

preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

May 7	6:30 p.m.	South Seattle Community College
June 4	6:30 p.m.	North Seattle Community College
July-August 6	6:30 p.m.	Seattle Central Community College
September 10	6:30 p.m.	South Seattle Community College
October 1	6:30 p.m.	North Seattle Community College
November 5	6:30 p.m.	Seattle Central Community College
December 3	6:30 p.m.	South Seattle Community College

WSR 83-24-018
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—November 30, 1983]

Board of Trustees
Proposed 1984 Meeting Schedule

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
**Thursday, January 26	9:00 a.m.	Higher Education Center Spokane, WA
Thursday, February 23	9:00 a.m.	Pence Union Building Council Chambers, EWU
Thursday, March 22	9:00 a.m.	Pence Union Building Council Chambers, EWU
**Thursday, April 26	9:00 a.m.	Higher Education Center Spokane WA
Thursday, May 24	9:00 a.m.	Pence Union Building Council Chambers, EWU
Thursday, June 28	9:00 a.m.	Pence Union Building Council Chambers, EWU
**Thursday, August 2	9:00 a.m.	Higher Education Center Spokane, WA
Thursday, September 27	9:00 a.m.	Pence Union Building Council Chambers
**Thursday, October 25	9:00 a.m.	Higher Education Center Spokane, WA
Thursday, November 29	9:00 a.m.	Pence Union Building Council Chambers, EWU

**Meetings held in Higher Education Center in Spokane

WSR 83-24-019
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY
COLLEGE DISTRICT
 [Memorandum—November 29, 1983]

A special meeting of the Seattle Community College District VI board of trustees is scheduled for Monday, December 5, 1983, at 6:30 p.m. in the Board Room of the Seattle Community College District Office, 300 Elliott Avenue West, Seattle, WA 98119.

WSR 83-24-020
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY
COLLEGE DISTRICT
 [Memorandum—November 17, 1983]

The 1984 meeting schedule for the Seattle Community College District VI board of trustees is as follows:

January 9	6:30 p.m.	Seattle Central Community College
February 6	6:30 p.m.	South Seattle Community College
March 5	6:30 p.m.	North Seattle Community College
April 2	6:30 p.m.	Seattle Central Community College

WSR 83-24-021
ADOPTED RULES
LIQUOR CONTROL BOARD

[Order 131, Resolution No. 140—Filed November 30, 1983]

Be it resolved by the Washington State Liquor Control Board, acting at Capital Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does adopt the annexed rules relating to Liquor sales in Indian country—Appointment of tribal liquor vendors—Qualifications, WAC 314-37-010.

This action is taken pursuant to Notice No. WSR 83-20-018 filed with the code reviser on September 23, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030 and 66.08.050(2).

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 30, 1983.
 By Robert D. Hannah
 Chairman

AMENDATORY SECTION (Amending Order 118, Resolution No. 127, filed 1/26/83)

WAC 314-37-010 LIQUOR SALES IN INDIAN COUNTRY—APPOINTMENT OF TRIBAL LIQUOR VENDORS—QUALIFICATIONS. (1) The Washington state liquor control board deems it necessary and advisable to adopt this rule for the following reasons:

(a) The decision of the ~~((Federal 9th Circuit Court of Appeals))~~ United States Supreme Court in the case of Rice v. Rehner (filed ~~((June 8, 1982))~~ July 1, 1983) has established that the state of Washington has ~~((no))~~ licensing jurisdiction over tribal liquor sales in Indian country and that those sales, when made in conformity with federal law, are subject to ~~((the exclusive jurisdiction of the tribe))~~ both tribal and state liquor regulatory requirements.

(b) ~~((Notwithstanding the decision in Rice v. Rehner, the state court of appeals in State v. Aukcen District Court has held that it still remains))~~ It is contrary to state law (see chapter 66.44 RCW) for ~~((nontribal))~~ purchasers of Indian liquor to remove that liquor from the reservation and into the state of Washington in those

instances where the tribal liquor sellers are not authorized by the board to sell liquor ((to those nontribal purchasers. Substantial expense has been incurred by the board's enforcement division in arresting and prosecuting nontribal purchasers of liquor sold by tribal outlets in Indian country.

(c) ~~The board has negotiated a settlement of pending litigation with certain Indian tribes, which settlement provides for recovery by the state of state tax on tribal liquor sold to nontribal purchasers provided that those sales are authorized by the board under RCW 66.08.050(2) through the appointment of qualifying Indian tribes as liquor vendors).~~

(2) Accordingly, pursuant to RCW 66.08.050(2), the Washington state liquor control board will appoint qualifying Indian tribes, which have entered into negotiated business agreements with the board, as liquor vendors ((for the purpose of sales to individuals who intend to remove the liquor from the reservation. The status of liquor vendor will authorize them to sell liquor by the bottle under)) which will authorize those vendor tribes to sell liquor by the bottle to such persons, firms or corporations as may be sold liquor from a state liquor store. All such appointments will be subject to the following conditions:

(a) The tribe must ((have in force a tribal ordinance governing liquor sales, which ordinance must have been certified by the Secretary of the Interior and published in the Federal Register)) enter into a business agreement with the Washington state liquor control board for the purchase and sale of liquor which will insure that the state's control over liquor traffic will be maintained while taking into consideration the unique nature of a tribal liquor vendor operation.

(b) The tribe must purchase all of its spirituous liquor for resale in Indian country from the board at a negotiated price ((which will cover the board's cost of acquisition, transportation, and handling, and the taxes imposed by RCW 82.08.150.)): PROVIDED((:)), That a quota of spirituous liquor will be sold by the board each year to the vendor tribe without the payment of state taxes, which quota shall be negotiated between the board and the qualified tribes and approved by the department of revenue.

(c) The tribe must ((purchase beer and wine only from the board or from board-licensed manufacturers or wholesalers)) have in force a tribal ordinance governing liquor sales, which ordinance must have been certified by the Secretary of the Interior and published in the Federal Register as required by 18 U.S.C. § 1161.

(d) The tribe must make all liquor sales in Indian country in conformity with both state and federal law ((and must conform to state law insofar as state law is made applicable to such sales by federal law. The tribe may make sales of liquor by the bottle to such persons, firms or corporations as may be sold liquor from a state liquor store except that the tribe will not be authorized to sell liquor to any state-licensed retail liquor licensees.

(e) ~~The tribe shall collect and remit to the state department of revenue the retail sales tax imposed by~~

~~RCW 82.08.020 on retail sales of beer and wine to nontribal members.~~

(f) ~~"Indian country" as used herein shall have the meaning ascribed to it in Title 18 U.S.C. § 1154 as of the date of promulgation of this rule).~~

(3) Should a tribe which has been appointed as a liquor vendor pursuant to this section fail to comply with all the above enumerated conditions, which shall be construed as continuing requirements to maintain the status of liquor vendor, the appointment of that tribe as a liquor vendor may be revoked by the board.

(4) A tribe, whether or not it has status as an Indian liquor vendor, which desires to sell beer and wine purchased from a licensed wholesaler must obtain state licenses for the sale of beer and wine and must abide by all state laws and rules applicable to sale of beer and wine by state licensees. Tribes selling beer and wine shall collect and remit to the state department of revenue the retail sales tax imposed by RCW 82.08.020 on retail sales of beer and wine to nontribal members.

(5) "Indian country" as used herein shall have the meaning ascribed to it in Title 18 U.S.C. § 1151 as qualified by Title 18 U.S.C. § 1154 as of July 1, 1983.

WSR 83-24-022
EMERGENCY RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Order V—Filed November 30, 1983]

I, Robert L. Hollister, Jr., director of the Department of Retirement Systems, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this notice proposes to change part of WAC 415-104-510(1)(e), Minimum standards for membership—Physical examination. The proposal changes the thirty-five year age condition for membership in LEOFF Plan I to forty-five years of age.

I, Robert L. Hollister, Jr., find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the Department of Retirement Systems has been issued a letter from the Equal Employment Opportunity Commission holding the department in violation of the Age Discrimination in Employment Act (ADEA) and citing in part the policy reflected in WAC 415-104-510(1)(e) as discriminatory. Amending the WAC as suggested should bring this agency into compliance.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Retirement Systems as authorized in RCW 41.50.050(5), 41.50.090 and 41.26.051.