

WSR 09-17-072
EXPEDITED RULES
ARTS COMMISSION
 [Filed August 14, 2009, 9:54 a.m.]

Title of Rule and Other Identifying Information: Title 30 WAC, Arts commission.

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 Kris Tucker, Arts Commission, P.O. Box 42675, Olympia, WA 98504-2675, AND RECEIVED BY October 19, 2009.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To update Title 30 WAC, to include current address and contact information, statutory references, and legislative requirements.

Reasons Supporting Proposal: Adopting these changes will make the WAC consistent with RCWs and provide accurate contact information to the public, thereby minimizing confusion.

Statutory Authority for Adoption: RCW 43.46.040.

Statute Being Implemented: RCW 43.46.081.

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

Name of Proponent: Washington state arts commission, public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kris Tucker, P.O. Box 42675, Olympia, WA 98504-2675, (360) 753-3860.

August 14, 2009

Kris Tucker
Executive Director

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-01-040 Description of commission's purpose and goals. (1) The commission is charged with the conservation and development of the state's artistic resources as described in RCW 43.46.005. It is a citizens' commission consisting of nineteen members appointed by the governor and ~~((two))~~ four members of the legislature. It is authorized by RCW 43.46.050 to study, plan, and advise the governor, state departments, and the legislature regarding cultural development. Through the authority granted by RCW 43.46.-055, the commission may administer any activity, and assist any person or agency in programs or projects related to the growth and development of the arts and humanities.

(2) Statement of purpose. The commission has adopted as its mission: The arts are essential to the quality of life for all of Washington's citizens. The Washington state arts commission states its dedication to the support of the promotion,

growth, development, and preservation of the arts within the state. The commission strives to foster artistic merit and ensure accessibility to all citizens of the state.

(3) Goals. To work toward this mission, the commission will promote throughout the state:

(a) Artistic development, growth, and preservation;

(b) Artistic expressions of the many cultures which contribute to Washington's diversity;

(c) The arts as basic to the education of all citizens;

(d) Access, equity, and local empowerment in all its activities; and

(e) Organizational skills development, stability and continuity, and managerial expertise.

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-01-060 Office (~~location and hours~~ ~~Correspondence to staff~~) hours and contact information. ~~((+))~~ The official administrative location of the commission and its staff is at the Washington State Arts Commission, 234 E. 8th Avenue, Olympia, Washington, 98504 2675 (360) 753-3860. The commission office shall be open each day for the transaction of business from 8:00 a.m. to 5:00 p.m. (Saturdays, Sundays, and legal holidays excepted, and except for business relating to public records, which is governed by WAC 30-04-040).

~~(2) Address for written communications. All written communications with the commission shall be addressed as follows: Washington State Arts Commission, 234 E. 8th Avenue, P.O. Box 42675, Olympia, Washington, 98504-2675.)~~ The Washington state arts commission is open from 8:00 a.m. to 5:00 p.m. Monday through Friday except weeks that include state legal holidays. Written correspondence should be addressed to P.O. Box 42675, Olympia, WA 98504-2675. Additional information is available on the commission's web site at www.arts.wa.gov. For business hours and contact information related to public records see WAC 30-04-040.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

WAC 30-04-010 Purpose. The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of RCW ~~((42.17.250 through 42.17.320))~~ 42.56.040 through 42.56.520 dealing with public records.

AMENDATORY SECTION (Amending WSR 98-24-073, filed 11/30/98, effective 12/31/98)

WAC 30-04-020 Public records available. All public records of the commission as defined in WAC 30-02-010 (34), are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW ~~((42.17.310))~~ 42.56.210 and WAC 30-04-070.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

WAC 30-04-030 Public records officer. The commission's public records shall be in the charge of the public records officer designated by the executive director. The person so designated shall be located in the office. The public records officer shall be responsible for the following: The implementation of commission policy in regard to the release of public records, coordinating the staff of the office in this regard, and generally insuring staff compliance with the public disclosure requirements of chapter ((42.17)) 42.56 RCW.

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-04-040 Inspection and copying. Public records shall be available for inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday(~~(, excluding Saturdays, Sundays, and)~~) except weeks that include state legal holidays(,). All public records of the commission are located at the Washington State Arts Commission, ((234 E. 8th Avenue)) 711 Capitol Way S., Suite 600, Olympia, ((Washington)) WA 98504.

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-04-050 Requests for public records. In accordance with the requirements of chapter ((42.17)) 42.56 RCW, that agencies prevent unreasonable invasion of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedure:

(1) A request shall be made in writing upon a form prescribed by the commission which shall be available at the location ((indicated above)) listed in WAC 30-04-040. The form shall be presented to the public records officer, or to another designated member of the staff if the public records officer is not available. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) The public records officer, or staff person assisting the member of the public making the request, will ascertain whether or not the information requested is exempt from public inspection and copying as outlined in WAC 30-04-070 and further defined in RCW ((42.17.310)) 42.56.210. Included therein, but not limited to, are such exemptions as personal information that may violate the rights of privacy of

the individual, national defense information, certain aspects of real estate appraisals as outlined in RCW ((42.17.310 ~~(+)(g))~~) 42.56.260, and other particular information.

(3) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected shall such public record or portion thereof be made available for inspection by a member of the public.

(4) In all cases, it shall be the obligation of the public records officer, or staffperson to whom the request is made, to:

- (a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;
- (b) Assist the member of the public in appropriately identifying the public record requested;
- (c) Protect and otherwise prevent damage to the public record being inspected and copied;
- (d) Prevent disorganization of file folders or document containers;

(e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;

(f) Prevent excessive interference with the other essential functions of the agency.

(5) Only the staff and members of the commission may open files to gain access to commission records.

(6) No public record of the commission may be taken from the premises of the commission by a member of the public.

(7) Public inspection of commission records shall be done only in such locations as are approved by the public records officer, which locations must provide an opportunity for staff to ensure that no public record of the commission is damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public.

(8) Public records of the commission may be copied only on the copying machine of the commission unless other arrangements are authorized by the public records officer.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

WAC 30-04-070 Exemptions. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 30-04-050 is exempt under the provisions of RCW ((42.17.310)) 42.56.210.

(2) The commission reserves the right to allow the public to only inspect certain public records where there is reason to believe that the ability to copy such records would be a violation of contractual copyright agreements.

(3) In addition, pursuant to RCW ((42.17.260)) 42.56.070, the commission reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter ((42.17)) 42.56 RCW. The public records officer will justify such deletion in writing.

(4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption

authorizing the withholding of the record and a brief explanation of how the exemption applies to the withheld.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

WAC 30-04-120 Records index. The commission shall provide a current records index based on those records available in the commission office and outlined on the commission's schedule for archival of official agency records. Those records which are considered exempt for the purposes of WAC 30-04-070 and RCW ((42.17.310)) 42.56.210 shall be so noted on the index.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

WAC 30-08-010 Purpose. The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of chapters ((42.17)) 42.56 and 42.30 RCW, in particular those sections which deal with procedures and meetings.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

WAC 30-08-020 Uniform procedure rules. Practice and procedure in and before the commission are governed by the uniform procedural rules codified in the Washington Administrative Code, WAC ((1-08-005 through 1-08-590 [WAC 10-08-001 through 10-08-252])) 10-08-001 through 10-08-252, as now or hereafter amended, which rules the commission adopts as its own, subject to any additional rules the commission may choose to adopt. The commission reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the commission, said determination to be in accordance with the spirit and intent of the law.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

WAC 30-08-050 Commission meeting materials. The commission and its staff will make every effort to make commission meeting materials available for viewing by the public at the time of the meeting, pursuant to WAC 30-04-010 through 30-04-120, except as otherwise provided by RCW ((42.17.310)) 42.56.210. Due to the unpredictability of attendance at meetings, extra copies of meeting materials will be distributed until depleted. Requests can be made to the staff to provide copies by mail.

Chapter 30-41 WAC

POET LAUREATE PROGRAM

NEW SECTION

WAC 30-41-010 Purpose. The Washington state arts commission is authorized by RCW 43.46.081 to establish and administer the poet laureate program. The poet laureate shall

engage in activities to promote and encourage poetry within the state, including, but not limited to, readings, workshops, lectures, or presentations for Washington educational institutions and communities in geographically diverse areas over a two-year term.

NEW SECTION

WAC 30-41-020 Procedures. (1) Selection of a poet laureate shall be made by a committee appointed and coordinated by the commission. The committee may include representatives of the Washington state library, the education community, the Washington commission for the humanities, publishing, and the community of Washington poets.

(2) The commission and the committee shall establish criteria to be used for the selection of a poet laureate. In addition to other criteria established, the poet laureate must be a published poet, a resident of Washington state, active in the poetry community, and willing and able to promote poetry in the state of Washington throughout the two-year term.

(3) The recommendation of the poet laureate selection committee shall be forwarded to the commission, which shall appoint the poet laureate with the approval of the governor.

NEW SECTION

WAC 30-41-030 Compensation. The poet laureate shall receive compensation at a level determined by the commission. Travel expenses shall be provided in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION

WAC 30-41-040 Term limits. The poet laureate may not serve more than two consecutive two-year terms.

WSR 09-17-079

EXPEDITED RULES

DEPARTMENT OF

NATURAL RESOURCES

[Filed August 14, 2009, 3:35 p.m.]

Title of Rule and Other Identifying Information:
Amending WAC 332-120-070 Application/permit form and 332-130-025 Corner restoration—Recording form.

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 Gwen Gervelis, Department of Natural Resources, P.O. Box 47030, Olympia, WA 98504-7030, AND RECEIVED BY October 19.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending WAC 332-120-070 and 332-130-025 to remove forms from WAC. To make it easier for the public.

Reasons Supporting Proposal: Forms are very cumbersome in WAC. They are difficult to fill out and arduous to update. Removing them will allow the department of natural resources to pursue current, more efficient technology such as online filing and update the layout of the form to conform to current practice.

Statutory Authority for Adoption: RCW 58.24.030, 58.24.040, and 58.09.050.

Statute Being Implemented: RCW 58.24.030, 58.24.040, and 58.09.050.

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

Name of Proponent: Department of natural resources, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gwen Gervelis, P.O. Box 47030, Olympia, WA 98504-7030, (360) 902-1181.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Department of licensing, board of registration of [for professional] engineers and land surveyors, executive director recommended removal of the forms from WAC to allow easier updates and more efficient filings.

August 14, 2009

Clay Sprague

Deputy Supervisor Uplands

AMENDATORY SECTION (Amending Order 617, filed 2/25/94, effective 3/28/94)

WAC 332-120-070 Application/permit form. ((The following form shall be used when making application to remove or destroy a survey monument:))

((STRICKEN GRAPHIC _____))

**APPLICATION FOR PERMIT
TO REMOVE OR DESTROY
A SURVEY MONUMENT**

PERMIT NO.

You are hereby authorized to remove or destroy
the described survey monument(s):

AUTHORIZING SIGNATURE/DATE
(DNR or Other Authorizing Agency)

APPLICANT INFORMATION:

NAME: TELEPHONE NO: DATE:

COMPANY OR AGENCY NAME AND ADDRESS:

I estimate that this work will be finished by (date)_____.

_____ I request a variance from the requirement to reference to the Washington Coordinate System. (Please provide your justification in the space below.)

The variance request is ___ approved; ___ not approved. (FOR DNR USE ONLY) Reason for not approving:

MULTIPLE MONUMENTS:

_____ Check here if this form is being used for more than one monument. You must attach separate sheets showing the information required below for each monument affected. You must seal, sign and date each sheet.

INDEXING INFORMATION FOR AN INDIVIDUAL MONUMENT:

1) THE MONUMENT IS LOCATED IN: SEC _____ TWP _____ RGE _____ 1/4-1/4 _____

2) ADDITIONAL IDENTIFIER: (e.g., BLM designation for the corner, street intersection, plat name, block, lot, etc.)

MONUMENT INFORMATION: Describe: 3) the monument/accessories found marking the position, 4) the temporary references set to remonument the position (include coordinates when applicable), and 5) the permanent monument(s) to be placed on completion (if a permanent witness monument(s) is set include the references to the original position).

SEAL/SIGNATURE/DATE SIGNED

(Form prescribed 2/94 by the Public Land Survey Office, Dept. of Natural Resources, pursuant to RCW 58.24.040 (8).)

(STRICKEN GRAPHIC))

~~((STRICKEN GRAPHIC))~~

COMPLETION REPORT FOR MONUMENT REMOVAL OR DESTRUCTION

(TO BE COMPLETED AND SENT TO THE DNR AFTER THE WORK IS DONE.)

_____ I have perpetuated the position(s) as per the detail shown on the application form.

SEAL/SIGNATURE/DATE SIGNED

OR

_____ I was unable to fulfill the plan as shown on the application form. Below is the detail of what I did do to perpetuate the original position(s). (If the application covered multiple monuments attach sheets providing the required information. Seal, sign and date each sheet.)

SEAL/SIGNATURE/DATE SIGNED

~~STRICKEN GRAPHIC))~~

All applications must be completed on forms provided by the department and following instructions provided by the department. Completed applications shall be filed at the department.

AMENDATORY SECTION (Amending WSR 97-02-071, filed 12/31/96, effective 1/31/97)

WAC 332-130-025 Corner restoration—Recording form. The record of corner information required to be filed with the county auditor by the Survey Recording Act shall be filed on a form ((substantially like the following:))

((STRICKEN GRAPHIC _____))

LAND CORNER RECORD

GRANTOR/SURVEYOR/PUBLIC OFFICER: This corner record correctly represents work performed by me or under my direction in conformance with the Survey Recording Act.

COMPANY OR AGENCY:

ADDRESS:

GRANTEE: PUBLIC SEAL/SIGNATURE/DATE

LEGAL: TWP; RGE: CORNER CODE:
ADDITIONAL IDENTIFIER: (BLM designation, street or plat names, block, lot, etc.)

COUNTY:

WASHINGTON PLANE COORDINATES: N: E:

ORDER: ZONE: DATUM (Date of adjustment):

CORNER INFORMATION: Discuss the history, evidence found, and perpetuation of the corner. Diagram the references; provide the date of work; and, if applicable, a reference to a map of record and/or the field book/page no. Use the back, if needed.

This form is in compliance with the intent of RCW 65.04.045 and prescribed by the Public Land Survey Office, Department of Natural Resources - 1/97.

STRICKEN GRAPHIC))

((STRICKEN GRAPHIC _____

MARK THE CORNER LOCATION BELOW AND FILL IN THE CORNER CODE BLANK ON THE OTHER SIDE:
For corners at the intersection of two lines, the corner code is the alphanumeric coordinate that corresponds to the appropriate intersection of lines.

For corners that are only on one line, the corner code is the line designation and the related line segment; i.e., a corner on line 5 between "B" and "C" is designated BC-5.

For corners that are between lines, the corner code is both line segments; i.e., a corner in the SE1/4 of the SE1/4 of section 18 is designated MN 4-5.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25		
A																											A
B																											B
C			6		5		4		3		2		1														C
D																											D
E																											E
F																											F
G			7		8		9		10		11		12														G
H																											H
J																											J
K																											K
L			18		17		16		15		14		13														L
M																											M
N																											N
O																											O
P			19		20		21		22		23		24														P
Q																											Q
R																											R
S																											S
T			30		29		28		27		26		25														T
U																											U
V																											V
W																											W
X			31		32		33		34		35		36														X
Y																											Y
Z																											Z
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25		

RCW 58.09.060 (2) requires the following information on this form: an accurate description and location, in reference to the corner position, of all monuments and accessories (a) found at the corner and (b) placed or replaced at the corner; (c) basis of bearings used to describe or locate such monuments or accessories; and (d) corollary information that may be helpful to relocate or identify the corner position.

SPACE FOR ADDITIONAL COMMENT:

(STRICKEN GRAPHIC))

provided by the department and following instructions provided by the department.

WSR 09-17-085
EXPEDITED RULES
WASHINGTON STATE PATROL

[Filed August 17, 2009, 8:44 a.m.]

Title of Rule and Other Identifying Information:
 Amending WAC 204-10-024 Windows and 204-10-014 Definitions.

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 Melissa Van Gorkom, Washington State Patrol, P.O. Box 42600, Olympia, WA 98504-2600, fax (360) 596-4015, e-mail melissa.vangorkom@wsp.wa.gov, AND RECEIVED BY October 20, 2009.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending WAC 204-10-024 and 204-10-014 to remove language which is no longer required due to the passage of SB 5581 which implemented the language into RCW 46.37.430.

Reasons Supporting Proposal: The language in the WAC is no longer necessary. Removing the language from WAC will avoid any confusion by the public in having more than one law that reads the same/similar.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.320.

Statute Being Implemented: RCW 46.37.430.

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

Name of Proponent: Washington state patrol, governmental.

Name of Agency Personnel Responsible for Drafting: Melissa Van Gorkom, P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-4017; Implementation and Enforcement: Washington State Patrol, P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-4017.

August 5, 2009

John R. Batiste
 Chief

AMENDATORY SECTION (Amending WSR 08-19-079, filed 9/16/08, effective 10/17/08)

WAC 204-10-014 Definitions. (1) "Eye glasses" mean any spectacles, sunglasses, or goggles having two separately mounted lenses, but shall exclude contact lenses.

(2) "Goggles" means an optical device worn before the eyes, the predominant function of which is to protect the eyes without obstructing peripheral vision. They provide protection from the front and sides and may or may not form a complete seal with the face.

(3) "Face shield" means an eye protector attached to a helmet or headband(s) and which covers the wearer's eyes

and face at least to a point approximately to the tip of the nose and whose predominant function is protection of the eyes.

(4) "FMVSS" means Federal Motor Vehicle Safety Standard, chapter 49 Code of Federal Regulations (CFR) Part 571.

~~((6)) ("Frame" means those parts of eye glasses or goggles containing the lens housings. The frame may be associated with padding.~~

~~((6)) "Headband" means that part of the device consisting of a supporting band or other structure that either encircles the head or protective helmet, or can be attached thereto.~~

~~((7)) (6) "Motor vehicle" means passenger vehicles, multipurpose passenger vehicles, motorcycles, trucks and buses which are intended for use on public highways, excluding commercial vehicles as defined under RCW 46.04.140.~~

~~((8) "Motor vehicle window glazing" means glass material that meets the appropriate FMVSS for use in motor vehicles.~~

~~((9)) (7) "Recognized manufacturer" means a person, firm, copartnership, association, or corporation who is or has engaged in the business of manufacturing motor vehicles intended for use on the public highways and offered for sale in interstate commerce.~~

~~((10) "Recreational products" means any toys, cartoon characters, stuffed animals, signs, and other vision reducing articles and materials that may be applied to or suspended near motor vehicle windows for entertainment and/or amusement purposes.~~

~~((11)) (8) "Reflectorized warning device" means any device defined in RCW 46.37.450 or any device composed of a reflective sheeting material which consists of spherical lens elements embedded with a transparent plastic having a smooth, flat outer surface. The sheeting shall be weather resistant and have a protected, low tac, precoated adhesive backing.~~

~~((12)) (9) "Reflex reflector" means a device that is used on vehicles to give an indication of presence to an approaching driver by reflecting light from the headlamps of the approaching vehicle.~~

~~((13)) (10) "SAE" means the Society of Automotive Engineers. Copies of the SAE Standards are available for review at the Washington State Patrol, 210 11th Avenue, Olympia, WA 98504, and may also be ordered from the Society of Automotive Engineers International, 400 Commonwealth Drive, Warrendale, PA 15086-7511.~~

~~((14) "Sunscreening devices" are those products and/or materials applied or installed on motor vehicle windows for the purpose of reducing adverse effects of the sun. Such devices include, but are not limited to, semipermanently installed roll-up style shades and louver materials as well as temporarily applied articles such as towels, sheets, and blankets.~~

~~((15)) (11) "Wheelchair conveyance" means any vehicle specially manufactured or designed for transportation of a physically or medically impaired person who is either wheelchair-bound or otherwise walking impaired. The vehicle may be a separate vehicle used in lieu of a wheelchair or a vehicle used for transporting the impaired person who is simultaneously occupying a wheelchair.~~

AMENDATORY SECTION (Amending WSR 08-19-079, filed 9/16/08, effective 10/17/08)

WAC 204-10-024 Windows. (1) (~~Window glazing, manufactured and installed in accordance with 49 CFR 571.205 must not be etched or otherwise permanently altered if such glazing is installed in the windshield or any other window location of a motor vehicle passenger compartment. The only exception to this rule is the etching of the vehicle identification number permissible with the following provisions:~~

~~(a) The maximum height of the letters or numbers must not exceed one-half inch.~~

~~(b) The etched vehicle identification number must not be located in any position as to interfere with the vision of the occupant(s).~~

~~(2)) The windshield must be framed and in such a position that it affords continuous horizontal frontal protection to the driver and front seat occupants. The minimum vertical height of the unobstructed windshield glass must be six inches, or as originally equipped by a recognized manufacturer.~~

~~((3)) (2) The vehicle must be provided with a windshield and side windows or openings which allow the driver a minimum outward horizontal vision capability, ninety degrees each side of a vertical plane passing through the fore and aft centerline of the vehicle. This range of vision:~~

~~(a) May be interrupted by window framing not exceeding four inches in width at each side location.~~

~~(b) Must have no obstruction forward of the windshield which extends more than two inches upward into the horizontally forward projected vision area of the windshield except windshield wiper components and hood ornaments identical to those originally installed by a recognized manufacturer. For the purposes of this section, the projected vision area of the windshield shall be defined as that area above a line from the top of the steering wheel to the top of the front fenders or hood, whichever is higher.~~

~~((4) Sunscreening devices and/or recreational products:~~

~~(a) Must not be applied to or suspended between the driver and the windshield or the windows to the immediate right and left of the driver.~~

~~(b) May be applied to other windows provided that such devices do not interfere, by their size or position, with the driver's ability to see other vehicles, persons, and objects and do not reduce the driver's area of vision uniformly and by no more than fifty percent, as measured on a horizontal plane.~~

~~(c) May be applied to the rear window, provided that the vehicle must be equipped with outside rear view mirrors on both the left and the right.~~

~~This rule does not permit or prohibit the use and placement of federal, state, or local certificates or decals on any window as are required or prohibited by applicable laws or regulations. Any such decal or certificate must, however, be of such size and placement so that the ability of the driver to safely operate the vehicle is not impaired.~~

~~(5) Due to the nature of use, function and operation of such vehicles, transit city buses are exempt from the provisions of subsection (4)(a) and (b) of this section. The following are exempted from the provisions of subsection (4)(b) of this section:~~

~~(a) Hearses.~~

~~(b) Ambulances.~~

~~(c) Limousines, passenger buses, and transit city buses used to transport persons for compensation.~~

~~Such vehicles must have mirrors on both the right and left to provide vision at least two hundred feet to the rear. This section does not limit liability of the operators and/or owners of such vehicles involved in accidents resulting from reduced visibility.~~

~~(6)) (3) If a windshield is not required under 49 CFR 571, the operator must wear eye protection as outlined in chapter 46.37 RCW and WAC 204-10-026.~~

WSR 09-17-088
EXPEDITED RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed August 17, 2009, 10:34 a.m.]

Title of Rule and Other Identifying Information: WAC 250-76-020 and 250-76-050 through 250-76-070, American Indian endowed scholarship program.

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 Ann Voyles, Program Manager, Student Financial Assistance Division, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, AND RECEIVED BY October 19, 2009.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Removes the private contribution matching requirement; removes reference to the American Indian endowed scholarship trust fund; and requires that any future state fund appropriations be deposited into the American Indian scholarship endowment fund.

Reasons Supporting Proposal: Approval of SSB 5001, chapter 259, Laws of 2009, 61st Legislature, 2009 regular session.

Statutory Authority for Adoption: RCW 28B.108.060, 28B.108.020, 28B.108.050, and 28B.108.070.

Statute Being Implemented: RCW 28B.108.060, 28B.108.020, 28B.108.050, and 28B.108.070.

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

Name of Proponent: Higher education coordinating board, governmental.

Name of Agency Personnel Responsible for Drafting: Ann Voyles, 917 Lakeridge Way, Olympia, WA 98504-3430, (360) 753-7843; Implementation: John Klacik, 917 Lakeridge Way, Olympia, WA 98504-3430, (360) 753-7851;

and Enforcement: Don Bennett, 917 Lakeridge Way, Olympia, WA 98504-3430, (360) 753-7831.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Recommend approval of revised language.

Julie Japhet
Assistant Director
Student Financial
Assistance Division

AMENDATORY SECTION (Amending WSR 93-19-025, filed 9/3/93, effective 10/4/93)

WAC 250-76-020 Program definitions. (1) "Institution of higher education" or "institution" shall mean any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof, or any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of the Northwest (~~(Association of Schools and)~~ Commission on Colleges and Universities, providing such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the above named accrediting association.

(2) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(3) "Eligible student" or "student" means an American Indian student who meets the eligibility criteria as defined in WAC 250-76-030(1).

(4) "Full-time undergraduate student" is defined as a student who is enrolled for twelve quarter credits or the equivalent.

(5) "Full-time graduate student" is defined as one who is enrolled in at least the minimum credit course load required by the institution for disbursing financial aid to full-time graduate students.

(6) "Private cash donation," "private donation," or "donation" means moneys from nonstate sources that include, but are not limited to, federal moneys, tribal moneys, and assessments by commodity commissions authorized to conduct research activities, including but not limited to, research studies authorized under RCW 15.66.030 and 15.65.040.

(7) "Conditional gift" means a private cash donation received as a gift and subject to conditions by the contributor.

AMENDATORY SECTION (Amending WSR 92-04-018, filed 1/27/92, effective 2/27/92)

WAC 250-76-050 Terms of award. (1) Scholarship amounts.

(a) The amount of the scholarship for an undergraduate student shall be determined by the higher education coordi-

nating board in consultation with the advisory committee, not to exceed the student's demonstrated financial need.

(b) The amount of the scholarship for a graduate student shall be determined by the higher education coordinating board in consultation with the advisory committee, not to exceed:

(i) The student's demonstrated financial need, or

(ii) The stipend of a teaching assistant, including tuition, at the University of Washington, whichever is higher.

(c) In calculating a student's need, the board shall consider the student's costs for tuition, fees, books, supplies, transportation, room, board, personal expenses, and child care.

(d) The maximum yearly scholarship for any student may not exceed the maximum possible scholarship received for a student attending the University of Washington.

(e) Monetary awards made from this endowment may not replace any other state or federal student financial aid grant which would otherwise be made available to the student. If the recipient of this award is also a recipient of other student aid, it is the intent of this program that the institution presume that the endowment award be used to fill an unmet financial need or replace loans.

(2) Term of scholarship award.

~~((+))~~ A student is eligible to receive a scholarship for a maximum of five years. In order to receive the scholarship award beyond the first year, the student must continue to meet eligibility and selection criteria as defined in WAC 250-76-020 (3)(4)(5), 250-76-030, and 250-76-040(3) of these rules. The following additional criteria may be employed by the board in determining renewal of a student's scholarship award:

~~((+))~~ Amount of earnings by ~~((the American Indian endowed scholarship trust fund and))~~ the American Indian scholarship endowment fund as ~~((administered))~~ managed by the state ~~((treasurer))~~ investment board.

(3) Number of scholarships awarded. The maximum number of scholarships awarded or renewed each year shall be limited by the amount of earnings received by the board from ~~((the American Indian endowed scholarship trust fund and))~~ the American Indian scholarship endowment fund as ~~((administered))~~ managed by the state ~~((treasurer))~~ investment board. Consideration for funding shall be given to those students eligible to renew their scholarship award.

AMENDATORY SECTION (Amending WSR 92-04-018, filed 1/27/92, effective 2/27/92)

WAC 250-76-060 Administration. (1) Administering agency. The higher education coordinating board shall administer the American Indian endowed scholarship program. The board shall have the following administrative responsibilities:

(a) Publicize the program;

(b) Adopt necessary program guidelines;

(c) Accept and deposit donations into the endowment fund;

(d) Request from the state investment board, and accept from the state treasurer, moneys earned by ~~((the trust fund~~

and)) the endowment fund for the disbursement of American Indian endowed scholarship awards;

(e) Solicit and accept grants and donations from public and private sources for the program;

(f) Name scholarships in honor of those American Indians from Washington who have acted as role models; and

(g) Select students to receive American Indian endowed scholarship awards, with the assistance of the selection committee created by WAC 250-76-040(2).

(2) Responsibility for soliciting contributions. The American Indian community will have primary responsibility for solicitation of contributions. The higher education coordinating board will work in support of individual tribes and organizations who are soliciting contributions.

AMENDATORY SECTION (Amending WSR 93-19-025, filed 9/3/93, effective 10/4/93)

WAC 250-76-070 Management of funds. (1) ~~((American Indian endowed scholarship trust fund. Funds appropriated by the legislature for the American Indian endowed scholarship trust fund shall be deposited into the fund and invested by the state treasurer.~~

~~(a) As the higher education coordinating board can match \$50,000 of state funds with an equal amount of private cash donations, the board may request that the state treasurer deposit \$50,000 of state matching funds and any earned interest from the trust fund into the American Indian scholarship endowment fund.~~

~~(2)) American Indian scholarship endowment fund. The American Indian scholarship endowment fund shall be ((administered by)) in the custody of the state treasurer. The investment of the endowment fund shall be managed by the state investment board. Funds appropriated by the legislature for the American Indian endowed scholarship program shall be deposited into the endowment fund. Moneys received from the higher education coordinating board, private donations, ~~((state matching moneys,))~~ and funds received from any other source may be deposited into the endowment fund. ~~((All moneys deposited in the endowment fund shall be invested by the state treasurer.))~~~~

(a) With the exception of conditional gifts, donated moneys may not be refunded, or otherwise returned, to the contributor after they have been deposited to the endowment fund.

Conditional gift moneys may be refunded, or otherwise returned, according to the terms of the conditional gift if the condition attached to the gift has failed. Moneys returned in this manner shall not constitute an invasion of corpus.

(b) A donation may not be accepted if such acceptance conditions the awarding of scholarships in a manner contrary to chapter 28B.108 RCW, or contrary to the guidance of the program's advisory committee.

~~((3))~~ (2) Scholarships shall be disbursed from the investment earnings of ~~((the trust fund and))~~ the endowment fund, with the exception of the portion of earnings reinvested in the fund according to the terms of a conditional gift. The principal of the ~~((trust and))~~ endowment fund((s)) shall not be invaded. No scholarships shall be awarded until sufficient

earnings from the ~~((combined trust and))~~ endowment fund((s)) have accumulated.

~~((4))~~ (3) As sufficient earnings from the ~~((combined trust and))~~ endowment fund((s)) have accumulated, the higher education coordinating board may request that the state investment board, through the state treasurer, release earnings from the endowment fund to the board for scholarships.

~~((5))~~ (4) The higher education coordinating board may award scholarships to eligible students from the moneys earned by ~~((the American Indian endowed trust fund and))~~ the American Indian scholarship endowment fund ~~((as administered by the state treasurer))~~, or from funds appropriated to the board for this purpose, or from any private donations, or from any other funds given to the board for this program.