

Report to the Governor

2011 IMPLEMENTATION OF EXECUTIVE ORDER 10-06

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

State of Washington
Office of Financial Management
Office of Regulatory Assistance

June 2012



Questions about this report may be directed to:

Jason T. McGill
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

June 19, 2012

TO: Governor Chris Gregoire

FROM: Jason McGill, Executive Policy Advisor

**SUBJECT: REPORT ON 2011 IMPLEMENTATION OF EXECUTIVE ORDER 10-06
“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 calendar year. [EO 10-06](#) 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 implementation of EO 10-06. The [guidelines](#) asked that all agencies implementing EO 10-06 report by January 2012 on the number of rules eliminated or suspended in response to the EO, and the number of and justification for rules that proceeded through development and/or adoption while the EO was in effect.

Last December, we provided the agencies subject to the EO 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, 29 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. The 68 responses covered by this report constitute the vast majority of state rule-making activity.

Analysis of the agencies' reports shows the following:

- A significant reduction in rule-making activity from the prior year
- A number of agencies refrained from rulemaking altogether
- 75 rules were eliminated
- 483 rules were put on hold
- 186 rules adopted were required by law
- 118 rules adopted were requested by the regulated communities
- 69 rules adopted were related to managing budget reductions and related government reforms
- 28 were adopted to address public health or safety concerns
- 5 rules were necessary due to court order
- 30 rules were adopted after negotiated or pilot rulemaking

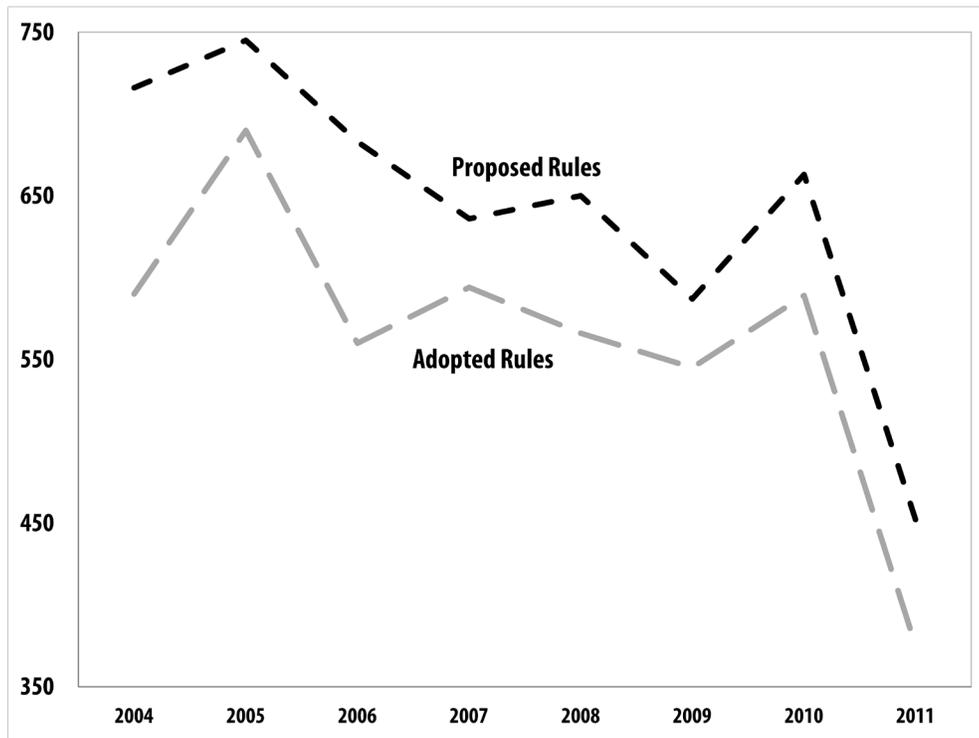
Agency Reports:

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 EO accomplished its intended purpose of conserving limited public resources and reducing impacts on small businesses during this recession. See chart below.

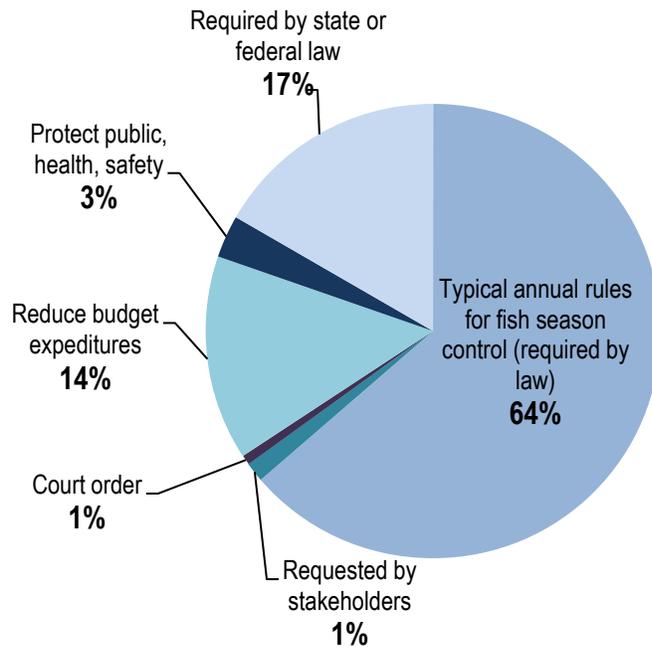
AGENCY RULE-MAKING ACTIVITY*



* 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.

One possible unintended consequence is that agencies may have postponed rule simplification and related initiatives. Also, we noted an increase in the number of rules adopted on an emergency basis. The uptick in emergency rule adoption is related to the significant budget reductions adopted when the Legislature finalized the state's 2011–13 biennial operating budget (see the pie chart). In total, agencies reported 135 rules required by law and/or to reduce budget expenditures (many rules fit both categories). This accounts for the increase as compared to previous years. 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, consistent with its annual average of emergency rule filings related to fish season control required by law).

EMERGENCY RULES



On October 11, 2011, you issued [EO 11-03](#) to extend implementation of EO 10-06 for another year, through December 31, 2012. We will therefore complete a similar report next year.

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 (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 (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. Higher Education Coordinating Board
15. Horse Racing Commission
16. Life Sciences Discovery Fund*
17. Liquor Control Board
18. Olympic College
19. Parks and Recreation Commission
20. Professional Educator Standards Board
21. South Puget Sound Community College
22. Southwest Clean Air Agency
23. State Board for Community and Technical Colleges
24. State Board of Health
25. Transportation Commission (see Department of Transportation under Attachment #2)
26. Transportation Improvement Board
27. University of Washington
28. Utilities and Transportation Commission
29. Western Washington University

* Indicates no rulemaking reported

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Board of Accountancy
Cabinet Agency or Report to Gov	(Circle) <input checked="" type="radio"/> Yes or <input type="radio"/> 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)					
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				
Protect public health, safety	0				
Beneficial, requested by stakeholders	45	57			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.
Total	45	57			

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	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	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			Weights and Measures National Handbooks. RCW 19.94.195 requires annual adoption of the most recent version of NIST Handbooks.
Court order					
Manage budget	1	1			Mint Commission. Increase annual assessment rate to fund necessary research programs and maintain basic commission operations.
Protect public health, safety					
Beneficial, requested by stakeholders	2	6			Grape Planting Stock. Industry requested change to mitigate risk of nematode vectored viruses and provide more flexibility in buffer requirements.
Total	4	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	3		Animal Importation. RCW 16.57.160 requires rulemaking to designate when health documents require a physical address for the destination when importing animals.
Court order			
Manage budget			
Protect public health, safety			

Beneficial, requested by stakeholders	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.
Total	4		

* 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**		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			
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.

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	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					
Total	1	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	1	To implement a federal program, and create rules around program passed by the legislature.
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders			
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	
	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
Emergency rules adopted		1	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			Provide a penalty for interference in the investigation of sexual misconduct and a disincentive for false accusations against staff. WAC 137-25
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	Andy Fernando, DEL Rules Coordinator		
Contact Phone	360-725-4397		
Contact Email	Andres.Fernando@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			
Court order	0	0			
Manage budget	3	57 amended; 5 repealed			<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 lists, capping program enrollment. Initiated as emergency rules; Permanent adoption 8/24/11; ▪ 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.</p>
Protect public health, safety	1	3			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.
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			

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		<ol style="list-style-type: none"> 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. 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. 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. 	
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.
Rules that have been eliminated	1		Repealed WAC 170-296 Business regulations for family home child care. Rules made obsolete by a new WAC chapter.
Emergency rules adopted	8		<ol style="list-style-type: none"> 1. WAC 170-290: Reducing state general fund expenditures by capping child care subsidy enrollment, establishing waiting lists and revising eligibility requirements; 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>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>
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule ¹ or relating only to internal government operations	1		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.

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) <input checked="" type="checkbox"/> Yes or <input type="checkbox"/> 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			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.
Court order	0	0			
Manage budget	2	5			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.
Protect public health, safety	0	0			
Beneficial, requested by stakeholders	14	138			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.
Total	17	182			

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		Sediment Management Standards WAC 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.
Beneficial, requested by stakeholders	9		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.
Total	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	13		Reclaimed Water (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.
Rules that have been eliminated			Ecology has not eliminated an entire

			chapter but did repeal three (3) WAC sections.
Emergency rules adopted	2		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.
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	2		Children’s Safe Products – Reporting Rule WAC 173-334 This rule established a reporting schedule for chemicals of high concern in children's products. This used pilot rule making.

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 <input type="radio"/> 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)					
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			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.
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	15		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. 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	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			
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 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			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>)
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			

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)
Protect public health, safety	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>
Totals	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	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	3		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>
Emergency rules adopted	4		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. 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.

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	Sections	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	1	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.
Court order					
Manage budget					
Protect public health, safety	1	1			The amendment makes a license renewal provision consistent with the initial licensing requirement. The amendment is also consistent with the applicable federal law.
Beneficial, requested by stakeholders	1	1			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. The update benefits securities issuers/stakeholders because it promotes uniformity with other states.
Total	3	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	1		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.
Court order			
Manage budget			
Protect public health, safety	4		<ul style="list-style-type: none"> • Mortgage Broker-Dealer Rulemaking. The proposed rulemaking will update the mortgage broker-dealer rules. This will provide additional protections to investors in mortgage paper securities. • 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.
Beneficial, requested by stakeholders			(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.)
Total	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	2		<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			
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 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			ESHB 2875 (2010) required 5 health professions to adopt rules on the management of chronic non-cancer pain.
Court order	0	0			
Manage budget	4	20			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.
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			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.
Total	32	416			

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		SHB 2430 (2010) requires adopting rules for the licensure of cardiovascular invasive specialist.
Court order	0		
Manage budget	0		
Protect public health, safety	1		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.
Beneficial, requested by stakeholders	2		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.
Total	11		

*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		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		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.
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	8		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.

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			<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>

Court order	0	0 New: 0 Amend: 0 Repeal: 0			N/A
Manage budget	4	27 New: 1 Amend: 24 Repeal: 2			<p>2012 Workers' Compensation Premium Rates</p> <p>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>
Protect public health, safety	1	1 New: 0 Amend: 1 Repeal: 0			<p>Explosives</p> <p>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>
Beneficial, requested by stakeholders	3	12 New: 0 Amend: 11 Repeal: 1			<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>
Totals	19	283 New: 106 Amend: 22 Repeal: 55			

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		<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>
Court order	0		N/A
Manage budget	10		<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>

Protect public health, safety	10	<p>Fall Protection</p> <p>L&I has been working with a Fall Protection Ad Hoc Committee to consolidate the fall protection 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>
Beneficial, requested by stakeholders	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 required.</p> <p>This rulemaking fits into this exemption category because it was requested by the regulated entities.</p>
Totals	40	

*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 or pilot rulemaking, to finalize an emergency rule, or relating only to internal government operations	1		Permanent adoption of the emergency rule (regarding Industrial Insurance for the Washington Horse Racing Commission) discussed above.

Reporting 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			WAC 308-56A-460 Destroyed or wrecked vehicle – Reporting – Rebuilt. 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.
Court order					
Manage budget					
Protect public health, safety	1	1			WAC 308-104-014 Application for driver’s license or identicard. To require that applicants for driver’s licenses who do not have a Social Security number, and to require that an applicant for a new driver’s license who submits such an affidavit must submit additional documentation establishing the applicant’s Washington residence address.

Beneficial, requested by stakeholders				
Totals				

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		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.
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	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	46		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		<p>WAC 308-330 The model traffic ordinance (MTO).</p> <p>Avoiding the delay resulting from permanent rule adoption will enable local law enforcement to hold drivers accountable for the public safety hazard presented in violating traffic laws by enabling them to cite the MTO which has been adopted by many local authorities, rather than state statute, since many are accustomed to cite to the MTO.</p>
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule, or relating only to internal government operations			

Report 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	Ken Goolsby		
Contact Phone	360-664-7291		
Contact Email	Ken.Goolsby@drs.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	0			Internal Revenue Code (IRC) compliance; IRC 401(h) retiree medical accounts; Plan 3 default **
Court order	0	0			
Manage budget	0	0			
Protect public health, safety	0	0			
Beneficial, requested by stakeholders	0	0			
Total	12	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		

*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	Alan R. Lynn			
Contact Phone	360-534-1599			
Contact Email	alanl@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				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				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.
Protect public health, safety					
Beneficial, requested by stakeholders	3				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.
Total	18				

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		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.
Protect public health, safety			

Beneficial, requested by stakeholders	29		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.
Total	46		

* 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		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.
Rules that have been eliminated			
Emergency rules adopted	6		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			DSHS receives federal funding & operates federal programs
Court order	1	31			Law suit
Manage budget	20	121			Needed in order to realize necessary budget reductions
Protect public health, safety					
Beneficial, requested by stakeholders	8	69			Vulnerable adult abuse reporting requirements and due process rights
Total	78	591			

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		Maintain federal funding
Court order	1		Law suit
Manage budget	41		Needed in order to realize necessary budget reductions
Protect public health, safety	4		If the department requires proof or additional information after a person applies for food, medical or cash assistance, the applicant has a specific amount of time to provide the requested information. Without the rule amendment, if the applicant fails to meet the timeframe, they are denied eligibility for services. The amendment allows for additional time

			under certain circumstances, thereby protecting the health and welfare of those applicants. Another was related to WorkFirst participation requirements, expanding options of community service participation. This change helps parents to engage with their children in early learning activities, stabilize households and improve parental bonding while they meet WorkFirst participation requirements. And another related to the administration of medical programs and was a necessary part of the transition of Medicaid purchasing from DSHS to HCA. One rule related to income eligibility for child only TANF allowing for children living with someone other than a parent or foster parent.
Beneficial, requested by stakeholders	5		Sign language interpreter certification
Total	154		

*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		Clarifying language, updating out-dated terms.
Rules that have been eliminated	37		Rule-making pre-proposal did not meet one of the exemptions
Emergency rules adopted	109		54 were required by law 3 were required by court order 48 were budget related 2 were necessary to protect public health, safety & welfare; one was part of the transition of Medicaid Purchasing Administration from DSHS to the Health Care Authority and related to hearing rights for Medicaid clients and applicants for Medicaid services. The other was related to WorkFirst participation requirements, expanding options of community service participation. This change helps parents to engage with their

			children in early learning activities, stabilize households and improve parental bonding while they meet WorkFirst participation requirements. 2 were beneficial to/requested by regulated entities (Note: Many meet more than one exemption criteria)
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.

Much of the rulemaking was required as part of merging Medicaid purchasing with the Health Care Authority, which required re-codifying a number of rules from DSHS’ Title 388 into HCA’s Title 182.

The number of emergency rules filed increased dramatically over previous years due to legal changes and/or budget requirements (54 were required by law and 48 were budget related). The number of emergency rules adopted for calendar years 2008, 2009, 2010 & 2011 are as follows:

- 2008 = 58
- 2009 = 76
- 2010 = 77
- 2011 = 101

DSHS did not track budget related emergencies prior to the moratorium so this is just the number of emergency rules filed, per calendar year.

DSHS has reduced services to clients in multiple programs like food assistance, cash assistance, long term care, residential care, mental health services, etc. over this period. Additionally, DSHS has had to respond to litigation resulting in more rule-making activity than it would have otherwise – for example, DSHS has had to reduce services, then due to legal challenges, reinstate them, and reduce them again. Some services were subsequently reduced further due to follow up legislation and continuing budget struggles.

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	Sections	Give One Example (Rule topic; brief description of rule; how or why it fits exemption category)
Required by state or federal law	3		Uniform Traffic Control Devices. State rules needed to be updated to reflect Federal Rules.
Court order			
Manage budget	5		Ferry Passenger tolls. Ferry rates to meet operating costs.
Protect public health, safety			
Beneficial, requested by stakeholders			
Totals	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			
Totals	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	
	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 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.
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule, or relating only to internal government operations		

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	Health Care Authority
Cabinet Agency or Report to Gov	(Circle) Yes
Contact	Kevin Sullivan
Contact Phone	360-725-1344
Contact Email	Kevin.Sullivan@hca.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	120			Outpatient Rehabilitation Services. A new therapy benefit package for adult clients (HB 1086) that is more cost effective.
Court order	None	None			
Manage budget	8	66			Vision Care. Elimination of optional Medicaid services (eyeglass frames, lenses, and contact lenses) for adult clients. To meet Governor's EO 10-04 requirement to reduce budget expenditures by 6.3 percent.
Protect public health, safety	None	None			
Beneficial, requested by stakeholders	4	49			Sterilizations. HCA added hysteroscopic sterilization as an available service as a safe, effective, and cost-effective alternative to laparoscopic tubal ligations. Beneficial to clients (more choice) and agency (less costly).
Totals	24	235			

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		Medicaid Administrative Hearings. Required by ESSB 1738 which designated HCA the single state agency for Medicaid. Required by state law.

Court order	None		
Manage budget	6		Drug Formulary. Allows greater cost control. Necessary to manage budget reductions.
Protect public health, safety	None		
Beneficial, requested by stakeholders	None		
Totals	16		

*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		Emergency Medical Transportation. No policy change involved; purpose was to clarify current rules. Didn't meet exemption criteria.
Rules that have been eliminated	None		
Emergency rules adopted	10		<p>Four rules were related to podiatric care, dental services, vision care, occupational/physical/speech therapies, and hearing aids. Reduction or elimination of adult medical services to meet Governor's Executive Order 10-04 mandate to reduce budget expenditures by 6.3 percent from January 1, 2011 through June 30, 2011.</p> <p>One rule was for the scope of Coverage Table. Changed to reflect the elimination or reduction of covered services to dental, vision care, hearing aids, therapies, and school-based healthcare to meet Governor's Executive Order 10-04 mandate to reduce budget expenditures by 6.3 percent.</p> <p>One rule was needed for school-based healthcare services. Eliminating optional program to meet Governor's Executive Order 10-04 mandate to reduce budget expenditures by 6.3 percent from January 1, 2011 through June 30, 2011.</p>

			<p>One rule was needed for incapacity-based Medical Care Services (MCS) due to legislation/budget. ESSHB 2082 eliminated Disability Lifeline cash & medical program and required it to be replaced by MCS.</p> <p>One rule was needed for state-funded Long-Term Care Services for Noncitizens due to legislation. ESHB 1086 authorized DSHS to place these LTC clients residing in nursing facilities into less restrictive (and less costly) community care settings.</p> <p>One rule was necessary for maternity support services (MSS) due to legislation. ESHB 1086 reduced funding for MSS and required prioritization of evidence-based practices and to leverage local public funding where possible.</p> <p>One rule was necessary for state payment of Medicare Prescription Drug Co-payments. Cost saving measure that brings department payment methodology for QMB clients into alignment with other Agency regulations. This was part of the Agency's efforts to meet the Governor's Executive Order 10-04 mandate to reduce budget expenditures by 6.3 percent from January 1, 2011 through June 30, 2011</p>
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule, or relating only to internal government operations	None		

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 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			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.
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders					
Total	1	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		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		Current funding methodology is dated and emergency management agencies within the state agree a revision is needed.
Total	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	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		Revisions to chapter 118-66 WAC Enhanced 9-1-1 Funding under SSB 6846 – C19 L10 E1.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Office of Financial Management		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Sandi Stewart		
Contact Phone	360-664-6324		
Contact Email	Sandi.stewart@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			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			

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		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
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.

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)					
	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	3	18			To reduce the time and unnecessary steps required of the office and the costs to the appellants in the appeal process.
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				
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	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		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	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	1	17			<p>Ignition Interlock Program – Changes to coincide with the passage of HB 2466 and 2742 in 2010.</p> <p>Breath Test – Changes to coincide with the passage of HB 5465 in 2010</p>
Court order	0	0			
Manage budget	1	15			<p>Breath Test – Changes to coincide with the passage of HB 5465 in 2010 allowing the agency to use new dry gas machines purchased.</p>
Protect public health, safety	1	2			<p>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.</p> <p>Towing Business – Updates to the letter of appointment and tow equipment standards to ensure that qualified operators and safe tow equipment are used when WSP requests a tow.</p> <p>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	3	34			Note: Chapter 204-50 WAC changes and Chapter 448-16 WAC (which make up two rules and 32 sections) fall into two exemption categories. In addition, Chapter 448-14 WAC (which makes up one rule and 3 sections) is relating only to internal government operations but also falls into an exemption category.

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		<p>Body Requirements – Changes to coincide with the passage of SB 5585 in 2011.</p> <p>School Bus Lamps – Updates to reference current SAE standards.</p> <p>Helmet Exemption – Changes to coincide with law change in 2011 regarding helmet use on closed road.</p> <p>Limousine – Changes to coincide with passage of SB 5502 in 2011.</p> <p>Vehicle Impounds - Changes to coincide with passage of 5000 in 2011.</p> <p>Transportation Requirements – changes to coincide with updates to the Code of Federal Regulations for commercial vehicles.</p>
Court order	0		
Manage budget	0		
Protect public health, safety	0		
Beneficial, requested by stakeholders	0		
Totals	6		Note: The agency anticipates filing the CR 103P for these six rules in January 2012.

*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	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) <u>Yes</u> or No
Contact	Brigette K. Smith, Executive Secretary
Contact Phone	360-753-7318
Contact Email	bridgettes@bvff.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	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			
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 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)					
	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				WISHA Abatements (2) Structured Settlements (2)
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders					
Total	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			
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	-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		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			Tariffs
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			

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		
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	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			

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		
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	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)					
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	1	7			On remand from Oregon Supreme Court
Manage budget	5	70			Streamlining procedures
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			
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			

*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					

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	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	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)					
	11/17/2010 - 12/31/2011		1/1/2012- 12/31/2012		
Exemption Category	Rule Adoptions	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	9	22			Reduce fishing limit for ESA-listed rockfish species in Puget Sound
Court order	2	9			Tailor commercial salmon rules to treaty and non-treaty harvest shares, per <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			Amend fishing and hunting limits to protect and preserve the state's fish and wildlife resources
Beneficial, requested by stakeholders	1	3			Review existing game reserves for functionality and effectiveness, per the public's request
Total	26	80			

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		Prohibit baiting of game birds, to make state law consistent w/ federal law
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		Prohibit possession of deleterious exotic animals and live wildlife, to protect Washington's native species
Beneficial, requested by stakeholders	4		Modify decoy regulations and hunting calls, consistent w/ hunter preferences
Total	59		

*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	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	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				172-132, Course Materials: required by RCW 28B.10.590.
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		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		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					
Court order					
Manage budget	1	2			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. 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.

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)
	4	15			<p>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.</p> <p>Road Maintenance and Abandonment Plans (RMAP) – See description above.</p>
Beneficial, requested by stakeholders	3	8			<p>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 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>
Totals	9	26			

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>
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders	1		<p>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.</p> <p>Supported by state agencies, tribes and large and small landowners.</p>
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		
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	Washington State Gambling Commission		
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact	Susan Arland, Rules Coordinator		
Contact Phone	360-486-3466		
Contact Email	Susan.Arland@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					
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders	3				<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 agency printing and mailing costs of \$15,000 to \$25,000 every three years.
Total	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	1		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.
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders	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 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		

* 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		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).
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.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Higher Education Coordinating Board		
Cabinet Agency or Report to Gov	(Circle)	<input checked="" type="radio"/> Yes	or No
Contact	Katie Youngers		
Contact Phone	360-753-7859		
Contact Email	katiey@hecb.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					
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		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		

*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				See Attached
Total	9				

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		See Attached
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	1		See Attached
Rules that have been eliminated	3		See Attached
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):

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

Rule Topic	Description	Recommended Action	Comments
WAC 260-24-500 Racing officials.	Better defines racing officials and places restrictions upon them.	Adopted	Beneficial and supported by the regulated entities.
WAC 260-32-010 Minimum requirements to obtain a jockey's license.	Changes the minimum age for a jockey's license from 18 to 16 years of age.	Adopted	Beneficial and supported by the regulated entities.
WAC 260-34-020 Drug and alcohol violations; and WAC 260-34-030 Testing.	Adds oral fluids to the list of bodily substances that may be tested for drugs/alcohol	Adopted	Beneficial and supported by the regulated entities.
WAC 260-40-010 Nominations and scratches.	Formalizes the racing secretary's authority to accept "conditional entries".	Adopted	Beneficial and supported by the regulated entities.
WAC 260-44-150 Horseshoes.	Allows horse to race partially or completely unshod	Adopted	Beneficial and supported by the regulated entities.
WAC 260-70-580 Official veterinarian's list.	Amends the time frames for when a horse may race after being placed on the official veterinarian's list.	Adopted	Beneficial and supported by the regulated entities.
Chapter 260-84 WAC Penalties	Amends certain standard penalties to reflect current practice.	Adopted	Beneficial and supported by the regulated entities.
WAC 260-49-070 Distribution of Source Market Fees	Aligns the WAC with the provisions of ESSB 5747	Adopted	Required by state law (ESSB 5747)
WAC 260-36-220 Industrial insurance premiums – Additional premiums for exercise riders; and WAC 260-36-230 Short duration industrial insurance coverage	Extends short duration industrial insurance coverage for Class A & B tracks from seven to thirty days	Adopted	Requested by the regulated entities.

Rule Topic	Description	Recommended Action	Comments
WAC 260-70-630 Threshold levels.	Adopts acceptable threshold levels for therapeutic medications as recommended by the national Racing and Medication Testing Consortium, and the National Model Rules.	In process for 2012	Beneficial and supported by the regulated entities.
WAC 260-70-640 Permitted medication & WAC 260-84-120 Penalties relating to permitted medication	Lowers the permitted level for phenylbutazone in graded stakes races	In process for 2012	Beneficial and supported by the regulated entities
Title 260 WAC Horse racing commission	Addresses executive secretary ability to temporarily approve certain items prior to full commission approval	In process for 2012	Beneficial and supported by the regulated entities
WAC 260-12-010 Definitions	Clarifies certain items and adds new definitions as needed	On hold	Supported by the regulated entities
WAC 260-32-370 Apprentice Jockeys	Clarifies the process when an apprentice wishes to waive all or portions of the weight allowances	In process for 2012	Beneficial and supported by the regulated entities
WAC 260-36-120 Denial, suspensions, revocations -- grounds	Give the board of stewards the ability to approve conditional licenses to applicants with felony convictions	In process for 2012	Beneficial and supported by the regulated entities
WAC 260-40-155 The effects of wins on eligibility	Addresses eligibility of thoroughbreds which win races at the minor tracks entering into mixed breed races at Class A & B tracks	In process for 2012	Beneficial and supported by the regulated entities
WAC 260-70-680 Classification guidelines	Updates classifications guidelines of substances to comply with ARCI recommendations	In process for 2012	Beneficial and supported by regulated entities
WAC 26036-220 Industrial insurance premiums -- Additional premiums for exercise riders. & WAC 260-84 Penalties	To allow the WHRC to accept payments for industrial insurance premiums and penalties associated with late payments	In process for 2012	Beneficial and supported by regulated entities

Rule Topic	Description	Recommended Action	Comments
Title 260 WAC Syndicate Licenses	Create a new syndicate license category.	Eliminated	Minimal benefit for stakeholders and possible revenue reduction for agency.
WAC 260-16 Washington Bred Horses	Amends how Washington Bred horses are certified.	Eliminated	Stakeholder groups opposed to amendments.
WAC 260-60-300 Who may claim.	Would placed restrictions on the number of claims one trainer could file on one horse.	Eliminated	Not requested by stakeholders and does not fit executive order.

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			Implementing 2010 legislation. Regarding retail liquor license requirements.
Required by state or federal law	1	2			Implementing 2011 legislation. Regarding special occasion licenses
Required by state or federal law	1	3			Implementing 2011 legislation. Regarding club licenses
Required by state or federal law	1	1			Implementing 2011 legislation. Regarding agent's licenses.
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			Allowing entertainers to drink while performing
Total	6	21			

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	2	Emergency Rules to implement I-1183. One rulemaking has been filed already, others will be filed in the next two months.
Required by state or federal law (Initiative 1183)		5	Permanent rules to implement I-1183.
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders		1	WAC 314-11-070 Requested by stakeholders
Total	1	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	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	1		Prohibiting alcohol energy drinks in WA state; protecting the health and welfare of the citizens in WA state.
Rules adopted after negotiated or pilot rulemaking, to finalize an emergency rule or relating only to internal government operations	1		Prohibiting alcohol energy drinks in WA state; protecting the health and welfare of the citizens in WA state.

Report on Executive Order 10-06 (Rules Moratorium)

Agency Name	Olympic 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				First Amendment Policy balances free speech with College need to maintain order.
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		Completion of free speech policy revision	
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			

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)					
	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				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				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				

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	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	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)					
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	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			Technical clarification on certification and private schools.
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	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)					
	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	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	8		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		
Manage budget	0		
Protect public health, safety	1		WAC 132X-30 Use of College Facilities
Beneficial, requested by stakeholders	8		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	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	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)					
	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	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					
Total	1	55			

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				
Protect public health, safety	0				
Beneficial, requested by stakeholders	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			
Court order	0		
Manage budget	1		Chapter 246-291 WAC, Group B Water Systems. Chapter revision to harmonize regulatory program with 2009 budget reductions to Department of Health drinking water program.
Protect public health, safety	1		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.

Beneficial, requested by stakeholders	1		Chapter 246-215 WAC, Food Service. Continued work on this was requested by stakeholders.
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	3		Chapter 246-272A WAC, On- site 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	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					
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 -- Ch. 479-01, 05, 10, 14 --		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			

*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			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			

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)
Court order			
Manage budget	1		Rules concerning RCW 28B.15.558-related tuition waiver.
Protect public health, safety			
Beneficial, requested by stakeholders ¹	2		UW Seattle student housing rules. Public records rules.
Total	4		

*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			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.
Court order	0	0			
Manage budget	0	0			
Protect public health, safety	0	0			
Beneficial, requested by stakeholders	1	10			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.
Total	2	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	3		<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 SESH 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>
Court order	0		
Manage budget	0		
Protect public health, safety	0		
Beneficial, requested by stakeholders	2		<p>Interconnection with Electric Generators Developers of renewable electric power requested the rulemaking in Docket UE-110667 to streamline requirements and remove certain requirements.</p> <p>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.</p>
Total	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	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</p>
Rules that have been eliminated	2		<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.</p>
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	Western Washington University		
Cabinet Agency or Report to Gov	(Circle) Yes	or	No X
Contact	Suzanne Baker, Rules Coordinator		
Contact Phone	360-650-3117		
Contact Email	Suzanne.Baker@wwu.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	35			Chapter 516-21 WAC, Student Rights and Responsibilities Code. New rules adopted on December 2011 address the U.S. Dept. of Education's advisement on harassment, bullying, and sexual violence. (20 U.S.C. 1681-1688)
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders					
Total	1	35			

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		1	WAC 516-26-035, limitations on access of student records such as a right to withhold official university transcripts to support debt collection.
Protect public health, safety	1	1	Chapter 516-52 WAC, Health and Safety. To comply with state initiative that

			prohibits smoking in public places and workplaces.
Beneficial, requested by stakeholders			
Total	1	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			