

Title 130 WAC

COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT OF (TRADE AND ECONOMIC DEVELOPMENT)

Chapters

- 130-10** **Public records—Disclosure.**
- 130-14** **Child care facility fund rules.**
- 130-16** **Industrial development—Revenue**
 bonds—Financing eligibility.
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 ness program.

- 130-12-160 Agency approval of application. [Order 76-1, § 130-12-160, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
- 130-12-170 Exceptions to agency approval provisions. [Order 76-1, § 130-12-170, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
- 130-12-180 Agency denial of application. [Order 76-1, § 130-12-180, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 130-12 BUSINESS COORDINATION ACT

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| 130-12-010 | Declaration of purpose. [Order 76-1, § 130-12-010, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. | 130-12-210 | Assignment of renewal schedules. [Order 76-1, § 130-12-210, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |
| 130-12-020 | Definitions. [Order 76-1, § 130-12-020, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. | 130-12-220 | Verification of license status. [Order 76-1, § 130-12-220, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |
| 130-12-030 | Licenses which may be included on the master license. [Order 76-1, § 130-12-030, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. | 130-12-230 | Automatic renewal of licenses. [Order 76-1, § 130-12-230, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |
| 130-12-040 | Businesses covered. [Order 76-1, § 130-12-040, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. | 130-12-240 | Renewal notices. [Order 76-1, § 130-12-240, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |
| 130-12-045 | Qualified applicants. [Order 76-1, § 130-12-045, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. | 130-12-250 | Renewal procedures. [Order 76-1, § 130-12-250, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |
| 130-12-050 | Participation. [Order 76-1, § 130-12-050, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. | 130-12-310 | Handling of fees. [Order 76-1, § 130-12-310, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |
| 130-12-060 | Authority to prepare forms. [Order 76-1, § 130-12-060, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. | 130-12-320 | Application withdrawal. [Order 76-1, § 130-12-320, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |
| 130-12-110 | New application procedures. [Order 76-1, § 130-12-110, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. | 130-12-330 | Master license fee. [Order 76-1, § 130-12-330, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |
| 130-12-120 | Number assignments and changes in business. [Order 76-1, § 130-12-120, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. | 130-12-340 | Fee requirements. [Order 76-1, § 130-12-340, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |
| 130-12-125 | Notification of changes. [Order 76-1, § 130-12-125, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. | 130-12-350 | Prorating of fees. [Order 76-1, § 130-12-350, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |
| 130-12-130 | Issuance of temporary license. [Order 76-1, § 130-12-130, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. | 130-12-360 | Late filing procedures. [Order 76-1, § 130-12-360, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |
| 130-12-140 | Notification to administering agencies. [Order 76-1, § 130-12-140, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. | 130-12-410 | Issuing of master license. [Order 76-1, § 130-12-410, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |
| 130-12-150 | Automatic license approvals. [Order 76-1, § 130-12-150, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. | 130-12-510 | Supplemental applications. [Order 76-1, § 130-12-510, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |
| | | 130-12-520 | Revoking of licenses. [Order 76-1, § 130-12-520, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910. |

130-12-530	Individual license voiding procedures. [Order 76-1, § 130-12-530, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
130-12-610	Posting. [Order 76-1, § 130-12-610, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
130-12-620	Transferability. [Order 76-1, § 130-12-620, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
130-12-630	Misuse of master license. [Order 76-1, § 130-12-630, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
130-12-640	Loss of master license. [Order 76-1, § 130-12-640, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
130-12-710	Coordination of inspections. [Order 76-1, § 130-12-710, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
130-12-720	Training of inspectors. [Order 76-1, § 130-12-720, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.
130-12-730	Inspection log sheets. [Order 76-1, § 130-12-730, filed 5/24/76.] Repealed by 80-04-008 (Order 80-1), filed 3/7/80. Statutory Authority: RCW 19.02.060 and 43.31.870 — 43.31.910.

Chapter 130-10 WAC

PUBLIC RECORDS—DISCLOSURE

WAC

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130-10-040	Programs operated by department.
130-10-050	Public records—Availability.
130-10-060	Request for public records.
130-10-065	Fees—Inspection and copying.
130-10-070	Protection of public records.
130-10-075	Records index.
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130-10-085	Disclosure procedure.
130-10-090	Exemptions to public records disclosure.
130-10-091	Temporary exemptions to disclosure.
130-10-095	Qualifications on nondisclosure.
130-10-100	Review of denials of public records request.

WAC 130-10-010 Purpose. The purpose of this chapter shall be to ensure compliance by the department of trade and economic development with the provisions of the Public Records Disclosure Act, RCW 42.17.250 through 42.17.340 and the Administrative Procedure Act, chapter 34.05 RCW, Part II.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-010, filed 11/5/90, effective 12/6/90.]

WAC 130-10-020 Definitions. (1) "Department" means the department of trade and economic development.

(2) "Disclosure" means inspection and/or copying.

(3) "Public records" include writing containing information related to the conduct of government or the performance of a governmental or proprietary function prepared, owned, used or retained by the department regardless of physical form or characteristics.

(4) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of

recording a form of communication or representation, including:

(a) Letters, words, pictures, sounds, or symbols; and

(b) All papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(5) "Policy statement" means a written description of the current approach of an agency, entitled a policy statement by the director, to implement a statute or court decision, including where appropriate the agency's current practice, procedure, or method of action.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-020, filed 11/5/90, effective 12/6/90.]

WAC 130-10-030 Establishment of department. (1)

The department of trade and economic development was created effective June 30, 1985 under the authority of chapter 43.31 RCW. The former department of commerce and economic development was abolished and the department was assigned all its reports, documents, surveys, books, records, files, papers, written materials, physical assets, and all its classified employees.

(2) The department was established to pursue a coordinated approach for the state's economic development policies and programs to achieve a more diversified and healthy economy.

(3) The administrative office of the department is located in Olympia. Certain programs are located in branch offices located in Seattle, Pasco, Tokyo, Japan and Taipei, Taiwan. A contract representative is located in London, England.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-030, filed 11/5/90, effective 12/6/90.]

WAC 130-10-040 Programs operated by department. The department operates the following programs:

(1) Under the office of the director:

(a) Communications

(b) Forest products program

(c) Government relations/legislative liaison

(d) International relations and protocol

(e) Policy analysis

(2) The business assistance center including:

(a) Business finance authority

(b) Employer child care program

(c) Markets for recycled materials program

(d) Minority business assistance program

(e) Small business service

(f) Washington marketplace program

(3) Business development including:

(a) Business and job retention program

(b) Business expansion division

(c) Community economic revitalization board

(d) Team Washington program

(e) Tri-cities diversification program

(4) Market and targeted industry development including:

(a) Canada program

(b) European program

(c) Film and video development

(d) Japan program

- (e) Product export development division
- (f) Targeted sectors program
- (5) Tourism development including:
 - (a) Advertising and marketing
 - (b) Facilities development
 - (c) Information services
 - (d) Research
 - (e) Technical assistance
- (6) Administrative services including:
 - (a) Budget and fiscal
 - (b) Contracts
 - (c) Human resources
 - (d) Information systems
 - (e) Word processing

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-040, filed 11/5/90, effective 12/6/90.]

WAC 130-10-050 Public records—Availability. (1)

Public records are available for public inspection and copying except as otherwise provided by RCW 42.17.310 and these rules.

(2) Requests for any identifiable public record shall be made directly to the Director, Administrative Services Division, 101 General Administration Building, AX-13, Olympia, WA 98504.

(3) The department will at all times take the most timely possible action on requests for disclosure.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-050, filed 11/5/90, effective 12/6/90.]

WAC 130-10-060 Request for public records. (1) A

request for disclosure of a public record may be oral or written. Such a request need merely identify with reasonable certainty the record sought to be disclosed.

(2) A request for disclosure shall be made during customary business hours.

(3) A request for disclosure shall not be made for commercial or political purposes.

(4) When a person's identity is relevant to an exemption, that person may be required to provide personal identification.

(5) Nothing in this section or elsewhere in this chapter shall be construed to require the department to compile statistics or other information from material contained in public records, where doing so would unduly interfere with other essential functions of the department and is not required for litigation by rules of pretrial discovery.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-060, filed 11/5/90, effective 12/6/90.]

WAC 130-10-065 Fees—Inspection and copying. (1)

No fee shall be charged for the inspection of public records.

(2) The department shall collect the following fees to reimburse itself for actual costs incident to providing copies of public records:

(a) Most reports or publications will be free unless out of print, in which case cost of copying and mailing will be

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charged. Certain publications will be charged at established prices;

(b) Cost of copying of blueprints and like materials involving an extraordinary expense shall be fully reimbursed to the department;

(c) Otherwise, the department shall charge a fee of ten cents per page, plus postage if any, provided that:

(i) The first ten pages shall be free;

(ii) Additionally, any materials to be entered by the department as an exhibit in a hearing or trial shall be free.

(3) Nothing contained in this section shall preclude the department from agreeing to exchange or provide copies of reports or other public records with other state or federal agencies, whenever doing so is in the best interest of the department or the state.

(4) The director of the department or his designee is authorized to waive any of the foregoing copying costs.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-065, filed 11/5/90, effective 12/6/90.]

WAC 130-10-070 Protection of public records. (1) No

person shall knowingly alter, deface, or destroy public records of the department.

(2) Original copies of public records of the department shall not be removed from the premises where maintained.

(3) Care and safekeeping of public records furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-070, filed 11/5/90, effective 12/6/90.]

WAC 130-10-075 Records index. (1) The department

finds that it would be unduly burdensome and would interfere with agency operations to maintain an index of records because of the complexity and diversity of its operations and the resulting volume of manuals, correspondence reports, surveys, staff studies and other materials. Therefore, requests for records should generally relate to those programs listed under WAC 130-10-040.

(2) The department will make available for public disclosure all indices which may at a future time be developed for agency use.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-075, filed 11/5/90, effective 12/6/90.]

WAC 130-10-080 Interpretive and policy statements.

(1) After July 1, 1990, when administering programs requiring distribution of interpretive and policy statements, departments are obligated to create an index in accordance with RCW 34.05.220. This section is intended to implement this statute. Any interpretive and policy statements issued by the department will be sent to interested persons.

(2) The department will maintain a roster of persons interested in receiving such interpretive and policy state-

ments. Copies of new or amended statements will be sent to persons listed on the roster.

(3) A person needing interpretive and policy statements may request copies, in writing, from the Director, Administrative Services, 101 General Administration Building, AX-13, Olympia, WA 98504.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-080, filed 11/5/90, effective 12/6/90.]

WAC 130-10-085 Disclosure procedure. (1) The director, administrative services, or his/her designee, shall review file materials prior to disclosure.

(2) If the file does not contain materials exempt from disclosure, the director of administrative services, or his/her designee, shall ensure full disclosure.

(3) If the file does contain materials exempt from disclosure, the director of administrative services shall deny disclosure of those exempt portions of the file, and shall, at the time of the denial, in writing, clearly specify the reasons for the denial of disclosure, including a statement of the specific exemptions or reasons authorizing the withholding of the record and a brief explanation of how the exemption or reason applies. The remaining, nonexempt materials shall be fully disclosed.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-085, filed 11/5/90, effective 12/6/90.]

WAC 130-10-090 Exemptions to public records disclosure. Nondisclosable records are those exempted by RCW 42.17.310 including the following pertinent to department activities:

(1) Financial and commercial information and records supplied by private persons pertaining to export services.

(2) Financial and commercial information and records supplied by businesses during application for loans or program services.

(3) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(4) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(5) Personal information in files maintained for an employee of the department.

(6) The residential addresses and residential telephone numbers of employees or volunteers of the department.

(7) Preliminary drafts, notes, recommendations, and intragency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited in connection with any agency action.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-090, filed 11/5/90, effective 12/6/90.]

WAC 130-10-091 Temporary exemptions to disclosure. (1) Records relevant to a controversy to which the department is a party which would not be available to another

party under the rules of pretrial discovery for cases pending in the superior courts, including records involving attorney-client communications between the department and the office of the attorney general privileged under RCW 5.60.060(5) until the case is settled.

(2) Competitive contract procurement instruments, such as (a) requests for proposals or invitations for bids, until released to potential bidders; (b) proposals and bids received in response to competitive contract procurement instruments until either the opening of bids or, for unfunded proposals, until the contractor and the department have signed a contract.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-091, filed 11/5/90, effective 12/6/90.]

WAC 130-10-095 Qualifications on nondisclosure. (1) No exemptions under WAC 130-10-090 shall be construed to include statistical information not descriptive of identifiable clients.

(2) Inspection and copying of any specific records otherwise nondisclosable is permissible pursuant to an order of the superior court enforcing a subpoena.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-095, filed 11/5/90, effective 12/6/90.]

WAC 130-10-100 Review of denials of public records request. (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 to the Director, Administrative Services, 101 General Administration Building, AX-13, Olympia, WA 98504. The written request shall point out specific objections to the written statement which accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the director of administrative services shall refer it to the office of administrative hearings. The chief administrative law judge or his designee shall consider the matter and either affirm or reverse such denial within ten business days following the request for review.

[Statutory Authority: RCW 42.17.250 through 42.17.340 and 34.05.220 through 34.05.230. 90-22-065, § 130-10-100, filed 11/5/90, effective 12/6/90.]

Chapter 130-14 WAC

CHILD CARE FACILITY FUND RULES

WAC

130-14-010	Definitions.
130-14-020	Loan guarantees.
130-14-030	Direct loans.
130-14-040	Grants.
130-14-050	Project eligibility.
130-14-060	Use of funds.
130-14-070	Reports.

WAC 130-14-010 Definitions. As used in this chapter: Capital improvements means improvements to real property or improvements or acquisition of personal property which is depreciable under the Federal Tax Code.

Existing child care facility means that facility which holds a current license for a child care facility from the department of social and health services (DSHS) at the time of application to the child care facility fund.

New child care facility means that facility that does not hold a current license for a child care facility from the department of social and health services (DSHS) at the time of application to the child care facility fund.

Applicant means either:

(1) One or more businesses seeking to establish or cause to be established a child care facility primarily for use of the children of its employees; or

(2) A child care facility that has a written contract with one or more private sector businesses to provide child care for the employees of that business.

(3) A business, organization or person whose primary purpose is to provide child care services. Sectarian organizations are not eligible organizations.

[Statutory Authority: RCW 43.31.504. 02-06-043, § 130-14-010, filed 2/27/02, effective 3/30/02; 92-02-015, § 130-14-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.31.085. 90-17-054, § 130-14-010, filed 8/14/90, effective 9/14/90.]

WAC 130-14-020 Loan guarantees. (1) Loans that are awarded to an applicant through a lending institution can be guaranteed by the child care facility fund up to eighty percent of the loan or to a maximum of twenty-five thousand dollars. Such loan must be intended to start or expand a child care facility and be made by a state or federally regulated financial institution.

(2) The loan guarantee shall be awarded on a one-time-only basis and shall not exceed twenty-five thousand dollars.

(3) Applicants must provide sufficient collateral for funds under this section, as determined by the child care facility fund committee.

[Statutory Authority: RCW 43.31.504. 92-02-015, § 130-14-020, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.31.085. 90-17-054, § 130-14-020, filed 8/14/90, effective 9/14/90.]

WAC 130-14-030 Direct loans. (1) Direct loans may be awarded to the applicant on a one-time-only basis and shall not exceed a maximum of one hundred thousand dollars.

(2) Repayment of the direct loan shall be made to the child care facility revolving fund.

(3) Interest rates for a direct loan may be up to prime rate, negotiated on a case-by-case basis, fixed for the life of the loan. Loan terms shall be negotiated on a case-by-case basis.

(4) Applicants must provide sufficient collateral for funds loaned under this section, as determined by the child care facility fund committee.

(5) Applicants may be charged a one-time loan origination fee.

[Statutory Authority: RCW 43.31.504. 02-06-043, § 130-14-030, filed 2/27/02, effective 3/30/02; 92-02-015, § 130-14-030, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.31.085. 90-17-054, § 130-14-030, filed 8/14/90, effective 9/14/90.]

WAC 130-14-040 Grants. (1) A grant may be awarded to the applicant on a one-time-only basis.

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(2) A grant shall not exceed a maximum of twenty-five thousand dollars and must be matched on a dollar-for-dollar basis with cash or goods or services that would otherwise have required cash outlay and are necessary for start up or capital improvement expenses.

(3) Full repayment of a grant to the child care facility revolving fund is required if the child care facility ceases to provide child care earlier than the following time periods from the date the grant is made:

(a) Twelve months for a grant up to five thousand dollars;

(b) Twenty-four months for a grant over five thousand dollars to ten thousand dollars;

(c) Thirty-six months for a grant over ten thousand dollars to fifteen thousand dollars;

(d) Forty-eight months for a grant over fifteen thousand dollars to twenty thousand dollars;

(e) Sixty months for a grant over twenty thousand dollars to twenty-five thousand dollars.

(4) Applicants must provide sufficient collateral for funds for this section, as determined by the child care facility fund committee.

[Statutory Authority: RCW 43.31.504. 92-02-015, § 130-14-040, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.31.085. 90-17-054, § 130-14-040, filed 8/14/90, effective 9/14/90.]

WAC 130-14-050 Project eligibility. To receive child care facility funds under these provisions, an applicant must:

(1) Include with their application a copy of the required state license for child care services.

(2) Submit a plan that includes a description of:

(a) The need for a new or improved child care facility in the area to be served by the applicant;

(b) The steps to be taken to serve a reasonable number of:

(i) Handicapped children;

(ii) Sick children;

(iii) Infants;

(iv) Children requiring nighttime or weekend care;

(v) Children whose costs of care are subsidized by the government;

(c) Why financial assistance from the state is needed to start or improve the child care facility;

(d) How the guaranteed loan, direct loan, or grant will be used, and how such use will meet the described need;

(e) The child care services to be available at the facility and the capacity of the applicant to provide these services;

(f) The financial status of the applicant, including other resources available to the applicant which will ensure the viability of the facility and the availability of its described services.

[Statutory Authority: RCW 43.31.504. 02-06-043, § 130-14-050, filed 2/27/02, effective 3/30/02; 92-02-015, § 130-14-050, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.31.085. 90-17-054, § 130-14-050, filed 8/14/90, effective 9/14/90.]

WAC 130-14-060 Use of funds. Eligible activities and uses of child care facility funds include:

(1) Capital improvements for new or existing licensed child care facilities;

(2) Operating capital for new facilities which are available for a period limited to the first three months of operation.

(3) Purchase of land or buildings which enables a child care business to increase the number licensed child care slots.

[Statutory Authority: RCW 43.31.504, 02-06-043, § 130-14-060, filed 2/27/02, effective 3/30/02. Statutory Authority: RCW 43.31.085, 90-17-054, § 130-14-060, filed 8/14/90, effective 9/14/90.]

WAC 130-14-070 Reports. Recipients shall annually for two years following the receipt of the loan guarantee, direct loan, or grant, submit to the child care facility fund committee a report on the facility and how it is meeting the child care needs for which it was intended.

[Statutory Authority: RCW 43.31.085, 90-17-054, § 130-14-070, filed 8/14/90, effective 9/14/90.]

Chapter 130-16 WAC

INDUSTRIAL DEVELOPMENT—REVENUE BONDS—FINANCING ELIGIBILITY

WAC

130-16-010	Purpose and authority.
130-16-020	Definitions.
130-16-030	Application procedure.
130-16-040	Application processing.
130-16-050	Petition for reconsideration.
130-16-060	Contested case hearings.
130-16-070	Judicial review.
130-16-080	Time.
130-16-090	Written notification.

WAC 130-16-010 Purpose and authority. The department of commerce and economic development is charged with determining whether proposed construction or improvement projects, for which financing is sought through revenue bonds issued under chapter 39.84 RCW (chapter 300, Laws of 1981) are for industrial development facilities eligible for such financing. The purpose of the rules contained in this chapter is to establish the procedure and requirements for submitting an application for such an eligibility determination, as required by RCW 39.84.090 (section 9, chapter 300, Laws of 1981), and these rules are intended to administratively implement that statute.

[Statutory Authority: RCW 39.84.090, 82-04-022 (Order 82-1), § 130-16-010, filed 1/26/82.]

WAC 130-16-020 Definitions. The following words and terms have the following meanings for the purposes of this chapter, unless the context in which they are used indicates otherwise:

(1) "Department" means the department of commerce and economic development. Where appropriate, the term "department" also means members of the staff or employees of the department of commerce and economic development.

(2) "Director" means the director of the department of commerce and economic development.

(3) "The act" means chapter 300, Laws of 1981, (municipal industrial development program), as codified in chapter 39.84 RCW.

(4) "Industrial development facilities" means manufacturing, processing, production, assembly, warehousing, transportation, pollution control, solid waste disposal, and energy facilities.

(5) "Facilities" means land, rights in land, buildings, structures, docks, wharves, machinery, transmission equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.

(6) "Construction" or "construct" means construction and acquisition, whether by devise, purchase, gift, lease, or otherwise.

(7) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement; and "to improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.

(8) "Revenue bond" means a nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued under the act for the purpose of financing an industrial development facility on an interim or permanent basis.

(9) "Public corporation" means a corporation created pursuant to provisions of the act.

(10) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in an industrial development facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of an industrial development facility, including costs of studies assessing the feasibility of an industrial development facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement entered into pursuant to section 12 of the act; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this subsection.

[Statutory Authority: RCW 39.84.090, 82-04-022 (Order 82-1), § 130-16-020, filed 1/26/82.]

WAC 130-16-030 Application procedure. (1) Prior to issuance of any revenue bonds to finance the project costs of industrial development facilities, each public corporation proposing such a bond issue shall submit an application to the department for a determination of the eligibility of the industrial development facility under the act for such financing.

(2) Such applications shall be submitted on a form prescribed by the director, copies of which may be obtained from the department by writing to:

Department of Commerce
and Economic Development
Industrial Development Division
101 General Administration Building
Olympia, Washington 98504
Mailstop AX-13

(3) Where indicated on the form, each applicant for eligibility determination shall:

(a) Describe fully the proposed acquisition, construction or improvement project and the facilities affected thereby; and

(b) Specify the basis for qualification as an industrial development facility by describing the manufacturing, pro-

cessing, production, assembly, warehousing, transportation, pollution control, solid waste disposal, or energy related functions of the facilities.

(4) Each application form must be accompanied by a copy of the applicant public corporation's enabling ordinance and charter. Provided, however, If a copy of such ordinance and charter, current as of the date of the application, has previously been submitted to the department in connection with a different application for eligibility determination, then the requirement for submitting a copy of enabling ordinance and charter may be satisfied by reference to the prior application.

[Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-030, filed 1/26/82.]

WAC 130-16-040 Application processing. (1) Upon receipt of any application for determination of industrial development facility eligibility, the department will initially review the application for satisfactory compliance with WAC 130-16-030(3) and 130-16-030(4).

(2) If the department determines that the descriptive information required by WAC 130-16-030(3), as provided in the application, is insufficient upon which to render a determination of eligibility, the public corporation will be so notified within five working days of receipt of the application. The notice so provided will address the department's concerns with the adequacy of the information provided, and will invite the public corporation to amend the descriptive information in its application, in writing. The public corporation may thereafter submit an amended application with new or supplemental descriptive information as appropriate, or it may notify the department in writing that no further descriptive information will be provided with the application.

(3) No application will be deemed complete, for purposes of determining the eligibility of an industrial development facility, until the public corporation has complied with WAC 130-16-030(3) to the satisfaction of the department or until the public corporation has notified the department in writing that no further descriptive information will be provided with the application. Failure to comply with WAC 130-16-030(4) will not preclude determination of eligibility, however, the public corporation will be advised that it has failed to comply with RCW 39.84.090(1) and WAC 130-16-030(4).

(4) Within twelve working days of the receipt of a completed application, the department will notify the public corporation if the industrial development facility described in the application is not eligible under the act. Such notice will specify the department's basis for determining ineligibility.

(5) Failure to be notified of ineligibility as herein provided will be deemed a determination of eligibility; the department may also notify the public corporation of eligibility.

[Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-040, filed 1/26/82.]

WAC 130-16-050 Petition for reconsideration. (1) Any public corporation, after receipt of the department's notice of the ineligibility of an industrial development project, may petition for reconsideration. Such petitions must set forth with particularity the grounds upon which reconsideration is sought.

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(2) A petition for reconsideration must be received by the department within fifteen days of when the notice of ineligibility is received by the public corporation.

(3) The timely filing of a petition for reconsideration shall suspend the department's determination of ineligibility until the corporation receives the department's written notification that the petition is denied or that the determination of ineligibility is reversed.

(4) In response to a petition for reconsideration, the department may either (a) deny the same, (b) call for further answer, or (c) reverse its prior determination of ineligibility.

[Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-050, filed 1/26/82.]

WAC 130-16-060 Contested case hearings. The department shall hold a formal hearing on a petition for reconsideration, conducted as a contested case under chapter 34.04 RCW (Administrative Procedure Act), as now or hereafter amended, whenever requested by a public corporation in its petition for reconsideration.

[Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-060, filed 1/26/82.]

WAC 130-16-070 Judicial review. Any public corporation aggrieved by a final decision in a contested case before the department is entitled to judicial review in the manner prescribed in chapter 34.04 RCW (Administrative Procedure Act), as now or hereafter amended.

[Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-070, filed 1/26/82.]

WAC 130-16-080 Time. In computing any period of time prescribed or allowed in this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday. Legal holidays are prescribed in RCW 1.16.050. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

[Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-080, filed 1/26/82.]

WAC 130-16-090 Written notification. Whenever in this chapter written notification is prescribed, which shall include the filing of a petition for reconsideration, the notification shall be made by depositing the papers in the post office, properly addressed, with postage prepaid. Whenever in this chapter written notification is required to be given by the department, such notification shall be by certified mail. Any written notice shall be deemed received upon the third day following the day upon which the notice is placed in the mail, unless the third day falls on a Saturday, Sunday or legal holiday, in which event the notice shall be deemed received on the first day other than a Saturday, Sunday or legal holiday, following the third day. Legal holidays are prescribed in RCW 1.16.050.

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[Statutory Authority: RCW 39.84.090, 82-04-022 (Order 82-1), § 130-16-090, filed 1/26/82.]

Chapter 130-20 WAC
WASHINGTON MOTION PICTURE
COMPETITIVENESS PROGRAM

WAC

130-20-001	Purpose and authority.
130-20-010	Definitions.
130-20-020	Eligibility criteria and guidelines.
130-20-030	Funding assistance limits.
130-20-040	Disqualification from the program.
130-20-050	Sales and use tax exemptions.
130-20-060	Survey requirement.

WAC 130-20-001 Purpose and authority. The department of community, trade, and economic development is charged with developing criteria to be used by a motion picture competitiveness program in determining funding assistance to productions that use Washington state as a location for film and video production.

[Statutory Authority: RCW 43.365.020, 07-03-015, § 130-20-001, filed 1/4/07, effective 2/4/07.]

WAC 130-20-010 Definitions. The following definitions apply to this chapter, unless the context clearly requires otherwise:

(1) "Applicant" means a television, film or commercial production company intending to produce a qualified production in Washington state.

(2) "Motion picture competitiveness program" means an approved program that is a 501 (c)(6) nonprofit organization with the sole purpose of revitalizing the state's standing in the film production marketplace through recommending and awarding financial assistance to qualified productions.

(3) "Costs" mean actual expenses of preproduction, production and postproduction expended in Washington state for the production of motion pictures, including but not limited to payments made for salaries, wages, and health insurance and retirement benefits, the rental/lease costs of machinery, equipment and facilities, and the purchase of food, property, lodging, and permits for work conducted in Washington state.

(4) "Department" means the department of community, trade, and economic development.

(5) "State film office" means a program within the department with the responsibility of promoting Washington state as a premier location for film and video production and assisting production needs within the state.

(6) "Motion picture" means a recorded audio-visual production intended for distribution to theaters, DVD, video, or the internet, or television, or one or more episodes of a single television series, television pilot or television commercials. Motion picture does not mean production of a television commercial that spends less than two hundred fifty thousand dollars in the state of Washington or one or more segments of a newscast or sporting event.

(7) "Funding assistance" means financial assistance from a motion picture competitiveness program.

(8) "Person" means the same as defined in RCW 82.04.030.

(9) "Qualified production" is a production that has been certified by the motion picture competitiveness program as fully meeting the requirements for funding assistance.

(10) "Qualified expenditures" include production costs for wages and benefits provided to residents of Washington state for services performed in Washington state, goods and services purchased, leased or employed from a legal resident of this state, or a vendor or supplier who is located and doing business in this state for one year. Qualified expenditures do not include wages, salaries or other compensation for services of nonresident production personnel.

(11) "Motion picture competitiveness board" means a board appointed by the governor that administers the motion picture competitiveness program. The board evaluates and awards funding assistance to motion picture projects pursuant to the guidelines of this chapter.

[Statutory Authority: RCW 43.365.020, 07-03-015, § 130-20-010, filed 1/4/07, effective 2/4/07.]

WAC 130-20-020 Eligibility criteria and guidelines.

(1) To qualify for funding assistance, the applicant must:

(a) Certify that it is not engaged, to any extent, in the production of erotic material, as defined in RCW 9.68.050.

(b) The end credits of a film production must acknowledge that the production was filmed in Washington state. The type and style of acknowledgment shall be negotiated between the motion picture competitiveness board and the production company.

(c) Agree to pay all obligations the film production company incurs in Washington state.

(d) Complete a survey as required in WAC 130-20-060 and file it with the state film office following the completion of the part of the project covered by the contract with the competitiveness board and before distribution of the funding assistance.

(e) Make every effort to maximize the hiring of local cast, crew and support services.

(f) Make industry standard payments for health insurance and a retirement plan for those positions typically covered by a collective bargaining agreement; and

(g) Enter into a contract with the motion picture competitiveness program accepting the terms above.

(2) The following activities are considered, but not limited to, qualified expenditures, provided the expenditure occurs in Washington state:

(a) Production costs include costs for preproduction, production and postproduction.

(b) Salaries of Washington state residents who are cast and crew, not to exceed two hundred fifty thousand dollars for any one employee, including wages and payments for health insurance and retirement plans, or fees of Washington state residents to include talent, management and labor.

(c) Cost of set construction and operations, wardrobe, make-up, accessories, location fees and related services.

(d) Costs associated with photography, sound synchronization, lighting and related services and materials.

(e) Renting or leasing vehicles, equipment or facilities.

(f) In-state food and lodging or a per diem for in-state employees, not to exceed the IRS rate or rate negotiated with the production company.

(g) Agency fees for insurance coverage and bonding if purchased from Washington state-based insurance agent.

(h) Postproduction expenditures directly attributable to the production of a motion picture or commercial for services including, but not limited to: Editing and related services, film processing, transfers of film to tape or digital format, sound mixing, computer graphics services, special effects, animation services, and music.

(i) Legal and accounting fees and expenses related to the production's activities in Washington state, provided such services are performed by Washington state licensed attorneys or accountants.

(j) "Preproduction" means costs for standard activities directly related to the production, which are incurred prior to the first day of principal photography for a motion picture.

(k) Other direct or indirect costs of producing a film in accordance with the generally accepted entertainment industry practices if expenditures occurred in the state of Washington.

(l) Other costs the competitiveness program believes add economic benefit to the state of Washington.

(3) The board is encouraged to consider the following when considering certifying a production for funding assistance:

(a) The additional income and tax revenue to be retained in the state for general purposes.

(b) Creation and retention of family wage jobs that provide health insurance and payments into a retirement plan.

(c) The impact of projects to maximize in-state labor and use of in-state film production and film postproduction companies.

(d) The impact on the local economy and the state economy as a whole.

[Statutory Authority: RCW 43.365.020. 07-03-015, § 130-20-020, filed 1/4/07, effective 2/4/07.]

WAC 130-20-030 Funding assistance limits. (1) Maximum funding assistance from a motion picture competitiveness program is capped at one million dollars per production and subject to the following limitations:

(a) No more than twenty percent of a total actual expenditure in the state of at least five hundred thousand dollars for a single feature film produced in Washington state.

(b) No more than twenty percent of a total actual expenditure in the state of at least three hundred thousand dollars per television episode produced in Washington state (e.g., television series, pilot, movie of the week).

(c) No more than twenty percent of a total actual expenditure in the state of at least two hundred fifty thousand dollars for an infomercial or television commercial produced in Washington state.

(2) Funding assistance is subject to the amount available in the account managed by the motion picture competitiveness program.

[Statutory Authority: RCW 43.365.020. 07-03-015, § 130-20-030, filed 1/4/07, effective 2/4/07.]

WAC 130-20-040 Disqualification from the program. A production will be disqualified for funding assistance if the motion picture competitiveness program deter-

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mines the qualified production does not meet requirements in WAC 130-20-020.

[Statutory Authority: RCW 43.365.020. 07-03-015, § 130-20-040, filed 1/4/07, effective 2/4/07.]

WAC 130-20-050 Sales and use tax exemptions.

Unless otherwise prohibited, production companies may use both existing sales and use tax exemptions and the funding assistance provided by the motion picture competitiveness program while filming qualified productions in Washington state.

[Statutory Authority: RCW 43.365.020. 07-03-015, § 130-20-050, filed 1/4/07, effective 2/4/07.]

WAC 130-20-060 Survey requirement. In order to recognize the accountability and effectiveness of tax policy, the legislature requires that each production receiving funding assistance from the motion picture competitiveness program shall report information to the state film office through a survey.

(1) The motion picture competitiveness program shall ensure that no funds are disbursed until an applicant submits answers to a survey developed by the state film office.

(2) The state film office will make available on its web site a survey template.

(3) The motion picture competitiveness program may extend the due date for timely filing of the survey if failure to file was the result of circumstances beyond the control of the motion picture production receiving the funding assistance.

(4) Surveys shall include the following information:

(a) The amount of funding assistance requested.

(b) The amount of preproduction, production and post-production spending made in the state.

(c) The number of total employment positions.

(d) The number of full-time and part-time/temporary employment positions as a percent of total employment.

(i) Full-time employment is sixty hours or more per week, or positions held for the full shooting schedule;

(ii) Part-time/temporary employment is for positions held for less than the full shooting schedule.

(e) The number of jobs at the wage bands of less than thirty thousand dollars, thirty thousand to sixty thousand dollars, and sixty thousand dollars and greater per production.

(f) The number of jobs that have employer-provided health insurance and payments into a retirement plan by each wage band.

(g) Additional information as requested by the department or state film office.

(5) The state film office will continue to track total production spending of projects, monitor the state's competitiveness in the national marketplace, and continue to build partnerships that streamline the delivery of production services statewide.

(6) The department shall submit a summary of descriptive statistics based on information from the survey each year by September 1.

(7) The department shall provide the complete surveys to the joint legislative audit and review committee each year by September 1.

[Statutory Authority: RCW 43.365.020. 07-03-015, § 130-20-060, filed 1/4/07, effective 2/4/07.]