course.

(2) **Bundled** means a group of objects joined together by packaging or required to be purchased as an indivisible unit.

NEW SECTION

WAC 132X-80-030 Course materials and cost savings. (1) The college bookstore will provide students the option of purchasing materials that are unbundled, when possible.

(2) The college bookstore will publicly disclose to faculty, staff and students the title, authors, edition, International Standard Book Number (ISBN), and retail price of materials on a per course basis four weeks before each term begins.

(3) The college bookstore will disclose publicly how new editions vary from previous editions by providing the contact information for the publisher when requested.

(4) When a new edition of a textbook is ordered by faculty, the bookstore will provide new text pricing for the faculty when contacted directly. The bookstore will also inquire if students may use the old edition if it is available.

(5) The college bookstore will promote and publicize book buy-back programs.

(6) Faculty and staff are encouraged to consider the least costly practices in assigning course materials such as:

(a) Adopting the least expensive edition available when educational content is comparable as determined by the faculty;

(b) Working closely with publishers and bookstore staff to create bundled materials if such packaging delivers cost savings to students; and

(c) Working with the bookstore staff to disseminate open source course materials when such open source materials are adopted and required for the course.

Chapter 132X-90 WAC

PROCESS FOR HEARINGS

NEW SECTION

WAC 132X-90-010 Purpose. The purpose of this chapter is to provide process for brief and full adjudicative hearings.

NEW SECTION

WAC 132X-90-020 Model rules of procedure. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at the college. Those rules may be found at chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by the college shall govern.

NEW SECTION

WAC 132X-90-030 Variation from time limits. The college finds that in light of its governance structure it may be necessary from time to time to change the time limits set forth in chapter 34.05 RCW for adjudicative or brief adjudicative hearings. The college is hereby authorized to provide for emergency variation of the time limits as required in a specific case(s). Any modification in the time limits shall be to new time limits that are reasonable under the specific circumstances. The presiding or reviewing officer shall give reasonable and adequate notice of the pertinent time limits to the affected persons. Affected persons may also waive any rights conferred upon them by chapter 34.05 RCW.

NEW SECTION

WAC 132X-90-040 Brief adjudicative procedure. This rule adopts the provision of RCW 34.05.482 through 34.05.494. Brief adjudicative procedures may, at the election of college, be used in all appeals related to:

- (1) Residency classifications made pursuant to RCW 28B.15.013;
- (2) Outstanding debts of college employees or students;
- (3) Loss of eligibility to participate in athletic events;
- (4) Contents of educational records pursuant to 34 C.F.R. section 99.21;
- (5) Denial of mandatory tuition and fee waivers;
- (6) Denial of tuition and fee refunds;

(7) Use of college facilities;

(8) Any other rule adopted by college which specifically provides for a brief adjudicative procedure.

NEW SECTION

WAC 132X-90-050 Appointment of presiding officers. The president or his/her designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington Bar Association, a panel of individuals, the president or his/her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, witness exclusion, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132X-90-060 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing and should be submitted to the following address within twenty-one days of the college action giving rise to the application, unless provided for otherwise by statute or rule: President's Office, South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, Washington 98512-6292.

NEW SECTION

WAC 132X-90-070 Discovery and prehearing conferences. Discovery including investigation in adjudicative proceeding may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

Prehearing conferences or other conferences may be held for the settlement or simplification of issues at the discretion of the presiding officer, or pursuant to a motion by either of the parties for a prehearing conference. The prehearing conference may be conducted by telephone, television or other electronic means, in the discretion of the presiding officer and where the rights of the parties will not be prejudiced. Each participant in the conference shall have an opportunity to participate effectively in, to hear, and if technically and economically feasible, to see the entire proceeding while it is taking place.

NEW SECTION

WAC 132X-90-080 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132X-90-090 Recording devices. No camera or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132X-90-050 and 132X-90-100, except for the method of official recording selected by the college.

NEW SECTION

WAC 132X-90-100 Procedure for closing parts of the hearing. The hearing is open to public observation, except for the parts that the presiding officer states to be closed under a provision of law expressly authorizing closure or under a protective order entered by the presiding officer. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed and state the reasons therefore in writing within twenty days of receiving the request.

NEW SECTION

WAC 132X-90-110 Process for excluding witnesses. A party may apply for an order excluding witnesses for good cause. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine and may order, upon a showing of good cause, which, if any, witnesses should be excluded and state the reasons therefore in writing within twenty days of receiving the request.

NEW SECTION

WAC 132X-90-120 Petitions for stay of effectiveness or to stop action. A party may submit to the presiding or reviewing officer a petition for stay of effectiveness of a final order within ten days of service of the final order unless otherwise provided by statute or stated in the final order. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers who entered the final order. Disposition denying a stay is not subject to judicial review.