



# PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: May 26, 2021

TIME: 12:03 PM

WSR 21-12-054

Agency: Lower Columbia College

Original Notice

Supplemental Notice to WSR

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR 21-08-032 ; 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) WAC 132M-104-010 Rule on Regular Meeting for Board of Trustees and WAC 132M-108-020 Brief Adjudicative Procedure.

### Hearing location(s):

Date: Time: Location: (be specific) Comment:

| Date:         | Time:   | Location: (be specific)  | Comment: |
|---------------|---------|--|----------|
| July 28, 2021 | 8:30 AM | Join Zoom Meeting<br><a href="https://lowercolumbia.zoom.us/j/85119698630">https://lowercolumbia.zoom.us/j/85119698630</a><br>Meeting ID: 851 1969 8630<br>One tap mobile<br>+12532158782,,85119698630<br># US (Tacoma)<br>+13462487799,,85119698630<br># US (Houston)<br>Dial by your location<br>+1 253 215 8782 US (Tacoma)<br>+1 346 248 7799 US (Houston)<br>+1 669 900 6833 US (San Jose)<br>+1 312 626 6799 US (Chicago)<br>+1 646 876 9923 US (New York)<br>+1 301 715 8592 US (Washington DC)<br>Meeting ID: 851 1969 8630<br>Find your local number:<br><a href="https://lowercolumbia.zoom.us/u/kdl_yshvtdj">https://lowercolumbia.zoom.us/u/kdl_yshvtdj</a><br>Join by SIP<br><a href="mailto:85119698630@zoomcrc.com">85119698630@zoomcrc.com</a> |          |

Date of intended adoption: July 28, 2021 (Note: This is NOT the effective date)

**Submit written comments to:**

Name: Bryanna Smith

Address: 1600 Maple Street, PO Box 3010, Longview, WA 98632

Email: rulemaking@lowercolumbia.edu

Fax: 360-442-2129

Other:

By (date) July 21, 2021**Assistance for persons with disabilities:**Contact Bryanna Smith

Phone: 360-442-2100

Fax: 360-442-2129

TTY: 800-833-6388

Email: rulemaking@lowercolumbia.edu

Other:

By (date) July 21 2021

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** WAC 132M-104-010 Rule on Regular Meeting for Board of Trustees is duplicative of the Open Public Meetings Act (RCW 42.30.075) and therefore not necessary.

WAC 132M-108-020 Brief Adjudicative Procedure needs minor grammatical and formatting corrections and also needs clarification that this WAC applies to appeals pursuant to any other formal rule adopted by the college which specifically provides for a brief adjudicative procedure.

**Reasons supporting proposal:** The Open Public Meetings Act governs the regular Meetings for Board of Trustees and therefore WAC 132M – 104-010 is unnecessary.

WAC 132M-108-020 Brief Adjudicative Procedure needs minor grammatical and formatting corrections and also needs clarification that this WAC applies to appeals pursuant to any other formal rule adopted by the college which specifically provides for a brief adjudicative procedure.

**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:** None

**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<br>PO BOX 3010<br>Longview, WA 98632 | 360-442-2121 |
| Implementation: | Kendra Sprague | 1600 Maple Street<br>PO BOX 3010<br>Longview, WA 98632 | 360-442-2121 |
| Enforcement:    | Kendra Sprague | 1600 Maple Street                                      | 360-442-2121 |

**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:

- |   |  |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((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 19.85.025(3) and 34.05.310(4)(g)(i).  
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:

|  |   |
|--|---|
| <b>Date:</b> 05/21/2021  | <b>Signature:</b><br> |
| <b>Name:</b> Kendra Sprague                                    |   |
| <b>Title:</b> Vice President of Foundation, HR & Legal Affairs |   |