



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: June 05, 2018

TIME: 12:32 PM

WSR 18-12-093

Agency: Lower Columbia College

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR _____

- Preproposal Statement of Inquiry was filed as WSR 18-05-043 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
- Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Repealing WAC 132M-136 and replacing with new WAC sections Title 132M-139 – Use of College Facilities – Expressive Activities and 132M-141- Rental of College Facilities.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
August 22, 2018	8:30 AM	1600 Maple Street, Administration Building – Room 100 – Heritage Room Longview, WA 98632	

Date of intended adoption: August 22, 2018 (Note: This is NOT the effective date)

Submit written comments to:

Name: Linda Clark
 Address: 1600 Maple Street, PO Box 3010, Longview, WA 98632
 Email: rulemaking@lowercolumbia.edu
 Fax: 360-442-2129
 Other:
 By (date) Aug. 15, 2018

Assistance for persons with disabilities:

Contact Linda Clark
 Phone: 360-442-2100
 Fax: 360-442-2129
 TTY: 800-833-6388
 Email: rulemaking@lowercolumbia.edu
 Other:
 By (date) Aug. 15, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Repealing chapter 132M-136 WAC and replacing with WAC sections Title 132M-139 – Use of College Facilities For Expressive Activities and 132M-141 Rental of College Facilities. This change is made to accommodate current practices and changes in case law regarding expressive activities on college campuses. The change designates certain areas of campus as public use areas, times of the day for use of these areas, and restrictions and requirements for use. The change modifies restrictions on distribution of materials on campus. The change modifies restrictions for rental of college facilities.

Reasons supporting proposal: The purpose of the proposed relocation to different chapters is to separate out specific areas in the chapter, which will allow for ease in a community member finding applicable information. The proposed changes includes a chapter on the use of college facilities for expressive activities which outlines the steps for individuals wishing to use the college facilities for activities that are not college related and where they do not rent the facilities. Rather these groups would use a designated space on campus under specific conditions for expressive activities. The chapter regarding the rental of college facilities relates to the rental/use of college facilities by noncollege groups. Repealing chapter 132M-136 WAC and replacing with WAC sections Title 132M-139 and 132M-141 accommodates current practices and changes in case law regarding expressive activities on college campuses.

Statutory authority for adoption: RCW 28B.50.140

Statute being implemented: RCW 28B.50.140

Is rule necessary because of a:

Federal Law?

Yes No

Federal Court Decision?

Yes No

State Court Decision?

Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Lower Columbia College

Private

Public

Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Kendra Sprague	1600 Maple Street Administration Building – 115 Longview, WA 98632	360-442-2121
Implementation:	Nolan Wheeler	1600 Maple Street Administration Building - 203 Longview, WA 98632	360-442-2201
Enforcement:	Nolan Wheeler	1600 Maple Street Administration Building - 203 Longview, WA 98632	360-442-2201

Is a school district fiscal impact statement required under RCW 28A.305.135?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

No: Please explain: A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328(5)(a)(i), this agency is not mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this rule pursuant to subsection (5)(a)(ii), and to date the joint administrative rules committee has not made that section applicable to the adoption of this rule.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. This change is not anticipated to impose any additional cost on business.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: 6/1/18

Signature:

Name: Kendra Sprague



Title: Vice President of Foundation, HR & Legal Affairs