

**WSR 07-12-019**  
**EXPEDITED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed May 25, 2007, 2:45 p.m.]

Title of Rule and Other Identifying Information: Chapter 392-107 WAC, Educational service districts—Elections of board members.

**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 Martin Mueller, Office of the Superintendent of Public Instruction (OSPI), P.O. Box 47200, Olympia, WA 98504-7200, AND RECEIVED BY August 6, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes are being made as required under E2SHB 3098.

Statutory Authority for Adoption: RCW 28A.310.080.

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

Name of Proponent: OSPI, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Martin Mueller, OSPI, (360) 725-6175.

May 25, 2007

Dr. Terry Bergeson  
 Superintendent of  
 Public Instruction

**Chapter 392-107 WAC**

**EDUCATIONAL SERVICE DISTRICTS—ELECTION**  
**OF BOARD MEMBERS**

**~~((EDUCATIONAL SERVICE DISTRICTS ELECTION~~**  
**~~OF BOARD MEMBERS))~~**

**NEW SECTION**

**WAC 392-107-200 Purpose and authority.** (1) The purpose of this chapter is to establish the procedures for electing the members of the boards of directors of the educational service districts.

(2) The authority for this chapter is RCW 28A.310.080.

**AMENDATORY SECTION** (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-107-201 Election of educational service district board members.** (1) The procedures governing the election of members to the boards of directors of educational

service districts are set forth under RCW 18A.310.080 through 28A.310.110 and WAC ~~((180-22-205 through 180-22-225))~~ 392-107-205 through 392-107-225.

(2) Elections for members of boards of educational service districts shall be conducted biennially in odd-numbered years.

**AMENDATORY SECTION** (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-107-205 Elector provisions.** (1) It shall be the responsibility of the educational service districts to assure that the ~~((secretary to the state board of education))~~ superintendent of public instruction is provided current and correct information necessary to the conduct of the elections provided for in this chapter. Forms published by the ~~((secretary to the state board of education))~~ superintendent of public instruction for the purpose of providing the following essential information shall be obtained, completed and submitted on a current basis:

(a) The name, legal residence, mailing address and board-member district number of persons serving on the educational service district board of directors; and

(b) The position numbers for which appointments have been made to fill unexpired terms.

(2) On August 21st of the year of election or, if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding such date, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall certify a tentative list of electors consisting of all persons eligible to vote if the election were held on that date.

(3) The list of eligible voters shall remain open for changes and deletions until 5:00 p.m. September 26th or, in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The ~~((secretary to the state board of education))~~ superintendent of public instruction as soon thereafter as is practical shall certify the list of electors.

**AMENDATORY SECTION** (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-107-210 Publicity and call of election.** (1) The ~~((secretary to the state board of education))~~ superintendent of public instruction shall biennially provide reasonable public information concerning the election of educational service district board members through press and publication releases beginning in May of the year the elections are to be called.

(2) Call of election. See RCW 28A.310.080.

**AMENDATORY SECTION** (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-107-220 Balloting.** (1) Ballots shall be prepared by the ~~((secretary to the state board of education))~~ superintendent of public instruction. The ballot for each position subject to election shall contain the name of each candidate eligible for the particular position. There shall be a separate listing of the candidates for each board-member district open in the particular educational service district. A board-

member district position shall be stricken from the ballot if no candidate files for the position within the timelines specified in RCW 28A.310.080 and WAC 180-22-215.

(2)(a) The ~~((secretary to the state board of education))~~ superintendent of public instruction shall develop voting instructions which shall accompany the ballots. Biographical forms submitted under WAC 180-22-215(3) shall also accompany the ballots.

(b) On or before October 1st, ballots shall be mailed to voters with two envelopes to be used for voting.

(i) The outer, larger envelope (i.e., official ballot envelope) shall be labeled "official ballot"; be preaddressed with the "~~((secretary to the state board of education))~~ superintendent of public instruction" as addressee; and have provision for the identification of the voter, mailing address, his or her school district, and his or her educational service district.

(ii) The inner, smaller envelope shall be unlabeled and unmarked.

(3) Marking of ballots. Each member of a public school district board of directors may vote for one of the candidates in each board-member district named on his or her ballot by placing an "X" or other mark in the space provided next to the name of a candidate.

(4) Return of ballots. Each member of a public school district board of directors shall complete voting by placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same; placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same; if not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district and educational service district; and placing the official ballot envelope in the United States mail to the secretary to the state board of education.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-107-225 Counting—Ineligible votes—Recount—Certification of election—Special election.**

(1)(a) As official ballot envelopes are received by the ~~((secretary to the state board of education))~~ superintendent of public instruction, a preliminary determination shall be made as to the eligibility of the voter and a record shall be made on the list of eligible voters that the voter has voted.

(b) Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2)(a) The election board shall convene for the purpose of counting votes on October 25th or, if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding **or following** such date at a date, time and place designated by the ~~((secretary to the state board of education))~~ superintendent of public instruction.

(b) Official ballot envelopes that are accepted by the election board shall be opened and the inner envelopes containing ballots shall be removed and placed aside, still sealed. The inner envelopes shall then be opened and the votes counted by the election board.

(c) No record shall be made or maintained of the candidate for which any voter cast his or her vote.

(3) Ineligible votes. The following ballots and votes shall be declared void and shall not be accepted:

(a) Votes for write-in candidates.

(b) Votes cast on other than an official ballot.

(c) Ballots which contain a vote for more than one candidate in a board-member district.

(d) Ballots contained in other than the official ballot envelope.

(e) Ballots contained in the official ballot envelope upon which the voter's name is not designated.

(f) Ballots received after 5:00 p.m. October 16th. However, any ballot that is postmarked on or before midnight October 16th and received prior to the initial counting of votes by the election board shall be accepted. Any ballot received pursuant to the United States mail on or before 5:00 p.m. on October 21st that is not postmarked or legibly postmarked shall be accepted.

(g) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

(4)(a) Recounts. Automatic. A recount of votes cast shall be automatic if the electoral vote difference between any two candidates for the same position is one vote or less than one percent of electoral votes on a single ballot cast for the position, whichever is greater.

(b) Recounts. Upon request. A recount of votes cast shall be afforded any candidate as a matter of right. The request shall be made in writing and received by the ~~((secretary to the state board of education))~~ superintendent of public instruction within seven calendar days after the date upon which the votes were counted by the election board.

(5) Certification of election. Within ten calendar days after the date upon which the votes were counted, and no sooner than eight calendar days after the votes are counted by the election board, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall officially certify to the county auditor of the headquarters county of the educational service district the name or names of candidates elected to membership on the educational service district board of directors.

(6) Special election. See RCW 28A.310.100.

**WSR 07-12-074**

**EXPEDITED RULES**

**DEPARTMENT OF CORRECTIONS**

[Filed June 5, 2007, 9:58 a.m.]

Title of Rule and Other Identifying Information: WAC 137-08-180 Public records index.

**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 John Nispel, Department of Corrections, P.O. Box 41114, Olympia, WA 98504-1114, AND RECEIVED BY August 6, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To make administrative changes to existing WACS to reflect the revised web address for the public disclosure unit.

Reasons Supporting Proposal: Update references, titles, addresses, etc. to reflect legislative and organizational changes within the agency.

Statutory Authority for Adoption: RCW 72.01.090.

Statute Being Implemented: Various.

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

Name of Proponent: Harold W. Clarke, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Nispel, Rules Coordinator, P.O. Box 41117 [41114], Olympia, WA 98504-1114, (360) 725-8365.

May 31, 2007

H. W. Clarke  
Secretary

AMENDATORY SECTION (Amending WSR 06-19-058, filed 9/18/06, effective 10/19/06)

**WAC 137-08-180 Records index.** The record index may be accessed on the department's web site in the public disclosure section at: ((<http://www.doc.wa.gov/PublicDisclosure/PublicDisclosure.htm>)) <http://www.doc.wa.gov/sitemap/publicdisclosure.asp>.

**WSR 07-12-095**  
**EXPEDITED RULES**  
**STATE BOARD FOR COMMUNITY**  
**AND TECHNICAL COLLEGES**

[Filed June 6, 2007, 10:42 a.m.]

Title of Rule and Other Identifying Information: WAC 131-16-200 Reduction in force guidelines and procedures supplemental to chapter 251-10 WAC.

**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 John Boesenberg, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, AND RECEIVED BY August 7, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Repealing WAC 131-16-200.

Reasons Supporting Proposal: Higher education personnel board has been abolished and their rule-making authority transferred to the Department of personnel—Personnel resources board, making this rule unnecessary. New rules are under chapter 357-46 WAC.

Statutory Authority for Adoption: RCW 28B.16.100.

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

Name of Proponent: State board for community and technical colleges, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Boesenberg, 1300 Quince Street S.E., Olympia, 98504-2495, (360) 704-4303.

June 6, 2007

DelRae Oderman  
Executive Assistant  
Agency Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 131-16-200	Reduction in force guidelines and procedures supplemental to chapter 251-10 WAC.
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**WSR 07-12-098**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Filed June 6, 2007, 11:26 a.m.]

Title of Rule and Other Identifying Information: WAC 332-100-040 Deduction determination (from the gross proceeds of all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department).

**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 Bob Van Schoorl, Department of Natural Resources, Office of Budget and Economics, P.O. Box 47045, Olympia, WA 98504-7045, AND RECEIVED BY August 6, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To update rule to

meet the intent of the 2007 legislature and revision of RCW 79.64.040.

Reasons Supporting Proposal: Current rule conflicts with 2007 revision to RCW 79.64.040.

Statutory Authority for Adoption: RCW 79.64.040 Deductions from proceeds of all transactions authorized—Limitations.

Statute Being Implemented: RCW 79.64.040 Deductions from proceeds of all transactions authorized—Limitations.

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

Name of Proponent: Department of natural resources, office of budget and economics, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Van Schoorl, 1111 Washington Street S.E., Olympia, (360) 902-1099.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Pursuant to RCW 79.64.040 the board of natural resources has approved this amendment to rule through adoption of Board Resolution #1234 dated June 5, 2007.

June 5, 2007

Bonnie B. Bunning  
Executive Director of  
Policy and Administration

AMENDATORY SECTION (Amending WSR 06-03-016, filed 1/6/06, effective 2/6/06)

**WAC 332-100-040 Deduction determination.** (1) The board of natural resources hereby determines that a deduction from the gross proceeds of all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department of natural resources and affecting public lands as provided for in subsection (2) hereof is necessary in order to achieve the purposes of chapter 79.64 RCW.

(2) The department of natural resources shall deduct up to the maximum percentages as provided for in RCW 79.64.-040 and related statutes. Except for transactions involving aquatic lands, harbor areas and trust land categories that have a deficit revenue/expenditure status, the deductions may be temporarily discontinued by a resolution of the board of natural resources at such times as the balance in the resource management cost account exceeds an amount equal to twelve months operating expenses for the department of natural resources or when the board determines such discontinuation is in the best interest of the trust beneficiaries. The board shall specify the trust lands subject to such discontinuation. The duration of such orders shall be for a specified time period calculated to allow a reduction of the resource management cost account balance to an amount approximately equal to three months operating expenses for the department. Operating expense needs will be determined by the board based on pro rata increments of biennial legislative appropriations. All sums so deducted shall be paid into the resource management cost account in the state general fund created by chapter 79.64 RCW.