

WSR 11-05-003**EXPEDITED RULES****ENVIRONMENTAL HEARINGS OFFICE**

(Shorelines Hearings Board)

[Filed February 2, 2011, 2:24 p.m.]

Title of Rule and Other Identifying Information: The environmental hearings office (EHO) (shorelines hearings board (SHB)) is repealing chapter 461-12 WAC entitled "Practice and procedure-public records." These rules, which have not been updated since 1981, have been inadvertently replaced and duplicated, without their repeal, by WAC 461-08-315 through 461-08-330 (SHB practice and procedural rules regarding board administration and jurisdiction) and chapter 198-12 WAC (EHO disclosure of public records-public meetings).

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 Kay Brown, Rules Coordinator, Environmental Hearings Office, P.O. Box 40903, Olympia, WA 98504, e-mail Kayb@Eho.Wa.Gov, AND RECEIVED BY April 19, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The EHO and SHB have been applying WAC 461-08-315 through 461-08-330, and chapter 198-12 WAC, and not chapter 461-12 WAC, in the past several years. The EHO and SHB were not aware of the existence of chapter 198-12 WAC, which consists of outdated and redundant rules pertaining to public records and board administration and jurisdiction. The EHO and SHB do not anticipate any changes in practice at the agency resulting from this repeal.

Reasons Supporting Proposal: Repeal of chapter 198-12 WAC eliminates unnecessary, outdated, and redundant rules from the Washington Administrative Code.

Statutory Authority for Adoption: This is a repeal only. No rules are being adopted. See RCW 34.05.353 (2)(d).

Statute Being Implemented: This is a repeal only.

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

Name of Proponent: [EHO], governmental.

Name of Agency Personnel Responsible for Drafting: Kay Brown, Tumwater, Washington, (360) 664-9174; Implementation and Enforcement: Environmental Hearings Office, Tumwater, Washington, (360) 664-9160.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This is a repeal of an outdated, redundant chapter of agency rules. It is beneficial to individuals that interact with the EHO and SHB to not have an outdated, redundant,

and potentially confusing chapter of rules in the SHB's practice and procedural rules.

February 2, 2011

Andrea McNamara Doyle

Agency Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 461-12-010	Purpose.
WAC 461-12-020	Definitions.
WAC 461-12-030	Public records available.
WAC 461-12-031	Membership, function and jurisdiction.
WAC 461-12-032	Administration of the board.
WAC 461-12-033	Meetings of the board.
WAC 461-12-034	Quorum.
WAC 461-12-036	Communications with the board.
WAC 461-12-040	Public records officer.
WAC 461-12-050	Office hours.
WAC 461-12-060	Requests for public records.
WAC 461-12-070	Copying.
WAC 461-12-080	Exemptions.
WAC 461-12-090	Review of denials of public records requests.
WAC 461-12-100	Protection of public records.
WAC 461-12-110	Records index.
WAC 461-12-120	Communications with the board.
WAC 461-12-130	Adoption of form.

WSR 11-05-032**EXPEDITED RULES****DEPARTMENT OF AGRICULTURE**

[Filed February 8, 2011, 12:34 p.m.]

Title of Rule and Other Identifying Information: Amend WAC 16-532-020 Hop board.

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 Kelly Frost, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY April 19, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendment would change the requirement for annual audits of the hop commission to a rate prescribed by the state auditor's office.

RCW 15.65.070 Notice of hearing on proposal—Publication—Contents, requires a public hearing on any amendment to a marketing order. A public hearing will be held on March 29, 2011, beginning at 2:00 p.m. at the Washington State Department of Agriculture, Natural Resource[s] Building, 1111 Washington Street S.E., Conference Room 205, Olympia, WA 98504.

Reasons Supporting Proposal: An annual audit of the commission's records, books and accounts is overly burdensome and costly to the commission and not required by the state auditor. Revising the requirement would allow the commission to participate in the state auditor's normal audit cycle schedule and provide consistency between RCW 15.65.490 and the hop marketing order.

Statutory Authority for Adoption: RCW 15.65.047, chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.65 RCW.

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

Name of Proponent: Washington hop commission, governmental.

Name of Agency Personnel Responsible for Drafting: Kelly Frost, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1802; Implementation and Enforcement: Ann George, P.O. Box 1207, Moxee, WA 98936, (509) 453-4749.

February 8, 2011

Dan Newhouse

Director

AMENDATORY SECTION (Amending WSR 05-15-098, filed 7/15/05, effective 8/15/05)

WAC 16-532-020 Hop board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of eight members. Seven members shall be affected producers elected as provided in this section. The director shall appoint one member of the board who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the entire state of Washington.

(3) **Board membership qualifications.**

The affected producer members of the board shall be practical producers of hops and shall be citizens and residents of the state of Washington, over the age of twenty-five years,

each of whom is and has been actually engaged in producing hops within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(4) **Term of office.**

(a) The term of office for members of the board shall be three years and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director position eight.

(c) The term of office for the initial board members shall be as follows:

Positions one, two, three and ten - until June 30, 1967

Positions four, five and six - until June 30, 1966

Positions seven, eight and nine - until June 30, 1965

(d) Terms of office for the board members serving at the time of the 1992 amendment of this section shall be as follows:

Positions one, two, three and ten - until December 31, 1994

Positions four, five and six - until December 31, 1993

Positions seven, eight and nine - until December 31, 1992

(e) The term of office for the remaining producer board members serving at the time of the effective date of the 2005 amended marketing order shall be as follows:

Positions four, five, and six - until December 31, 2005

Positions one and two - until December 31, 2006

Positions three and seven - until December 31, 2007

(5) **Nomination and election of board members.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meetings by written petition filed with the director signed by not less than five affected producers. At the inception of this order nominations may be made at the issuance hearing.

(6) **Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of November under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a run-off election shall be held by mail in a

similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member shall be reimbursed for actual subsistence and traveling expenses incurred through attendance at meetings or other board activities: Provided, That such expenses shall be authorized by resolution by unanimous approval of the board at a regular meeting.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order.

(f) To establish a "hop board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys and other financial transactions made and done pursuant to this order. Such

records, books and accounts shall be audited (~~(at least annually)~~) subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings of the board with reasonable notice to the members: Provided, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

WSR 11-05-080
EXPEDITED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed February 15, 2011, 11:09 a.m.]

Title of Rule and Other Identifying Information: Technical edits to WAC 181-79A-145 Citation for definition of private school is no longer accurate.

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 David Brenna, Professional Educator Standards Board, 600 Washington Street South, Room 400, Olympia, WA 98504, AND RECEIVED BY April 19, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Changes citation for definition of private schools from chapter 180-55 WAC to WAC 181-79A-030.

Reasons Supporting Proposal: Technical clarification.

Statutory Authority for Adoption: RCW 28A.410.210.

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

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, 600 Washington Street South, Olympia, WA 98504, (360) 725-6238.

February 15, 2011

David Brenna

Legislative and

Policy Coordinator

AMENDATORY SECTION (Amending WSR 10-16-124, filed 8/3/10, effective 9/3/10)

WAC 181-79A-145 Levels and validity of certificates.

Two levels of certification may be issued.

(1) Initial and continuing certificates: Teachers with program completion dates through August 31, 2000, administrators with program completion dates through August 31, 2004, and educational staff associates with program completion dates through August 31, 2005, will be issued the following levels of certificates: Provided, That initial and continuing teachers' certificates after August 31, 2000, initial and continuing principal and program administrator certificates after August 31, 2004, and initial and continuing educational staff associate certificates after August 31, 2005, will be issued only to previous Washington certificate holders, pursuant to WAC 181-79A-123:

(a) Initial certificate. The initial teacher certificate is valid for four years and the initial administrator and educa-

tional staff associate certificates are valid for seven years. Initial teacher certificates shall be subject to renewal pursuant to WAC 181-79A-250(1) and 181-79A-123. Initial administrator and educational staff associate certificates shall not be subject to renewal. Initial administrator and educational staff associate certificate holders shall be issued a continuing certificate if they meet the requirements for such certificate. Initial administrator and educational staff associate certificate holders shall be issued a residency certificate if their initial certificate has expired or they do not meet the requirements for a continuing certificate.

(b) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 181-79A-250(3).

(2) Residency and professional certificates: Teachers, administrators, and educational staff associates with program completion dates commencing with the dates indicated below will be issued the following levels of certificates:

(a) Residency certificate. The residency certificate will be issued to teachers beginning September 1, 2000, to principal/program administrators beginning September 1, 2004, and to educational staff associate school counselors, school psychologists, and school social workers no later than September 1, 2005.

(b) The first issue of a residency certificate for teachers, principals, program administrators, and educational staff associates shall be valid until the holder has completed two consecutive years of successful service in the role in Washington with a school district, state approved private school, or state agency that provides educational services for students. When the principal, program administrator, or educational staff associate completes two consecutive years of successful service in the role in the state with the same employer, their residency certificate will be reissued with a five-year expiration date; provided, that the second consecutive year of successful service in the role will be considered to be complete for purposes of reissuance if a contract for the third such year has been signed and returned to the employer. Prior to the expiration date, the candidate must earn a professional certificate or meet residency renewal requirements under WAC 181-79A-250.

(c) For teachers, after September 1, 2011, a first issue teacher residency certificate remains undated until the teacher is eligible to register for the professional certificate assessment under WAC 181-79A-206, at which time the residency certificate is dated for three years as verified by the certification office of the superintendent of public instruction: Provided, That teachers who hold an undated initial residency certification and teach in nonpublic school settings as defined under (~~chapter 180-55~~) WAC 181-79A-030 are considered to hold a valid certificate and may participate in the professional certificate requirements by submitting proof of experience under WAC 181-79A-206.

(d) Professional certificate. The professional certificate will be issued to teachers beginning September 1, 2001, to principals/program administrators beginning September 1, 2007, and to educational staff associate school counselors, school psychologists, and school social workers beginning September 1, 2007. The professional certificate is valid for five years and shall be subject to renewal pursuant to WAC

181-79A-250. Provided, That a professional teacher's certificate based on the possession of a valid teacher's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 181-79A-257 (3)(b) or 181-79A-206 (3)(a) shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater. Provided further that a professional educational staff associate certificate for school counselors based on the possession of a valid school counselor's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 181-79A-257 or 181-79A-206 shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(3) First peoples' language, culture, and oral tribal traditions certificates: The first peoples' language, culture, and oral tribal traditions certificate will be issued beginning in January 2007. The first peoples' language, culture, and oral tribal traditions certificate is valid for five years and shall be subject to renewal pursuant to WAC 181-79A-252.

WSR 11-05-093

EXPEDITED RULES

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed February 16, 2011, 9:25 a.m.]

Title of Rule and Other Identifying Information: WAC 246-817-150(4) Licenses—Persons licensed or qualified out-of-state who are faculty at school of dentistry—Conditions.

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 Jennifer Santiago, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, AND RECEIVED BY April 18, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule repeals subsection (4) of WAC 246-817-150. The dental quality assurance commission (commission) has determined that RCW 18.32.195 does not require commission approval of University of Washington, School of Dentistry (UWSOD) clinics that are located off campus.

Reasons Supporting Proposal: WAC 246-817-150(4) is no longer necessary because of changed circumstances. The commission does not have express authority to approve UW dental facilities or clinics for the purposes of licensing faculty members. The commission is only required to approve/license faculty members that meet the requirements of RCW 18.32.195.

Statutory Authority for Adoption: RCW 18.32.0365.

Statute Being Implemented: RCW 18.32.195.

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

Name of Proponent: Washington state dental quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jennifer Santiago, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4893.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: By statute, RCW 18.32.195, faculty license holders of the UWSOD may only practice within the confines of the university facilities and within the scope of their employment as faculty of the UWSOD. If the proposed rule is adopted the UWSOD would then be responsible for determining what a university facility is. The proposed rule only affects the UWSOD.

December 10, 2010

Andrew A. Vorono, D.D.S., Chair
Dental Quality Assurance Commission

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-817-150 Licenses—Persons licensed or qualified out-of-state who are faculty at school of dentistry—Conditions. (1) The department shall provide an application for faculty licensure upon receipt of a written request from the dean of the University of Washington, School of Dentistry.

(2) Applicants for faculty licensure shall submit a signed, notarized application, including applicable fees, and other documentation as required by the DQAC.

(3) The dean of the University of Washington, School of Dentistry, or his designee, shall notify the department of health of any changes in employment status of any person holding a faculty license.

~~((4) Clinics situated away from the School of Dentistry on the University of Washington campus, must be recommended by the dean in writing and approved by the DQAC. The recommendation must list the rationale for including each location as a University of Washington School of Dentistry facility.))~~