

WSR 06-21-078
EXPEDITED RULES
UNIVERSITY OF WASHINGTON

[Filed October 17, 2006, 8:39 a.m.]

Title of Rule and Other Identifying Information: Housekeeping amendments to Title 478 WAC rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rebecca Goodwin Dearthoff, University of Washington, Rules Coordination Office, Box 355509, Seattle, WA 98195, e-mail rules@u.washington.edu, fax (206) 221-6917, AND RECEIVED BY December 20, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed housekeeping amendments to Title 478 WAC rules update the names of internal University of Washington units or individuals responsible for various administrative duties in WAC 478-120-020, 478-124-020, and 478-250-050; update obsolete reference citations in WAC 478-124-030; and correct a Washington state register filing error in WAC 478-276-060.

Reasons Supporting Proposal: Executive Order 97-02 encourages state agencies to amend their rules for accuracy.

Statutory Authority for Adoption: RCW 28B.20.130.

Statute Being Implemented: RCW 28B.20.130.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: University of Washington, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rebecca Goodwin Dearthoff, Director of Rules Coordination, 4046 12th Avenue N.E., Seattle, WA, (206) 543-9219.

October 16, 2006

Rebecca Goodwin Dearthoff
 Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 96-10-051, filed 4/29/96, effective 5/30/96)

WAC 478-120-020 Standards of conduct. (1) The university is a public institution having special responsibility for providing instruction in higher education, for advancing knowledge through scholarship and research, and for providing related services to the community. As a center of learning, the university also has the obligation to maintain conditions conducive to freedom of inquiry and expression to the maximum degree compatible with the orderly conduct of its functions. For these purposes, the university is governed by the rules, regulations, procedures, policies, and standards of

conduct that safeguard its functions and protect the rights and freedoms of all members of the academic community.

(2) Admission to the university carries with it the presumption that students will conduct themselves as responsible members of the academic community. As a condition of enrollment, all students assume responsibility to observe standards of conduct that will contribute to the pursuit of academic goals and to the welfare of the academic community. That responsibility includes, but is not limited to:

(a) Practicing high standards of academic and professional honesty and integrity;

(b) Respecting the rights, privileges, and property of other members of the academic community and visitors to the campus, and refraining from any conduct that would interfere with university functions or endanger the health, welfare, or safety of other persons;

(c) Complying with the rules, regulations, procedures, policies, standards of conduct, and orders of the university and its schools, colleges, and departments.

(3) Specific instances of misconduct include, but are not limited to:

(a) Conduct that intentionally and substantially obstructs or disrupts teaching or freedom of movement or other lawful activities on the university campus and is not constitutionally and/or legally protected;

(b) Physical abuse of any person, or conduct intended to threaten imminent bodily harm or to endanger the health or safety of any person on the university campus;

(c) Conduct on the university campus constituting a sexual offense, whether forcible or nonforcible, such as rape, sexual assault, or sexual harassment;

(d) Malicious damage to or malicious misuse of university property, or the property of any person where such property is located on the university campus;

(e) Refusal to comply with any lawful order to leave the university campus or any portion thereof;

(f) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the university campus, except for authorized university purposes, unless prior written approval has been obtained from the (~~vice president for student affairs~~) university chief of police, or any other person designated by the president of the university (see WAC 478-124-020 (2)(e)) (legal defense sprays are not covered by this section);

(g) Unlawful possession, use, distribution, or manufacturer of alcohol or controlled substances (as defined in chapter 69.50 RCW) on the university campus or during university-sponsored activities;

(h) Intentionally inciting others to engage immediately in any unlawful activity, which incitement leads directly to such conduct on the university campus;

(i) Hazing, or conspiracy to engage in hazing, which includes:

(i) Any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending the university; and

(ii) Conduct associated with initiation into a student organization or living group, or any pastime or amusement engaged in with respect to an organization or living group not amounting to a violation of (i)(i) of this subsection, but including such conduct as humiliation by ritual act and sleep deprivation. Consent is no defense to hazing. Hazing does not include customary athletic events or other similar contests or competitions;

(j) Falsely reporting a violation of the student conduct code.

(4) Disciplinary action may be taken in accord with this chapter regardless of whether that conduct also involves an alleged or proven violation of law.

(5) An instructor has the authority to exclude a student from any class session in which the student is disorderly or disruptive. If the student persists in the disorderly or disruptive conduct, the instructor should report the matter to the dean of the school or college in which the student is enrolled. (See WAC 478-120-030(3).)

(6) Nothing herein shall be construed to deny students their legally and/or constitutionally protected rights.

AMENDATORY SECTION (Amending WSR 91-10-030, filed 4/24/91, effective 5/25/91)

WAC 478-124-020 Conduct on campus code—Prohibited conduct. (1) In order to safeguard the right of every citizen to criticize and to seek meaningful change, each individual has an obligation to respect the rights of all members of the university community.

(2) In order to assure those rights to all members of the university community and to maintain a peaceful atmosphere in which the university may continue to make its special contribution to society, the following types of conduct are hereby prohibited on or in property either owned, controlled or operated by the university which is used or set aside for university purposes, hereinafter referred to as the university campus:

(a) Conduct which intentionally and substantially obstructs or disrupts teaching or freedom of movement or other lawful activities on the university campus;

(b) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on the university campus;

(c) Malicious damage to or malicious misuse of university property, or the property of any person where such property is located on the university campus;

(d) Refusal to comply with any lawful order to leave the university campus or any portion thereof;

(e) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the university campus, except for authorized university purposes, unless prior written approval has been obtained from the (~~vice president for student affairs~~) university chief of police, or any other person designated by the president of the university;

(f) Unlawful possession, use, distribution, or manufacture of alcohol or controlled substances (as defined in chapter 69.50 RCW) on the university campus or during university-sponsored activities;

(g) Intentionally inciting others to engage immediately in any of the conduct prohibited herein, which incitement leads directly to such conduct. (Inciting is that advocacy which prepares the group addressed for imminent action and steels it to the conduct prohibited herein.)

AMENDATORY SECTION (Amending WSR 91-10-030, filed 4/24/91, effective 5/25/91)

WAC 478-124-030 Conduct on campus code—Sanctions. (1) Any person while on the university campus who willfully refuses the request of a uniformed campus police officer to desist from conduct prohibited by these rules may be required by such officer to leave such premises.

(2) Disciplinary action which may result in dismissal from the university will be initiated against faculty, staff, or students who violate these rules, in accordance with the applicable disciplinary codes or other appropriate due process procedures.

(3) Sanctions which may be imposed against faculty are set forth in the *University of Washington Handbook*, Volume II, Chapter 25, Sections 25-51 and 25-71.

(4) Sanctions which may be imposed against students are set forth in WAC 478-120-040.

(5) Sanctions which may be imposed against the classified staff are set forth in (~~WAC 251-11-010 through 251-11-130~~) the relevant University of Washington labor contract for contract-classified staff, and in Title 357 WAC and applicable university policy for classified nonunion staff.

(6) Sanctions which may be imposed against the professional staff are set forth in the University of Washington Professional Staff (~~Personnel~~) Program (~~University of Washington Operations Manual, D 42.1, Section 7(e)~~).

(7) Violation of any of the above regulations may also constitute violation of the criminal laws or ordinances of the city of Seattle, the state of Washington, or the United States and may subject a violator to criminal sanctions in addition to any sanctions imposed by the university.

AMENDATORY SECTION (Amending WSR 05-08-064, filed 3/31/05, effective 5/1/05)

WAC 478-250-050 University rules coordination. (1) Coordination of university rules shall be conducted by the rules coordination office, which reports to the office of the (~~vice provost~~) president.

(2) The director of the rules coordination office shall have knowledge of the subjects of rules being proposed or prepared within the university, maintain the records of any such action, and respond to public inquiries about possible, proposed, or existing rules and the identity of university personnel developing, reviewing, or commenting on them.

AMENDATORY SECTION (Amending WSR 06-17-131, filed 8/22/06, effective 9/22/06)

WAC 478-276-060 Public records officer. For purposes of compliance with chapter 42.56 RCW, the person designated as public records officer for the University of Washington is the director of public records and open public meetings. Duties for this individual shall include but not be

limited to: The implementation of the university's rules and regulations regarding release of public records, coordinating the staff of the public records and open public meetings office in this regard, and generally coordinating compliance by the university with the public records disclosure requirements of chapter 42.56 RCW. The person so designated shall be at the following location:

University of Washington
 Public Records and Open Public Meetings Office
 (~~{Visitors Information Center}~~)
~~{4311 11th Ave. N.E. Suite 360}~~
~~{4014 University Way N.E.}~~
 4311 11th Ave. N.E.
 Suite 360
 Seattle, WA 98105(~~{6203}~~)

(for internal campus mail use: Box (~~{354997}~~~~{355502}~~))
 354997).

WSR 06-21-083
EXPEDITED RULES
DEPARTMENT OF AGRICULTURE

[Filed October 17, 2006, 9:52 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-662 WAC, Weights and measures—National handbooks, this chapter establishes requirements for the state of Washington that are reasonably consistent with the uniform rules adopted by the National Conference on Weights and Measures and that are in effect in other states.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Henri Gonzales, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY December 19, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal amends chapter 16-662 WAC by:

(1) Adopting the 2007 edition of NIST Handbook 44 (Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices) as required by RCW 19.94.195; and

(2) Repealing the modification to NIST Handbook 44 relative to scales identified in WAC 16-662-110.

The adopted version of NIST Handbook 130 (Uniform Laws and Regulations in the areas of legal metrology and

engine fuel quality) and NIST Handbook 133 (Checking the Net Contents of Packaged Goods) remain the most current.

Reasons Supporting Proposal: RCW 19.94.195 requires that the most current version of NIST Handbook 44 be adopted every year. The department also adopts the current version of NIST Handbooks 130 and 133 in order to maintain uniformity with other states. Forty-eight of the fifty states use NIST Handbook 130 and the majority of the states use NIST Handbooks 44 and 133.

Statutory Authority for Adoption: Chapters 19.94 and 34.05 RCW.

Statute Being Implemented: Chapter 19.94 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kirk Robinson, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1856.

October 16, 2006

Mary A. Martin Toohey
 Assistant Director

AMENDATORY SECTION (Amending WSR 06-08-102, filed 4/5/06, effective 5/6/06)

WAC 16-662-105 What national weights and measures standards are adopted by the Washington state department of agriculture (WSDA)? The WSDA adopts the following national standards:

National standard for:	Contained in the:
(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment	((2006)) 2007 Edition of <i>NIST Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices</i>
(2) The procedures for checking the accuracy of the net contents of packaged goods	Fourth Edition (January 2005) of <i>NIST Handbook 133 - Checking the Net Contents of Packaged Goods</i>
(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification	2006 Edition of <i>NIST Handbook 130 - Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality</i> , specifically:
(a) Weights and measures requirements for all food and nonfood commodities in package form	<i>Uniform Packaging and Labeling Regulation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2006 Edition

National standard for:	Contained in the:
(b) Weights and measures requirements for the method of sale of food and nonfood commodities	<i>Uniform Regulation for the Method of Sale of Commodities</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2006 Edition
(c) Weights and measures requirements for price verification	<i>Examination Procedure for Price Verification</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2006 Edition

AMENDATORY SECTION (Amending WSR 05-10-088, filed 5/4/05, effective 6/4/05)

WAC 16-662-110 Does the WSDA modify NIST Handbook 44? The WSDA adopts the following modification((s)) to *NIST Handbook 44*, which is identified in WAC 16-662-105(1):

Modified Section:	Modification:
(1) General Code: Section G-UR.4.1. Maintenance of Equipment	In the last sentence of G-UR.4.1., Maintenance of Equipment, change the words "device user" to "device owner or operator." As a result of this modification, the last sentence of G-UR.4.1. will read: "Equipment in service at a single place of business found to be in error predominantly in a direction favorable to the device owner or operator shall not be considered "maintained in a proper operating condition."
((2) Scales: Section UR.3.7. Minimum Load on a Vehicle Scale	At the end of UR.3.7.(a) add "and homeowner refuse." As a result of this modification, UR.3.7.(a) will read: "10 d when weighing scrap material for recycling and homeowner refuse;")

WSR 06-21-116
EXPEDITED RULES
HEALTH CARE AUTHORITY
 (Community Health Services)

[Order 06-03—Filed October 17, 2006, 4:00 p.m.]

Title of Rule and Other Identifying Information: Repeal of noncitizen immigrant language found in WAC 182-20-250.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Connie Mix-Clark, Dental Program Manager, Washington State Health Care Authority, Community Health Services, P.O. Box 42721, Olympia, WA 98504-2721, e-mail connie.mix-clark@hca.wa.gov, AND RECEIVED BY December 18, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Eliminate the noncitizen immigrant language in WAC 182-20-250 as the legislation ended June 30, 2004.

Reasons Supporting Proposal: This section of the WAC is outdated and no longer applies.

Statutory Authority for Adoption: RCW 41.05.160.

Statute Being Implemented: RCW 41.05.220.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Health care authority, governmental.

Name of Agency Personnel Responsible for Drafting: Connie Mix-Clark, Health Care Authority, (360) 923-2753; Implementation and Enforcement: Dolores Reyes-Gonzalez, Health Care Authority, (360) 923-2781.

October 17, 2006

Cyndi Presnell

Assistant Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 182-20-250

Allocation of state noncitizen immigrant funds.