

Washington State Register, Issue 07-13

OFFICE OF THE CODE REVISER
 Quarterly Rule-Making Report
 Covering Registers 07-07 through 07-12

Type of Activity	New	Amended	Repealed
ACCOUNTANCY, BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	3	0
AGRICULTURE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	10	241	18
Number of Rules Proposed for Permanent Adoption	19	250	27
Number of Sections Adopted at Request of a Nongovernmental Entity	0	152	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	156	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	13	1
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	6	0	0
Number of Sections Adopted on the Agency's own Initiative	1	61	17
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	7	225	18
Number of Sections Adopted using Pilot Rule Making	0	0	0
ATTORNEY GENERAL'S OFFICE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	5	5	0
BUILDING CODE COUNCIL			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	0	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	0	1
COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	20	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	20	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	20	2

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CONSERVATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	25	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	25	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CORRECTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	22	1
Number of Rules Proposed for Permanent Adoption	0	13	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	12	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	12	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
COUNTY ROAD ADMINISTRATION BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	16	0
CRIMINAL JUSTICE TRAINING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
EARLY LEARNING, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
ECOLOGY, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	26	42	4
Number of Rules Proposed for Permanent Adoption	0	4	0
Number of Rules Withdrawn	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	5	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	26	34	4
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	16	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	14	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
EDMONDS COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	11	18	3
EDUCATION, STATE BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	6	3
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	6	3
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	6	3
Number of Sections Adopted using Negotiated Rule Making	0	6	3
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
ENERGY FACILITY SITE EVALUATION COUNCIL			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	10	4
EVERETT COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	25	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	25	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	25	0
Number of Sections Adopted on the Agency's own Initiative	1	25	0
Number of Sections Adopted using Negotiated Rule Making	1	25	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
EXECUTIVE ETHICS BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Withdrawn	0	1	0
FINANCIAL INSTITUTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
FINANCIAL MANAGEMENT, OFFICE OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FISH AND WILDLIFE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	22	0
Number of Rules Adopted as Emergency Rules	72	0	70
Number of Rules Proposed for Permanent Adoption	20	23	5
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	11	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	11	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	3	0	0
Number of Sections Adopted on the Agency's own Initiative	74	20	71
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
GAMBLING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	277	2	0
Number of Rules Proposed for Permanent Adoption	102	9	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	276	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted on the Agency's own Initiative	276	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	276	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HEALTH, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	55	22	16
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	6	45	19
Number of Rules Withdrawn	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	16	9	9
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	2	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	8	8	5
Number of Sections Adopted on the Agency's own Initiative	48	5	10
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	40	18	8
Number of Sections Adopted using Pilot Rule Making	0	0	0

HIGHER EDUCATION COORDINATING BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	7	0	0
Number of Rules Proposed for Permanent Adoption	7	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	7	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	7	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HOME CARE QUALITY AUTHORITY

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	4	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
HORSE RACING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	21	104	40
Number of Rules Proposed for Permanent Adoption	13	65	36
Number of Rules Withdrawn	1	20	10
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	19	103	39
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	17	84	34
Number of Sections Adopted using Negotiated Rule Making	22	104	39
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
INSURANCE COMMISSIONER, OFFICE OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	56	1	0
Number of Rules Proposed for Permanent Adoption	76	2	19
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	4	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	56	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	56	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
JUDICIAL CONDUCT, COMMISSION ON			
Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
LABOR AND INDUSTRIES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	67	8
Number of Rules Adopted as Emergency Rules	8	0	0
Number of Rules Proposed for Permanent Adoption	4	71	1
Number of Rules Withdrawn	6	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	8
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	4	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	13	58	8
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	11	51	8
Number of Sections Adopted using Pilot Rule Making	0	0	0

LICENSING, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	18	5
Number of Rules Proposed for Permanent Adoption	9	21	7
Number of Rules Withdrawn	0	2	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	4	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	14	3
Number of Sections Adopted on the Agency's own Initiative	1	18	5
Number of Sections Adopted using Negotiated Rule Making	0	4	2
Number of Sections Adopted using Other Alternative Rule Making	1	14	3
Number of Sections Adopted using Pilot Rule Making	0	0	0

LOTTERY, WASHINGTON STATE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	28	11
Number of Rules Proposed for Permanent Adoption	0	28	11
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	28	6
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	28	6
Number of Sections Adopted using Negotiated Rule Making	0	28	6
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

NATURAL RESOURCES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	11	3
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	11	3
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	11	3
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
PERSONNEL, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	15	14	12
Number of Rules Proposed for Permanent Adoption	15	14	12
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	15	14	1
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	15	14	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
PILOTAGE COMMISSIONERS, BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PUBLIC DISCLOSURE COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	12	0
Number of Rules Proposed for Permanent Adoption	1	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	11	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	1	0
Number of Sections Adopted on the Agency's own Initiative	2	12	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	12	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PUBLIC INSTRUCTION, SUPERINTENDENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	1	0
Number of Rules Proposed for Permanent Adoption	201	19	208
Number of Rules Withdrawn	1	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0

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Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

RETIREMENT SYSTEMS, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

REVENUE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	0	9	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	4	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	4	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

SECRETARY OF STATE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	29	25	17
Number of Rules Proposed for Permanent Adoption	28	11	16
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	24	15	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	1	2	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	7	0
Number of Sections Adopted on the Agency's own Initiative	1	13	1
Number of Sections Adopted using Negotiated Rule Making	29	24	17
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

Washington State Register, Issue 07-13

Type of Activity	New	Amended	Repealed
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	153	46	46
Number of Rules Adopted as Emergency Rules	7	60	17
Number of Rules Proposed for Permanent Adoption	138	168	48
Number of Rules Withdrawn	6	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	147	88	63
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	6	0
Number of Sections Adopted in Order to Comply with Federal Statute	1	1	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	11	12	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	159	107	63
Number of Sections Adopted using Pilot Rule Making	0	0	0
SPOKANE, COMMUNITY COLLEGES OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	43	10	37
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	43	11	37
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	43	11	37
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
TRANSPORTATION IMPROVEMENT BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	59	28	69
TRANSPORTATION, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	20	5	20
Number of Rules Proposed for Permanent Adoption	10	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	3
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	20	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	3
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
UNIVERSITY OF WASHINGTON			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	5	1	0

Washington State Register, Issue 07-13

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
UTILITIES AND TRANSPORTATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	32	10
Number of Rules Proposed for Permanent Adoption	1	12	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	2	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	27	10
Number of Sections Adopted on the Agency's own Initiative	1	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
WASHINGTON STATE PATROL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
WASHINGTON STATE UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	8	0
Number of Rules Proposed for Permanent Adoption	0	8	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	8	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	8	0
Number of Sections Adopted using Negotiated Rule Making	0	8	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

Type of Activity	New	Amended	Repealed
WHATCOM COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	15	0
TOTALS FOR THE QUARTER:			
Number of Permanent Rules Adopted	758	795	253
Number of Rules Adopted as Emergency Rules	88	69	87
Number of Rules Proposed for Permanent Adoption	731	886	486
Number of Rules Withdrawn	18	33	12
Number of Sections Adopted at Request of a Nongovernmental Entity	0	162	3
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	562	541	178
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	15	46	1
Number of Sections Adopted in Order to Comply with Federal Statute	13	3	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	134	115	19
Number of Sections Adopted on the Agency's own Initiative	520	410	200
Number of Sections Adopted using Negotiated Rule Making	52	203	67
Number of Sections Adopted using Other Alternative Rule Making	567	470	101
Number of Sections Adopted using Pilot Rule Making	0	0	0

WSR 07-13-009
PUBLIC RECORDS OFFICER
PENINSULA COLLEGE
 [Filed June 8, 2007, 9:40 a.m.]

The public records officer for Peninsula College is Deborah Frazier, Peninsula College, 1502 East Lauridsen Boulevard, Port Angeles, WA 98362, phone (360) 417-6202, fax (360) 417-6218, e-mail deborahf@pcadmin.ctc.edu.

Dr. Thomas A. Keegan
 President

WSR 07-13-011
DEPARTMENT OF AGRICULTURE
 [Filed June 8, 2007, 11:04 a.m.]

PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON

LEGAL NOTICE: The Washington state department of agriculture (WSDA) plant protection division is hereby notifying the affected public that the herbicides glyphosate (e.g. Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (e.g. Habitat® or Polaris AQ®), surfactants (e.g. R-11™, Agri-Dex™, Class Act Next Generation™, Competitor™, Dyne-Amic™, Kinetic™, or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1, 2007, and October 31, 2007. Properly licensed pesticide applicators who have obtained coverage under the WSDA national pollutant discharge elimination system [NPDES] waste discharge general permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwa-

ter tideflats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of herbicides is one of the options used to control *Spartina*. These infestations may also be treated by mowing, digging, crushing, or covering.

For more information, including locations of possible application sites or information on *Spartina*, contact the WSDA *Spartina* Control Program at (360) 902-1923, or write WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. To contact the WSDA NPDES permit coordinator, call Brad White at (360) 902-2071. The Washington state department of ecology 24-hour emergency/spill response hotline is 1-800-258-5990.

WSR 07-13-016
NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION
COMMISSION

[Filed June 8, 2007, 3:59 p.m.]

The Washington state parks and recreation commission has changed the date of the August meeting to August 10, 2007, as described below.

Date	Purpose and Location
August 8	Work Session 11:00 a.m. - 6:00 p.m.
August 9	Work Session 8:00 a.m. - 4:00 p.m.

<u>Date</u>	<u>Purpose and Location</u>	
August 10	Commission Meeting	9:00 a.m. - 5:00 p.m. (or until adjourned)
	Ocosta High School 2850 South Montesano Street Westport, WA 98595	

In August, the commission will conduct a work session related to park issues including; park lands, services and revenue on Wednesday, August 8, beginning at 11:00 a.m. continuing on until 5:00 p.m. and again on Thursday, August 9, beginning at 8:00 a.m. continuing on until 4:00 p.m. in the same location as the Friday commission meeting.

The remaining meetings of the commission for 2007 have not changed and are scheduled as follows:

<u>Date</u>	<u>Purpose and Location</u>	
September 26	Work Session	Republic
September 27	Meeting	Republic
November 14	Work Session	Bellingham
November 15	Meeting	Bellingham

The locations of the meetings scheduled in September and November 2007 have not yet been determined and will be announced at the close of the previous regular meeting. The meeting locations may be obtained by writing to the Director, Washington State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-2650, or by calling (360) 902-8505.

In September and November, the commission work session will be held on Wednesday from 1:00 p.m. through 5:00 p.m. prior to and in the same location as the Friday commission meeting. There is no public testimony taken during the work session. A tour of nearby state parks or other recreational facilities may be held on Friday the day following the commission meetings with the exception of the August meeting.

The public is welcome to attend all state parks and recreation commission work sessions, meetings and tours. Meeting sites will be barrier free to the greatest extent feasible. The commission will provide Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments if a request is received at the appropriate address shown above at least ten working days in advance of the scheduled meeting date.

WSR 07-13-017
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Boarding Home Advisory Board)

[Filed June 9, 2007, 12:07 p.m.]

Summer Meeting Date

The next meeting of the boarding home advisory board will occur on July 12, 2007, in Lacey.

The meeting will be held at the Washington state residential care services (RCS) headquarters in the Blake Office Building East, First Floor, Rose Conference Room. The RCS headquarters is located at 4500 10th Avenue S.E., Lacey, WA.

A map with driving directions to the RCS headquarters may be found at <http://www.aasa.dshs.wa.gov/Resources/rshelp.htm>.

The boarding home advisory board is established under RCW 18.20.260.

For additional information, please contact Todd Erik Henry, JD, MPA, Policy Manager, Boarding Home Advisory Board/Residential Care Services, at (360) 725-2580 or henryte@dshs.wa.gov.

WSR 07-13-018
RULES COORDINATOR
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 11, 2007, 11:17 a.m.]

The rules coordinator for the department of social and health services is Stephanie Schiller. Stephanie's telephone number is (360) 664-6097 and fax number is (360) 664-6185. Stephanie's physical address is 4500 10th Avenue S.E., Lacey, WA 98503 and mailing address is P.O. Box 45850, Olympia, WA 98504-5850.

Katherine Iyall Vasquez, Manager
Forms, Rules and Language Testing

WSR 07-13-022
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 11, 2007, 2:52 p.m.]

Notice of Interpretive or Policy Statements

June 11, 2007

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services for June 2007.

Economic Services Administration
Division of Child Support

Document Title: PCM 07-003.

Subject: Actions upon receipt of a Port Gamble S'Klallam Tribe election of support enforcement services tribal medical assistance form.

Effective Date: June 5, 2007.

Document Description: This policy clarification memo explains how the Port Gamble S'Klallam child support program will notify the division of child support (DCS) of cases that are not appropriate for DCS medical enforcement services.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Division of Child Support, P.O.

Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail JKildahl@dshs.wa.gov, web site http://www1.dshs.wa.gov/dcs/.

WSR 07-13-026
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Filed June 12, 2007, 8:42 a.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, June 21, 2007, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 07-13-027
RULES OF COURT
STATE SUPREME COURT

[June 7, 2007]

IN THE MATTER OF THE ADOPTION)
OF THE AMENDMENTS TO GR 12.1)
AND GR 12.2)

ORDER
NO. 25700-A-873

The Rules Committee having recommended the adoption of the proposed amendments to GR 12.1 and GR 12.2, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2007.

DATED at Olympia, Washington this 7th day of June, 2007.

Alexander, C. J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Sanders, J.

Fairhurst, J.

Bridge, J.

J. M. Johnson, J.

SUGGESTED AMENDMENT
GENERAL RULES (GR)

GR 12.1 WASHINGTON STATE BAR ASSOCIATION: PURPOSES

(a) Purposes: [No change].

(b) Specific Activities Authorized. [No change].

(c) Activities Not Authorized. [No change].

NEW GR 12.2

WASHINGTON STATE BAR ASSOCIATION ADMINISTRATION
OF SUPREME COURT-CREATED BOARDS AND COMMITTEES

The Supreme Court has delegated to the Washington State Bar Association the authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 07-13-028
RULES OF COURT
STATE SUPREME COURT

[June 7, 2007]

IN THE MATTER OF THE ADOPTION)
OF THE AMENDMENTS TO GR 26)

ORDER
NO. 25700-A-874

The Rules Committee having recommended the publication for comment of the proposed amendments to GR 26, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendment as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's web sites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 60 days from the published date. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Camilla.Faulk@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 7th day of June, 2007.

For the Court

Gerry L. Alexander

CHIEF JUSTICE

Purpose Statement
GR 26
Education Standards

Purpose: The proposed requests would

- streamline administrative areas the Mandatory Continuing Judicial Education Committee found to be cumbersome.
- Allow judicial officers a short time period to make up credits after their three-year reporting period concludes.
- Allow web-based programming conducted by The National Judicial College to be exempt from the limitation of receiving only 5 credit hours in the area of self-study/teaching/judicial publishing.

Relative to GR 26 and the Standards for Mandatory Continuing Judicial Education, the Committee requests the following changes.

General Rule 26

- **GR 26(d)** add the statement If a judicial officer does not respond by January 31, the credits will be confirmed by default. Strike the statement By April 15, BCE shall send a reminder of the requirements of this rule to any judicial officer who has not filed the annual progress report. Add the statement Judicial officers who do not have the requisite number of hours at the end of their three-year reporting period will have until March 1, to make up the credits for the previous three-year reporting period. These credits will not count toward the current three-year reporting period.

General Rule 26 Standards

- In **Section 2(1)(c)** add the line The National Judicial College web-based programming is exempt from this limitation.
- **Section 3(2)(a)** add and web-based programs.
- **Section 3(5)(a)** strike the first time a program is presented. Each time the program is repeated, two credit hours will be allocated for each hour of instruction.
- **Section 5(1)** add the line The Judicial Education Unit of the AOC will send out a reminder of the end of the year reporting requirement via judicial officer listservs each year in August.
- **Section 5** add a c) which is missing.
- **Section 5(c)** strike By April 15, BCE shall send a reminder of the requirements of GR 26 to any judicial officer who has not filed the annual progress report.

MANDATORY CONTINUING JUDICIAL EDUCATION RULE

GR 26

MANDATORY CONTINUING JUDICIAL EDUCATION*

Preamble. The protection of the rights of free citizens depends upon the existence of an independent and competent judiciary. The challenge of maintaining judicial competence requires ongoing education of judges in the application of legal principles and the art of judging in order to meet the needs of a changing society. This rule establishes the minimum requirements for continuing judicial education of judicial officers.

- (a) **Minimum Requirement.** Each judicial officer shall complete a minimum of 45 credit hours of continuing judicial education approved by the Board for Court Education (BCE) every three years, commencing January 1 of the calendar year following the adoption of this rule. If a judicial officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of the excess credit may be carried forward and applied to the judicial officer's education requirement for the following three-year reporting period. At least six credit hours for each three-year reporting period shall be earned by completing programs in judicial ethics approved by the BCE. The fifteen credit hours that may be carried forward may include two credit hours toward the judicial ethics requirement.
- (b) **Judicial College Attendance.**
- 1) A judicial officer shall attend and complete the Washington Judicial College program within twelve months of the initial appointment or election to the judicial office.
 - 2) A judicial officer who attended the Washington Judicial College during his or her term of office in a court of limited jurisdiction shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election to the Superior Court. A judicial officer who attended the Washington Judicial College during his or her term of office in the Superior Court shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election as a judicial officer in a court of limited jurisdiction. A judicial officer who attended the Washington Judicial College during his or her term of office in a superior court or court of limited jurisdiction and is subsequently appointed or elected to an appellate court position is not required to attend the Washington Judicial College.

- 3) A judicial officer of a District Court, Municipal Court, Superior Court, or an Appellate Court, who has been a judicial officer at the time of the adoption of this rule for less than four years but has not attended the Washington Judicial College shall attend and complete the Washington Judicial College program within twelve months of the adoption of this rule.
- (c) Accreditation. BCE shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of continuing judicial education programs and may choose to award continuing judicial education credits for self-study or teaching. Continuing Judicial education credit shall be given for programs BCE determines enhance the knowledge and skills that are relevant to the judicial office.
- (d) Compliance Report. Each judicial officer shall file a report with the Administrative Office of the Courts (AOC) on or before January 31 each year in such form as the Administrative Office of the Courts shall prescribe concerning the judicial officer's progress toward the continuing judicial education requirements of sections a) and (b) of this rule during the previous calendar year. If a judicial officer does not respond by January 31, their credits will be confirmed by default. By April 15, BCE shall send a reminder of the requirements of this rule to any judicial officer who has not filed the annual progress report. Judicial officers who do not have the requisite numbers of hours at the end of their three-year reporting period will have until March 1 to make up the credits for the previous three-year reporting period. These credits will not count toward their current three-year reporting period. AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of this rule. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet web site, publishing the information as part of any voter's guide produced by or under the direction of the Administrative Office of the Courts, and releasing the information in electronic or printed form to media organizations throughout Washington State.
- (e) Delinquency. Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

- (f) Definition. The term "judicial officer" as used in this rule shall not include judges pro tempore but shall otherwise include all full or part time appointed or elected justices, judges, court commissioners, and magistrates.

[Adopted effective July 1, 2002.]

* As amended November 7, 2002.

Amended December 31, 2003.

**WASHINGTON STATE JUDICIAL EDUCATION
MANDATORY CONTINUING JUDICIAL EDUCATION STANDARDS**

Section 1: Organization and Administration

1. Supreme Court

The Supreme Court is the rule-making authority for the integrated judicial branch of government in Washington.

2. Board for Judicial Administration (BJA)

The Board for Judicial Administration provides policy review and program leadership for the courts at large, including recommending rules to the Supreme Court that improve the judicial branch of government in our state.

3. Board for Court Education (BCE)

The Board for Court Education assists the Supreme Court and BJA in developing educational policies and standards for the court system, and monitors the quality of educational programs, coordinates in-state, out-of-state education programs and services, recommends changes in policies and standards, and approves guidelines for accrediting training programs.

4. Mandatory Continuing Judicial Education Committee (MCJEC)

The BCE shall appoint a seven-member advisory committee, the Mandatory Continuing Judicial Education Committee (MCJEC), consisting of two members from the appellate courts, two members from the general jurisdiction courts, two members from the courts of limited jurisdiction, and one judicial officer such as a commissioner or magistrate from any of those jurisdictions. The responsibilities of this Committee will be to:

- a) Administer General Rule (GR) 26;
- b) Establish operating procedures consistent with this rule;
- c) Report annually to the Supreme Court and publicly release names of judicial officers who have not complied with the rule.

5. Administrative Office of the Courts (AOC)

a) **Administrative Office the Courts.** Under the direction of the Supreme Court and BCE, the Administrative Office of the Courts (AOC) shall develop guidelines for the implementation of the standards, and shall develop, administer, and coordinate judicial education programs throughout the state. AOC will also track and monitor attendance at con-

tinuing judicial education programs accredited by the MCJEC.

b) **Judicial Education Unit.** The Judicial Services Division—Judicial Education Unit of AOC shall work with the BCE educational committees of the judicial associations and other ad hoc groups to prepare and implement judicial education programs. The unit shall coordinate all BCE judicial education programs, provide staff for the Board for Court Education, and evaluate educational programs. Further, the Judicial Education Unit staff shall provide support and assistance to judicial advisory committees in the planning, development, implementation, and evaluation of education programs consistent with established standards and requirements for judicial education.

The unit shall maintain the official transcript for each judicial officer based on: 1) attendance records at all BCE accredited education programs; 2) the attendance records of accredited sponsors based on their submissions; and 3) the individual education reports. Based on that official record, AOC will report annually to the Supreme Court.

Section 2: General Standards for Continuing Judicial Education

1. Credit for Continuing Judicial Education (CJE)

The CJE requirement may be met either by attending approved courses or completing other continuing judicial or legal education activity approved for credit by the MCJEC.

a) The CJE requirement may be met by attending approved courses. Self-study (including the use of technology-based programs), teaching, and writing for judicial/legal publications may be considered for credit when they meet the conditions set forth in this rule.

b) Forty-five hours are required for the three-year reporting period, six credits of which are in the area of judicial ethics.

c) No more than five hours and one hour in the area of ethics can be completed through self-study (including technology based programs), teaching, or published judicial/legal writing. The National Judicial College Web-based programing is exempt from this limitation.

d) Judicial officers may attend a combination of approved local, state, or national programs.

2. Carry-Over

If a judicial officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of excess credits may be carried forward and applied to the judicial officer's education requirement for the following three-year reporting period. The 15 credit hours that may be carried forward may include two credit hours toward the ethics requirement.

3. Judicial College Attendance

Each judicial officer shall attend and complete the Washington Judicial College program within 12 months of initial appointment or election to the judicial office.

a) A judicial officer subject to the rules as noted above, who has been elected or appointed to their judicial office since July 1, 1998, but has not attended the Washington Judi-

cial College, must attend the 2003 college. A judicial officer who is unable to attend due to medical disability or extreme hardship may apply to BCE for permission to attend the 2004 college.

4. Credit Calculation

Credit is calculated on the basis of 1 credit for each 60 minutes of actual subject presentation/participation, not including introductions, overviews, closing remarks, presentation during meals, or keynote addresses unless clearly identified in the agenda as a substantive legal presentation.

Section 3: Program Accreditation

1. Washington State Judicial Branch Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) Washington State Supreme Court
- b) Administrative Office of the Courts
- c) Judicial education programs of the Board for Court Education (BCE)
- d) Court of Appeals (COA)
- e) Superior Court Judges' Association (SCJA)
- f) District and Municipal Court Judges Association (DMCJA)
- g) Minority and Justice Commission
- h) Commission on Gender and Justice

2. Other Judicial Education Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) The National Judicial College in Reno, including the University of Nevada Masters and Ph.D. in Judicial Studies and Web-based programs.
- b) American Academy of Judicial Education
- c) New York University's Appellate Judges Seminar
- d) University of Virginia's Master of Laws in the Judicial Process (LLM)
- e) The National Center for State Courts (NCSC) programs such as those sponsored by the American Judges Association, the Institute for Court Management, National Council of Probate Judges, and the National Association of Women Judges
- f) Programs approved for Tuition Assistance by BCE
- g) The Judicial Division of the American Bar Association (ABA)
- h) The Judicial Divisions of all National Bar Associations
 1. National Asian Pacific Bar Association
 2. National Bar Association
 3. Hispanic National Bar Association.

3. Other Continuing Professional Education Programs

To receive credit for attending or serving as faculty at a program sponsored by an organization other than those listed above, a judicial officer may file with the Administrative Office of the Courts Judicial Education Unit an agenda of the program, which will be submitted to the MCJEC for possible accreditation. Courses approved by the Washington State

Bar Association for continuing legal education credits that deal with substantive legal topics, statutory, constitutional, or procedural issues that come before the judicial officer will usually qualify for CJE.

4. Basis for Accreditation of Courses

Courses will be approved based upon their content. An approved course shall have significant intellectual or practical content relating to the duties of the judicial officer.

Definitions. The course shall constitute an organized program of learning dealing with matters directly relating to the judicial officer's duties, including but not limited to substantive legal topics, statutory, constitutional and procedural issues that come before

a) the judicial officer, judicial ethics or professionalism, anti-bias and diversity training, and substance abuse prevention training.

b) **Factors in Evaluating.** Factors which should be considered in evaluating a course include:

1) The topic, depth, and skill level of the material.

2) The level of practical and/or academic experience or expertise of the presenters or faculty.

3) The intended audience.

4) The quality of the written, electronic, or presentation materials, which should be of high quality, readable, carefully prepared and distributed to all attendees at or before the course is presented.

5. Basis for Approval of Other Educational Activities

The following activities will be judged on a case-by-case basis and shall make up no more than five (5) credits per year, one (1) of which may be in the area of judicial ethics.

a) **Teaching.** Serving as faculty at any of the aforementioned accredited programs may be used to partially fulfill education requirements. Three credit hours will be allocated for each hour of instruction, ~~the first time a program is presented. Each time the program is repeated, two credit hours will be allocated for each hour of instruction.~~ The three credit hours per each hour of instruction includes preparation time.

b) **Published Judicial/Legal Writing.** Credit may be earned through published legal writing with approval by the MCJEC.

c) **Self-Study.** Judicial officers may apply to the MCJEC to receive credit for self-study. For example, judicial officers may receive credit by accessing educational activities through technology - audiotape and videotape, CD-Rom, Web-based programs, etc. To claim CJE credits earned through self-study, judicial officers must report independently.

The following will also qualify for CJE credit:

a) **Institutional Visits.** Up to a maximum of three credits per three-year reporting period.

b) **Other Continuing Professional Education Programs.** Other program courses that directly aid the judicial officer in performing his or her specific judicial duties.

6. Programs That Do Not Qualify

The following activities will not qualify for CJE credit:

a) Continuing Professional Education courses that do **not** relate to substantive legal topics, statutory, constitutional

or procedural issues that come before the judicial officer when performing his or her specific judicial duties.

b) Teaching a legal subject to non-lawyers in an activity or course that would not qualify those attending for CJE/CLE credit.

c) Jury duty.

d) Judging or participating in law school or mock trial competitions.

e) Serving on professional (judicial or legal) committees/associations.

7. Appeals

A judicial officer may appeal the denial of program accreditation by the MCJEC to the full BCE. The appeal may be in the form of a letter addressed to the Chair of BCE that outlines the basis for the judicial officer's request. BCE shall notify the judicial officer in writing of its decision to sustain or overrule the decision of the Mandatory Continuing Judicial Education Committee.

Section 4: Responsibilities

1. Sponsors of Accredited Programs

It is the responsibility of the Washington State judicial branch sponsors of a judicial education program to report judicial officer attendance and credits for all approved CJE courses to the Judicial Education Unit of AOC.

2. Individuals

a) It is the responsibility of **individual judicial officers** to file a report of their attendance when it is less than the full program provided, for programs sponsored by Washington State Judicial Branch entities.

b) It is the responsibility of the judicial officer to request accreditation for attendance for programs of other judicial educational sponsors (see Section 4.2. list of sponsors).

c) It is the responsibility of the **individual judicial officers** to submit requests for accreditation for other continuing professional education programs, credit for teaching, published judicial legal writing, or self-study to the Judicial Education Unit of AOC who shall present those to the MCJEC for review and determination.

3. Deadline

Absent exigent circumstances, sponsors and individual judicial officers must report attendance within 30 days after completion of a CJE activity.

Section 5: Certification

1. Compliance

The Judicial Education Unit of the AOC will send out a reminder of the end-of-the-year reporting requirement via judicial officers Listservs each year in August. The Judicial Education Unit of AOC will provide a progress report to every judicial officer of the programs they have attended during the previous calendar year by January 1. After reviewing that progress report, judicial officers must either:

a) Confirm it as an accurate record of their progress toward compliance with the rule, or;

b) Provide additional information on programs attended with accompanying documentation and;

c) File that report with the Administrative Office of the Courts (AOC) on or before January 31 each year. If a judicial officer does not respond by January 31, their credits will be confirmed by default.

~~By April 15, BCE shall send a reminder of the requirements of GR 26 to any judicial officer who has not filed the annual progress report.~~

AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of GR26. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet Web site, publishing the information as part of any voter's guide produced by or under the direction of the Administrative Office of the Courts, and releasing the information in electronic or printed form to media organizations throughout Washington State.

The report will include the names of all judicial officers who fail to obtain the requisite number of education credits during their three-year reporting period, or the requirements of Judicial College attendance.

2. Three-Year Reporting Periods

Three-year reporting periods will be created as follows:

a) Group 1 are those judicial officers present as of January 1, 2003, and those who begin service every subsequent third year: 2006, 2009, 2012, 2015, 2018, 2021, 2024, 2027, 2030, etc.;

b) Group 2 are those judicial officers who begin service in 2004, 2007, 2010, 2013, 2016, 2019, 2022, 2025, 2028, 2031, etc.;

c) Group 3 are those judicial officers who begin service in 2005 and every subsequent third year: 2008, 2011, 2014, 2017, 2020, 2023, 2026, 2029, 2032, etc.

The three-year reporting period for each new judicial officer begins on January 1 nearest their appointment or election.

3. Delinquency

Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

Section 6: Approval

These standards were approved by the Board for Court Education on August 25, 2003, and by Washington Supreme Court in Court Order 786 on December 4, 2003.

Comments or suggestions regarding the application of the standards or revisions of the standards can be sent to the Manager of Judicial Education or the Chair of the BCE.

These Standards were last reviewed by the Board for Court Education on September 11, 2006.

These Standards were last modified and approved by the Washington State Supreme Court on December 31, 2003

These Standards were last modified and approved by the Washington State Supreme Court on November 7, 2002

These Standards were adopted by the Washington State Supreme Court on July 1, 2002

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 07-13-029
RULES OF COURT
STATE SUPREME COURT**

[June 7, 2007]

IN THE MATTER OF THE ADOPTION)
OF THE AMENDMENTS TO CR 10,)
CRLJ 10, CR 45, CR 45 FORM, CR 53.4,)
CR 54, CR 78, NEW GR 14.1, CrR 4.4,)
CrRLJ 4.4, CrR 4.7, CrR 7.8, RAP 10.4,)
RALJ 7.3, GR 33 AND RAP 9.5)

ORDER
NO. 25700-A-875

The Rules Committee having recommended the adoption of the proposed amendments to CR 10, CRLJ 10, CR 45, CR 45 FORM, CR 53.4, CR 54, CR 78, New GR 14.1, CrR 4.4, CrRLJ 4.4, CrR 4.7, CrR 7.8, RAP 10.4, RALJ 7.3, GR 33 AND RAP 9.5, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2007.

DATED at Olympia, Washington this 7th day of June, 2007.

Alexander, C. J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Fairhurst, J.

Bridge, J.

J. M. Johnson, J.

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 07-14 issue of the Register.

**WSR 07-13-031
NOTICE OF PUBLIC MEETINGS
BEER COMMISSION**

[Filed June 12, 2007, 11:47 a.m.]

The Washington beer commission has rescheduled its remaining meetings in 2007. Commission meetings begin at 6:00 p.m.

<u>Date</u>	<u>Meeting Type</u>	<u>Time/Location</u>
Tuesday, July 10, 2007	Regular	Diamond Knot Brewery 4602 Chennault Beach Road, Suite B2 Mukilteo, WA 98275 phone (425) 355-4488
Tuesday, September 11, 2007	Regular	Elliot Bay Brewing Company 255 S.W. 152nd Burien, WA 98166 phone (206) 246-4211
Tuesday, November 13, 2007	Regular	Elysian Brewing Company 1221 East Pike Street Seattle, WA 98122 phone (206) 860-1920

Commission meetings are open to the public.

WSR 07-13-032
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD

[Filed June 12, 2007, 2:39 p.m.]

Following is the 2007-09 biennium meeting schedule for the community economic revitalization board (CERB) program. Meeting months are January, March, May, July, September and November.

All CERB meetings will be held on the third Thursday of every other month in the Moscow Room, SeaTac Airport, SeaTac, Washington, unless otherwise specified.

<u>2007 Meetings</u>	<u>Venue Location</u>
July 19, 2007	Elma, Satsop Development Park
September 20, 2007	SeaTac, Moscow Room
November 15, 2007	SeaTac, Moscow Room

<u>2008 Meetings</u>	<u>Venue Location</u>
January 17, 2008	SeaTac, Moscow Room
March 20, 2008	SeaTac, Moscow Room
May 15, 2008	Bellingham, Port of Bellingham
July 17, 2008	SeaTac, Moscow Room
September 18, 2008	SeaTac, Moscow Room
November 20, 2008	SeaTac, Moscow Room

<u>2009 Meetings</u>	<u>Venue Location</u>
January 15, 2009	SeaTac, Moscow Room
March 19, 2009	SeaTac, Moscow Room
May 21, 2009	SeaTac, Moscow Room

June 30, 2009 is the end of the 2007-2009 Biennium

In accordance with Executive Order 79-03, the meeting site has been selected to be barrier free to the greatest extent feasible. Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments will be provided if requested at least ten working days in advance.

Any questions regarding the CERB meetings should be sent to Kate Rothschild, Manager, Community Economic Revitalization Board, Department of Community, Trade and Economic Development, 128 10th Avenue S.W., P.O. Box 42525, Olympia, WA 98504-2525.

If you have any questions, Kate Rothschild can be reached at (360) 725-4058 or by e-mail at KateR@cted.wa.gov.

WSR 07-13-033
NOTICE OF PUBLIC MEETINGS
WASHINGTON SCHOOL FOR THE DEAF

[Filed June 13, 2007, 8:38 a.m.]

The next board of trustees meeting for the Washington School for the Deaf (WSD) is scheduled for Friday, September 14, 2007. The meeting will be held from 9 a.m. - 3 p.m. on the WSD campus in Clarke Hall Room 150.

Meeting dates for the 2007/2008 school year will be decided at the September 14th meeting.

WSR 07-13-034
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD

[Filed June 13, 2007, 9:21 a.m.]

The public works board will be holding an emergency meeting on Tuesday, June 19, 2007, in the public works board conference room located at 711 Capitol Way South, Suite 102, Olympia, WA. The meeting will begin at 9:00 a.m.

Please contact the public works board at (360) 586-4120 for any further information.

WSR 07-13-043

NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
(State Capitol Committee)
[Filed June 14, 2007, 1:29 p.m.]

When: June 21, 2007
Time: 10:00 a.m. to 12:00 p.m.
Location: General Administration Building
Room 207

WSR 07-13-053

NOTICE OF PUBLIC MEETINGS
FORENSIC INVESTIGATIONS COUNCIL
[Filed June 15, 2007, 9:26 a.m.]

Pursuant to RCW 42.30.075, the forensic investigations council meeting scheduled for June 22, 2007, at the WA Counties Building in Olympia, Washington, is being cancelled.

Pursuant to RCW 42.30.075, the location for the forensic investigations council meeting scheduled for September 28, 2007, is being changed. The new location for the meeting will be: Conference Room, WA Counties Building, 206 Tenth Avenue S.E., Olympia, WA.

Pursuant to RCW 42.30.075, the location for the forensic investigations council meeting scheduled for November 16, 2007, is being changed. The new location for the meeting will be: Vancouver Crime Laboratory, 1401 Kauffman Avenue, Vancouver, WA.

If you have questions or need further information, call David McEachran at (360) 676-6784.

WSR 07-13-054

OFFICE OF THE GOVERNOR
[Filed June 15, 2007, 9:26 a.m.]

NOTICE OF APPEAL
RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On June 6, 2007, the Governor received an appeal from Timothy Harris of the Building Industry Association of Washington requesting an immediate repeal of the Department of Labor and Industry's Emergency Rule WAC 296-62-095. The Governor's Office denied the Petition on June 12, 2007.

June 12, 2007
Richard E. Mitchell
General Counsel to the Governor

June 12, 2007

Timothy Harris
General Counsel
Building Industry Association of Washington (BIAW)
P.O. Box 1909
Olympia, WA 98507

RE: Petition Requesting Repeal of Emergency Rule WAC 296-62-095

Dear Mr. Harris:

I am responding to your petition under RCW 34.05.350(3) requesting the immediate repeal of the above-referenced emergency rule. Your petition concerns the Department of Labor and Industries' (the "Department") adoption of the heat-related illness rule in the outdoor environment ("Heat Stress Rule" - at WAC 296-62-095) on June 5, 2007, effective June 18, 2007. After careful consideration, I am denying your petition.

RCW 34.05.350 allows for the adoption of a rule on an emergency basis when an agency for "good cause" finds: (1) it is necessary for the preservation of the public health, safety or general welfare, and (2) observing the notice and comment time requirements for the adoption of a permanent rule would be contrary to the public interest. It is my belief that the Department has met its burden under the good cause standard for emergency rules.

In your petition, you state that no emergency exists that would require the adoption of the Heat Stress Rule without notice to the public and an opportunity to provide comments. In support of this position, you note that the Heat Stress Rule is duplicative of other sections of the administrative code; and, in this regard, the Department has fined an employer in violation of at least one of these regulations. You also state that the BIAW and Washington employers were not given adequate notice of the Heat Stress Rule and have not been afforded enough time to meet the rule's requirements. My review of the circumstances and chronology of events concludes that the emergency rule is not duplicative and that more than adequate time has been provided for stakeholder comment.

It is my understanding that the Department felt that the current regulations relating to outdoor work sites were insufficient and provided inadequate worker protection. Moreover, while there are some existing requirements concerning heat stress in place to protect workers, this Heat Stress Rule provides clarity to employers and spells out what is required. It is not merely duplicative. It adds some requirements, such as defining the amount of water required per employee and the kind of training needed. Importantly, in the interest of worker safety, it brings all of the heat stress illness regulations together in one place in order to help employers identify their obligations related to heat stress.

Heat stress is a serious, potentially fatal medical condition affecting Washington's outdoor workers and their families. The Department has indicated that there have been two outdoor heat-related deaths in the past two years and a third death may also be attributed to extreme heat. The Department has also indicated that there have been hundreds of

other heat-related illnesses reported over the past ten years and that there may be many other accidents related to extreme temperatures that are not identified as heat-related, such as when a worker faints from heat exhaustion and falls off of a roof and the cause of injury is reported as a fall. In response to these tragedies and illnesses and the immediate need to protect workers, and with the summer fast approaching without consensus on a permanent rule, the Department reasonably believed it necessary to move forward with an emergency rule so that exposed workers would have adequate protections for the summer while a permanent rule was developed.

The Heat Stress Rule is the continuation of work first commenced by the Department in the fall of 2005. After extensive meetings with stakeholders including both labor and business groups, the Department adopted a limited emergency rule before the summer of 2006 and commenced a heat stress awareness education campaign at the same time. Employers were required then, as they are now, to develop and implement a plan to meet the rule's requirements. The Department advised stakeholders that a decision on further rule-making would occur during the fall of 2006. In November 2006, the Department advised stakeholders that it intended to proceed with permanent rule-making and that if progress could not be made on a permanent rule within reasonable time frames, another emergency rule would be considered for the summer of 2007. The purpose of this was and is to allow more time to develop consensus on a permanent rule.

In January 2007, Columbia Legal Services petitioned the Department for a heat-related illness rule and included specific recommendations on a rule. From January to April 2007, the Department drafted, revised and circulated a proposed rule. During this time, the proposed rule was widely distributed to stakeholders for comment. In particular, in February 2007, the Department specifically asked for comments from both labor and business groups, including most of the associations listed on this petition. It held meetings concerning the proposed rule with the WISHA advisory committee, the Puget Sound Safety and Health Partnership, and the AWB Safety Committee. The proposed emergency rule was posted on the Department's public website (including sample documents and training materials) on April 16, 2007, and the draft language was circulated to stakeholders that same day.

On June 1, 2007, the Department met with representatives from BIAW, AWB, and IBA to discuss any concerns. As a result of that meeting, the Department made several changes to the proposed rule:

- Delaying the effective date until June 18, 2007;
- Adding an exception for incidental exposure;
- Clarifying that employers must respond when employees show signs of demonstrated symptoms of heat-stress illness; and
- Using non-penalty enforcement procedures through June except where egregious conditions are found (e.g., no worker training and no drinking water provided).

In my opinion, all stakeholders and the regulated employers have had ample notice of the Heat Stress Rule and a reason-

able opportunity to prepare to implement its requirements. In 2006, employers had and were required to develop and implement a plan in response to the summer 2006 limited heat stress rule. Those plans need only be updated for the current Heat Stress Rule, plans which I understand the Department has advised stakeholders it will accept. Also, one can see from the above chronology, the Department has not only demonstrated significant effort in observing the notice and comment time requirements for the adoption of a permanent rule, but it has also demonstrated its consideration and inclusion of changes to the emergency rule proposed by some of the signatories to this petition.

I am sure you can agree that Washington's workers and their families cannot afford to go another summer without adequate protections against heat stress. With the hottest months of the year impending, and given the life and death consequences of heat stress, the Department has demonstrated good cause and has not acted arbitrarily or capriciously in promulgating the Heat Stress Rule as an emergency rule. In sum, I cannot agree to your request to repeal emergency rule WAC 296-62-095 and am therefore denying it. Thank you for your efforts to ensure that our state's rule-making practices are completed in a manner that does not abuse agency discretion. In the interest of Washington's workers and their families, I invite you to continue to participate in the Department's collaborative process of drafting and adopting a permanent heat stress rule.

Sincerely,
Christine O. Gregoire
Governor

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 07-13-063

NOTICE OF PUBLIC MEETINGS BATES TECHNICAL COLLEGE

[Filed June 18, 2007, 10:13 a.m.]

The board of trustees of Bates Technical College has rescheduled its regularly scheduled meeting of July 31, 2007, to July 17, 2007, in the Clyde Hupp Board Room at Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405. The meeting will begin at 3:00 p.m.

WSR 07-13-064

NOTICE OF PUBLIC MEETINGS PENINSULA COLLEGE

[Filed June 18, 2007, 10:13 a.m.]

The board of trustees of Peninsula College has approved their annual calendar for academic year 2006-2007. Meeting dates and times are:

October 9, 2007	2:00 p.m.	Peninsula College Campus	Port Angeles
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November 13, 2007	2:00 p.m.	Peninsula College Campus	Port Angeles
December 11, 2007	2:00 p.m.	Peninsula College Campus	Port Angeles
January 2008		No Meeting	
February 12, 2008	2:00 p.m.	Peninsula College Campus	Port Angeles
March 11, 2008	2:00 p.m.	Peninsula College Campus	Port Angeles
April 8, 2008	2:00 p.m.	Forks Campus	Forks
May 13, 2008	2:00 p.m.	Port Townsend Campus	Port Townsend
June 10, 2008	2:00 p.m.	Peninsula College Campus	Port Angeles
July/August/September 2008		No Meeting	

ogy will be accepting written comments until close of business on August 15, 2007.

Contacts: Dan Sokol, (360) 407-6796, dsok461@ecy.wa.gov; or Bev Huether, bhue461@ecy.wa.gov.

WSR 07-13-088
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
 [Filed June 19, 2007, 9:42 a.m.]

Walla Walla Community College board of trustees (District 20) will hold a special (retreat) meeting on Wednesday, July 18, 2007, beginning at 9:30 a.m. at the Walla Walla Community College Center for enology and viticulture.

The board of trustees will not hold a regular meeting the month of July 2007.

If you have any questions, please feel free to contact Jerri Ramsey at (509) 527-4274 or via e-mail at jerri.ramsey@wwcc.edu.

WSR 07-13-068
RULES COORDINATOR
WHATCOM COMMUNITY COLLEGE
 [Filed June 18, 2007, 11:43 p.m.]

Bets Nelson has resigned from Whatcom Community College and is no longer the college's designated rules coordinator. Effective May 28, 2007, Keri Parriera, Whatcom Community College, Rules Coordinator, Executive Assistant to the President, 237 West Kellogg Road, Bellingham, WA 98226, direct line (360) 752-6777, fax (360) 676-2171, e-mail kparrier@whatcom.ctc.edu, has been appointed as the designated rules coordinator for Whatcom Community College.

Trish Onion
 Vice-President for
 Educational Services

WSR 07-13-077
DEPARTMENT OF ECOLOGY
 [Filed June 18, 2007, 3:28 p.m.]

Notice of public hearing concerning the proposed award list for the 2007-2009 flood control assistance account program grants by the Washington state department of ecology, shorelands and environmental assistance program as mandated by WAC 173-145-070(3).

Public Hearing

Date: Wednesday, August 8, 2007
 Time: 10:00 a.m.
 Location: Department of Ecology
 300 Desmond Drive
 Lacey
 Third Floor Library Meeting Room

The proposed award list will be posted on ecology's FCAAP web site at <http://www.ecy.wa.gov/programs/sea/grants/fcaap/index.html> as of Monday, July 23, 2007. Ecol-