

**WAC 360-40-060 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 360-40-070 Condom standards.** All condoms shall meet the following standards:

(1) Rubber condoms (elastic material) shall be capable of withstanding inflation with one cubic foot of air. They shall be free from holes, imperfect rings and blisters.

(2) Nonrubber condoms (nonelastic material) shall be of suitable length, not patched, and shall be free from grease or any foreign substances that may be used as a filler for hiding imperfections or discolorations. [Statutory Authority: RCW 18.64.005 and 69.040.730 [69.04-.730]. 85-06-010 (Order 193), § 360-40-070, filed 2/22/85. Statutory Authority: RCW 18.64.005, 18.81-.080 and 42.17.290. 83-01-083 (Order 171), § 360-40-070, filed 12/17/82.]

**WAC 360-40-080 Repealed.** See Disposition Table at beginning of this chapter.

**Title 365 WAC**

**COMMUNITY DEVELOPMENT,  
DEPARTMENT OF**

(Formerly: Planning and Community Affairs Agency)

**Chapters**

- 365-12 Regulations regarding recognition and approval of regional planning agencies for comprehensive health planning.**
- 365-14 Funding of regional comprehensive health planning agencies.**
- 365-22 Planning advances program for local government public works.**
- 365-31 Organization and general procedures of the planning and community affairs agency's law and justice planning office and the governor's committee on law and justice.**
- 365-40 Rules and regulations regarding state funding of local head start programs.**
- 365-100 Winter utility moratorium program.**
- 365-110 State Building Code--Building permit surcharges and fees.**

**Reviser's note:** The department of community development reaffirmed and assumed all rules made by the former planning and community affairs agency by the filing of WSR 84-14-064 on June 30, 1984. The reaffirmed chapters within Title 365 are as follows: Chapters 365-04, 365-06, 365-08, 365-12, 365-14, 365-22, 365-24, 365-31, 365-40, 365-60, 365-70, 365-80, and 365-90 WAC.

**Chapter 365-12 WAC**

**REGULATIONS REGARDING RECOGNITION AND APPROVAL OF REGIONAL PLANNING AGENCIES FOR COMPREHENSIVE HEALTH PLANNING**

WAC

365-12-010 through 365-12-100 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 365-12-010 Declaration of public policy. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-010, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-12-020 Definitions. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-020, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-12-030 Regional planning agencies--Establishment. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-030, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-12-040 Functions. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-040, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-12-050 Recognition and approval. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-050, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-12-060 Procedure. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-060, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-12-070 Criteria. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 73-2, § 365-12-070, filed 6/29/73; Order 72-2, § 365-12-070, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-12-080 Rejection. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-080, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-12-090 Withdrawal. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-090, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-12-100 Notification requirements. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-2, § 365-12-100, filed 1/31/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

**WAC 365-12-010 through 365-12-100 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 365-14 WAC**

**FUNDING OF REGIONAL COMPREHENSIVE HEALTH PLANNING AGENCIES**

WAC

365-14-010 through 365-14-210 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 365-14-010 General purpose. [Assumed and reaffirmed by the department of community development in WSR 84-14-

064, filed 6/30/84. Permanent and Emergency Order 77-01, § 365-14-010, filed 3/4/77, effective 3/4/77; Order 72-6, § 365-14-010, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

- 365-14-020 Eligibility of applicants. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Permanent and Emergency Order 77-01, § 365-14-020, filed 3/4/77, effective 3/4/77; Order 73-2, § 365-14-020, filed 6/29/73; Order 72-6, § 365-14-020, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-030 Application process. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 73-2, § 365-14-030, filed 6/29/73; Order 72-6, § 365-14-030, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-040 Action by agency regarding application. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-6, § 365-14-040, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-050 Funding allocation basis. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Permanent and Emergency Order 77-01, § 365-14-050, filed 3/4/77, effective 3/4/77; Order 73-2, § 365-14-050, filed 6/29/73; Order 72-6, § 365-14-050, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-060 Decision of agency final. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 73-2, § 365-14-060, filed 6/29/73; Order 72-6, § 365-14-060, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-070 Contract terms and conditions. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-6, § 365-14-070, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-080 Commitment for additional funds. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Permanent and Emergency Order 77-01, § 365-14-080, filed 3/4/77, effective 3/4/77; Order 72-6, § 365-14-080, filed 11/3/72.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-200 Funding of demonstration projects. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Permanent and Emergency Order 77-01, § 365-14-200, filed 3/4/77, effective 3/4/77; Order 74-03, § 365-14-200, filed 5/23/74; Order 74-02, § 365-14-200, filed 2/19/74.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-14-210 Application process. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 74-02, § 365-14-210, filed 2/19/74.] Repealed by 85-15-011 (Order 85-06), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

**WAC 365-14-010 through 365-14-210 Repealed.**  
See Disposition Table at beginning of this chapter.

## Chapter 365-22 WAC

### PLANNING ADVANCES PROGRAM FOR LOCAL GOVERNMENT PUBLIC WORKS

WAC

365-22-010 through 365-22-090 Repealed.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 365-22-010 Objectives of the planning advance program. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-010, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-020 Eligibility of applicants. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-020, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-030 Eligibility of public work. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-030, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-040 Application for planning advance. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-040, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-050 Action by agency regarding application. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-050, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-060 Planning advance funding criteria and preferences. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-060, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-070 Decision of agency final. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-070, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-080 Planning advance terms. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-080, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-22-090 Commitment for additional funds. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 72-7, § 365-22-090, filed 11/16/72.] Repealed by 85-15-010 (Order 85-05), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

**WAC 365-22-010 through 365-22-090 Repealed.**  
See Disposition Table at beginning of this chapter.

**Chapter 365-31 WAC**

**ORGANIZATION AND GENERAL PROCEDURES OF THE PLANNING AND COMMUNITY AFFAIRS AGENCY'S LAW AND JUSTICE PLANNING OFFICE AND THE GOVERNOR'S COMMITTEE ON LAW AND JUSTICE**

WAC

365-31-010 through 365-31-330 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 365-31-010 Definitions. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-010, filed 4/14/80; Order 76-01, § 365-31-010, filed 2/13/76; Order 75-01, § 365-11-010 (codified as WAC 365-31-010), filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-020 Rules of interpretation. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-020, filed 4/14/80; Order 75-01, § 365-31-020, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-110 Officers of the governor's council on criminal justice and governor's juvenile justice advisory committee. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-110, filed 4/14/80; Order 75-01, § 365-31-110, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-111 Functions and membership of the governor's council on criminal justice and governor's juvenile justice advisory committee. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-111, filed 4/14/80.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-120 Meetings of the governor's council and committee, subcommittees, advisory committees. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-120, filed 4/14/80; Order 76-01, § 365-31-120, filed 2/13/76; Order 75-01, § 365-31-120, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-130 Absences of members from meetings. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-130, filed 4/14/80; Order 75-01, § 365-31-130, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-140 Quorum. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Order 75-01, § 365-31-140, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-150 Participation and discussion during governor's council and committee meetings, rules of order, and forms of action. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed

- 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-150, filed 4/14/80; Order 76-01, § 365-31-150, filed 2/13/76; Order 75-01, § 365-31-150, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-160 Voting procedures. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-160, filed 4/14/80; Order 76-01, § 365-31-160, filed 2/13/76; Order 75-01, § 365-31-160, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-170 Minutes. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-170, filed 4/14/80; Order 76-01, § 365-31-170, filed 2/13/76; Order 75-01, § 365-31-170, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-210 Duties of division of criminal justice. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-210, filed 4/14/80; Order 76-01, § 365-31-210, filed 2/13/76; Order 75-01, § 365-31-210, filed 4/29/75.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.
- 365-31-330 Appeal procedures. [Assumed and reaffirmed by the department of community development in WSR 84-14-064, filed 6/30/84. Statutory Authority: RCW 43.41.100. 80-05-023 (Order 48), § 365-31-330, filed 4/14/80; Order 76-01, § 365-31-330, filed 2/13/76.] Repealed by 85-15-009 (Order 85-04), filed 7/8/85. Statutory Authority: RCW 43.63A.060.

**WAC 365-31-010 through 365-31-330 Repealed.**  
See Disposition Table at beginning of this chapter.

**Chapter 365-40 WAC**

**RULES AND REGULATIONS REGARDING STATE FUNDING OF LOCAL HEAD START PROGRAMS**

WAC

- 365-40-010 Purpose and authority.
- 365-40-020 Definitions.
- 365-40-041 Financial support application process.
- 365-40-051 Eligibility criteria.
- 365-40-061 Allowable and unallowable costs.
- 365-40-071 Method of payment and reporting requirements.

**WAC 365-40-010 Purpose and authority.** (1) The purpose of this chapter is to outline the conditions and procedures under which state funds will be made available for Head Start programs.

(2) This activity is undertaken pursuant to RCW 43.06.110 and chapter 43.63A RCW. [Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-010, filed 6/7/85. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-010, filed 10/25/78.]

**WAC 365-40-020 Definitions.** (1) "Applicant" means a unit(s) of local government, a qualified private organization, or a combination thereof, which applies for state Head Start funds.

(2) "Contractor" means an applicant which has been allocated state Head Start funds and which has entered into a contract to carry out a Head Start program.

(3) "Director" means the director of the department of community development (hereafter, the agency).

(4) "Head Start program" means an operation undertaken in accordance with the program performance standards set forth in the OCD-HS HEAD START POLICY MANUAL (OCD Notice N-30-364-4) "Head Start program performance standards," published by the United States Department of Health, Education, and Welfare July, 1975. [Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-020, filed 6/7/85. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-020, filed 10/25/78.]

**WAC 365-40-041 Financial support application process.** (1) Each potential applicant will be notified by the agency that application for state Head Start financial assistance is to be made to the agency.

(2) An applicant must make formal application in the form and manner specified by the agency. Such application shall be for the period July 1 - June 30 of each fiscal year. Failure of an applicant to make application in a timely manner, within 45 days of receipt of application notice and application form from the agency, will result in no state Head Start funds being allocated.

(3) Applications for state Head Start funds shall contain the following information, in detail:

(a) A description of the services to be provided or activities proposed to be undertaken by the applicant consistent with the provisions of WAC 365-40-051 and 365-40-061.

(b) A budget specifying intended uses of state Head Start funds.

(4) The agency shall provide a contract for signature to the applicant or a request for additional information within thirty days of receipt of the completed application from the applicant. [Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-041, filed 6/7/85. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-041, filed 7/20/79.]

**WAC 365-40-051 Eligibility criteria.** In order to receive Head Start funds, a contractor must provide services to families and individuals eligible according to federal Head Start guidelines who are in need of skills, knowledge, opportunities and motivation to become economically self-sufficient. Each Head Start program must be designed to improve the health and general well-being of the children involved, develop their mental processes, and enhance their conceptual and verbal skills. Head Start funds may be used only for activities which result in direct and measurable services to Head Start program children. State Head Start funds are allocated to programs based on the federal enrollment levels. An additional set-aside of 3% of the pass through

funds are allocated for programs with 60 or less children. [Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-051, filed 6/7/85. Statutory Authority: RCW 43.06.110 and 43.63A.060. 82-07-066 (Order 82-01), § 365-40-051, filed 3/22/82. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-051, filed 7/20/79.]

**WAC 365-40-061 Allowable and unallowable costs.**

(1) Allowable uses of state Head Start funds include but are not limited to:

(a) Purchase of supplies to be consumed by Head Start program children.

(b) Payment of salaries for nonadministrative personnel such as full or part-time teachers or specialists in speech, hearing, hygiene, reading, etc.

(c) Purchases through contract for medical or dental services for Head Start children and their families.

(2) Unallowable costs include but are not limited to:

(a) Payment of salaries for administrative personnel such as program directors, assistant directors, bookkeepers, secretaries, etc.

(b) Payment of administrative support expenses such as postage, telephone, travel, utilities, and equipment.

(c) Purchase of nonexpendable equipment with an original cost of \$500 or more and a useful life of at least one year. [Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-061, filed 6/7/85. Statutory Authority: RCW 43.06.110 and 43.63A.060. 82-07-066 (Order 82-01), § 365-40-061, filed 3/22/82. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-061, filed 7/20/79.]

**WAC 365-40-071 Method of payment and reporting requirements.** (1) State Head Start funds will be paid in accordance with the provisions of the applicable contract and these regulations.

(2) All contracts will provide for monthly or quarterly expenditure reimbursement, with vouchers submitted within fifteen days of the end of each quarter or month, as appropriate.

(a) At the time of application the applicant shall state whether vouchers will be submitted on a quarterly or monthly basis.

(b) If vouchers are not submitted in a timely manner, the agency may recapture unclaimed funds.

(c) If a contractor fails to file a claim for expense reimbursement within any six month period, the agency may elect to terminate the contract.

(d) Funds allocated for a program may be reduced by the amount unclaimed in the program year immediately preceding the new funding year.

(3) If an intended use is not allowable under these rules or the approved contract, the contractor will not be reimbursed for the cost of the item.

(4) The agency will notify the contractor within ten days of its discovery of any deficiency and of the need to take corrective action.

(5) In the event corrective action is not taken within thirty days, the contract will be terminated. Funds allocated to the contractor may be subject to redistribution upon termination of any contract.

(6) By agreement between the agency and the contractor, the provisions of the contract may be amended.

(7) Quarterly reports to the agency to assure that funds are being expended for purposes authorized in the approved contract are required in a format approved by the agency.

(8) The contractor shall submit an annual audit of funds provided under this rule by an independent auditor using standard accepted auditing techniques. Such audit may be that conducted for and provided to other funding sources. This audit report must include a breakdown of state funds by contract number. [Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-071, filed 6/7/85. Statutory Authority: RCW 43.06.110 and 43.63A.060. 82-07-066 (Order 82-01), § 365-40-071, filed 3/22/82. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-071, filed 7/20/79.]

### Chapter 365-100 WAC

#### WINTER UTILITY MORATORIUM PROGRAM

##### WAC

365-100-010	General purpose.
365-100-020	Definitions.
365-100-030	Applicant responsibilities.
365-100-040	Agency responsibilities.
365-100-050	Repealed.

##### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

365-100-050	Utility responsibilities. [Statutory Authority: RCW 43.63A.080. 84-21-087 (Order 84-02), § 365-100-050, filed 10/19/84.] Repealed by 85-05-017, Order 84-02, filed 2/13/85. Statutory Authority: RCW 43.63A.080.
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**WAC 365-100-010 General purpose.** The following regulations are adopted pursuant to chapter 251, Laws of 1984 for the purpose of implementing a moratorium on utility shut-off's during the winter. The legislature has determined and declared that utilities that supply electrical or natural gas for home heating cannot discontinue service for low-income households between November 15 and March 15 for reasons of nonpayment; provided the customer complies with the provisions of the act.

The purpose of this chapter is to outline the conditions and procedures under which the department of community development (DCD) and will implement this program pursuant to chapter 251, Laws of 1984 and its grantees. [Statutory Authority: RCW 43.63A.080. 85-05-017 (Order 84-02), § 365-100-010, filed 2/13/85; 84-21-087 (Order 84-02), § 365-100-010, filed 10/19/84.]

**WAC 365-100-020 Definitions.** The following definitions shall apply to terms in chapter 251 Laws of 1984, and/or this chapter:

"Agency" means community action agency or other energy assistance program or weatherization program grantee of the department of community development.

"Business days" means all days except Saturday, Sunday and legal holidays.

"Client income statement" means a statement the applicant/customer signs that acknowledges their household gross income, their self-declared income and the applicants seven percent payment. The statement acknowledges whether the income is verified or unverified, whether the applicant/customer has applied for energy and weatherization assistance, and whether the utility company and the agency were properly notified by the applicant/customer. The statement also acknowledges that the applicant/customer agrees to enter into a payment plan and agrees to pay the past due bill by October 15 even if they move, to pay for continued utility service and agrees to apply any assistance received to the bill.

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

"Date of application" means the day the applicant/customer notifies the utility of their inability to pay the bill.

"Extenuating circumstances" means anything beyond the reasonable control of the customer.

"Household income" means the total income of all household members considered for LIHEAP eligibility determination.

"LIHEAP" means low-income home energy assistance program.

"Low-income households" means households whose total income is no more than 125 percent of the federal poverty level.

"Overdue notice" means a written notice to disconnect service on a given date, unless payment is made.

"Seven percent payment" means a payment of 7 percent of monthly income (as defined in the LIHEAP procedures) of the household from November 15 through March 15. [Statutory Authority: RCW 43.63A.080. 85-05-017 (Order 84-02), § 365-100-020, filed 2/13/85; 84-21-087 (Order 84-02), § 365-100-020, filed 10/19/84.]

**WAC 365-100-030 Applicant responsibilities.** The applicant/customer shall notify the utility company of the inability to pay the bill within five business days. Notification may be made in person, in writing or by telephone. The applicant/customer shall contact the agency within five business days from the date of notification to the utility to begin completing the client income statement.

The applicant/customer shall provide the utility company with the completed client income statement of unverified income, within twenty days from the date of application.

The applicant/customer may be subject to disconnection if the client income statement of verified income is not returned to the utility company within forty-five

days and no interim payment agreement has been made, or the household has been determined not income eligible.

At the time the client income statement is submitted to the utility, the applicant/customer shall enter an agreement to pay no less than seven percent of their household income during the period of the utility moratorium.

Prior to March, the applicant/customer and the utility company shall enter into an agreement with the specific terms for the repayment of any account balance. Such repayment agreement shall require full payment of the balance no later than October 15 of that year, unless other arrangements are provided by the utility company. The applicant/customer shall be provided a choice between either a budget billing plan or equal payment plan. [Statutory Authority: RCW 43.63A.080. 85-05-017 (Order 84-02), § 365-100-030, filed 2/13/85; 84-21-087 (Order 84-02), § 365-100-030, filed 10/19/84.]

**WAC 365-100-040 Agency responsibilities.** With the agreement of the local utility, the agency may use the unverified client income statement to expedite the process for determining client eligibility for the moratorium program.

The agency shall provide the client income statement and assist the applicant/customer in completing the statement when applying for the moratorium program. If the applicant/customer contacts the agency to apply for the moratorium program before notifying the utility company of their inability to pay the bill, the agency shall instruct the applicant/customer to immediately contact the utility.

The agency shall also interview the applicant/customer for energy and weatherization assistance.

The agency shall provide the client income statement of unverified income to the applicant/customer within twenty days from the date of application.

The agency shall verify the applicant's/customer's income and program eligibility within forty-five days from the date of application. [Statutory Authority: RCW 43.63A.080. 85-05-017 (Order 84-02), § 365-100-040, filed 2/13/85; 84-21-087 (Order 84-02), § 365-100-040, filed 10/19/84.]

**WAC 365-100-050 Repealed.** See Disposition Table at beginning of this chapter.

### Chapter 365-110 WAC

#### STATE BUILDING CODE—BUILDING PERMIT SURCHARGES AND FEES

##### WAC

365-110-010	Authority.
365-110-020	Purpose.
365-110-030	Sufficient federal funds not available.
365-110-035	Definitions.
365-110-040	Collection of energy studies surcharge.
365-110-050	Collection of State Building Code fee.
365-110-060	Transmittal of funds.
365-110-080	Termination.

**WAC 365-110-010 Authority.** These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. [Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-010, filed 9/13/85.]

**WAC 365-110-020 Purpose.** The purpose of these rules is to implement chapter 19.27 RCW as amended by chapter 144, Laws of 1985, and chapter 360, Laws of 1985, and chapter 19.27A RCW, created by chapter 360, Laws of 1985.

Chapter 144, Laws of 1985, provides for the amendment of the State Energy Code by the State Building Code council and for certain energy studies to be conducted by the University of Washington college of architecture and department of mechanical engineering. The code amendment and energy studies are to be funded by a surcharge on building permit fees issued by local governments for new building construction.

Section 4, chapter 360, Laws of 1985 provides that the activities of the State Building Code council necessary to implement the purposes of the chapter shall be funded by a fee of \$1.50 to be imposed on each building permit issued by a city or county. The moneys collected under this fee will be deposited in the building code council account in the state treasury and must be used by the building code council, after appropriation, to perform the purposes of the council. Every four years the state treasurer must report to the legislature on the balances in the account so that the legislature may adjust the charges imposed. [Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-020, filed 9/13/85.]

**WAC 365-110-030 Sufficient federal funds not available.** As required by chapter 144, Laws of 1985, the department of community development has consulted with the Washington state energy office and has requested that the Washington state energy office determine if federal funds are available to implement the purposes of the chapter. The Bonneville Power Administration, the appropriate federal funding agency, has denied the state's request for funding for the energy conservation testing studies by the University of Washington provided for in section 4, chapter 144, Laws of 1985. The appropriations provided in section 301(2), chapter 6, Laws of 1985 1st ex. sess., shall therefore be funded from the surcharge provided in chapter 144, Laws of 1985.

The Bonneville Power Administration has approved partial funding in the amount of \$15,000 for activities of the State Building Code council to implement the amendment of the State Energy Code. Pursuant to the

provisions of section 217(6), chapter 6, Laws of 1985 1st ex. sess., funding for this appropriation from the surcharge shall be reduced in the amount of \$15,000.

The department of community development finds that federal funds are not available in sufficient amounts to implement the provisions of chapter 144, Laws of 1985. Therefore the department is, through chapter 365-110 WAC, implementing the surcharge as required by section 4(5), chapter 144, Laws of 1985. [Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-030, filed 9/13/85.]

**WAC 365-110-035 Definitions.** 1. DEPARTMENT shall mean the department of community development.

2. ENERGY CODE STUDIES SURCHARGE shall mean a surcharge which is required to be collected by cities and counties pursuant to chapter 144, Laws of 1985, and subject to appropriations as provided in chapter 6, Laws of 1985 1st ex. sess. Funds collected shall be used exclusively to implement the provisions of chapter 144, Laws of 1985.

3. STATE BUILDING CODE FEE shall mean a fee which is required to be collected by cities and counties pursuant to chapter 360, Laws of 1985. Funds collected shall be used exclusively to implement the provisions of chapter 360, Laws of 1985.

4. BUILDING PERMIT shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the Uniform Building Code as set forth in the Uniform Building Code, section 301. This definition shall be subject to the exemptions contained in section 301 of the Uniform Building Code. Building permit shall include an installation permit or other permit issued by a city or county for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC. Building permits shall not include plumbing, electrical, mechanical permits, or permits issued pursuant to the Uniform Fire Code.

5. NEW BUILDING CONSTRUCTION PERMIT shall mean a permit which is issued by a city or a county for the construction of a new building and shall not include remodeling, renovation, demolition, or addition to an existing building. A new building construction permit shall include a permit to relocate an existing building but shall not include a permit for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC. [Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-035, filed 9/13/85.]

**WAC 365-110-040 Collection of energy studies surcharge.** Every city or county shall collect an energy code studies surcharge on all building permits issued for new construction within its jurisdiction. The energy code studies surcharge shall be collected by the appropriate city or county official at the time the building permit is issued. Separate records shall be kept by cities and

counties of funds collected under the energy code studies surcharge from those funds collected under the State Building Code fee provided for in WAC 365-110-050. The surcharge on new building construction permits shall be in the following amounts:

New construction multiple-family residential building permits: \$10.00 for each building permit  
(Group R Division 1 permits as defined by chapter 12 of the Uniform Building Code.)

New construction single-family and duplex residential building permits: (Group R Division 3 permits as defined by chapter 12 of the Uniform Building Code.) \$15.00 for each building permit

New construction building permits for other new buildings: \$15.00 for each building permit  
(All occupancies except Group R and Group M occupancies as defined by the Uniform Building Code.)

The other new buildings classification shall include commercial or industrial buildings which are designed to be heated and occupied by humans. Agricultural buildings, industrial storage, or other structures designed to be unheated or not occupied by humans shall be exempt from the energy studies surcharge. [Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-040, filed 9/13/85.]

**WAC 365-110-050 Collection of State Building Code fee.** Every city or county shall collect a State Building Code fee of one dollar and fifty cents on each building permit issued within its jurisdiction. The fee shall be collected by appropriate city or county officials at the time the building permit is issued. Separate records shall be kept of funds collected under the State Building Code fee. [Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-050, filed 9/13/85.]

**WAC 365-110-060 Transmittal of funds.** On or before the 20th working day after the end of each quarter, each county or city shall remit all funds collected pursuant to WAC 365-110-040 and 365-110-050 to the state treasurer. At their option, cities and counties may remit funds monthly. The funds shall be identified as funds for the State Building Code council account. The funds shall be further identified as those funds remitted pursuant to WAC 365-110-040 (State Energy Code studies surcharge) and those remitted pursuant to WAC 365-110-050 (State Building Code fee).

No remittance of funds collected pursuant to WAC 365-110-050 shall be required to be made until the total of the accumulated funds collected reaches a minimum of fifty dollars. [Statutory Authority: 1985 c 144 and

360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A-.065. 85-19-042 (Order 85-10), § 365-110-060, filed 9/13/85.]

**WAC 365-110-080 Termination.** The surcharges established under WAC 365-110-040 (State Energy Code studies surcharge) shall terminate on June 30, 1989, unless terminated earlier upon a finding that the general fund has been reimbursed for the cost of the studies pursuant to chapter 144, Laws of 1985.

The fees established under WAC 365-110-050 (State Building Code fee) shall continue in effect until repealed or modified by legislative action. [Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A-.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-080, filed 9/13/85.]

## Title 381 WAC PRISON TERMS AND PAROLES, BOARD OF

**Reviser's note:** The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but was filed in the office of the code reviser and was published in Washington State Register 85-03-079. It is published in the Washington Administrative Code exactly as filed pursuant to the court order shown in WSR 82-08-001 and Title 381 in the 1982 WAC Supplement.

### BOARD OF PRISON TERMS AND PAROLES

**Rule 2.092** DEFERRED DECISIONS In those cases where the Board panel conducting the minimum term meeting cannot agree as to the minimum term, a deferred decision shall occur and such cases will be referred to the full Board for resolution. No decision will be communicated until all seven Board members have voted. In addition, the panel may take a deferred decision in cases where more information is required prior to setting the minimum term.

Adopted October, 1984

New Section In establishing minimum terms after January 1, 1985, the Board shall give reasons for all minimum term set.

Amended December 17, 1984

**Rule 2.100** PRE-MINIMUM TERM CONFERENCES PROHIBITED No member or members of the Board of Prison Terms and Paroles shall engage in a personal conference with anyone regarding a convicted and committed person prior to the Board fixing a minimum term. The Board will accept written statements from anyone regarding such convicted and committed persons, however.

Adopted December 17, 1984

**Rule 4.150** RULES OF EVIDENCE - ADMISSIBILITY

New Section Confidential informant testimony alone may form the basis for a finding of guilty where such testimony is supported on the record by evidence of its credibility and reliability.

Amended December 17, 1984

**Rule 5.150** RULES OF EVIDENCE - ADMISSIBILITY

New Section Confidential informant testimony alone may form the basis for a finding of guilty where such testimony is supported on the record by evidence of its credibility and reliability.

Amended December 17, 1984

**Rule 6.400** RULES OF EVIDENCE - ADMISSIBILITY

New Section Confidential informant testimony alone form the basis for a finding of guilty where such testimony is supported on the record by evidence of its credibility and reliability.

Amended December 17, 1984

**Reviser's note:** The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but was filed in the office of the code reviser and was published in Washington State Register 85-04-001. It is published in the Washington Administrative Code exactly as filed pursuant to the court order shown in WSR 82-08-001 and Title 381 in the 1982 WAC Supplement.