

Report to the Governor

2012 IMPLEMENTATION OF EXECUTIVE ORDER 11-03

**Suspending Non-Critical Rule Development
and Adoption**

State of Washington
Office of Financial Management
Office of Regulatory Assistance

January 2013



Questions about this report may be directed to:

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Executive Policy Advisor
360-902-0448
Jason.McGill@gov.wa.gov

To find Executive Orders [10-06](#) and [11-03](#) (which extended the original EO [10-06](#)) and an electronic version of this report: <http://www.governor.wa.gov/execorders/default.asp>

To learn more about the guidelines for agencies to use: [Extending Executive Order 10-06, Suspending Non-Critical Rule Development and Adoption](#)

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STATE OF WASHINGTON

GOVERNOR'S EXECUTIVE POLICY OFFICE

Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113 • (360) 902-0555

January 11, 2013

TO: Governor Chris Gregoire

FROM: Jason McGill, Executive Policy Advisor

**SUBJECT: REPORT ON 2012 IMPLEMENTATION OF EXECUTIVE ORDER 11-03
“SUSPENDING NON-CRITICAL RULE DEVELOPMENT AND
ADOPTION”**

On November 17, 2010, you issued Executive Order (EO) [10-06](#), suspending non-critical rule development and adoption through the end of the 2011. On October 11, 2011, you issued EO [11-03](#), which extended EO 10-06 through 2012 and now has expired. Both EOs applied to all cabinet agencies, boards, commissions and other agencies that report to you. In addition, you invited all elected officials, institutions of higher education, agencies, boards, commissions and other entities with rule-making authority to also suspend non-critical rule development and adoption.

You asked the Executive Policy Office to publish guidelines for implementing your EOs. The [guidelines](#) asked agencies to report each year on the number of rules eliminated or suspended in response, and the number of and justification for rules that proceeded through development and/or adoption while the EO was in effect.

We provided the agencies subject to the EOs a template for reporting implementation results. All 39 agencies, boards or commissions that report directly or indirectly to you reported back using this template. In addition, 32 agencies, boards or commissions that do not report to you (e.g., other elected officials, independent boards and commissions) also responded to our request for information (29 responded in 2011). The 71 responses covered by this report constitute the vast majority of state rule-making activity. The results for both years are similar.

Analysis of the agencies' reports shows the following:

- A significant reduction in rule-making activity from years pre-dating the EOs
- A number of agencies refrained from rulemaking altogether
- 75 rules were eliminated in 2011 and 66 in 2012
- 483 rules were put on hold in 2011 and 374 in 2012
- 186 rules adopted were required by law in 2011 and 218 in 2012
- 118 rules adopted were requested by the regulated communities in 2011 and 94 in 2012
- 69 rules adopted were related to managing budget reductions and related government reforms in 2011 and 50 in 2012
- 28 were adopted to address public health or safety concerns in 2011 and 40 in 2012
- 5 rules were necessary due to court order in 2011 and 3 in 2012

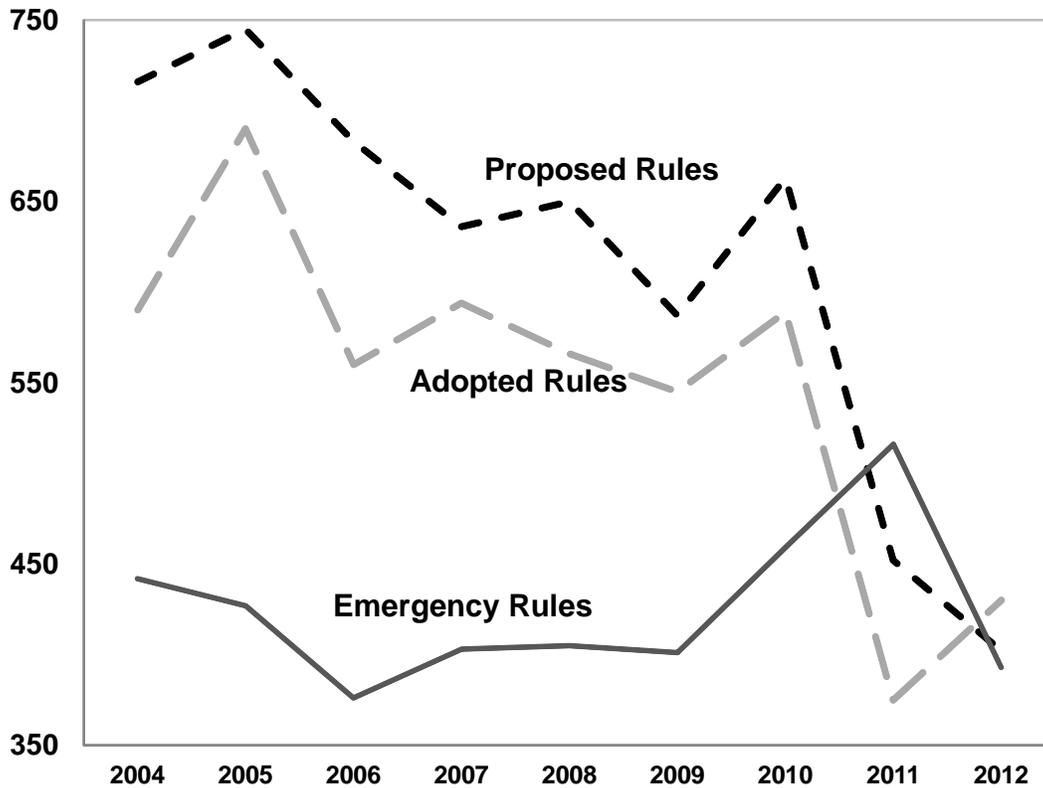
Agency Reports:

You can view the individual agency responses through “bookmarks” in this document associated with each agency as listed in the attachments (you may have to turn-on the bookmarks in Adobe Reader).

Conclusions:

It appears the EOs accomplished their intended purpose of conserving limited public resources and reducing impacts on small businesses during this recession. The slight uptick in adopted rules is explained by the Liquor Control Board’s necessary implementation of I-1183 which privatized the sale of liquor (the Liquor Control Board reported 6 rules in 2011 and 44 in 2012, 34 of which related to I-1183). See chart below for more information.

AGENCY RULE-MAKING ACTIVITY*



* Code Reviser’s Agency Rule-Making report (NOTE: Code Reviser data does not exactly match our data because our report includes rules from 11/17/2010, when the Governor’s Executive Order commenced, through 2011. However, the data trend is consistent with the Executive Order results.

Other findings:

As mentioned in last year's report, one possible unintended consequence is that agencies may have postponed rule simplification and related initiatives; however, agencies report that many rulemakings went forward because they were requested by the regulated communities, of which many of these rules made critical updates and simplifications that made it easier to understand and apply the rules for respective regulated communities.

Also, in 2011 we noted an increase in the number of rules adopted on an emergency basis, but this moderated significantly for 2012. In fact, 2012 saw a decrease in Emergency Rules as compared to years pre-dating your EOs (see chart on previous page). As explained in last year's report, the uptick in emergency rule adoption in 2011 was related to the significant budget reductions adopted when the Legislature finalized the state's 2011–13 biennial operating budget. In 2011, agencies reported 159 rules related to reduce budget expenditures; in 2012, agencies reported only 65 rules (adopted and proposed). In addition, the majority of the emergency rules related to actions that occur on an annual basis (Department of Fish and Wildlife reported 275 emergency rules in 2011 and 270 in 2012, consistent with its annual average of emergency rule filings related to fish season control required by law).

Attachments:

1. Index of agencies, boards or commissions that reported (subject to EO)
2. Index of agencies, boards or commissions that reported (not subject to EO)

Attachment #1: Index of Agencies, Boards or Commissions That Reported and are Subject to EO

1. Arts Commission*
2. Board of Accountancy
3. Center for Childhood Deafness and Hearing Loss*
4. Commission on African-American Affairs*
5. Commission on Asian Pacific American Affairs*
6. Commission on Hispanic Affairs*
7. Consolidated Technology Services*
8. Dept. of Agriculture (including commodity commissions*)
9. Dept. of Archaeology and Historic Preservation*
10. Dept. of Commerce (including Economic Development Commission, Energy Facility Site Evaluation Council, Public Works Board)
11. Dept. of Corrections (including Indeterminate Sentence Review Board)
12. Dept. of Early Learning
13. Dept. of Ecology
14. Dept. of Employment Security
15. Dept. of Enterprise Services (including Building Code Council)
16. Dept. of Financial Institutions
17. Dept. of Health (including health profession boards and commissions)
18. Dept. of Labor and Industries
19. Dept. of Licensing (including regulatory boards)
20. Dept. of Retirement Systems
21. Dept. of Revenue
22. Dept. of Services for the Blind*
23. Dept. of Social and Health Services (including Council for Children and Families*)
24. Dept. of Transportation
25. Dept. of Veterans Affairs*
26. Health Care Authority (including the Public Employees Benefits Board)
27. Lottery Commission*
28. Military Department
29. Office of Administrative Hearings*
30. Office of Financial Management (including Personnel Resources, Sentencing Guidelines Commission, Technology Services Board)
31. Office of Minority and Women's Business Enterprises
32. Office of the Governor (including Governor's Office of Indian Affairs*, Office of Education Ombudsman*, Office of Family and Children's Ombudsman*)
33. Pollution Liability Insurance Program*
34. Puget Sound Partnership*
35. Recreation and Conservation Office
36. School for the Blind*
37. State Patrol
38. Traffic Safety Commission*
39. Workforce Training and Education Coordinating Board*

* Indicates no rulemaking reported

Attachment #2: Index of Other Agencies, Boards or Commissions That Reported but not Subject to EO

1. Attorney General, Office of the
2. Board for Volunteer Firefighters
3. Board of Industrial Insurance Appeals
4. Board of Pilotage Commissioners
5. Board of Tax Appeals*
6. Code Reviser
7. Columbia River Gorge Commission
8. County Road Administration Board
9. Dairy Products Commission*
10. Dept. of Fish & Wildlife
11. Eastern Washington University
12. Forest Practices Board
13. Gambling Commission
14. Highline Community College
15. Horse Racing Commission
16. Life Sciences Discovery Fund*
17. Liquor Control Board
18. Lt. Governor, Office of the*
19. Olympic College
20. Parks and Recreation Commission
21. Professional Educator Standards Board
22. South Puget Sound Community College
23. Southwest Clean Air Agency
24. State Board for Community and Technical Colleges
25. State Board of Health
26. Transportation Commission (see Department of Transportation under Attachment #1)
27. Transportation Improvement Board
28. University of Washington
29. Utilities and Transportation Commission
30. Washington Student Achievement Council (formerly Higher Education Coordinating Board)
31. Western Washington University
32. Yakima Valley Community College

* Indicates no rulemaking reported

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Attorney General's Office		
Cabinet Agency or Report to Gov	(Circle)	Yes	or <u>No</u>
Contact	Rebecca Podszus		
Contact Phone	360-586-2683		
Contact Email	rebeccap3@atg.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	0		0		
Court order	0		0		
Manage budget	0		0		
Protect public health, safety	0		0		
Beneficial, requested by stakeholders	0		0		
Total	0		0		

Rules Currently in Process or Expected to Proceed*				
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)	
Required by state or federal law	0	0		
Court order	0	0		
Manage budget	0	0		
Protect public health, safety	0	0		
Beneficial, requested by stakeholders	Filed March 12, 2008. WSR 08-07-032	Filed March 12, 2008. WSR 08-07-032	Amendment to the Attorney General's Office rules on public records (WAC 44-06)	
Total	1			

* Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information

	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	0		
Rules that have been eliminated	0		
Emergency rules adopted	0		
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	0		

Additional Information (optional):

Additional activity on the proposed amendment to the Attorney General’s Office rules on public records is currently suspended. Action may be pursued in the future.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Board for Volunteer Firefighters and Reserve Officers		
Cabinet Agency or Report to Gov	(Circle)	<input checked="" type="radio"/> Yes	or <input type="radio"/> No
Contact	Brigette K. Smith, Executive Secretary		
Contact Phone	360-753-7318		
Contact Email	bridgettes@bvff.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	0	0			
Court order	0	0			
Manage budget	0	0			
Protect public health, safety	0	0			
Beneficial, requested by stakeholders	0	0	1		Rule detailing the appeals process. The CR-101 was filed, but work will not be completed by the end of 2012.
Total	0	0	1		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	0		
Court order	0		
Manage budget	0		
Protect public health, safety	0		
Beneficial, requested by stakeholders	0		
Total	0		

* Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	1		Rule detailing the appeals process - on hold until order is lifted. General work was done with constituent help, and CR-101 was filed, but work was suspended with the issuance of the first Executive Order.
Rules that have been eliminated	0		
Emergency rules adopted	0		
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	0		

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Board of Accountancy
Cabinet Agency or Report to Gov	(Circle) <u>Yes</u> or No
Contact	Richard C. Sweeney, CPA, Executive Director
Contact Phone	360- 586-0163
Contact Email	ricks@cpaboard.wa.gov

Rules Permanently Adopted – CR 103(P)					
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		
Exemption Category	Rules	Sections	Rules	Sections	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	0				
Court order	0				
Manage budget	0				
Protect public health, safety	0				
Beneficial, requested by stakeholders	45	57	3		<p>Comprehensive review of all Board rules to recognize online services' impact on procedures, use consistent language, incorporate Board policy into rule, add 4 new rules to accommodate changes in environment, and reorganization into like functions. Rule-making was in process and mostly completed prior to the effective date of Executive Order 10-06. All that remained was filing of the CR-103. The CR-103 was filed on 11/18/2011. The Board held over 3 rules for a subsequent hearing on 1/27/2011 and adoption on 3/2/2011. Reference corrections were expedited and filed on 3/22/2011.</p> <p>2012: Use of other titles; Authorizes the use of other titles (designations) in the accounting field provided the person using the title is authorized at</p>

					the time of use by a nationally recognized entity sanctioning the use of Board authorized titles; The regulated community (certified public accountants, [CPAs]) asked the Board to allow retired CPAs to continue to use the title CPA to acknowledge their lifetime of experience and knowledge; Allowing the use of the title “CPA-Retired” accurately reflects the good standing of CPAs who have chosen to retire from the profession while making it clear to the public that they are no longer practicing accounting.
Total	45	57	3		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	0	1	2012: Clients Confidential Information; Certified Public Accountants (CPAs) must not without the consent of their client disclose any confidential communication; Update of rule to match federal requirements requiring registered domestic partners residing in community property states to report half of the community income on each partner’s federal tax return
Court order	0		
Manage budget	0		
Protect public health, safety	0		
Beneficial, requested by stakeholders	0	1	2012: Continuing Professional Education (CPE); Requirements for individuals; The regulated community requested that the Board allow credentialed individuals with flexibility to obtain ethics CPE that is the most beneficial to them.
Total	0	2	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	0		
Rules that have been eliminated	1		
Emergency rules adopted	0		
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	0		

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Board of Industrial Insurance Appeals		
Cabinet Agency or Report to Gov	(Circle)	<u>Yes</u>	or No
Contact	J. Scott Timmons		
Contact Phone	360-753-6823 x 142		
Contact Email	scott.timmons@biia.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	4				WISHA Abatements (2) Structured Settlements (2)
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders					
Total	4		0		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders			
Total	-0-	0	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	-0-		
Rules that have been eliminated	-0-		
Emergency rules adopted	2		WISHA Abatements
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	4	0	WISHA Abatements (2) Structured Settlements (2)

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Board of Pilotage Commissioners	
Cabinet Agency or Report to Gov	(Circle)	Yes
Contact	Peggy Larson	
Contact Phone	206-515-3904	
Contact Email	LarsonP@wsdot.wa.gov	

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	2	2	3		Set 2 tariffs in each pilotage district and compliance with new state legislation concerning issuance of vessel exemptions.
Court order					
Manage budget	3	3			Pilot License Fees; Vessel Surcharges
Protect public health, safety	1	1			Duties of Pilots
Beneficial, requested by stakeholders					
Total	6	6	3		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order			
Manage budget			
Protect public health, safety	31		On advice of AG to update Board's Practice & Procedures in preparation for 2012 pilot examination & training
Beneficial, requested by stakeholders			
Total	31		

* Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	0		
Rules that have been eliminated	0		
Emergency rules adopted	0	1	2012: To proceed with training a much needed pilot in Grays Harbor.
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	0		

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Columbia River Gorge Commission		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Jill Arens, Executive Director		
Contact Phone	509-493-3323		
Contact Email	arens@gorgecommission.org		

Rules Permanently Adopted – CR 103(P)					
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		
Exemption Category	Rules	Sections	Rules	Sections	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law					
Court order	1	7			On remand from Oregon Supreme Court
Manage budget	5	70			Streamlining procedures
Protect public health, safety					
Beneficial, requested by stakeholders					
Total			0		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order	1		On remand from U.S. District Court
Manage budget	3		Change timelines due to staff reductions
Protect public health, safety			
Beneficial, requested by stakeholders			
Total		0	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules adopted	6		Change timelines due to staff reductions
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	County Road Administration Board		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Karen Pendleton		
Contact Phone	360.753.5989		
Contact Email	karen@crab.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law					
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders	WAC 136	6			Review the Rural Arterial Program in light of legislative budget discussions pertaining to desired improvements to the RAP funding program. The adopted changes improve the effectiveness of the RAP funding program by promoting the expansion of project types and providing clearer guidance for project development and completion.
Total			0		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders			
Total		0	

* Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Number of Rules	Number of Rules	
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Agriculture			
Cabinet Agency or Report to Gov	(Circle)	Yes	or	No
Contact	Elizabeth McNagny			
Contact Phone	360-902-1809			
Contact Email	emcnagny@agr.wa.gov			

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	1	6	3		Weights and Measures National Handbooks. RCW 19.94.195 requires annual adoption of the most recent version of NIST Handbooks. 2012: Chapter 16-662 WAC, Weights and Measures National Handbooks. RCW 19.94.195 requires annual adoption of the most recent version of NIST Handbooks. This rulemaking began in 2011 but was delayed due to changes in the national handbooks.
Court order					
Manage budget	1	1	7		Mint Commission. Increase annual assessment rate to fund necessary research programs and maintain basic commission operations. 2012: Chapter 16-228 WAC, Pesticide exam fees – establishing a \$25 testing fee for pesticide and structural pest inspector exams to assist program in recovering costs to administer exams to approx. 4,000 prospective licensees each year.
Protect public health, safety			7		2012: Chapter 16-149 WAC, Cottage food operations. Establishes application and renewal of permits; identification of non-potentially

					hazardous foods; sanitary procedures; facility, equipment, and utensil requirements; labeling requirements; requirements for clean water sources and waste and wastewater disposal, hygienic practices.
Beneficial, requested by stakeholders	2	6	3		Grape Planting Stock. Industry requested change to mitigate risk of nematode vectored viruses and provide more flexibility in buffer requirements. 2012: Chapter 16-149 WAC, Cottage food operations. Establishes application and renewal of permits; identification of non-potentially hazardous foods; sanitary procedures; facility, equipment, and utensil requirements; labeling requirements; requirements for clean water sources and waste and wastewater disposal, hygienic practices.
Total	4	13	20		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	3	1	Animal Importation. RCW 16.57.160 requires rulemaking to designate when health documents require a physical address for the destination when importing animals. 2012: Chapter 16-662 WAC, Weights and Measures National Handbooks. RCW 19.94.195 requires annual adoption of the most recent version of NIST Handbooks. This rulemaking will run concurrently with rulemaking to repeal chapter 16-657 WAC (described below).
Court order			
Manage budget			
Protect public health, safety		1	2012: Chapter 16-470 WAC, Onion White Rot quarantine. Onion white rot is a fungal

			disease of the Allium genus that can greatly decrease yields and reduce storage quality. A quarantine was established in 1985 to prevent the introduction and spread of the disease into non-infested areas of the state. Industry has petitioned changes to the existing pest-free area in order to adequately protect growers and their crops.
Beneficial, requested by stakeholders	1	1	Brassica seed production. Seed companies, the regulated entities, petitioned the Department to amend rules to prohibit winter Canola production in Brassica seed production district 2. 2012: Repeal of chapter 16-657 WAC, Retail Pricing of Motor and Heating Fuel in conjunction with amending chapter 16-662, Weights and Measures – National Handbooks. Of the five sections in 16-657, two are obsolete and one is addressed in 16-662; remaining two sections will be moved to chapter 16-662 WAC. Beneficial by making rules clear, and avoiding confusion by removing obsolete sections.
Total	4	3	

* Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	25**	7	Weights and Measures. Propose to adopt a penalty matrix in rule to implement the penalties established in state law for violations of motor fuel quality. 2012: Weights and Measures. Propose to adopt a penalty matrix in rule to implement the penalties established in state law for violations of motor fuel quality.
Rules that have been eliminated		1	2012: Repeal of chapter 16-05 WAC, Procedural Rules for Lists of Organizations. Statutory

			authority (chapter 43.05 RCW) does not require rulemaking and a rule is not the most appropriate way to provide information regarding technical assistance providers.
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	3		Hop Commission Expedited Rulemaking. Change audit requirements from an annual audit to a schedule prescribed by the State Auditor's Office.

Additional Information (optional):

**The number of rules on hold due to the EO includes all rules under consideration by WSDA and determined to be non-critical. The number includes rules that likely would not have been adopted during 2011 even without the EO because of other burdens on staff time or the need for further stakeholder work.

The numbers in the chart above include Commodity Commission rulemaking that is under the Department of Agriculture's authority. Commodity Commissions acting under their own authority completed the following:

1. Tree Fruit Research Commission adopted rules to increase their assessment to fund research at Washington State University. Rule adoption was beneficial to or supported by the affected entities.
2. Wine Commission adopted rules to clarify requirements on promotional hosting. The rule is required by state law.

In addition, the State Noxious Weed Control Board acting under their own authority adopted rules to revise the noxious weed list. State law requires annual rulemaking to revise the list in support of county regulatory activities to prevent new invasive weeds from spreading.

Commodity Commissions: Acting under its own authority, the Tree Fruit Research Commission is in the process of adopting rules to increase assessments on cherries and stone fruit in order to fund research at Washington State University. Rule adoption will be subject to referendum of those affected and will be conducted by the Department of Agriculture. If approved, it will be a show of support by the affected entities; if voted down, the assessment increase will not take effect.

Washington State Noxious Weed Control Board: Acting under its own authority, the Washington State Noxious Weed Control Board adopted rules to revise the noxious weed list. State law requires annual rulemaking to revise the list in support of county regulatory activities to prevent new invasive weeds from spreading.

Report Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Commerce		
Cabinet Agency or Report to Gov	(Circle)	<u>Yes</u>	or No
Contact	Nick Demerice		
Contact Phone	360-725-4010		
Contact Email	Nick.demerice@commerce.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	1	1			Growth Management update already underway and almost completed when EO was issued. WAC 242 Update of rules to match federal requirements. WAC 365
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders			1		
Total	1	1	1		

Rules Currently in Process or Expected to Proceed*				
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)	
Required by state or federal law	2	2	To implement a federal program, and create rules around program passed by the legislature. 2012: Required by statute to conduct rule-making defining emission standards. Required rule-making to align state film incentive program with changes made by legislature in 2012 session.	
Court order				
Manage budget				
Protect public health, safety				
Beneficial, requested by				

stakeholders			
Total	2	2	

* Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	2		Rule cleanup in several programs
Rules that have been eliminated		1	Repeal of rules to make program more efficient 2012: Eliminated rules pertaining to the state homelessness programs which allowed for block granting and a more efficient program.
Emergency rules adopted			Same issue as above
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Additional Information (optional):

Some rule-making in WAC 51 show in Commerce sections but the Building Code Council was transferred to the Department of General Administration in 2009.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Corrections			
Cabinet Agency or Report to Gov	(Circle)	(Yes)	or	No
Contact	John Nispel			
Contact Phone	360-725-8365			
Contact Email	John.Nispel@doc.wa.gov			

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law/ Protect public health, safety	1	4			New chapter (WAC 137-69) regarding Interstate Compact for the supervision of offenders
Required by state or federal law/ Protect public health, safety	1	7 (3 repealed)			Rules regarding supervision intake fees.WAC 137-65
Court order	1	8			Provide a standardized system to award earned release time to offenders committed to department facilities. WAC 137-30
Manage budget	1	1			Modify definition of medically necessary. WAC 137-91
Protect public health, safety	1	1	1		Provide a penalty for interference in the investigation of sexual misconduct and a disincentive for false accusations against staff. WAC 137-25 2012: Amendments to WAC 137-32 -Administrative segregation procedures
Beneficial, requested by stakeholders					
Total	5	21 (3 repealed)			

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders			
Total			

* Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Early Learning		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Marci Hixson		
Contact Phone	360-725—4421		
Contact Email	Marci.hixson@del.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	0	0	5		<p>2012:</p> <ul style="list-style-type: none"> • WAC 170-295: Updating Child Care Center rules to reflect a new federal requirement for cribs. • WAC 170-290: Updating Working Connections Child Care subsidy rules to adjust eligibility back up to 200% of the federal poverty guidelines and to increase the authorization period from 6 to 12 months and to Implementing SB 5921, audit requirements. • WAC 170-151, 170-295: Update Child Care Center WAC and School-age Child Care WAC to implement HB 1087, licensing fee increase. <p>WAC 170-01: Created new chapter on public disclosure.</p>
Court order	0	0			
Manage budget	3	57 amended; 5 repealed	2		<p>1. Reducing State General Fund expenditures by revising WAC 170-290:</p> <ul style="list-style-type: none"> ▪ Changing child care subsidy consumer eligibility and copayments, creating waiting

					<p>lists, capping program enrollment. Initiated as emergency rules; Permanent adoption 8/24/11;</p> <ul style="list-style-type: none"> ▪ Shifting Seasonal Child Care subsidy program administration to DSHS, revising WAC 170-290. Permanent adoption 5/31/11. <p>2. Raising General Fund revenue by increasing annual license fees for child care centers per ESSB 6444, WAC 170-151 and 170-295. Initiated by emergency rule; Permanent adoption 11/19/10. 2012: WAC 170-151, 170-295: Licensing fee increase.</p>
Protect public health, safety	1	3	4		<p>Allowing hand sanitizer use in licensed child care with parent permission, WAC 170-151, 170-295 and 170-296. For H1N1 flu prevention/public health concerns. Initiated by emergency rule. Permanent adoption 11/19/10.</p> <ul style="list-style-type: none"> • 2012: WAC 170-297: Update School-age Child Care Standards to make more evidence based, and consistent with current law and best child health, safety and development standards. • WAC 170-296A: Update Family Home Child Care requirements to include sanitizing and disinfecting requirements. <p>WAC 170-151, 170-295: Unlicensed care.</p>
Beneficial, requested by stakeholders	1	2			Revising child care subsidy WAC 170-290 to improve continuity of care for children, parents and providers. Rules adopted 12/14/10.
Total	5	67	11		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)

Required by state or federal law	5		<p>1. WAC 170-151, 170-295: Implementing SB 5625 that creates a non-expiring license for child care facilities and annual requirements to continue a license (simplifies and replaces the current 3-year license renewal cycle). Initiated by emergency rule.</p> <p>2. WAC 170-06, 170-151, 170-295, 170-296A: Creating a portable background check registry for child care workers, revising fingerprint requirements and establishing new fees authorized by 2SHB 1903. Some sections initiated as emergency rules.</p> <p>3. Revising child care subsidy WAC 170-290 as required by ESSB 5921, to make the program more accountable as provided under federal law, and to reduce potential fraud and abuse.</p>
Court order	0		
Manage budget	1		Generating state general fund revenues by raising child care license fees as directed by E2SHB 1087, section 617(2). Initiated by emergency rule.
Protect public health, safety	2		WAC 170-151 and 170-295: Making older child care center licensing rules more evidence-based, and consistent with current law and best child health, safety and development standards.
Beneficial, requested by stakeholders	0		
Total	8		

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	2		New chapter 170-02 consolidating requirements, definitions, etc. that apply to more than one DEL WAC chapter. creation of a new WAC chapter.
Rules that have been eliminated	1	1	Repealed WAC 170-296 Business

			<p>regulations for family home child care. Rules made obsolete by a new WAC chapter.</p> <p>2012: Repealed WAC 170-151 School-age child care rules was made obsolete by the creation of a new WAC chapter.</p>
Emergency rules adopted	8	9	<p>1. WAC 170-290: Reducing state general fund expenditures by capping child care subsidy enrollment, establishing waiting lists and revising eligibility requirements;</p> <p>2. Implementing several new laws, including ESSB 6444 (2010); and 2011 E2SHB 1087, ESSB 5921, SB 5625, SSB 5504 and 2SHB 1903 while permanent rules are developed.</p> <p>Some emergency rules counted were adopted as permanent in late 2010 and in 2011. As of December 2011, DEL has five active emergency rules.</p> <p>2012: WAC 170-06, 170-295, 170-151: Update rules to implement HB 1903 background check registry, one time fee. 170-295, 170-151: Non-expiring licenses 170-295, 170-151: Licensing fee increase 170-295, 170-151: Unlicensed care</p>
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule ¹ or relating only to internal government operations	1		<p>New WAC 170-296A Licensed family home child care standards. Rules adopted after a multi-year negotiated rule making process under RCW 43.215.350. Permanent rules filed 11/14/11 and effective 3/31/12.</p>

Additional Information (optional):

¹ To avoid double counting, permanent rules adopted to finalize emergency rules are covered in table 1 – “Rules Permanently Adopted” in 2011 under their appropriate purpose.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Ecology
Cabinet Agency or Report to Gov	(Circle) Yes or No
Contact	Bari Schreiner
Contact Phone	360-407-6998
Contact Email	bari.schreiner@ecy.wa.gov

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	1	39	6		<p>General Regulations for Air Pollution Sources WAC 173-400 This rule needed to be updated to ensure that Washington continues to maintain regulatory authority of industrial sources in the state. These amendments also ensured that Ecology is in compliance with our delegation agreement with EPA. This rule making impacted 39 WAC sections, some of the changes were to be consistent with other changes being made and to update references to federal law. New sections adopted were primarily to incorporate federal requirements into the state rules as directed by EPA.</p> <p>2012: Low Emission Vehicles – WAC 173-423: Required by federal law. California is the only state allowed by federal law to have its own vehicle emissions standards program. Federal law requires states that opt into the California clean air standards to periodically update state rules to align with changes in the California program. Ecology made technical updates to its existing rule to ensure consistency</p>

					<p>with California's vehicle manufacturer reporting requirements (clean car standards).</p> <p>Underground Storage Tank (UST) Regulations – WAC 173-360: USTs present a very real risk of groundwater and soil contamination. This rule update brings Washington into compliance with new federal standards and makes it easier for owners of UST systems to prevent leaks and other system failures that pollute.</p> <p>This rule making was necessary to maintain federally-delegated program and funding for the work. Federal grants (\$1.8 million) that cover the state's costs of the UST program require compliance with federal regulations and would be put at risk without this update.</p> <p>SEPA (State Environmental Policy Act) Rules – WAC 197-11: This rule making was specifically required by Chapter 1, Laws of 2012 1st Special Session (2ESSB 6406, Section 301). This rule making focuses on two key issues regarding SEPA review:</p> <ol style="list-style-type: none"> 1. Thresholds for SEPA review of minor construction projects in WAC 197-11-800(1) and (23)(c); and 2. The SEPA checklist in WAC 197-11-960.
Court order	0	0			
Manage budget	2	5	2		<p>Wastewater Discharge Permit Fees WAC 173-224 The Legislature expects permit fees to cover the administrative costs associated with permits issued under the Wastewater Discharge Permit program. The new fees needed to be in place for Fiscal Year (FY) 2012.</p> <p>2012:</p> <p>Dam Safety – WAC 173-175: The legislature directed Ecology to increase dam construction permit and</p>

					<p>inspection fees to help offset the actual cost of Ecology’s work to administer the program. Rules are required for making any changes to a fee program.</p> <p>The additional permit and inspection fees cover more costs of the program.</p>
Protect public health, safety	0	0			
Beneficial, requested by stakeholders	14	138	5		<p>Motor Vehicle Emission Inspection WAC 173-422A The Legislature directed Ecology to expand the available pool of businesses that can test car emissions. This rule change would adjust the criteria so more businesses could contract with the state to do this work. The rule criteria need to be updated well ahead of the next contract window for emissions testing (July 2012) so businesses can prepare to qualify to offer this service.</p> <p>2012:</p> <p>Certified Water Rights Examiner – WAC 173-165 (new rule): The 2010 Legislature passed a law to assist in the process of transitioning water right permits to final water right certificates through the use of contractors, who will be reimbursed for their work by those requesting certificates. Implementing this legislation, including a new fee to help cover program costs for testing and certifying contractors, requires Ecology to develop a rule. Moving ahead without establishing a fee structure to implement this certification program would cost state taxpayers more.</p> <p>Affected permittees, mainly cities, utilities and the agricultural community, supported the development of this position because it would increase Ecology's efficiency.</p> <p>Better Brakes – WAC 173-901 (new rule): Recent legislation requires brake pad manufacturers to phase out</p>

					<p>certain toxic metals (including copper) from brake pads. Ecology adopted a rule to establish a "proof of certification" mark for packaging; set up data collection regarding the amount of toxic metals in brake pads sold in Washington; and create an exemption process.</p> <p>Ecology received letters from brake pad manufacturers urging the agency to continue rule-making so there are clear criteria for manufacturers to meet when the law takes effect in 2013.</p>
Total	17	182	13		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	6		Underground Storage Tanks Regulations WAC 173-360 Underground Storage Tanks (USTs) present a very real risk of groundwater and soil contamination. This rule update would bring Washington into compliance with new federal standards and make it easier for owners of UST systems to prevent leaks and other system failures that pollute. Federal grants (\$1.8 million) that cover the state's costs of the UST program require compliance with federal regulations and would be put at risk without this update.
Court order	0		
Manage budget	2		Dam Safety WAC 173-175 The legislature directed Ecology to increase dam construction permit and inspection fees to help offset the actual cost of Ecology's work to administer the program. Rules are required for making any changes to a fee program. The additional permit and inspection fees would cover more costs of the program - 26 percent versus 18 percent today.
Protect public health, safety	1	3	Sediment Management Standards WAC

		<p>173-204 Moving ahead with this rule update will resolve existing ambiguities over setting sediment cleanup levels that protect human health, fish and wildlife. Addressing the impact of bioaccumulative chemicals is an important step needed to restore and protect Puget Sound. Rule adoption would clarify requirements and provide direction for cleanup actions. This rule work has been requested to continue by local governments, Tribes and environmental groups. Resolving the confusion around cleanup of contaminated sediments appears to be a widely recognized priority. Ecology anticipates rule work will need to address several issues, including sediment background concentrations, fish consumption rates and differences between marine and freshwater environments.</p> <p>2012:</p> <p>Children’s Safe Products – Reporting Rule – WAC 173-334: Ecology received a petition to undertake rule making to add tris (1,3-dichloro-2-propyl)phosphate (TDCPP) (CAS # 13674-87-8) to the list of chemicals in WAC 173-334 that businesses need to report on. Ecology initiated rule making to amend the Chemical of High Concern to Children (CHCC) list to include TDCPP. This is the intended focus of this rule making. However, if additional chemicals are shown to clearly meet the criteria for inclusion on or removal from the CHCC list, Ecology will consider that information and the possibility of adding or removing these chemicals as well. If appropriate Ecology will also amend requirements related to the reporting deadlines for any chemicals that are added to the list.</p> <p>Sediment Management Standards – WAC 173-204: Rule adoption would clarify requirements and provide direction for cleanup actions. This rule work has been requested to continue by local governments, Tribes and environmental</p>
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			groups. Resolving the confusion around cleanup of contaminated sediments appears to be a widely recognized priority. Ecology anticipates rule work will need to address several issues, including sediment background concentrations, human health risks, and differences between marine and freshwater environments.
Beneficial, requested by stakeholders	9	3	<p>Better Brakes (new rule) Recent legislation requires brake pad manufacturers to phase out certain toxic metals (including copper) from brake pads. Ecology is conducting this rule making to establish a "proof of certification" mark for packaging; set up data collection regarding the amount of toxic metals in brake pads sold in Washington; and create an exemption process. Ecology received letters from brake pad manufacturers urging the agency to continue rule-making so there are clear criteria for manufacturers to meet when the law takes effect in 2013.</p> <p>2012:</p> <p>Water Quality Standards for Surface Waters of the State of Washington – WAC 173-201A – (Implementation Tools): The purpose of this rule-making is to provide more predictable regulatory tools that help entities subject to National Pollutant Discharge Elimination System (NPDES) permits comply with new, more protective standards.</p>
Total	18	6	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	13	17	Reclaimed Water (new rule) Ecology can use the delay to focus on developing

			<p>guidance about reclaimed water that answers concerns raised by stakeholders. Reclaimed water facilities can continue to be permitted using existing authority given to Ecology and state Health.</p> <p>2012: Model Toxics Control Act – Cleanup - WAC 173-340 (MTCA): The MTCA rule provides a framework for making cleanup decisions; periodic updates enable incorporating new science and new regulatory requirements. The MTCA rule includes flexibility to make decisions on a case-by-case basis; Ecology expects more site specific decisions and increased demand for technical support. Stakeholder concerns on vapor intrusion addressed during rule-making discussions can be incorporated into guidance. Ecology anticipates resuming rule-making after the rule suspension.</p> <p>Reclaimed Water Use (new rule): Ecology can use the delay to focus on developing guidance about reclaimed water that answers concerns raised by stakeholders. Reclaimed water facilities can continue to be permitted using existing authority given to Ecology and state Health.</p>
Rules that have been eliminated		1 section	<p>Ecology has not eliminated an entire chapter but did repeal three (3) WAC sections.</p> <p>2012: One section of the Air Quality Fees Rule - WAC 173-455 was repealed.</p>
Emergency rules adopted	2		<p>Uses and Limitations of the Water Pollution Control Revolving Fund WAC 173-98 An emergency rule is necessary so that the new federal requirements could be implemented to distribute funds. These amendments will address provisions (e.g. green infrastructure or forgivable principal) in the new 2010 Clean Water State Revolving Fund federal appropriation, which affects how the agency can distribute funding to local jurisdictions for water pollution control projects.</p>
Rules adopted after negotiated	2		<p>Children’s Safe Products – Reporting Rule</p>

or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			WAC 173-334 This rule established a reporting schedule for chemicals of high concern in children's products. This used pilot rule making.
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Additional Information (optional):

- “As we have been going through this process and looking closely at each rule, it has highlighted for me how important rules are to effective government. Rules provide the specifics needed to implement state and federal laws. Those specifics often need to change to reflect new information – about science, federal laws and rules, and to fix implementation problems that arise with experience. We have heard strong support from business, government and the public for moving ahead on many of our rules. On the other hand, there are many rules whose timing we found to non-critical, and we will delay, per the Governor’s directive to provide predictability and stability, and minimize the process workload on folks who would otherwise have to participate in the rule-making process.” Director’s letter on Ecology Rule-Making Suspension Update (12/08/10)
- Rules vary in the number of WAC sections that they contain. Some have just a few sections where others are broken up into smaller content areas. When looking at the number of sections adopted the reasons these sections were included in a rule making may vary. Here are some examples:
 - ◆ Substantive amendments or additions due to changes in federal/state law, new science or technology, or feedback from stakeholders.
 - ◆ Clarifications or changes for consistency with other changes being made to the rule. For example: If the terminology is changed in one section of a rule it may be necessary to make changes in other sections of the rule for consistency.
 - ◆ Updates to references to other federal or state laws and rules that may have changed.
 - ◆ Incorporating federal language into state rules.
- To see more information about how Ecology is implementing the Executive Order visit our Rule-Making Suspension Update web site: http://www.ecy.wa.gov/laws-rules/rulemaking_suspension.html
- Our “rules on hold due to the EO” count includes suspended rules and rules on Ecology’s to-be-determined list.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Employment Security Department		
Cabinet Agency or Report to Gov	(Circle)	<input checked="" type="radio"/> Yes	or No
Contact	Pamela Ames, Contracts and Rules Office		
Contact Phone	360-902-9387		
Contact Email	pames@esd.wa.gov		

Rules Permanently Adopted – CR 103(P)				
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012	
Exemption Category	Rules	Sections	Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	1	1	5	<p>2011: SHB2017 which transferred the master license service program to the department of revenue necessitated a technical amendment to WAC 192-310-010 to reflect the change.</p> <p>2012: Implement EHB 1091 to modify existing rules in Chapter 192-270 WAC regarding expanding training benefits for unemployed workers receiving unemployment insurance benefits</p> <p>Implement SHB2017 which transferred the master license service program to the department of revenue necessitated a technical amendment to WACs 192-300-210 and 192-350-050 to reflect the change.</p> <p>Implement ESSB 5902 and establish rules for the criteria and procedures for county accessible community advisory committees to receive reimbursement of travel and per diem expenses. Also establish rules for the evaluation, selection, and oversight of grants for local accessible communities' projects.</p> <p>Implement SHB 2491 to define statutory terminology to determine when a predecessor-</p>

				<p>successor relationship exists for the purpose of calculating unemployment insurance tax rates.</p> <p>Implement HB 6289 and modify eligibility requirements related to the self-employment assistance program.</p>
Court order				
Manage budget			1	2012: ESD is closing its Agency Records Center as a budget measure. The two rules modify the address for service of petitions for review and for petitions for judicial review.
Protect public health, safety				
Beneficial, requested by stakeholders				
Total			6	

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	15		2011: Modify existing rules in Chapter 192-270 WAC to implement EHB 1091 regarding expanding training benefits for unemployed workers receiving unemployment insurance benefits.
Required by state or federal law	2		SHB2017 which transferred the master license service program to the department of revenue necessitated a technical amendment to WACs 192-300-210 and 192-350-050 to reflect the change.
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders			
Total			

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information		
	Thru Dec.	Thru Dec.

	2011	2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	New chapter (10 to 15 rules anticipated)		Implement ESSB 5902 and establish rules for the criteria and procedures for county accessible community advisory committees to receive reimbursement of travel and per diem expenses. Also establish rules for the evaluation, selection, and oversight of grants for local accessible communities' projects.
Rules that have been eliminated		2	2012: Training benefits – 2 rules repealed as unnecessary under provisions of EHB 1091
Emergency rules adopted		2	2012: Emergency rules were adopted for determination of extended benefits periods for unemployment insurance benefits as a result of changes in Federal Law. Both rules have been allowed to expire since the state is no longer in an extended benefit period.
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Additional Information (optional):

ESD has suspended non critical rule making that does not meet the exemption categories but would improve program administration. These can be categorized as follows:

- Rule clarifications that would benefit employers – 6
- Rule clarifications regarding claimant eligibility for unemployment insurance – 5
- Rule changes for consistency with federal guidance or to resolve legal questions– 4
- Housekeeping changes - 13

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Enterprise Services		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Jack Zeigler, Rules Coordinator		
Contact Phone	360-407-9209		
Contact Email	jack.zeigler@des.wa.gov		

Rules Permanently Adopted – CR 103(P)					
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		
Exemption Category	Rules	Sections	Rules	Sections	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	1	5			Carbon monoxide alarms required in residential construction as mandated by the legislature by the SBCC (<i>See note 1 below under Additional Information</i>)
Required by state or federal law	1	29			To implement new RCW chapter 48.64 Affordable housing entities – joint self-insurance programs by the Office of Risk Management (<i>See note 1 below under Additional Information</i>)
Required by state or federal law	1	17			Public records procedures required by RCW chapter 42.56 Public records act
Protect public health, safety	1	1	6		Fire Alarms required for certain day care facilities, necessary to protect public safety by the SBCC (<i>See note 1 below under Additional Information</i>) 2012: Adoption of 2012 state building codes by the SBCC; necessary to protect public safety. Updates the state building code (building, residential, mechanical, fire, plumbing, energy) to current construction standards. (See note 1 below under Additional Information)

Beneficial, requested by stakeholders	1	1			Revised rule requires testing for air leakage from ducts in residential furnace replacements; requested by installers to allow option for sealing by the SBCC. <i>(See note 1 below under Additional Information)</i>
Totals	5	53	6		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law		13	2012: Debarment process for vendors. Procurement reform legislation enacted during the 2012 Legislative Session, specifically Section 22. Chapter 224, Laws of 2012 require the director of Enterprise services to enact rules governing debarment.
Protect public health, safety	6	6	Adoption of 2012 state building codes by the SBCC (scheduled for November 2012; effective date July 2013); necessary to protect public safety. <i>(See note 1 below under Additional Information)</i> 2012: Adoption of 2012 state building codes by the SBCC; necessary to protect public safety
Totals	6	19	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations.) See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated	3	15	Rules for metering/sub metering energy supplies throughout buildings repealed at the request of cities, and building owners by the SBCC <i>(See note 1 below under Additional Information)</i> <i>(See note 2 below under Additional Information)</i>

			<p><i>Additional Information</i>)</p> <p>2012: WAC 236-56 governed the public records by the former Department of General Administration (GA). State law eliminated GA and these rules were no longer needed.</p> <p><i>(See note 1 below under Additional Information)</i></p>
Emergency rules adopted	4		<p>Three rules were necessary for repealing metering/sub metering energy supplies throughout buildings repealed at the request of cities, and building owners by the SBCC. <i>(See note 1 below under Additional Information)</i> <i>(See note 2 below under Additional Information)</i>. Rules were in effect that were contrary to the public interest. These rules were causing an unintended economic impact on small businesses. The repeal was requested by affected small business. An emergency repeal was necessary for the immediate preservation of general welfare while permanent rule making was in play. This repeal was beneficial to small businesses.</p> <p>One rule was necessary to comply with the public records procedures required by RCW chapter 42.56 Public records act, due to the new agency consolidation.</p>

Additional Information (optional):

Note 1: The DES consolidation became effective on October 1, 2011. Some of the consolidating agencies adopted rules during the moratorium. This report is made by DES on behalf of the rule-making activities of the Office of Risk Management (Local Government Self-Insurance Program) while under OFM and the State Building Code Council while under GA.

Note 2: Rules repealed at the request of stakeholders first adopted as emergency rules before permanent adoption. All permanent rules adopted by the SBCC must sit through a regular legislative session prior to the effective date.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Financial Institutions		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Susan Putzier		
Contact Phone	902-8764		
Contact Email	Susan.putzier@dfi.wa.gov		

Rules Permanently Adopted – CR 103(P)				
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012	
Exemption Category	Rules	Sections	Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	1	2	2	Accredited Investor Rulemaking. This rulemaking updated the definition of “accredited investor.” This change was required by the federal Dodd-Frank Wall Street Reform and Consumer Protection Act, enacted July 21, 2010, Public Law No. 111-203. 2012: Definitional cross references. This rulemaking amended several WAC sections to correct cross references to definitions contained in the Securities Act of Washington following the reordering of those definitions by the Office of the Code Reviser.
Court order				
Manage budget/ Necessary to respond to current economic conditions			2	2012: Consumer Loan Act. The rules were amended to implement state law that reduces some regulation on industry by doing away with the requirement to conspicuously display the company license and to give the director the ability to enter into informal settlements with industry participants. This results in a greater efficiency and economy for both industry and the agency. The industry may also benefit by some amendments that make the rules consistent

				<p>with federal law. The rule amendments further clarify the law by removing obsolete language and clarifying the rules thereby providing better consumer protection while better informing industry. The rules also provide greater consumer protection during the residential mortgage loan servicing process, including processes that aid consumers when seeking a loan modification, and industry is provided with delayed implementation of certain sections. The amendments aid industry by removing a requirement that creates a duplicate reporting.</p> <p>Mortgage Broker Practices Act. The rules were amended to implement state law that reduces some regulation on industry by doing away with the requirement to conspicuously display the company license and to give the director the ability to enter into informal settlements with industry participants. This results in a greater efficiency and economy for both industry and the agency. The industry may also benefit by some amendments that make the rules consistent with federal law. The rule amendments further clarify the law by removing obsolete language and clarifying the rules thereby providing better consumer protection while better informing industry. Finally one amendment reforms the agency’s method for handling abandoned records.</p>
Protect public health, safety	1	1	1	<p>The amendment makes a license renewal provision consistent with the initial licensing requirement. The amendment is also consistent with the applicable federal law.</p> <p>2012: Mortgage Broker-Dealer Rulemaking. This rulemaking amended several WAC sections to provide additional protections to investors in mortgage paper securities.</p>
Beneficial, requested by stakeholders	1	1		<p>North American Association of Securities Administrators (NAASA) Statements of Policy (SOP) Rulemaking. This rulemaking updated the versions of the NAASA Statements of Policy adopted in Washington.</p>

				The update benefits securities issuers/stakeholders because it promotes uniformity with other states.
Total	3	4	5	

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	1	1	<p>Banks – Adopt rule to provide for compliance with Section 611 of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law No. 111-203). That section deals with the requirement that after January 21, 2013, no state chartered bank may engage in any derivatives transaction unless it is subject to state lending limits laws and regulations that include the safety and soundness of derivatives transaction.</p> <p>2012: Necessary to bring banks and savings banks doing “derivatives transactions” into compliance with Section 611 of the Dodd-Frank Wall Street Reform & Consumer Protection Act [codified as section 18(y) of the Federal Deposit Insurance Act, 12 U.S.C. §1828(y)], which is effective January 21, 2013. The rule also: (1) liberalizes the definition of “capital and surplus” consistent with federal rules for national banks (Section 007) [thereby actually mathematically increasing the general lending limit] and makes exceptions to the general lending limit for non-conforming loans (Section 012) and exceptions for general decline in the capital markets (Section 013) and emergency circumstances (Section 014), subject to agency approval. The rules clarify all other remaining provisions (with no substantive effect) to make them more understandable to stakeholders. (The second part of the rule is beneficial to stakeholders.)</p>
Court order			
Manage budget			
Protect public health, safety	4	4	<ul style="list-style-type: none"> • Mortgage Broker-Dealer Rulemaking.

			<p>The proposed rulemaking will update the mortgage broker-dealer rules. This will provide additional protections to investors in mortgage paper securities.</p> <ul style="list-style-type: none"> • Investment Adviser Rulemaking. The proposed rulemaking will update the investment adviser rules. The rulemaking will provide additional protections for the investing public. • Consumer Loan Act (CLA) Rules. Amend rules on advertising to better protect the public and residential mortgage loan servicing. • Mortgage Broker Practices Act (MBPA) Rules. Amend rules on advertising to better protect the public. <p>2012: Investment Adviser Rulemaking. The proposed rulemaking will update the investment adviser rules. The rulemaking will provide additional protections for the investing public. Consumer Loan Act. WAC 208-620. The proposed rule will increase the number of WA specific pre-licensing education hours an individual must complete before being eligible for an MLO license. Requiring an MLO to have knowledge of WA law protects consumers. Mortgage Broker Practices Act. WAC 208-660. The proposed rule will increase the number of WA specific pre-licensing education hours an individual must complete before being eligible for an MLO license. Requiring an MLO to have knowledge of WA law protects consumers. Check Cashers & Sellers Act. WAC 208-630. This rulemaking also fits under the exemption category immediately below. The proposed rule will be consistent with the law. The proposed rule will provide greater clarity to licensees as to their requirements under the law. This provides greater consumer protections and benefits licensees.</p>
Beneficial, requested by stakeholders		1	(The CLA and MBPA rulemakings above will also include amendments to add clarity

			and consistency to the rules implementing the two laws, a benefit to the industries.) 2012: Uniform Money Services Act. WAC 208-690. The rulemaking will define which licensees must apply for a license using the nationwide licensing portal. This provides greater flexibility for licensees. Smaller licensees need not use the nationwide system. Larger licensees and licensees licensed in multiple states must use the nationwide system. This flexibility benefits the industry.
Total	5	6	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	2	1	<ul style="list-style-type: none"> • Credit Unions – Assessing Civil Money Fines. The rulemaking process for assessing civil money fines was suspended in compliance with the EO. The rule is expected to proceed (after the moratorium expires) in order to ensure such fines are applied consistently, fairly, and remain predictable. This rule will allow regulators a tool to protect the public and to fix problems before they affect consumers' lives. • Banks – Amend rule to make the definition of surplus consistent with the definition in statute.
Rules that have been eliminated		2	2012: Consumer Loan Act. WAC 208-620-395. The rule required the licensee to display the company license. That provision was removed from the law so the rule was

			repealed. WAC 208-620-432. The rule heading was created and reserved for further clarification that was ultimately not needed. The rule was repealed.
Emergency rules adopted		1	<p>2012: Necessary to bring banks and savings banks doing “derivatives transactions” into compliance with Section 611 of the Dodd-Frank Wall Street Reform & Consumer Protection Act [codified as section 18(y) of the Federal Deposit Insurance Act, 12 U.S.C. §1828(y)], which is effective January 21, 2013.</p> <p>The proposed rule (WSR 12-22-066) will go to public hearing on December 11, 2012, and be adopted on January 8, 2013. The proposed rule would be effective February 8, 2013. However, state banks and savings banks under Titles 30 and 32 RCW doing derivatives transactions must be in compliance with Section 611 of the Dodd-Frank Act [12 U.S.C. 1828(y)] by January 21, 2013. So, under the non-emergency rulemaking process, there is a “compliance gap” for these institutions of 18 days. Consequently, in December 2012, after the December 11th hearing for the regular rulemaking, the agency will adopt and implement by emergency rule the identical rules that it will be adopting under the non-emergency rulemaking process as of January 8, 2013. This identical emergency rule, valid for up to 120 days, will merge into the non-emergency rule as of the latter’s effective date, February 8, 2013. We have been advised in this process by the Attorney General’s Office.</p>
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Washington Department of Fish and Wildlife		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Lori Preuss		
Contact Phone	360-902-2930		
Contact Email	Lori.preuss@dfw.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rule Adoptions	Sections	Rules	Sections	
Required by state or federal law	9	22	4		Reduce fishing limit for ESA-listed rockfish species in Puget Sound 2012: Conform waterfowl seasons and regulations to CFR Title 50, Part 20, the Migratory Bird Treaty Act.
Court order	2	9	2		Tailor commercial salmon rules to treaty and non-treaty harvest shares, per <i>U.S. v. Washington</i> 2012: Establish commercial treaty and non-treaty harvest allocations, as required by <i>U.S. v. Washington</i> .
Manage budget	1	8			Increase number of auction, raffle, and special incentive hunting permits, to raise revenue
Protect public health, safety	13	38	6		Amend fishing and hunting limits to protect and preserve the state's fish and wildlife resources
Beneficial, requested by stakeholders	1	3	6		Review existing game reserves for functionality and effectiveness, per the public's request 2012: Initiate a sea-urchin and sea-cucumber permit-buyback program at prices recommended by stakeholders to meet the industry's permit-reduction goals.

Total	26	80	18	
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Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	9	3	Prohibit baiting of game birds, to make state law consistent w/ federal law 2012: Incorporate WDFW fish protection standards, contained within the existing hydraulic code rules, into forest practices rules
Court order	3		Establish commercial salmon limits for treaty and non-treaty harvest pursuant to <i>U.S. v. Washington</i>
Manage budget	15		Update rules for raffle hunts, special permit hunts, and other revenue-generating hunts, to fund species management
Protect public health, safety	28	3	Prohibit possession of deleterious exotic animals and live wildlife, to protect Washington's native species 2012: Prohibit importation of dead wildlife from certain other states to protect WA species from infectious diseases.
Beneficial, requested by stakeholders	4	7	Modify decoy regulations and hunting calls, consistent w/ hunter preferences 2012: Expand the number of animal species for which farmers can be compensated when the animals are killed or injured by wild animals.
Total	59	13	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	34		Consider special area closures and firearm restriction areas

Rules that have been eliminated	0		
Emergency rules adopted	275		Revise treaty and non-treaty harvest allocations based on fish population's run size
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	0		

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Health		
Cabinet Agency or Report to Gov	(Circle)	<input checked="" type="radio"/> Yes	or No
Contact	Tami Thompson, Regulatory Affairs Manager		
Contact Phone	360-236-4044		
Contact Email	Tami.thompson@doh.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	21	258	13		<p>ESHB 2875 (2010) required 5 health professions to adopt rules on the management of chronic non-cancer pain.</p> <p>2012: ESSSB 5078 (2011) establishes in law the department’s definition of a 60-day supply of medical marijuana for qualifying patients and removed the department’s authority to establish rules. Rulemaking was necessary to repeal chapter 246-75 WAC.</p>
Court order	0	0	0		
Manage budget	4	20	8		<p>Rules were adopted to establish the HEAL-WA fee required under SSB 5071 (Chapter 35, Laws of 2011) for midwives and marriage and family therapists. The fee is assessed on initial licensure and renewals and provides for these professions to access the HEAL-WA online resources.</p> <p>2012: SSB 5364 (2011) removed the drinking water operating permit fees in RCW 70.119A.110 and requires the department to establish by rule categories of annual operating permit fees based on system size,</p>

					complexity, and number of service connections. The law allows the department to set fees sufficient to cover the costs of administering a program for safe and reliable drinking water. This allows the department to increase fees from their current level and reform the fee structure to spread the costs more fairly to water systems requiring the most support, typically the smallest systems, and to reduce reliance on the state's general fund.
Protect public health, safety	1	2			Rules were created for non-surgical medical cosmetic procedures for both osteopathic physicians and osteopathic physician assistants, including supervision requirements.
Beneficial, requested by stakeholders	6	136	1		<p>Radiation safety and diagnostic imaging quality standards for dental facilities, specifically regarding handheld devices were amended with the intent to create a cost savings for dental facilities by allowing the use of hand held x-ray equipment without completing a variance request. This allows dentists to provide services beyond office treatment and could potentially cut down on office equipment costs.</p> <p>2012: The Board of Pharmacy received a petition requesting changes to the rules pertaining to the use of legend drugs for animal control. Rules were adopted to update euthanasia core training requirements for authorized personnel and established consistent standards for the administration, storage, and recordkeeping of approved legend drugs and sodium pentobarbital. The rule added Dexmedetomidine and Medetomidine to the list of approved legend drugs and removed Ketamine. In addition,</p>

					the standards applicable to the use of legend drugs and sodium pentobarbital by animal control agencies and humane societies were consolidated under one chapter of the Washington Administrative Code.
Total	32	416	22		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	8	16	SHB 2430 (2010) requires adopting rules for the licensure of cardiovascular invasive specialist. 2012: Chapter 153, Laws of 2012 (ESSB 6237) creates the new medical assistant profession and phases out the health care assistant profession. Rules are needed to clarify the transfer of current health care assistants to medical assistants and establish licensure requirements for a medical assistant-certified, medical assistant-hemodialysis technician and medical assistant-phlebotomist.
Court order	0		
Manage budget	0	1	2012: Rules will be adopted to establish retired license active fees for mental health professions, Registered Nurses, Licensed Practical Nurses and dispensing opticians as provided for under HB 2127 and SB 6328.
Protect public health, safety	1	4	New chapter 246-874 WAC - Pharmaceutical Services - Correctional Pharmacy Standards. The rules will provide clear and enforceable standards for medication storage; drug distribution; drug security; and drug accountability for pharmacies that are operated in whole or part by a correctional facility.

			<p>2012: The Department of Health has established model rules on sexual misconduct for health care providers. Other health professions have adopted substantially similar rules. After reviewing these rules the Nursing Care Quality Assurance Commission has identified a need to strengthen the terms and definitions, and add clarity to their existing sexual misconduct rules and possibly add additional requirements as necessary.</p>
Beneficial, requested by stakeholders	2	2	<p>The Board of Pharmacy received a petition to consider rules to further regulate the purchase, possession and administration of legend drugs and sodium pentobarbital by animal control agencies and humane societies. The board agreed that additional standards may be needed.</p> <p>2012: The Nursing Care Quality Assurance Commission is considering amending rules to eliminate barriers for internationally educated nurses. (1) The current rules do not allow nurses licensed in another country to gain the clinical experience necessary to meet Washington licensure requirements. (2) Nurses from other countries not licensed in another state, but licensed in another country, do not meet the criteria in Washington State for a limited authorization to achieve the clinical portion. The existing rules may present a barrier and options, such as a limited authorization recognizing Canadian Provinces or using a substantially equivalent international examination, will be explored.</p>
Total	11	23	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	25	21	WAC 246-879-060 - Unauthorized sales. The Board of Pharmacy (Board) is considering amending the rule to allow an exception for pharmaceutical wholesalers to deliver veterinary drugs directly to livestock farmers under specific circumstances.
Rules that have been eliminated	0		
Emergency rules adopted	5	1	Bath salts and spice. WAC 246-887-100. The rule adds synthetic cannabinoids and substituted cathinones to Schedule I. Schedule I substances have a high potential for abuse and no accepted medical use. The rule makes it illegal to sell, possess, manufacture or deliver these chemicals. 2012: Chapter 18.88B RCW allows a long-term care worker to provide care before receiving certification as a home care aide as long as the worker has completed five hours of training in safety and orientation. Current rule specifies that the long-term care worker must submit an application for the home care aide certification within three days of hire. Employees of agencies who receive public funding are having difficulties submitting the home care aide application within three days of hire, partly because they do not receive all information required for the application within three days of hire. This can result in contracts being cancelled, leaving vulnerable patients without care. The Emergency Rule changes the deadline for submitting the application to fourteen days. The Emergency Rule will assist vulnerable patients to keep caregivers who have been trained in their needs until a

			permanent rule can be adopted.
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	8	2	<p>Bath salts and spice. WAC 246-887-100 Schedule I. Adoption of the permanent rule to add synthetic cannabinoids and substituted cathinones to Schedule I controlled substance list. The rule makes it illegal to sell, possess, manufacture or deliver these chemicals.</p> <p>2012:</p> <p>The proposed rule making will change the title of the WAC to differentiate the purpose of this section from new WAC 246-12-051 “How to obtain a temporary practice permit - Military spouse” as proposed under a separate rule making. Editing changes are also proposed to clarify that subparagraphs are inclusive requirements. This rulemaking meets the intent of RCW 34.05.353 (expedited rulemaking) because it clarifies language of the rule without changing the effect.</p>

Additional Information (optional):

While many of the Department of Health’s rule making activities may have met multiple exemption criteria, the department counted each rule making activity under only one exemption criteria.

Reporting on Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Labor and Industries			
Cabinet Agency or Report to Gov	(Circle)	<input checked="" type="radio"/> Yes	or	No
Contact	Tamara Jones			
Contact Phone	(360) 902-6805			
Contact Email	Tamara.Jones@lni.wa.gov			

Rules Permanently Adopted - CR 103(P)					
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		
Exemption Category	Rules	Sections	Rules	Sections	Give One Example (Rule topic; Brief description of rule; how or why it fits exemption category)
Required by state or federal law	11	243 New: 105 Amend: 86 Repeal: 52	18		<p>Apprenticeship This rulemaking was in response to Engrossed Substitute Senate Bill 5873 (Chapter 197, Laws of 2009), which requires the Apprenticeship Program to adopt rules regarding penalties for contractors found to be working apprentices out of ratio, with inappropriate supervision, or outside their work process scope of the approved Apprenticeship Program standards. Contractors who are found out of compliance in any of these areas by the Washington State Apprenticeship and Training Council (WSATC) may have their responsible bidder status revoked for the first violation and be barred from bidding on any public works contract for five years upon the second violation.</p> <p>This rulemaking fit into this exemption category because it was necessary to comply with state law.</p> <p>2012: Shipyards The Occupational Safety and Health Administration (OSHA) published a</p>

					<p>final rule on working conditions in shipyards. The rule updated existing requirements to reflect advances in industry practices and technology and provided new protections from hazards that were not previously addressed, including the control of hazardous energy. This rulemaking makes identical amendments to L&I's rules governing shipyards in Washington state.</p> <p>This rulemaking fits into this exemption category because it was necessary to comply with federal law.</p>
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Court order	0	0 New: 0 Amend: 0 Repeal: 0			N/A
Manage budget	4	27 New: 1 Amend: 24 Repeal: 2	7		<p>2012 Workers' Compensation Premium Rates This rulemaking amends the tables of classification base premium rates, experience rating plan parameters, experience modification factor calculation limitations, and retrospective rating plan size groupings for the workers' compensation insurance program for calendar year 2012. Classification base rates were amended to base the rates on updated loss and payroll experience, and to result in no overall increase in premium rates for 2012. This rulemaking adds language to reflect the new Stay-at-Work Program, created by Engrossed House Bill 2123 (Chapter 37, 2011 Laws, 1st Special Session). This rulemaking repeals rules related to the expired Farm Internship Program.</p> <p>This rulemaking fit into this exemption category because it was necessary to maintain fund solvency of the Accident Fund, Medical Aid Fund, and Supplemental Pension Fund</p> <p>2012: 2013 Workers' Compensation Premium Rates</p>

					<p>This rule amended the tables of classification base premium rates, experience rating plan parameters, experience modification factor calculation limitations, and retrospective rating plan size groupings for the workers' compensation insurance program for calendar year 2013. Classification base rates were amended for updated loss and payroll experience. The department adopted a zero (0) percent overall average premium rate increase.</p> <p>This rulemaking fits into this exemption category because it is necessary to maintain fund solvency. d.</p>
Protect public health, safety	1	1 New: 0 Amend: 1 Repeal: 0	1		<p>Explosives This rulemaking requires those who store explosives to notify their local fire safety authority every year. Prior to this rule change, notification was required on the first day that the explosive materials were stored. Notification to the local fire safety authority was not required until the explosives were moved. This rule mad notification an annual event. Prior to this change, explosives could be left in one location for years and only one notification to local fire safety authorities was required.</p> <p>This rulemaking fit into this exemption category because it was necessary to protect the public and the local fire authorities from fighting fire at a site where explosives were stored unbeknownst to the firefighters.</p> <p>2012: Factory Assembled Structures The department reviews the factory assembled structure rules on a regular basis to ensure the rules are consistent with industry practice and to provide clarity. The department needs to proceed with rulemaking in order to eliminate inconsistencies between agency rules and industry standards, which</p>

					creates confusion. This rulemaking fits into this exemption category because it protects public health and safety.
Beneficial, requested by stakeholders	3	12 New: 0 Amend: 11 Repeal: 1	3		<p>Horse Racing Industry This rule was adopted, consistent with the Washington Horse Racing Commission's rule, to permit discounted short-duration license fees at Class A, B and C racing associations. Class A and B associations' short-duration licenses are now for three 30-day periods while Class C associations' licenses allow three seven-day periods. The industrial insurance premiums for Classes A and B are now 33.3 percent of the full annual license fee; the premiums for Class C are now 20 percent of the annual license fee.</p> <p>This rulemaking fit into this exemption category because the Washington Horse Racing Commission wrote to the Department of Labor and Industries asking for our support of a new temporary license and rate for activities at Class A and B tracks in an effort to increase the number of out of state participants at Washington races.</p> <p>2012: Contractor Registration The purpose of this rulemaking is to revise the insurance and bond filing requirements for contractors to utilize new technology. Currently, L&I is required to maintain a hard copy of the documents; however, L&I is now able to access the information through an electronic system, which eliminates the need for paper. The processing time for insurance and bond documents will be reduced if they are submitted online. This will allow the Contractor Registration Program's customer service staff to focus on other needs of the program and will remove a possible</p>

					unnecessary processing delay. This rulemaking fits into this exemption category because it is beneficial to regulated entities.
Totals	19	283 New: 106 Amend: 22 Repeal: 55	29		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; Brief description of rule; how or why it fits exemption category)
Required by state or federal law	18	6	<p>Abatement During the 2011 legislative session, the Legislature changed state law regarding the abatement of serious safety and health violations during appeal of a Washington Industrial Safety and Health Act citation. Engrossed Substitute Senate Bill (ESSB) 5068 directs the department to modify its rules to reflect the new statute. The rules will establish that an appeal of any violation classified and cited as serious, willful, repeated serious violation or failure to abate a serious violation does not stay abatement dates and requirements. The rules will allow an employer to request a stay of abatement through submission of a notice of appeal. The rules also include administrative updates to comply with ESSB 5068.</p> <p>This rulemaking fits into this exemption category because it is necessary to comply with state law.</p> <p>2012: Fall Protection In 2007, the Division of Occupational Safety and Health (DOSHS) began working with a fall protection stakeholder group to consolidate the fall protection requirements located in Chapter 296-155 WAC, Safety Standards for Construction Work, into one coherent set of requirements. DOSHS is proposing to merge Parts C-1 and K, creating one location where</p>

			<p>fall protection requirements would be located for construction. In addition, DOSH asked the stakeholder group to help identify any technical changes needed due to industry developments and to ensure that any gap in current fall protection requirements would be addressed and rectified by this proposed rule update. Throughout the process, clear and concise language in the proposal was a focal point.</p> <p>This rulemaking fits into this exemption category because it is necessary to comply with federal law.</p>
Court order	0		N/A
Manage budget	10	1	<p>Boiler Inspection Fees Second Engrossed Substitute House Bill 1087 (Chapter 50, Laws of 2011, 1st Special Session) authorizes the Boiler Program to increase fees to cover the program's expenditures. The Boiler Program's budget and projected revenue indicate a fee increase is necessary to help cover the cost of ongoing services. The purpose of this rulemaking is to increase the fees for the Boiler Program. Fee increases are necessary to cover the costs for ongoing service delivery.</p> <p>This rulemaking fits into this exemption category because the fee increase is necessary to cover costs of ongoing services for the Boiler Inspection Program.</p> <p>2012: Classifications for Land Surveyors A classification study was conducted on land surveying businesses. It was determined that land surveyors report approximately 10 percent of the total hours for risk classification 4901; however, they report approximately 42 percent of the claims. This rule filing is necessary to better align land surveying businesses with like degrees of hazard.</p> <p>This rulemaking fits into this exemption category because it is necessary to maintain fund solvency.</p>
Protect public health, safety	10	4	<p>Fall Protection L&I has been working with a Fall Protection Ad Hoc Committee to consolidate the fall protection</p>

			<p>requirements of the construction safety rules into one coherent set of requirements. In addition, L&I asked the committee to help identify any technical changes needed due to industry developments and to ensure that any gap in current fall protection would be addressed and rectified by the rule update.</p> <p>This rulemaking fits into this exemption category because the rule changes would protect the safety and health of those who work in the construction industry.</p> <p>2012: Elevator Program The Elevator Program reviews their rules for additions and revisions on a regular basis to ensure the rules are consistent with the national consensus standards and industry practice. The Elevator Program is proceeding with rulemaking to adopt the current national conveyance safety standards for elevators and escalators, platform lifts and chair lifts, belt man lifts, and personnel hoists. It is critical the program adopt the national consensus standards to ensure Washington is consistent with other states.</p> <p>This rulemaking fits into this exemption category because the rule changes protect the safety and health of those who work in the conveyance industry.</p>
Beneficial, requested by stakeholders	2	2	<p>Self-Insurance Continuing Education Requirements</p> <p>In response to a petition for rulemaking, the department has proposed to modify WAC 296-15-360, Qualifications of Personnel, which governs how an individual becomes a certified claims administrator, as well as how they maintain that status. The rule currently requires that certified claims administrators choosing to renew via continuing education earn a total of 75 credits, including a minimum number of credits in five different categories. The rule change would reduce the number of categories to three without reducing the total number of credits</p>

			required. This rulemaking fits into this exemption category because it was requested by the regulated entities. 2012: Firefighters The Federal Occupational Safety and Health Administration (OSHA) advised the department of a couple of areas in the firefighters standard where we are not as effective as the federal rules. Stakeholders asked us to look at our firefighter standards and bring them up-to-date with current consensus standards and practices. This rulemaking fits into this exemption category because stakeholders requested it.
Totals	40	13	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule and rules relating to internal government operations.)
See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; Brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	24		Various related to public records, Occupational Safety and Health, Industrial Insurance, and Compliance. For more detail, please see information posted at http://www.lni.wa.gov/news/files/101223rules.pdf .
Rules that have been eliminated	14		Various related to Occupational Safety and Health, Industrial Insurance, and Employment Standards. For more detail, please see information posted at http://www.lni.wa.gov/news/files/101223rules.pdf .
Emergency rules adopted	1		At the request of the Washington Horse Racing Commission, the regulated entity, so that the applicable Industrial Insurance rule is consistent with the Washington Horse Racing Commission's rule to permit discounted short-duration license fees at Class A, B, and C racing associations.
Rules adopted after negotiated	1		Permanent adoption of the emergency rule

or pilot rulemaking, to finalize an emergency rule, or relating only to internal government operations



(regarding Industrial Insurance for the Washington Horse Racing Commission) discussed above.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Licensing		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Damon Monroe		
Contact Phone	360-902-3843		
Contact Email	dmonroe@dol.wa.gov		

Rules Permanently Adopted – CR 103(P)					
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		
Exemption Category	Rules	Sections	Rules	Sections	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	11	21	6		<p>WAC 308-56A-460 Destroyed or wrecked vehicle – Reporting – Rebuilt.</p> <p>According to RCW 46.12.005 and 46.12.600, if the Consumer Price Index (CPI) changed in the past year, the market value threshold amount will change by the same percentage and should be reflected in WAC 308-56A-460 if the change is \$50 or more. This past years CPI change resulted in an increase in the market value threshold amount from \$6790 to \$7660.</p> <p>2012: WAC 308-107 Ignition interlock driver's license: To incorporate statutory changes made by 2SHB 2443 (2012) to require that drivers restricted to operation of a motor vehicle equipped with an ignition interlock device pay a \$20 monthly fee.</p>
Court order					
Manage budget					
Protect public health, safety	1	1	1		<p>2012: WAC 308-104-004 Definitions:</p>

					Clarify that the terms “Notice” and “Order” are equivalent in relation to driver’s license suspensions, revocations, denials, and cancellations, in order to ensure that the licensing sanctions are honored by the courts as advised by legal counsel.
Beneficial, requested by stakeholders			1		2012: Independent Vehicle Dealer Education: State law requires the Department to set training standards for vehicle dealers. DOL put the standards in rule, which was requested by stakeholders for consistency and clarity.
Total			8		

Rules Currently in Process or Expected to Proceed*

Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	3	4	Limousine carrier businesses. State law requires the Department of Licensing to regulate limousine services. New legislation, effective 1/1/2012, requires the department to establish additional, specific standards in rule. New Chapter 308-83 WAC adds clarity to limousine law and fulfills legislative mandates to adopt rules require by Chapter 374, 2011 Session Law. 2012: Commercial Driver’s License & Motorcycle Endorsement fees: Updates references to the Motorcycle endorsement to reflect recent legislative changes (ESSB 6150).
Court order		2	2012: Collection agencies - Chapter 308-29 WAC: Clarify and put into rule the Real Estate Board’s current policies and procedures on investigation and auditing. A recent court ruling indicated the department must

			define the practice of its regulatory authority. The AG's office has determined the agency should have rules in place that establish parameters for conducting investigations, inspections and audits.
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders		2	2012: Registered Professional Engineers and Land Surveyors Fees: State law requires the fees for registering professional engineer and land surveyors to cover the cost of administering the program. DOL modified a rule to continue the suspension of the fee increase for an additional two years, as increases are not needed at this time to cover costs.
Total		8	

* Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	46	30	2012: 308-102 WAC Administration of the Financial Responsibility ACT – Procedures. The department needs to clarify and update financial responsibility rules to conform with current procedures, coordinate financial responsibility damage threshold with changes to state patrol rules, and provide clarification for court reporting requirements.
Rules that have been eliminated			
Emergency rules adopted	2		
Rules adopted after negotiated or pilot rulemaking to finalize an emergency rule or relating only to internal government operations			

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Retirement Systems			
Cabinet Agency or Report to Gov	(Circle)	<u>(Yes)</u>	or	No
Contact	Jilene Siegel			
Contact Phone	360-664-7302			
Contact Email	jilenes@drs.wa.gov			

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	12	0	3		Internal Revenue Code (IRC) compliance; IRC 401(h) retiree medical accounts; Plan 3 default ** 2012: Internal Revenue Code Compliance, to ensure continued retirement plan qualification; Higher Education Retirement Plan Supplemental Benefit Fund, to implement Engrossed Substitute House Bill (ESHB) 1981, Chapter 4, Laws of 2011
Court order	0	0			
Manage budget	0	0	1		2012: Annual statements related to retirement account information, to eliminate the need to print and distribute paper statements
Protect public health, safety	0	0			
Beneficial, requested by stakeholders	0	0			
Totals	12	0	4		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)

Required by state or federal law		23	2012: Purchased service credit and retiree return to work; Early retirement allowance reductions for new members; Deferred Compensation Program provisions. These rules are necessary to comply with state or federal laws.
Court order	0		
Manage budget	0		
Protect public health, safety	0		
Beneficial, requested by stakeholders	0		
Totals	0	23	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations.) See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated	12		
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule, or relating only to internal government operations			

Additional Information (optional):

**Although the Department of Retirement Systems is of the understanding that the Executive Order does not directly affect rule development at the department, we are providing information related to rule-making activity per your request. Through our rule-making process, we also found it necessary to repeal 12 rules between 11/17/2010 and 12/31/2011.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Revenue			
Cabinet Agency or Report to Gov	(Circle)	<input checked="" type="checkbox"/> Yes	or	<input type="checkbox"/> No
Contact	Brad Flaherty			
Contact Phone	360-534-1619			
Contact Email	brad.flaherty@dor.wa.gov			

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	6		12		458-40-660 Stumpage value tables – Stumpage value adjustments. RCW 84.33.091 requires that the stumpage values provided in this rule be updated by the 1st of January and July of each year. 2012: 458-40-660 Stumpage value tables – Stumpage value adjustments. RCW 84.33.091 requires that the stumpage values provided in this rule be updated by the 1st of January and July of each year.
Court order					
Manage budget	9		3		458-20-19401 Minimum nexus thresholds for apportionable activities. Part I of chapter 23, Laws of 2010 1st sp. sess. (2ESSB 6143) changed the minimum nexus standards of businesses providing certain services to customers in Washington. This legislation modified excise tax laws to preserve funding for schools and other public systems, and thus was necessary for revenue generating activities. 2012: 458-20-19402 Single factor receipts apportionment – Generally

					<p>458-20-19403 Single factor receipts apportionment – Royalties</p> <p>458-20-19404 Financial institutions – Income apportionment. Part I of chapter 23, Laws of 2010 1st sp. sess. (2ESSB 6143) changed the minimum nexus standards of businesses providing certain services to customers in Washington. This legislation modified excise tax laws to preserve funding for schools and other public systems, and thus was necessary for revenue generating activities.</p>
Protect public health, safety					
Beneficial, requested by stakeholders	3		7		<p>458-20-12401 Special stadium sales and use tax. This rule explains that the special stadium sales tax applies to retail sales of food and beverages by restaurants, taverns, and bars in counties with a population of one million or more. The Department amended this rule to explain that this special stadium sales and use tax does not apply to sales after September 30, 2011. The purpose of this tax was to pay off the debt service on bonds issued to support the construction of Safeco Field.</p> <p>2012:</p> <p>458-20-10003 Brief adjudicative proceedings for matters related to suspension, nonrenewal, and non-issuance of licenses to sell spirits. Chapter 39, Laws of 2012, (HB 2758) changed the Department of Revenue's (Department) ability to collect spirits taxes imposed under RCW 82.08.150 by authorizing it to request that the Washington State Liquor Control Board suspend, not renew, or not issue licenses to sell spirits in Washington for delinquency in reporting or remitting spirits taxes after Department notice to a taxpayer. The Department adopted WAC 458-20-10003 to establish brief</p>

					adjudicative proceedings for review of the Department's notice prior to any Department request for suspension, nonrenewal, or non-issuance consistent with HB 2758.
Total	18		22		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	7		308-300-160/458-20-10002 Business licensing service – Total fee payable – Handling of fees. SHB 2017 Chapter 298, Laws of 2011, transferred responsibility for the master license service program (now referred to as the business licensing service) and its rules from the Department of Licensing to the Department of Revenue. This legislation requires that the application and renewal handling fees be established by rule.
Court order			
Manage budget	10	8	458-20-19402 Single factor receipts apportionment – Generally 458-20-19403 Single factor receipts apportionment – Royalties 458-20-19404 Financial institutions – Income apportionment. Part I of chapter 23, Laws of 2010 1st sp. sess. (2ESSB 6143) changed the method by which these businesses are to apportion income to Washington. This legislation modified excise tax laws to preserve funding for schools and other public systems, and thus is necessary for revenue generating activities. The Department adopted emergency rules to provide stakeholders with interim tax-reporting guidance and continues to work with stakeholders through the standard rule-making process for permanent rules. 2012: 458-20-155/15501/15502/15503 Computer hardware, software, and digital products. Chapter 535, Laws of 2009 (ESHB 2075), made major changes to the

			<p>taxation of certain products and services provided or furnished electronically (commonly referred to as "digital products"). This legislation specifically imposed sales and use tax on digital products such as: Digital goods, including digital audio works, digital audio-visual works, and digital books; digital automated services; digital codes used to obtain digital goods or digital automated services; and remote access software. The legislation also provided a number of sales and use tax exemptions. Chapter 111, Laws of 2010 (SHB 2620), clarified ambiguities and corrected unintended consequences related to the 2009 legislation. These rules are required to provide guidance to taxpayers on how to report taxes under the new statutes.</p>
Protect public health, safety			

Beneficial, requested by stakeholders	29	31	<p>Chapter 458-16A WAC Property tax – Exemptions – Homes for the aging, senior citizens and disabled persons. Recent legislation has made changes to property tax exemptions and deferral programs available to senior citizens and disabled persons, including disabled veterans. This legislation affects guidance provided in 10 rules, including 7 rules in this chapter, 1 rule in chapter 458-18 (Property tax – Abatements, credits, deferrals and refunds), and 2 rules in chapter 458-18A (Limited income deferral program). These rules are relied upon by local government for administering these tax programs/ preferences. This rule making is beneficial to stakeholders to ensure qualifying persons receive the benefit to which they are entitled.</p> <p>2012: 12 total rules from Chapters 458-16A, 458-18A, and 458-18. These chapters provide guidance to local government officials regarding property tax exemptions and deferrals available to senior citizens and disabled persons. The Department is updating these rules to ensure that these citizens receive the additional benefits</p>
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			recently passed into law.
Total	46	39	

* Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	68	53	Chapter 308-300 WAC Consolidated licensing system . As noted above, the licensing program addressed in these rules was transferred to the Department of Revenue. In addition to the 1 rule noted above as critical, this chapter contains 29 other rules dealing with this program. Revenue believes that much of this information is outdated and unnecessary, but rule making does not meet one of the exemption categories. 2012: 458-29A-100 Leasehold excise tax – Overview and definitions. ESB 6635 (chapter 6, Laws of 2012), excludes agreements granting preferential use of publicly-owned cargo cranes and docks from LET.
Rules that have been eliminated			
Emergency rules adopted	6	5	458-20-19402 Single factor receipts apportionment – Generally 458-20-19403 Single factor receipts apportionment – Royalties 458-20-19404 Financial institutions – Income apportionment . Part I of chapter 23, Laws of 2010 1st sp. sess. (2ESSB 6143) changed the method by which these businesses are to apportion income to Washington. This legislation modified excise tax laws to preserve funding for schools and other public systems. The Department adopted emergency rules to provide stakeholders with interim tax-reporting guidance and continues to work

			with stakeholders through the standard rule-making process for permanent rules.
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	1		458-20-19401 Minimum nexus thresholds for apportionable activities. (also identified above as an example of a permanently adopted) Part I of chapter 23, Laws of 2010 1st sp. sess. (2ESSB 6143) changed the minimum nexus standards of businesses providing certain services to customers in Washington. This legislation modified excise tax laws to preserve funding for schools and other public systems, and thus was necessary for revenue generating activities.

Additional Information (optional):

Revenue adopts emergency rules to provide interim guidance to stakeholders, only if the rule making qualifies for one of the exemption categories in 3 (a-f) reflected in OFM's memorandum. Revenue does not anticipate it will be able to complete all identified rules currently in process or expected to proceed because of resource constraints.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Social and Health Services			
Cabinet Agency or Report to Gov	(Circle)	XX Yes	or	No
Contact	Katherine Vasquez			
Contact Phone	360-664-6097			
Contact Email	vasquki@dshs.wa.gov			

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	49	370	24		DSHS receives federal funding & operates federal programs 2012: DSHS receives federal funding & operates federal programs
Court order	1	31	1		Law suit
Manage budget	20	121	8		Needed in order to realize necessary budget reductions
Protect public health, safety			3		2012: One example relates to criminal history background check requirements for long-term care workers
Beneficial, requested by stakeholders	8	69			Vulnerable adult abuse reporting requirements and due process rights
Total	78	591	36		

Rules Currently in Process or Expected to Proceed*				
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)	
Required by state or federal law	103	11		Maintain federal funding
Court order	1			Law suit
Manage budget	41			Needed in order to realize necessary budget reductions
Protect public health, safety	4	2		Requiring proof before authorizing benefits 2012: Boarding homes often experience a

			significant amount of staff turnover. If a new boarding home employee is prevented from having unsupervised access to resident for several weeks, pending the results of the national fingerprint check, boarding homes may experience staffing shortages and the resident needs may not be met. This promulgation will facilitate meeting resident care needs in a safe environment.
Beneficial, requested by stakeholders	5		Sign language interpreter certification
Total	154	13	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	22	6	Clarifying language, updating out-dated terms. 2012: Relating to Division of Child Support rules regarding hearing processes which didn't meet EO exemption criteria; and rules related to trusts, annuities and live estates for medical programs in Aging & Disability Services and others related to long-term care facilities
Rules that have been eliminated	37	1	Rule-making pre-proposal did not meet one of the exemptions
Emergency rules adopted	109	44	Manage budget shortfalls 2012: 23 were required by law 8 were required by court order 3 were budget related 9 were necessary to protect public health, safety and welfare. 3 of these were subsequent filings on behalf of the Health Care Authority as they transition from DSHS, relating to hearing rights for Medicaid clients and applicants for Medicaid services. Other examples are: putting in place the background check

			requirements and provisional hiring for long-term care workers; and increasing the cash assistance maximum for 8 person households receiving TANF, SFA and Refugee cash assistance.
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	1		Nursing facility medicaid payment system

Additional Information (optional):

The number provided in response to “rules that have been eliminated” means the number of rule-making proposals withdrawn.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Department of Transportation/Transportation Commission		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Cathy Downs		
Contact Phone	360-705-7761		
Contact Email	downsc@wsdot.wa.gov		

Rules Permanently Adopted – CR 103(P)			
	11/17/2010 - 12/31/2011		
Exemption Category	Rules	As of Dec 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	3	2	Uniform Traffic Control Devices. State rules needed to be updated to reflect Federal Rules. 2012: 468-270-070 & 468-270-071 State statute requires rates must be sufficient to meet maintenance and operational costs, insurance costs, and make principal and interest payments on the debt as required in RCW 47.56.830 & 47.56.850
Court order			
Manage budget	5		Ferry Passenger tolls. Ferry rates to meet operating costs.
Protect public health, safety			
Beneficial, requested by stakeholders		3	2012: 468-300-700 - Ferries preferential loading rules for Ferries route to support the implementation of a new vehicle reservation system. This was also a response to specific legislation concerning priority loading for health care workers in the San Juan Islands. 468-300-040 – Removed the commercial vehicle reservation fee for the Washington State Ferries due to the new reservation system that became effective in May of 2012. 468-38-120 – This revision increased the length limit of a manufactured home in transit to allow larger loads to be transported through the state.
Totals	8	5	

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law		2	Implement grant assurances for public-use airports receiving state airport aid grants. This will bring the rule up to date and add the requirements added by RCW 47.68.090. 468-38-071 – revision is to comply with Federal MAP-21 “Moving Ahead for Progress in the 21 st Century” which will authorize states to issue overweight permits to transport divisible loads of relief supplies to disaster areas.
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders		1	Establishes procedures governing issuance of No Trespass Warning Notices for Ferries terminals, vessels and other facilities
Totals	0	3	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations.) See Additional and Related Information section below.

Additional and Related Information		
	Thru Dec. 2011	
	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	3	Conversion to underground or relocation of overhead lines. This proposed rule did not fit any of the criteria set in the EO so it was placed on hold.
Rules that have been eliminated		
Emergency rules adopted	1	Prequalification of Ferry System Contractors. The amount in the rule was too low for a current project so the emergency rule raised it for a better response for bids. The amendment will help maximize competition for the Contract without compromising the department’s ability to assess the financial data. The amendments will also benefit the prequalification process for all future contracts that are governed by such rules. The emergency became apparent during the bid process for the New Keller Ferry Contract. WSDOT Ferries Division could not timely cancel and re-bid the contract due to the

		<p>urgent need to replace the existing Keller Ferry to minimize safety issues as soon as possible due to its age and condition. Also, the water level in Lake Roosevelt is critical to the launching of the new ferry, and any delay in the bidding process could have resulted in a one year delay in launching the ferry from the shore of Lake Roosevelt, which would have resulted in continued use of the current ferry during that time.</p>
<p>Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule, or relating only to internal government operations</p>		

Additional Information (optional):

The Department of Transportation supports the Transportation Commission in its rule making process so the above numbers reflect the combined numbers of the two agencies.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Eastern Washington University		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Laurie Connelly		
Contact Phone	509-359-2371		
Contact Email	lconnelly@ewu.edu		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	1		1		172-132, Course Materials: required by RCW 28B.10.590. 2012: WAC 172-122-310, Use of Tobacco Products: Revised to better comply with Smoking in Public Places Law (RCW 70.160)
Court order					
Manage budget					
Protect public health, safety			4		2012: Chapter 172-137 WAC, Use of University Facilities: Adopted to establish clear and specific rules relative to the use of EWU facilities by external parties, particularly for the conduct of free speech activities. WAC 172-122-100, Civil Demonstrations, WAC 172-122-500, Posters, and WAC 172-139-030, Handbills were repealed as their provisions were incorporated into WAC 172-137.
Beneficial, requested by stakeholders					
Total			5		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of	As of	Give One Example

	Dec. 2011	Dec. 2012	(Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	1		WAC 172-122-310, Use of Tobacco Products: revision needed to comply with Smoking in Public Places Law (RCW 70.160)
Court order			
Manage budget			

Protect public health, safety	4		Chapter 172-137 WAC, Use of University Facilities: needed to establish clear and specific rules relative to the use of EWU facilities by external parties, particularly for the conduct of free speech activities. WAC 172-122-100, Civil Demonstrations, WAC 172-122-500, Posters, and WAC 172-139-030, Handbills are being repealed as their provisions are included in WAC 172-137.
Beneficial, requested by stakeholders			
Total			

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	2	2	172-168, Library policies (revision): relates primarily to internal operations; no material impact on local businesses or entities 172-136, University facilities (repealer): obsolete; relates primarily to internal operations; no material impact on local businesses or entities

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Forest Practices Board		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Patricia Anderson		
Contact Phone	360-902-1413		
Contact Email	Patricia.anderson@dnr.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law			29		<p>13 Rules for: Forestry Riparian Easement Program - Amended chapter 222-21 WAC Forestry Riparian Easement Program (FREP) to incorporate Engrossed Substitute House Bill 1509 (2011 legislation) that amended chapter 76.13 RCW.</p> <p>1 Rule for: Critical Habitats - Amended WAC 222-16-080 to be consistent with the Federal Endangered and Threatened Wildlife list and to changes made to WACs 232-12-014, 232-12-011, and 232-12-292 by the Washington Fish and Wildlife Commission.</p> <p>15 Rules for: Conversions/Forest Practices Applications – Eliminated inconsistencies between chapter 76.09 RCW and Title 222 WAC created with 2007, 2011 and 2012 legislation.</p>
Court order					
Manage budget	1	2			<p>Road Maintenance and Abandonment Plans (RMAP) – Provide forest landowners the opportunity to extend the performance period for road maintenance and abandonment plans (RMAPs) up to five years, until 2021.</p>

Rules Permanently Adopted – CR 103(P)					
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		
Exemption Category	Rules	Sections	Rules	Sections	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
					Beneficial to and supported by the regulated entities, local governments, and large landowners. It is also the result of negotiated rule making that involved substantial participation by interested parties before the development of the proposed rule.
Protect public health, safety	1	1			Forest Biomass – Ensure the public understands that this activity is a forest practice and subject to the resource protection measures required in Title 222 WAC and chapter 76.09 RCW. Necessary to protect public health by ensuring clean water (restricting what takes place in riparian management zones and wetland management zones); and natural resources by making it a regulated forest practices activity. Watershed Analysis – Amend rules relating to the use and review of approved watershed analyses. Necessary to protect natural resources and public health and safety by ensuring clean water and protection of capital improvements of the state. Requested and supported by the Board, state agencies and regulated business entities. Road Maintenance and Abandonment Plans (RMAP) – See description above.
	4	15			
Beneficial, requested by stakeholders	3	8	2		Riparian Open Space Program (ROSP) - Implement Substitute Senate Bill 5401 which expanded the program to include the acquisition of conservation easements on forest land that contains critical habitat for threatened or endangered species as designated by the Board. Beneficial to the regulated entities, local

Rules Permanently Adopted – CR 103(P)					
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		
Exemption Category	Rules	Sections	Rules	Sections	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
					<p>government and small businesses by broadening the scope of eligible recipients to receive conservation easements. Also considerable support and participation by state agencies, large and small forest landowners, tribes and other interested parties.</p> <p>Watershed Analysis – See description above.</p> <p>Road Maintenance and Abandonment Plans (RMAP) – See description above.</p> <p>2012: Notice of Forest Practice to Affected Indian Tribes – Amended WAC 222-20-120 by requiring landowners to meet with tribes when an application involves a cultural resource. Also amended WAC 222-30-021 (1)(c)(ii), western Washington riparian management zone clumping strategy, to reflect the Board’s 2008 historic sites rule making.</p> <p>Rule proposal was developed and supported by the Timber/Fish/Wildlife Cultural Resources Roundtable. It was also supported by state agencies, tribes and large forest landowners.</p>
Totals	9	26	31		

Rules Currently in Process or Expected to Proceed*

Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	2		<p>Forestry Riparian Easement Program - Implement 2011 Engrossed Substitute House Bill 1509 amending RCW 76.13 which established the Forestry Riparian Easement Program.</p> <p>Critical Habitats - Amend rule to be consistent with other state laws. Rule making will reflect changes made to WACs 232-12-014, 232-12-011, and 232-12-292 by the Washington Fish and Wildlife Commission by removing the bald eagle and the peregrine falcon from the Forest Practices Board's critical habitats (state) list and removing the option to use a bald eagle site management plan. The proposal also updates the common and scientific names for the Western pond turtle on the Board's critical habitats (state) list.</p> <p>2012: Hydraulic Project Approval/Forest Practices Application - The 2012 Legislature passed Second Engrossed Substitute House Bill 6406 (2SSB 6406) which integrates hydraulic project approvals associated with forestry activities into the Forest Practices Act and forest practices rules.</p>
Court order			
Manage budget			
Protect public health, safety		1	<p>2012: Critical Habitat - The Board is considering rule making to amend WAC 222-16-080, critical habitat definition of gray wolf, based on upcoming recommendations from the Washington Department of Fish and Wildlife (WDFW). WDFW has recommended review of the Board's critical habitat definition for the gray wolf, based on their Wolf Conservation and Management Plan. The Board will also consider amendments to this rule to clarify which wildlife plans involving critical habitats (state) of threatened and endangered species are to</p>

			be reviewed under the State Environmental Policy Act (SEPA).
Beneficial, requested by stakeholders	1		Notice of Forest Practice to Affected Indian Tribes – Amends rules that will require landowners to meet with tribes when an application involves a cultural resource. Supported by state agencies, tribes and large and small landowners.
Totals	3		

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations.) See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	0		
Rules that have been eliminated	0	5	2012: Rule making is complete to reform the Forestry Riparian Easement Program (FREP) to incorporate ESHB 1509.
Emergency rules adopted	0		
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule, or relating only to internal government operations	0	2	2012: Riparian Research Pilot Study - Department of Ecology is implementing headwater research led by the Forest Practices Cooperative Monitoring Evaluation and Research (CMER) Committee of the Adaptive Management Program. This CMER-funded research, known as the Type N Experimental Buffer Treatment for Soft Rock Lithology Study, is a basin level evaluation of buffer effectiveness that will provide valuable information for the adaptive management of headwater streams.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Washington State Gambling Commission		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Susan Newer, Rules Coordinator		
Contact Phone	360-486-3466		
Contact Email	Susan.newer@wsgc.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law			1		One staff proposed rule change to reflect a 2012 legislative change (SB 6465) to RCW 9.46.0315 to allow “members only” raffles to exceed \$5,000 in yearly gross revenues, when liquor is the prize, if the organization gets a raffle license.
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders	3		5		<ul style="list-style-type: none"> • Petition from the public: Increased amusement game wager limits from \$0.50 to \$3.50 and prize limits from \$200 to \$500. This was beneficial to, and requested by, regulated amusement game operators. • Petition from the public: Increased the number of cards in electronic bingo daubers from 66 to 144. This was beneficial to, and requested by, regulated charitable/nonprofit bingo operators. • Staff proposed rule repeal: Repealed the requirement that licensees maintain a paper rules manual at their licensed premises. This repeal is beneficial to our licensees by reducing regulations. In addition, the repeal saves the

				<p>agency printing and mailing costs of \$15,000 to \$25,000 every three years.</p> <ul style="list-style-type: none"> ○ 2012: Petition from the public: Two rule changes to increase yearly raffle prize limits from \$80,000 to \$300,000 before Commission approval is required. The \$80,000 limit had been in place since 1983. This was requested by a manufacturer and was beneficial to charitable/nonprofit organizations that offer raffles and manufacturers. ○ Petition from the public: One rule change to allow pots to be carried over, for up to ten games, in house-banked card games. Previously, pots could not be carried over. This was requested by a manufacturer and was beneficial to manufacturers and house-banked card rooms. ○ Petition from the public: Two rule changes to increase Texas Hold'em wager limits from \$40 to \$100 and repeal a wager increase pilot study rule. This was beneficial to, and requested by, the card room industry. ○ Petition from the public: One rule change to increase amusement game wager limits from \$0.50 to \$3.50 and prize limits from \$200 to \$500. This was beneficial to, and requested by, regulated amusement game operators. ○ Petition from the public: One rule change to increase the number of cards in electronic bingo daubers from 66 to 144. This was beneficial to, and requested by, regulated charitable/nonprofit bingo operators. ● Staff proposed rule repeal: One rule change to repeal the requirement that licensees maintain a paper rules manual at their licensed premises. This repeal is beneficial to our
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					licensees by reducing regulations. In addition, the repeal saves the agency printing and mailing costs of \$15,000 to \$25,000 every three years.
Total	3		6		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	1	3	<p>One staff proposed rule change that was on hold in 2011 is expected to proceed in 2012. It deals with licensees accessing information in their license file and is required by RCW 10.97.</p> <p>2012:</p> <ul style="list-style-type: none"> ○ Two staff proposed rule changes to bring our rules current with state law (RCW 10.97) and 2012 legislation (ESB 6296) to allow agencies to charge certain fees to individuals who wish to access their criminal history information in our files. Anticipate adoption in November 2012. (This rule change is mentioned in the 2011 report - 3rd bullet). ○ One staff proposed rule change to begin conducting background checks on landlords of house-banked card rooms (RCW 9.46.070(7)). Anticipate filing in January 2013 and adoption in March 2013. ○ One staff proposed rule change that was on hold in 2011 is expected to proceed in 2012. It deals with individuals accessing information in their license file and is required by RCW 10.97.
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders	7	7	<p>Two petitions from the public were filed for discussion November 2011. We anticipate final action at the February 2012 Commission meeting.</p> <ul style="list-style-type: none"> • The petitioner is requesting an amendment to one card game rule to allow all players in a card room that

			<p>place an “envy” or “share the wealth” wager to receive the prize even if they are playing at different card games.</p> <ul style="list-style-type: none"> • The petitioner is requesting amendments to six raffle rules to codify operating requirements for electronic accounting systems for raffles. The system is loaded into hand held equipment. Raffle number(s) are printed on a receipt and given to the person purchasing ticket(s). Raffle tickets are printed and a winner drawn from the tickets. The petitioner is also requesting that raffles operated using the electronic accounting system be authorized to use up to four discount plans for a raffle; currently, only one discount plan can be used in a raffle. Finally, the petitioner requests removing the requirement that raffle licensees must get special approval from the Gambling Commissioners to exceed \$80,000 in raffle prizes annually. ○ 2012: Petition from the Public: The petitioner is requesting to amend two rules to allow envy and share the wealth bonus features to be connected between different card games and tables within a card room. A similar petition was denied in February 2012. Anticipate final action in November 2012. ○ Petition from the Public: The petitioner is requesting to amend one rule to allow non-consecutively numbered tickets to be used at raffles that take place during the same event and at the same location. Anticipate final action in January 2013. ○ Petition from the Public: The petitioner is requesting to amend one rule to increase the payout amount in chips or cash for player-supported jackpot prizes from \$2,500 to \$5,000. Anticipate final action in January 2013. ○ Petition from the Public: The petitioner is requesting one new rule to allow external tools to be connected to card shufflers, ace finders and similar card game equipment to conduct standard maintenance. Anticipate final
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			<p>action in January 2013.</p> <ul style="list-style-type: none"> ○ Two staff proposed rule changes to no longer require spouses of officers of charitable or nonprofit organizations, or board members of publicly-traded entities to undergo background checks. Stakeholders routinely had questions about this requirement and staff have found that spouses pose little to no regulatory risk and other states don't have this requirement. Anticipate adoption in January 2013. <p>Two petitions from the public were filed for discussion November 2011. We anticipate final action at the February 2012 Commission meeting.</p> <ul style="list-style-type: none"> ○ The petitioner is requesting an amendment to one card game rule to allow all players in a card room that place an "envy" or "share the wealth" wager to receive the prize even if they are playing at different card games. ● The petitioner is requesting amendments to six raffle rules to codify operating requirements for electronic accounting systems for raffles. The system is loaded into hand held equipment. Raffle number(s) are printed on a receipt and given to the person purchasing ticket(s). Raffle tickets are printed and a winner drawn from the tickets. The petitioner is also requesting that raffles operated using the electronic accounting system be authorized to use up to four discount plans for a raffle; currently, only one discount plan can be used in a raffle. Finally, the petitioner requests removing the requirement that raffle licensees must get special approval from the Gambling Commissioners to exceed \$80,000 in raffle prizes annually.
Total	8	10	

* Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru	Thru	

	Dec. 2011	Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	46	47	In 2011, 46 staff proposed rule changes were placed on hold and did not move forward for filing before the Commission. <ul style="list-style-type: none"> • 45 rule changes will continue to be on hold in 2012. • 1 rule change is expected to proceed in 2012 under an exemption (see expected to proceed above). • 2012: In 2012, 47 staff proposed rule changes were on hold.
Rules that have been eliminated	1		Staff proposed rule repeal: Repealed the requirement that licensees maintain a paper rules manual at their licensed premises. This repeal is beneficial to our licensees by reducing regulations. In addition, the repeal saves the agency printing and mailing costs of \$15,000 to \$25,000 every three years (listed under CR 103(P) above).
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Additional Information (optional):

In addition to the rule-making activity outlined above, in 2011, an additional 46 proposed rule changes from the public were processed by staff (as required by RCW 34.05.330) and:

- 29 were denied by the Commissioners; and
- 17 were withdrawn by the petitioners.

**Template for Reporting on Executive Order 10-06 & 11-03
(Rules Moratorium)**

Agency Name	Health Care Authority	
Cabinet Agency or Report to Gov	Yes	
Contact	Kevin Sullivan	
Contact Phone	725-1344	
Contact Email	Kevin.Sullivan@hca.wa.gov	

Rules Permanently Adopted CR 103(P)					
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		
Exemption Category	Rules	Sections	Rules	Sections	Give One Example (Rule topic; Brief description of rule; How or why it fits exemption category)
Required by state or federal law	12	120	15	327	<p>Shared Decision Making. ESHB 2318 requires the HCA Medical Director to independently assess and certify patient decision aids.</p> <p>Administrative Hearings for Medical Services. To establish hearing rules for Medicaid-funded services due to HCA being designated the single state Medicaid agency (SESSHB 1738).</p> <p>Ordering, Prescribing, or Referring Provider Requirements. Implementation of federal regulations requiring these providers to be enrolled as participating providers (42 CFR 455.410).</p>
Court order	None	None	None	None	
Manage budget	8	66	9	64	<p>Drug Formulary. Establishing a drug formulary allows greater cost control over prescription drug benefit.</p> <p>Durable Medical Equipment (DME). Reduction in rates paid for DME and supplies, including wheelchairs, home infusion therapy, parenteral nutrition, oxygen, and prosthetics & orthotics.</p> <p>Federally Qualified Health Centers/Rural Health Centers. Revised</p>

					payment methodology to align with Legislature's appropriation and the Medicaid state plan.
Protect public health, safety	None	None	None	None	
Beneficial, requested by stakeholders	4	49	4	46	Medically Needy Income Standards. Replaced obsolete web link to MNIL standards with a chart. Oxygen and Respiratory Therapy Services. Clarifying and updating policy; reorganized chapter; purpose was to reduce confusion over interpretation of rule by providers.
<i>Totals</i>	24	235	28	437	

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; Brief description of rule; How or why it fits exemption category)
Required by state or federal law	10	1	Medicaid Expansion. Implementation of Patient Protection and Affordable Care Act provisions (146 rules).
Court order	None	1	Applied Behavioral Analysis (ABA) Therapy. Implementation of new rules regarding coverage for children with autism spectrum disorders. U.S. District Court settlement agreement.
Manage budget	6	2	School-based Health Care. Expands requirements for documenting, monitoring, and auditing by school districts. Kidney Disease Program. Restructuring KDP, including changes to client eligibility and the application process; client and contractor accountability; and administrative hearing process.
Protect public health, safety	None	None	
Beneficial, requested by stakeholders	None	1	Sleep Studies. Per Health Technology Assessment, HCA is amending Centers of Excellence criteria to include nonhospital-owned and operated sleep study facilities on the HCA-approved list. This will improve access to care for our clients.
<i>Totals</i>	16	5	

* Not including Rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations. See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; Brief description of rule; How or why it fits exemption category)
Rules on hold due to EO	8	6	Reorganizing/streamlining chapters; updating obsolete terms and citations; and clarifying language.
Rules that have been eliminated	None	None	
Emergency Rules Adopted	10	11	<p>Required by law.</p> <ul style="list-style-type: none"> (3) - Administrative Hearings for Medical Services. (2) – Implementing Incapacity-based Medical Care Services program. (1) – Family Planning/TAKE CHARGE – comply with federal waiver. (1) - Hospice Services – comply with federal Transitional Bridge Waiver. <p>Budget related.</p> <ul style="list-style-type: none"> (1) – Elimination of dental-related services for adults. (2) – Federally Qualified Health Centers & Rural Health Centers – Implement alternative payment methodology. (1) - Durable Medical Equipment – Add section back that was unintentionally omitted at last revision.
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule, or relating only to internal government operations	None	None	

Additional Information (optional):

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Highline Community College		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Larry T. Yok		
Contact Phone	206-592-3545		
Contact Email	lyok@highline.edu		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law			3		Nondiscrimination and Sexual Harassment Complaint procedure, Student Rights and Responsibilities, Access to Public Records.
Court order					
Manage budget					
Protect public health, safety			2		Parking and traffic regulations, weapons prohibition
Beneficial, requested by stakeholders			6		Withholding services for outstanding debts, tuition and fee schedules, designation of rules coordinator, use of facilities by noncollege parties, admission and registration procedures, non-academic complaint procedure.
Total			11		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by			

stakeholders			
Total			

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Washington Horse Racing Commission		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Douglas L Moore		
Contact Phone	360-459-6462		
Contact Email	doug.moore@whrc.state.wa.us		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	1				Redistribution of source market fees, SSB 5747
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders	8		11		See Attached (2011 report)
Total	9		11		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders	8		<p>2012: Gives the Executive Secretary and board of stewards the authority to make certain day to day decisions previously required by the commission. Amends how Labor and Industries premiums are calculated and collected along with penalties for violations. Allows a horse to be declared</p>

			<p>“permanently retired” based on certain criteria to protect the equine athlete and human participants.</p> <p>Allows jockeys to be owners with certain restrictions.</p> <p>Clarifies when the apprentice allowance may be waived.</p> <p>Give the board of stewards more discretion on granting individuals a license with felony convictions.</p> <p>Incorporated all Labor and Industries requirements into one chapter.</p> <p>Clarifies how mixed breed races at the nonprofit meets affect eligibility at Class A & B meets.</p> <p>Updates RMTC’s recommendations for approved substances threshold levels.</p> <p>Adopts required permitted levels of phenylbutazone to maintain graded stakes status.</p> <p>Updates recommendations of the RMTC to reflect changes in classification guidelines and adds new substances.</p>
Total		0	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	1		See Attached (2011 report)
Rules that have been eliminated	3	2	2012: ARCI recommendations regarding the use and administration of furosemide. ARCI model rules pertaining to substances.
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking			

Additional Information (optional):

Spread sheets attached detailing each rule either adopted, on hold, eliminated or scheduled for 2012.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Liquor Control Board	
Cabinet Agency or Report to Gov	(Circle)	Yes
Contact	Karen McCall	
Contact Phone	360-664-1631	
Contact Email	kjm@liq.wa.gov	

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	1	13	1		Implementing 2010 legislation. Regarding retail liquor license requirements. 2012: Permanent rules to implement I-1183: \$150 million assessment.
Required by state or federal law	1	2	1		Implementing 2011 legislation. Regarding special occasion licenses 2012: Permanent rules to implement I-1183; internet sales and delivery of spirits by a spirits retail licensee.
Required by state or federal law	1	3	31		Implementing 2011 legislation. Regarding club licenses 2012: Permanent rules to implement I-1183; revisions to current rules.
Required by state or federal law	1	1	1		Implementing 2011 legislation. Regarding agent's licenses. 2012: Permanent rules to implement I-1183; internet sales and delivery of spirits by spirits retail licensees
Required by state or federal law			2		2012: Permanent rules to implement 2012 legislation; small wineries annual reporting
Court order					

Manage budget					
Protect public health, safety	1	1			Prohibited alcohol energy drinks. These alcoholic beverages proposed a threat to public safety
Beneficial, requested by stakeholders	1	1	2		Allowing entertainers to drink while performing 2012: Permanent rules to clarify compliance checks.
Beneficial, requested by stakeholders			1		2012: Permanent rules to allow restaurants show movies at their licensed premises during dinner.
Beneficial, requested by stakeholders			5		2012: Permanent rules to establish a brief adjudicatory proceeding.
Total	6	21	44		

Rules Currently in Process or Expected to Proceed*

Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law (Initiative 1183)	1	1	Emergency Rules to implement I-1183. One rulemaking has been filed already, others will be filed in the next two months. 2012: Permanent rule to define “trade area”. Part of I-1183 implementation.
Required by state or federal law (Initiative 1183)			Permanent rules to implement I-1183.
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders		4	WAC 314-11-070 Requested by stakeholders 2012: Revision to permanent rule on Spirits Certificate of Approval licenses. Requested by stakeholders. Revision to beer/wine tastings at a beer/wine specialty shop premises. Requested by stakeholders. Revision to beer/wine tastings at a beer/wine specialty shop premises. Requested by stakeholders. Revisions to special occasion licenses off-premises wine sales. Requested by

			stakeholders.
Total	1	5	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated		17	Rules repealed as part of implementing I-1183
Emergency rules adopted	1	23	Prohibiting alcohol energy drinks in WA state; protecting the health and welfare of the citizens in WA state. 2012: Emergency Rules adopted to implement I-1183 including clarification of: <ul style="list-style-type: none"> • new license types and endorsements; • license fees due to the board on spirits sales by new license types; • central warehousing; • reporting and payment of fees to the board. Emergency Rule adopted to implement I-1183 on the Responsible Vendor Program
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	1	23	Prohibiting alcohol energy drinks in WA state; protecting the health and welfare of the citizens in WA state. 2012: Permanent rule adopted to implement I-1183 on the Responsible Vendor Program Permanent rules adopted to implement I-1183 including clarification of: <ul style="list-style-type: none"> • new license types and endorsements; • license fees due to the board on spirits sales by new license types; • central warehousing; • reporting and payment of fees to the board.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Washington Military Department		
Cabinet Agency or Report to Gov	(Circle)	<input checked="" type="radio"/> Yes	or <input type="radio"/> No
Contact	Bernadette Petruska		
Contact Phone	253-512-8108		
Contact Email	bernadette.petruska@mil.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	1	6	1		Required by state law, SSB 6846: C19 L10 E1 modifies the Enhanced 911 Excise taxes for both the counties and the state and revised the provisions for state support to counties, the object of chapter 118-66 WAC. 2012: Updated existing language to WAC Chapter 323-10 to reflect administrative changes as well as the advisory Public Records Act model rules under chapter 44-14 WAC and chapter 42.56 RCW
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders					
Total	1	6	1		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	1		Replacing existing language with updated language to reflect administrative changes as well as the advisory Public Records Act model rules under chapter 44-14 WAC and chapter 42.56 RCW.
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders	1	1	Current funding methodology is dated and emergency management agencies within the state agree a revision is needed. 2012: Revisions to WAC Chapter 118-09, criteria for allocation of emergency management assistance funds. Current funding methodology is dated, working on language with local jurisdictions.
Total	2	1	

* Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Number of Rules	Number of Rules	
Rules on hold due to EO	0		
Rules that have been eliminated	0		
Emergency rules adopted	0		
Rules adopted after negotiated or pilot rulemaking	1	1	Revisions to chapter 118-66 WAC Enhanced 9-1-1 Funding under SSB 6846 – C19 L10 E1. 2012: WAC Chapter 323-10, Public Records - Adapted advisory model rules from ch. 44-14 WAC to reflect Military Department administrative changes and make it easier for requestors to understand procedures regarding access to public records.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Office of Financial Management		
Cabinet Agency or Report to Gov	(Circle)	<u>Yes</u>	or No
Contact	Kristie Wilson		
Contact Phone	360-902-0483		
Contact Email	Kristie.wilson@ofm.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	1	11	1		Rule topic: Leave & Holidays - Rule changes were necessary due to the passage of ESSB 5860 – state employee temporary salary reduction/temporary salary reduction leave
Required by state or federal law	1	1			Rule topic: Leave & Holidays - Rule change was necessary due to the passage of ESSB 5860 – state employee temporary salary reduction/temporary salary reduction leave
Required by state or federal law	16	66			Various rule topics. Clean-up of Title 357 WAC due to passage of ESSB 5931 – Consolidation bill which transfers powers and duties from DOP to OFM and DES.
Required by state or federal law	1	1			Rule topic - Official lagged, semimonthly pay dates established. This update is done yearly using expedited rule-making. CR103 filed in April 2011.
Court order					
Manage budget					
Protect public health, safety					

Beneficial, requested by stakeholders				
Total	19	79	1	

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders			
Total	N/A		

* Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	33 2 1 13 2 37 12	33 2 1 13 13 2 37 12 1 3 1	Layoff chapter WAC 357-46 Trial service following rehire after layoff Trial service/WMS review period reversion Reassignment Higher Education LWOP leave accrual Recruitment chapter WAC 357-16 Clarification – various rules Salary setting upon reallocation Exempt to classified service-seniority date setting Periodic Increment Date setting
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	6		Leave and Holidays & Temporary Layoff. We used expedited rule-making to correct a filing error on 6 rules. We qualified for expedited rule-making because our rules only relate to internal government operations (#6 on the guidelines). CR105

			filed in November 2011. The CR 103 will be filed in January 2012.
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Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Office of Minority and Women's Business Enterprises		
Cabinet Agency or Report to Gov	(Circle)	<input checked="" type="checkbox"/> Yes	or No
Contact	Cathy V. Canorro		
Contact Phone	360-704-1187		
Contact Email	ccanorro@omwbe.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law					
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders	3	18			To reduce the time and unnecessary steps required of the office and the costs to the appellants in the appeal process.
Total			0		

Rules Currently in Process or Expected to Proceed*					
Exemption Category	As of Dec. 2011		As of Dec. 2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law					
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders					
Total			0		

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Office of the Code Reviser		
Cabinet Agency or Report to Gov	(Circle)	Yes	or <input checked="" type="radio"/> No
Contact	Kerry Radcliff		
Contact Phone	360-786-6697		
Contact Email	Radcliff.kerry@leg.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	0	0			
Court order	0	0			
Manage budget	0	0			
Protect public health, safety	0	0			
Beneficial, requested by stakeholders	0	0			
Total	0	0	0		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	0		
Court order	0		
Manage budget	0		
Protect public health, safety	0		
Beneficial, requested by stakeholders	0		
Total	0	0	

*Not including Rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations. See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	1	1	
Rules that have been eliminated	0		
Emergency rules adopted	0		
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	0		

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Olympic Community College		
Cabinet Agency or Report to Gov	(Circle)	Yes	or <input checked="" type="checkbox"/> No
Contact	Thomas Oliver		
Contact Phone	360-475-7502		
Contact Email	toliver@olympic.edu		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law					
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders	1		1		First Amendment Policy balances free speech with College need to maintain order. 2012: Clarification of appeals process to prevent confusion
Total	1				

Rules Currently in Process or Expected to Proceed*				
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)	
Required by state or federal law	2		Weapons policy required by RCW 28B50	
Court order				
Manage budget				
Protect public health, safety				
Beneficial, requested by stakeholders	1	1	Completion of free speech policy revision 2012: Elimination of redundant policy	
Total	3	2		

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Professional Educator Standards Board
Cabinet Agency or Report to Gov	(Circle) (Yes) or No
Contact	David Brenna, Senior Policy Analyst
Contact Phone	360-725-8016
Contact Email	David.brenna@k12.wa.us

Rules Permanently Adopted – CR 103(P)					
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		
Exemption Category	Rules	Sections	Rules	Sections	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	3	6			Statutory change to definition of preparation program permitting non-higher education organizations.
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders	5	7	9		Technical clarification on certification and private schools. 2012: PESB issued rule changes related directly to the ongoing work of stakeholders to clarify significant changes from prior legislation creating teacher assessment tools. We also de-regulated a category of program, streamlining licensing requirements.
Total	8				

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			

Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders	3		Reciprocity for Oregon state test meeting WA requirements; test name changed.
Total	3		

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules Adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Additional Information (optional):

The Board’s usual volume of rule making has been reduced. Rule changes now are critical to the clarity and effectiveness of licensing educators, driven directly by legislation or provide efficiencies. Technical clarifications are also routinely required given the fact that PESB is relatively new (2005) and inherited rules that are in need of clarification given legislative changes.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Recreation and Conservation Office		
Cabinet Agency or Report to Gov	(Circle)	<u>Yes</u>	or No
Contact	Dominga Soliz		
Contact Phone	360-725-3937		
Contact Email	Dominga.Soliz@rco.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law					
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders					
Total	0				

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders			
Total	0		

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	9	9	Not exempt. Rules on hold are generally for updating agency name, code references, section titles, and definitions.
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	South Puget Sound Community College		
Cabinet Agency or Report to Gov	(Circle)	Yes	or <u>No</u>
Contact	Diana Toledo		
Contact Phone	360-596-5206		
Contact Email	dtoledo@spscc.ctc.edu		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	0	0	8		<p>2012: WAC 132X-10 Public Records: Required by RCW 42.56 WAC 132X-30 Use of College Facilities: Required by RCW 28B.50.140 WAC 132X-40 Environmental Protection: Required by RCW 43.21c WAC 132X-50 Parking & Traffic Regulations: Required by RCW 28B.50.140 (10), (13) WAC 132X-60 Code of Student Rights & Responsibilities: Required by RCW 28B.50.140 (13); and Federal 20 U.S.C. § 1232g 34 CFR § 99 WAC 132X-70 Faculty Tenure: Required by RCW 28B.50.030 and RCW 28B.50.852 WAC 132X-80 Course Materials Sales: Required by RCW 28B.10.590 WAC 132X-90 Process for Hearings: Required by RCW 34.05.482 – RCW 34.05.494</p>
Court order	0	0			
Manage budget	0	0			
Protect public health, safety	0	0	1*		<p>2012: WAC 132X-30 Use of College Facilities. *Included in the 8 “Required by state or federal law”</p>

					and “Beneficial, requested by stakeholders”
Beneficial, requested by stakeholders	0	0	8		2012: A full-scale accreditation evaluation by the Northwest Commission on Colleges and Universities (NWCCU) in October, 2010, recommended SPSCC ensure consistency and accuracy of all statements and representation of basic information, specifically regarding the College Website, catalog, organizational charts and other official documents. Updating and creating of the College WACs is important in developing a content management solution to the NWCCU’s recommendation.
Total	0	0	8		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	8	0	WAC 132X-10 Public Records: Required by RCW 42.56 WAC 132X-30 Use of College Facilities: Required by RCW 28B.50.140 WAC 132X-40 Environmental Protection: Required by RCW 43.21c WAC 132X-50 Parking & Traffic Regulations: Required by RCW 28B.50.140 (10), (13) WAC 132X-60 Code of Student Rights & Responsibilities: Required by RCW 28B.50.140 (13); and Federal 20 U.S.C. § 1232g 34 CFR § 99 WAC 132X-70 Faculty Tenure: Required by RCW 28B.50.030 and RCW 28B.50.852 WAC 132X-80 Course Materials Sales: Required by RCW 28B.10.590 WAC 132X-90 Process for Hearings: Required by RCW 34.05.482 – RCW 34.05.494
Court order	0	0	
Manage budget	0	0	
Protect public health, safety	1	0	WAC 132X-30 Use of College Facilities
Beneficial, requested by	8	0	A full-scale accreditation evaluation by the

stakeholders			Northwest Commission on Colleges and Universities (NWCCU) in October, 2010, recommended SPSCC ensure consistency and accuracy of all statements and representation of basic information, specifically regarding the College Website, catalog, organizational charts and other official documents. Updating and creating of the College WACs is important in developing a content management solution to the NWCCU's recommendation.
Total	8	0	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	0	0	
Rules that have been eliminated	0	0	
Emergency rules adopted	0	0	
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	0	0	

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Southwest Clean Air Agency (SWCAA)
Cabinet Agency or Report to Gov	(Circle) <input checked="" type="radio"/> Yes or <input type="radio"/> No
Contact	Robert D. Elliott, Executive Director
Contact Phone	360-574-3058 extension 112
Contact Email	Bob@swcleanair.org

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	0	0	0	0	N/A
Court order	0	0	0	0	N/A
Manage budget	0	0	0	0	N/A
Protect public health, safety	0	0	0	0	N/A
Beneficial, requested by stakeholders	0	0	0	0	N/A
Total	0	0	0	0	N/A

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	0	15	Update adoption of federal and state standards –revise permitting requirements to match EPA requirements
Court order	0	0	N/A
Manage budget	0	2	Manage fee programs to support budgets
Protect public health, safety	0	1	Update revised federal/state health standards
Beneficial, requested by stakeholders	0	0	
Total	0	18	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	0	0	N/A
Rules that have been eliminated	0	0	N/A
Emergency rules adopted	0	0	N/A
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	0	0	N/A

Additional Information (optional):

SWCAA will be updating its rules for clarification in 2012 (number of sections above is still a projection) to be consistent with federal and state rules that have been promulgated since the last revision in 2009. In addition, a few rule sections will be streamlined to make it easier for industry to get necessary permits and approvals. We are a local agency that reports to a Board of Directors under 70.94.141. No new additional rules are planned to be promulgated that places additional burden on regulated facilities.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	State Board for Community and Technical Colleges		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Beth Gordon		
Contact Phone	360-704-4309		
Contact Email	bgordon@sbctc.edu		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	1	131-16-010 through 131-16-066			Eliminating supplemental benefits for participants establishing plan eligibility on or after July 1, 2011. Due to Legislature's adoption of ESHB 1981
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders			1		(WAC 131-28-026) Tuition charges for certain ungraded courses. The individual college boards of trustees will have authority to determine whether or not to establish a waiver for parenting education classes. They will also have authority to set the rate of the waiver and eligibility requirements for students receiving the waiver.
Total	1	55	1		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order			
Manage budget			

Protect public health, safety			
Beneficial, requested by stakeholders			
Total			

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Washington State Board of Health		
Cabinet Agency or Report to Gov	(Circle)	<input checked="" type="radio"/> Yes	or No
Contact	Michelle Davis		
Contact Phone	360-236-4105		
Contact Email	michelle.davis@doh.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	0				
Court order	0				
Manage budget	0		1		2012: Chapter 246-291 WAC, Group B Water Systems. Chapter revision to harmonize regulatory program with budget reductions to Department of Health begun in 2009.
Protect public health, safety	0		2		2012: Chapter 246-100-207(1)(a) Human Immunodeficiency virus (HIV) testing. Clarifies consent for HIV testing can be either written or in writing which is consistent with CDC guidelines. This revision will help reduce barriers to testing for HIV. Chapter 246-105-040 Requirements based on national immunization guidelines. Updated the rule to refer to the 2012 Advisory Committee’s recommendations which provide

					safe and effective vaccine doses and intervals for the vaccines required in the rule. This revision aligns school and daycare requirements with best medical practice.
Beneficial, requested by stakeholders	0		1		2012: Chapter 246-215, Food Service. Chapter revision continued by request of stakeholders to update compatibility of state rules with most current FDA Food Code (2009 version). This revision also adopted FDA Food Code provisions into WAC language, rather than by reference.
Total	0	0	4		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order	0		
Manage budget	1		Chapter 246 Systems. Chapter revision to harmonize regulatory program with 2009 budget reductions to Department of Health drinking water program. -20
Protect public health, safety	1	2	Chapter 246-290-460 WAC, Group A Water Systems—Fluoridation. The Board is considering revising this rule based on anticipated revised recommendations from the US Department of Health and Human Services. 2012: WAC 246-282-006, Washington state Vibrio parahaemolyticus (Vp) control plan. The board is considering revisions to the Vp control plan to include more proactive measures to prevent illness and protect public health.
Beneficial, requested by	1		Chapter 246 -215

stakeholders			Continued work on this was requested by stakeholders.
Total	3	2	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	3	4	Chapter 246 -272A Sewage Systems, create process for approval and registration of drainfield remediation technologies.
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule, or relating only to internal government operations			

Additional Information (optional):

Many of the Board of Health’s rule making activities met multiple exemption criteria, rather than double counting a rule, the board counted each rule making activity under only one exemption criteria. During the moratorium, the Board delegated the following rules (per RCW 43.20.050) to the Department of Health: Chapter 246-290 WAC, Group A Public Water Systems, federal Lead and Copper Rule – Short-Term Revisions; WAC 246-282-005, Sanitary Control of Shellfish, Minimum performance standards; and WAC 246-282-012, Sanitary Control of Shellfish, Certificates of approval – operation licenses, harvest site certificates. These changes were exempt from the moratorium because they were necessary to maintain consistency with federal law, federal consensus codes, and to protect public health.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Washington State Parks and Recreation Commission			
Cabinet Agency or Report to Gov	(Circle)	Yes	or	No
Contact	Valeria Evans or Daniel Farber			
Contact Phone	360-902-8597 or 360-902-8504			
Contact Email	Valeria.evans@parks.wa.gov or Daniel.farber@parks.wa.gov			

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	1				WAC 352-27 Ocean Beaches – legislature developed two years pilot program that expired. Commission approved to continue program, which required modifying the rule in order to continue program.
Court order					
Manage budget	1				WAC 352-24 Concessions – appeal rule because it only related to internal governmental operation. Agency integrated concession leasing and real property agreement program – no longer required a direct agency process of authorizing concession leases.
Protect public health, safety					
Beneficial, requested by stakeholders	2		3		WAC 352-32-251 Limited Senior income WAC 352-32-2502 Off Season senior citizen pass – fee – Modifying both rules was an internal governmental operation decision. The agency reduced residency requirement from 12 to 3 months to align with other agencies requirement.
Total	4		3		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders			
Total	0	0	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	16	16	WAC 352-32 Public use of state parks areas – clarifying language doesn't prohibit the park system from operating or meet EO 11-03 criteria.
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	0		

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Transportation Improvement Board		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Eileen Bushman		
Contact Phone	360-586-1146		
Contact Email	eileenb@tib.wa.gov		

Rules Permanently Adopted – CR 103(P)					
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		
Exemption Category	Rules	Sections	Rules	Sections	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			4		Transportation Improvement Board programs and funding sources; reflect transfer of the UATA into the TIA per Chapter 120, Laws of 2011, including amend delayed projects process, which was different for programs under UATA, determine population thresholds for programs in the small city pavement and sidewalk account per Chapter 14, Laws of 2011, and develop new WAC to implement RCW 47.26.185.
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders					
Total					

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	1 (multiple sections --		Transportation Improvement Board programs and funding sources; reflect

	Ch. 479-01, 05, 10, 14 --		transfer of the UATA into the TIA per Chapter 120, Laws of 2011, including amend delayed projects process, which was different for programs under UATA, determine population thresholds for programs in the small city pavement and sidewalk account per Chapter 14, Laws of 2011, and develop new WAC to implement RCW 47.26.185.
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders			
Total			

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations.) See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule, or relating only to internal government operations			

Additional Information (optional):

Final rules were adopted on March 23, 2012. As a result of Chapter 120, Laws of 2011, WAC Chapter 12 was repealed.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	University of Washington		
Cabinet Agency or Report to Gov	(Circle)	Yes	or <input checked="" type="checkbox"/> No
Contact	Rebecca Goodwin Deardorff		
Contact Phone	206-543-9219		
Contact Email	rebeccad@uw.edu		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	2	3	1		State: change in statute for RCW 28B.15.380-related tuition waiver. State: change in statute regarding cost of course materials.
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders ¹	1	92			Overhaul of parking rules for the UW Seattle campus.
Total	3	95	1		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Required by state or federal law	1	
Court order			
Manage budget	1		Rules concerning RCW 28B.15.558-related tuition waiver.
Protect public health, safety			
Beneficial, requested by stakeholders ¹	2	2	UW Seattle student housing rules. Public records rules.
Total	4	3	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	1	1	Housekeeping rules relating to internal governmental operations (one rule making completed in late 2010 another to be completed in early 2012).

Additional Information (optional):

¹These rules are considered beneficial to the University of Washington’s administrative functions and may also include management of University budgets.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Washington Utilities and Transportation Commission		
Cabinet Agency or Report to Gov	(Circle)	<input checked="" type="checkbox"/> Yes	or <input type="checkbox"/> No
Contact	Kippi Walker, Rules Coordinator		
Contact Phone	360-664-1139		
Contact Email	kwalker@utc.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	1	21	1		2010 Adoption by Reference Rulemaking This annual rulemaking updates citations to federal rules and national standards incorporated by reference in existing Commission rules. This rulemaking is consistent with guideline 3(a) to Executive Order 10-06 and 11-03.
Court order	0	0			
Manage budget	0	0			
Protect public health, safety	0	0			
Beneficial, requested by stakeholders	1	10	2		Paperless Billing Rulemaking for Electric and Gas Customers This rulemaking was initiated at the request of the companies to address the use of electronic bills, notices of tariff revisions, bill inserts, etc. This rulemaking is consistent with guideline 3(e) to Executive Order 10-06. 2012: <ul style="list-style-type: none"> Household Goods Fitness Standard Rulemaking The Washington Mover's Conference, a division of the Washington Trucking Association, requested the rulemaking to establish

					<p>household goods fitness standards, which is consistent with guideline 3(e) to Executive Orders 10-06 and 11-03.</p> <ul style="list-style-type: none"> • Water Threshold Rulemaking This rulemaking was initiated by MacKaye Harbor Water Company, Inc. requesting the Commission initiate a rulemaking to amend WAC 480-110-205, Application of rules and WAC 480-110-255, Jurisdiction, to increase the maximum average annual revenue per customer used to determine Commission jurisdiction over water company. This rulemaking is consistent with guideline 3(e) to Executive Orders 10-06 and 11-03.
Total	2	31	3		

Rules Currently in Process or Expected to Proceed*

Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	3	4	<p>2011 Adoption by Reference Rulemaking This annual rulemaking updates citations to federal rules and national standards incorporated by reference in existing Commission rules. This rulemaking is consistent with guideline 3(a) to Executive Order 10-06.</p> <p>Telecom Regulatory Fee Rulemaking The telecom regulatory fee rulemaking considers the development of proposed rules to implement SESHB 1087, Chapter 50, Laws of 2011, which authorizes the Commission to establish filing fees to recover the specific costs of performing activities caused by telecommunications filings. This rulemaking is consistent with guideline 3(a) to Executive Order 10-06.</p> <p>Wastewater Companies Rulemaking Necessary to implement 2SSB 5034 (codified in RCW 80.04 and RCW 80.28). By statute, the rulemaking will begin when stakeholders fund the rulemaking.</p> <ul style="list-style-type: none"> <p>2012 Adoption by Reference Rulemaking This annual rulemaking updates citations to federal rules and national standards incorporated by reference in existing Commission rules. This rulemaking is consistent with guideline 3(a) to Executive Orders 10-06 and 11-03.</p> <ul style="list-style-type: none"> <p>Wastewater Companies Rulemaking Necessary to implement 2SSB 5034 (codified in RCW 80.04 and RCW 80.28). By statute, the rulemaking will begin when stakeholders fund the rulemaking.</p> <p>Gas Pipeline Damage Reporting Rulemaking This rulemaking implements E2SHB 1634 and considers amending rules to WAC 480-93-200 in requiring intrastate pipeline companies to report damage to their pipelines. This rulemaking is consistent with guideline 3(a) to Executive Orders</p>

			10-06 and 11-03. <ul style="list-style-type: none"> • Hazardous Liquid Pipeline Damage Reporting Rulemaking This rulemaking implements E2SHB 1634 and considers amending rules to WAC 480-75-630 in requiring intrastate pipeline companies to report damage to their pipelines. This rulemaking is consistent with guideline 3(a) to Executive Orders 10-06 and 11-03.
Court order	0		
Manage budget	0		
Protect public health, safety	0		
Beneficial, requested by stakeholders	2	5	Interconnection with Electric Generators Developers of renewable electric power requested the rulemaking in Docket UE-110667 to streamline requirements and remove certain requirements. Household Goods Fitness Standard Rulemaking The Washington Mover’s Conference, a division of the Washington Trucking Association, requested the rulemaking to establish household goods fitness standards, which is consistent with guideline 3(e) to Executive Order 10-06 <ul style="list-style-type: none"> • Interconnection with Electric Generators Consider amending existing rules in WAC 480-108 to address issues raised by stakeholders in Docket UE-110667 and identified in the Commission Report to the Legislature in that docket. This rulemaking is consistent with guideline 3(e) to Executive Orders 10-06 and 11-03.
Total	5	9	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)

Rules on hold due to EO	2	2	<p>E911 Excise Tax Clean-up Rulemaking The E911 excise tax rulemaking would consider amending existing rules and statute references in WAC 480-120 in response to SB 6846.</p> <p>Pipeline GIS Data Submission Standards Rulemaking The Pipeline GIS Data Submission Standards rulemaking would consider the need to establish rules specifying the geographic and pipeline related data pipeline operators must report to the Commission. The Commission has determined that this rulemaking and the E911 excise tax clean-up rulemaking can be put on hold as being non-critical consistent with the guidelines to Executive Order 10-06 and 11-03.</p>
Rules that have been eliminated	2	3	<p>Solid Waste Definitions Rulemaking The solid waste definitions rulemaking was initiated to consider the circumstances under which a hauler of construction and demolition waste is not required to have a solid waste certificate.</p> <p>Public Access to Information and Records Rulemaking The public records rulemaking was initiated to consider whether the Commission should develop new rules and/or modify existing rules in WAC 480-04 to reflect recodification of the Public Records Act into RCW 42.56. The Commission decided to withdraw this rulemaking and the solid waste definitions rulemaking consistent with the guidelines to Executive Order 10-06 and 11-03.</p> <p>2012:</p> <ul style="list-style-type: none"> • Telecom Regulatory Fee Rulemaking The telecom regulatory fee rulemaking was initiated to consider adopting rules to implement Second Engrossed Substitute House Bill 1087, Chapter 50, Laws of 2011, which authorized the Commission to establish fees to recover the specific costs of performing services under the federal Telecommunications Act of 1996 (the Telecom Act). The Commission decided to withdraw this rulemaking after

			reviewing more current data for the expense of performing Telecom Act services and possible revenues from establishing fees for these services. The Commission has determined that the revenues gained through fees will not be significant to warrant the additional costs of a rulemaking.
Emergency Rules Adopted	0		
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule, or relating only to internal government operations	0		

Additional Information (optional):

Following the guidance from the Governor’s Office, the Commission has discontinued two rulemakings and deferred moving forward on several others. The Commission has found the criteria useful in determining which rulemakings are necessary for the Commission to initiate or continue.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Washington Criminal Justice Training Commission		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Sonja Hirsch, Rules Coordinator		
Contact Phone	206-835-7372		
Contact Email	shirsch@cjtc.stat.wa.us		

Rules Permanently Adopted – CR 103(P)					
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		
Exemption Category	Rules	Sections	Rules	Sections	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law					
Court order					
Manage budget					
Protect public health, safety					
Beneficial , requested by stakeholders					
Total					

Rules Currently in Process or Expected to Proceed*				
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)	
Required by state or federal law		1	Conditions of employment. SHB1567 authorized the agency to establish standards for conditions of employment for reserve and fully commissioned peace officers.	
Court order				
Manage budget				
Protect public health, safety				
Beneficial, requested by stakeholders				
Totals				

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations.)
See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	15		The agency has many rules that should be updated to remove outdated language and/or redundancies. All such clean up rule making has been put on hold due to the Executive Order.
Rules that have been eliminated	1		State Fire Marshal's Office – This language no longer holds statutory authority and was repealed.
Emergency rules adopted	0		
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule, or relating only to internal government operations	1		Chapter 448-14 WAC – Standards for analysis of blood samples for alcohol. Updates were necessary to reflect current laboratory procedures for analyzing and reporting blood alcohol concentration. Note: This rule is also necessary to protect public health safety and welfare and is reflected as such in the first table.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Washington State Patrol		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Melissa Van Gorkom, WSP Rules Coordinator		
Contact Phone	360-596-4017		
Contact Email	Melissa.vangorkom@wsp.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law	8	40	9		<ol style="list-style-type: none"> 1. Body Requirements – Changes to coincide with the passage of SB 5585 in 2011. 2. School Bus Lamps – Updates to reference current SAE standards. 3. Ignition Interlock Program – Changes to coincide with the passage of HB 2466 and 2742 in 2010. 4. Helmet Exemption – Changes to coincide with law change in 2011 regarding helmet use on closed road. 5. Limousine – Changes to coincide with passage of SB 5502 in 2011. 6. Vehicle Impounds 0 Changes to coincide with passage of 5000 in 2011. 7. Transportation Requirements – changes to coincide with updates to the Code of Federal Regulations for commercial vehicles. 8. Breath Test – Changes to coincide with the passage of HB 5465 in 2010
Court order	0	0			
Manage budget	1	15			Breath Test – Changes to coincide with the passage of HB 5465 in 2010 allowing the agency to use new dry gas machines purchased.

Protect public health, safety	3	22	1		<p>1. Ignition Interlock Program – Changes place new requirements on the Ignition Interlock Program bring more accountability to the program and help deter circumventing the interlock devices in Washington State.</p> <p>2. Towing Business – Updates to the letter of appointment & tow equipment standards to ensure that qualified operators and safe tow equipment are used when WSP requests a tow.</p> <p>3. Standards for analysis of blood samples for alcohol – Updates were necessary to reflect current laboratory procedures for analyzing and reporting blood alcohol concentration.</p>
Beneficial, requested by stakeholders					
Total	10	45	10		Note: Chapter 204-50 WAC changes and Chapter 448-16 WAC (which make up two rules and 32 sections) fall into two exemption categories, so the sum of all categories listed will not represent the total as these sections are included twice.

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	6		Six of the rules already described above (Body Requirements, School Bus Lamps, Helmet Exemption, Limousine, Vehicle Impounds, and Transportation Requirements) are currently in the process to implement changes which are the result of legislation that passed in 2011 and should be complete by the end of the year.
Court order	0		
Manage budget	0		
Protect public health, safety	0		
Beneficial, requested by stakeholders	0		
Total	6		Note: These rules are reflected in the permanent rules adopted by 12-31-11 as the hearing is scheduled for these six rules on

			Dec. 27th, and the agency anticipates filing the CR 103P for these six rules by the end of the year. If that changes, the numbers in the 2012 report will reflect the final rules being filed after the new year.
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*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO	15	19	The agency has many rules that should be updated to remove outdated language and/or redundancies. All such clean up rule making has been put on hold due to the Executive Order.
Rules that have been eliminated	1	1	State Fire Marshal's Office – This language no longer holds statutory authority and was repealed.
Emergency rules adopted	0		
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	1		Chapter 448-14 WAC: Standards for analysis of blood samples for alcohol – Updates were necessary to reflect current laboratory procedures for analyzing and reporting blood alcohol concentration. Note: This rule is also necessary to protect public health safety and welfare and is reflected as such in the first table.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Washington Student Achievement Council Formerly Higher Education Coordinating Board		
Cabinet Agency or Report to Gov	(Circle)	<u>Yes</u>	or No
Contact	Katie Youngers		
Contact Phone	360-753-7859		
Contact Email	katiey@hecb.wa.gov		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law			1		WAC 250-61. Regulations for Degree Authorization Act; fee component required by RCW 28B.85.060; fee increase and new fees authorized by 2011 Legislature. Adopted March 29, 2012
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders					
Total			1		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	1		WAC 250-61 Regulations for Degree Authorization Act; fee component required by RCW 28B.85.060; fee increase and new fees authorized by 2011 Legislature; anticipated adoption 3/29/12.
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by			

stakeholders			
Total	1	0	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Tacoma Community College		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No X
Contact	Chris Young		
Contact Phone			
Contact Email	cyoung@tacomacc.edu		

Rules Permanently Adopted – CR 103(P)					
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		
Exemption Category	Rules	Sections	Rules	Sections	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law					
Court order					
Manage budget					
Protect public health, safety			1		Parking and Traffic Rules and Regulations
Beneficial, requested by stakeholders					
Total			1		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders			
Total		0	

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Yakima Valley Community College		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No X
Contact	Suzy West		
Contact Phone	509-574-4637		
Contact Email	swest@yvcc.edu		

Rules Permanently Adopted – CR 103(P)					
Exemption Category	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
	Rules	Sections	Rules	Sections	
Required by state or federal law					
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders			1		Repealed
Total			1		

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law			
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders			
Total			

*Not including rules not subject to the Executive Order (emergency rules, those adopted after negotiated or pilot rule-making, rules finalizing a prior emergency rule, and rules relating to internal government operations). See Additional and Related Information section below.

Additional and Related Information			
	Thru Dec. 2011	Thru Dec. 2012	
	Number of Rules	Number of Rules	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Rules on hold due to EO			
Rules that have been eliminated			
Emergency rules adopted			
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations			