

Washington State Register, Issue 09-19

OFFICE OF THE CODE REVISER
 Quarterly Rule-Making Report
 Covering Registers 09-13 through 09-18

Type of Activity	New	Amended	Repealed
ACCOUNTANCY, BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	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	2	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
AGRICULTURE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	58	2
Number of Rules Adopted as Emergency Rules	2	25	1
Number of Rules Proposed for Permanent Adoption	2	69	2
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	4	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	6	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	50	2
Number of Sections Adopted on the Agency's own Initiative	0	26	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	28	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
ARTS COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	4	12	0
BUILDING CODE COUNCIL			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	69	193	68
CODE REVISER'S OFFICE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	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	2	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	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
COMMERCE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	4	0
Number of Rules Proposed for Permanent Adoption	81	9	62
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	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
COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	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	2	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
CORRECTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	6	0
Number of Rules Proposed for Permanent Adoption	0	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	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	6	0
Number of Sections Adopted using Negotiated Rule Making	0	6	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	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	2	22	0
CRIMINAL JUSTICE TRAINING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	7	8
Number of Rules Proposed for Permanent Adoption	5	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	8	7

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Type of Activity	New	Amended	Repealed
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	2
Number of Sections Adopted on the Agency's own Initiative	0	7	5
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
EASTERN WASHINGTON UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	11	0	11
ECOLOGY, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	69	0
Number of Rules Adopted as Emergency Rules	20	0	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Rules Withdrawn	12	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	10	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	47	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	42	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
EDUCATION, STATE BOARD 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	1	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	1	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
EMPLOYMENT SECURITY DEPARTMENT			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	3	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	1	8	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	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	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	2	0

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Type of Activity	New	Amended	Repealed
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	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
ENVIRONMENTAL HEARINGS OFFICE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
EXECUTIVE ETHICS BOARD			
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	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
FINANCIAL INSTITUTIONS, DEPARTMENT 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	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	1	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	13	28	3
Number of Rules Adopted as Emergency Rules	82	0	83
Number of Rules Proposed for Permanent Adoption	2	5	6
Number of Rules Withdrawn	3	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	11	9	2
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	12	1	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	22	11	27
Number of Sections Adopted in Order to Comply with Federal Statute	22	9	27
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	11	0	2
Number of Sections Adopted on the Agency's own Initiative	89	19	84
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
FOREST PRACTICES BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	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	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	3	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	7	14	0
Number of Rules Proposed for Permanent Adoption	2	7	0
Number of Rules Withdrawn	1	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	6	8	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	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	1	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	7	14	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
GENERAL ADMINISTRATION, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	25	2	0
GROWTH MANAGEMENT HEARINGS BOARDS			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	33	0
Number of Rules Proposed for Permanent Adoption	0	33	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	33	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	33	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
HEALTH CARE AUTHORITY			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

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Type of Activity	New	Amended	Repealed
HEALTH, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	32	62	7
Number of Rules Adopted as Emergency Rules	3	2	0
Number of Rules Proposed for Permanent Adoption	60	13	25
Number of Rules Withdrawn	0	0	16
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	5	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	36	57	7
Number of Sections Adopted on the Agency's own Initiative	0	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	36	63	7
Number of Sections Adopted using Pilot Rule Making	0	0	0
HIGHER EDUCATION COORDINATING BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	4	0
HOME CARE QUALITY AUTHORITY			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	3	0
HORSE RACING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	2	0
INSURANCE COMMISSIONER, OFFICE OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	6	1
Number of Rules Adopted as Emergency Rules	10	6	0
Number of Rules Proposed for Permanent Adoption	18	16	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	2	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	10	6	0
Number of Sections Adopted on the Agency's own Initiative	4	5	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	10	6	1
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	58	1
Number of Rules Proposed for Permanent Adoption	29	43	2
Number of Rules Withdrawn	1	13	2
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	4	14	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	15	0
Number of Sections Adopted in Order to Comply with Federal Statute	1	32	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	1	0
Number of Sections Adopted on the Agency's own Initiative	4	24	1
Number of Sections Adopted using Negotiated Rule Making	0	10	1
Number of Sections Adopted using Other Alternative Rule Making	0	5	0
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	30	8	1
Number of Rules Proposed for Permanent Adoption	11	25	0
Number of Rules Withdrawn	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	30	4	1
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	3	0
Number of Sections Adopted on the Agency's own Initiative	3	5	0
Number of Sections Adopted using Negotiated Rule Making	25	1	0
Number of Sections Adopted using Other Alternative Rule Making	3	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LIQUOR CONTROL BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	6	0
Number of Rules Proposed for Permanent Adoption	3	21	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	6	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	6	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

MARINE EMPLOYEES' COMMISSION

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	1

NATURAL RESOURCES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	2	0

PERSONNEL, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	45	1
Number of Rules Proposed for Permanent Adoption	3	27	1
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	1	48	1

Type of Activity	New	Amended	Repealed
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	1	48	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 Sections Adopted at Request of a Nongovernmental Entity	0	2	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	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
PROFESSIONAL EDUCATOR STANDARDS BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	7	0
Number of Rules Adopted as Emergency Rules	0	4	0
Number of Rules Proposed for Permanent Adoption	1	18	1
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	7	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	11	0
Number of Sections Adopted using Negotiated Rule Making	0	7	0
Number of Sections Adopted using Other Alternative Rule Making	0	4	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	0	1	0
Number of Rules Adopted as Emergency Rules	1	1	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	1	2	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	1	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
PUBLIC INSTRUCTION, SUPERINTENDENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	1	35	1
Number of Rules Withdrawn	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	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	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	0	0
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	1	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	3	0	0
Number of Rules Proposed for Permanent Adoption	5	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	3	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	1	0	0
Number of Sections Adopted on the Agency's own Initiative	2	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	3	0	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	10	4	0
Number of Rules Adopted as Emergency Rules	2	0	0
Number of Rules Proposed for Permanent Adoption	0	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	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	12	0	0
Number of Sections Adopted on the Agency's own Initiative	12	4	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	10	4	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
SALARIES FOR ELECTED OFFICIALS, WASHINGTON CITIZENS' COMMISSION ON			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

Washington State Register, Issue 09-19

Type of Activity	New	Amended	Repealed
SECRETARY OF STATE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	31	17
Number of Rules Adopted as Emergency Rules	0	17	10
Number of Rules Proposed for Permanent Adoption	1	31	17
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	3	4
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	29	22
Number of Sections Adopted on the Agency's own Initiative	1	24	6
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
SENTENCING GUIDELINES COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	11	10
SKAGIT VALLEY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	21	0
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	20	22	9
Number of Rules Adopted as Emergency Rules	35	101	4
Number of Rules Proposed for Permanent Adoption	8	61	59
Number of Rules Withdrawn	0	0	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	20	16	9
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	10	0
Number of Sections Adopted in Order to Comply with Federal Statute	3	3	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	35	91	4
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	58	120	13
Number of Sections Adopted using Pilot Rule Making	0	0	0
SOUTH PUGET SOUND COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	29	8
TRANSPORTATION, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	0
Number of Rules Proposed for Permanent Adoption	0	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
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	1	0

Washington State Register, Issue 09-19

Type of Activity	New	Amended	Repealed
Number of Sections Adopted on the Agency's own Initiative	0	2	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
TREASURER, OFFICE OF THE STATE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	27	1
Number of Rules Proposed for Permanent Adoption	3	25	1
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	7	1
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	3	20	0
Number of Sections Adopted on the Agency's own Initiative	3	27	1
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 Rules Proposed for Permanent Adoption	0	22	15
WASHINGTON STATE PATROL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	26	0
Number of Rules Proposed for Permanent Adoption	1	27	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	19	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	26	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 Rules Proposed for Permanent Adoption	0	6	0
WESTERN WASHINGTON UNIVERSITY			
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	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

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Pilot Rule Making	0	0	0
YAKIMA VALLEY COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	7	0
TOTALS FOR THE QUARTER:			
Number of Permanent Rules Adopted	136	507	51
Number of Rules Adopted as Emergency Rules	156	196	98
Number of Rules Proposed for Permanent Adoption	350	849	295
Number of Rules Withdrawn	17	20	20
Number of Sections Adopted at Request of a Nongovernmental Entity	27	23	2
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	72	150	24
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	24	86	27
Number of Sections Adopted in Order to Comply with Federal Statute	26	52	27
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	117	323	40
Number of Sections Adopted on the Agency's own Initiative	122	295	99
Number of Sections Adopted using Negotiated Rule Making	25	26	1
Number of Sections Adopted using Other Alternative Rule Making	130	302	23
Number of Sections Adopted using Pilot Rule Making	0	0	0

WSR 09-19-008
NOTICE OF PUBLIC MEETINGS
COLUMBIA RIVER
GORGE COMMISSION
 [Filed September 3, 2009, 8:57 a.m.]

Regular Meetings 2010

Date	Day	Location
January 12	Tuesday	Best Western HR Inn Hood River, Oregon
February 9	Tuesday	County Administration Hood River, Oregon
March 9	Tuesday	Discovery Center The Dalles, Oregon
April 13	Tuesday	Rock Creek Center Stevenson, Washington
May 11	Tuesday	Camas Police Station Camas, Washington
June 8	Tuesday	Best Western HR Inn Hood River, Oregon
July 13	Tuesday	County Administration Hood River, Oregon
August 10	Tuesday	Best Western HR Inn Hood River, Oregon
September 14	Tuesday	Port of Cascade Locks Pavilion Cascade Locks, Oregon
October 12	Tuesday	Rock Creek Center Stevenson, Washington

Date	Day	Location
November 9	Tuesday	County Administration Hood River, Oregon
December 14	Tuesday	Best Western HR Inn Hood River, Oregon

On occasion, the commission cancels a regular meeting or must meet in a different location. Please check prior to each meeting for updates to this calendar.

WSR 09-19-009
OFFICE OF THE GOVERNOR

[Filed September 3, 2009, 8:57 a.m.]

Lowering of the Washington State and United States Flags

I hereby direct that Washington state and United States flags at all state agency facilities be lowered to half-staff on **Wednesday, September 2, 2009**, in memory of U.S. Army Specialist Dennis M. Williams, 24, of Federal Way, who died August 25 in Afghanistan, of injuries sustained when his military vehicle encountered an improvised explosive device.

Please notify your staff and all of your field offices and facilities around the state.

Flags should remain at half-staff until close of business on Wednesday, or first thing Thursday morning.

Other government entities, citizens and businesses are encouraged to join this recognition.

Please call (360) 902-0383 if you have any questions about this flag lowering.

Christine O. Gregoire
Governor

WSR 09-19-011

DEPARTMENT OF AGRICULTURE

[Filed September 3, 2009, 10:50 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. 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, and October 31, 2009. Properly licensed pesticide applicators who have obtained coverage under the WSDA national pollutant discharge elimination system waste discharge general permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater 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, but not eradicated, 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 number for reporting concerns about *Spartina* treatments is (360) 407-6938.

WSR 09-19-014

**NOTICE OF PUBLIC MEETINGS
LOTTERY COMMISSION**

[Filed September 3, 2009, 1:59 p.m.]

WORK SESSION

Thursday, September 17, 2009
Lottery Headquarters

Olympia, Washington
8:30 a.m.

WSR 09-19-015

**NOTICE OF PUBLIC MEETINGS
LOTTERY COMMISSION**

[Filed September 3, 2009, 1:59 p.m.]

Thursday, September 17, 2009
Lottery Headquarters
Olympia, Washington
1:30 p.m.

Next meeting, November 19, 2009, Lottery Headquarters, Olympia, Washington.

WSR 09-19-017

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
(Capitol Campus Design Advisory Committee)**

[Filed September 4, 2009, 9:41 a.m.]

General Administration Building
210 11th Avenue Southwest
Room 324
Olympia, WA

SEPTEMBER 17, 2009
10:00 a.m. - 2:30 p.m.

WSR 09-19-028

**NOTICE OF PUBLIC MEETINGS
COLUMBIA BASIN COLLEGE**

[Filed September 9, 2009, 9:24 a.m.]

The Columbia Basin board of trustees' October 12, 2009, meeting has been moved to October 5, 2009. It will begin at 4:00 p.m. and will be held in the CBC Board Room.

Also, the September 14, 2009, Columbia Basin board of trustees' meeting is cancelled.

If you have any questions, please contact Barbara Grant at (509) 542-4449.

WSR 09-19-029

**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**

[Filed September 9, 2009, 9:24 a.m.]

**BOARD OF TRUSTEES
Regular Meeting
Friday
September 11, 2009**

Regular Open Meeting 1:45 p.m. Cheney
TAW 215 B&C

Executive Session 1:00 p.m. Cheney
TAW 215 A

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-4648.

WSR 09-19-031
RULES COORDINATOR
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed September 9, 2009, 1:25 p.m.]

The rules coordinator for DSHS is Stephanie Vaughn. Stephanie's phone is (360) 664-6097 and fax 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. Stephanie's e-mail address is stephanie.vaughn@dshs.wa.gov.

WSR 09-19-033
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR

[Filed September 9, 2009, 1:45 p.m.]

Lowering of the Washington State and United States Flags

I hereby direct that Washington state and United States flags at all state agency facilities be lowered to half-staff on **Friday, September 11, 2009**, for national Patriot Day, the annual memorial to the victims of the 2001 tragedy.

Please notify all of your field offices and facilities around the state.

Flags should remain at half-staff until close of business on Friday.

Other government entities, citizens and businesses are encouraged to join this recognition.

Please call (360) 902-0383 if you have any questions about this flag lowering.

Christine O. Gregoire
Governor

WSR 09-19-034
NOTICE OF PUBLIC MEETINGS
CITIZEN COMMISSION FOR PERFORMANCE
MEASUREMENT OF TAX PREFERENCES

[Filed September 9, 2009, 1:45 p.m.]

The **time** of the October meeting of the citizen commission for performance measurement of tax preferences has been changed. The meeting is now scheduled to begin at **2:00 p.m.** on **Friday, October 16**, in Olympia, Washington.

Please note that this is a time change only. The meeting date remains the same as previously published - October 16, 2009.

Should you have questions, please contact Lisa Hennessy at (360) 786-5288.

WSR 09-19-037
RULES COORDINATOR
GAMBLING COMMISSION

[Filed September 9, 2009, 1:55 p.m.]

Michelle Pardee will be acting as the Washington state gambling commission's rules coordinator starting today until January 12, 2010.

Ms. Pardee will be participating in electronic filing program and working with the order typing service.

Contact information: Michelle Pardee, acting rules coordinator, (360) 486-3465, MichelleP@wsgc.wa.gov.

Susan Arland
Rules Coordinator

WSR 09-19-039
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL

[Filed September 10, 2009, 10:12 a.m.]

You are invited to a **community forum sponsored by the Washington state rehabilitation council on Thursday, October 22, 2009, at 3:00 p.m. to 4:30 p.m., at the Doubletree Spokane City Center, 322 North Spokane Falls Court, The Evergreen Room.**

If you use public transportation call (509) 328-7433, TTY 232-6555

We are providing American Sign Language interpretation and light refreshments.

If you want to participate but can't attend in person we still want to hear from you. There are two ways to participate without actually coming to the meeting. You can e-mail comments to langjk@dshs.wa.gov or you can participate in the meeting by phone. Dial in at (866) 699-3239 and then enter this pin 20199043.

For more information or to request reasonable accommodation or spoken language interpretation, contact JoAnne at 1-866-252-2939 or e-mail langjk@dshs.wa.gov.

WSR 09-19-040
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL

[Filed September 10, 2009, 10:16 a.m.]

You are invited to **the work day of the quarterly meeting of the Washington state rehabilitation council on**

Thursday, October 22, 2009, at 9:00 to 4:30 p.m., at the Doubletree Spokane City Center, 322 North Spokane Falls Court.

If you use public transportation call (509) 328-7433, TTY 232-6555.

We are providing American Sign Language interpretation.

All council meetings and business are open to the public and we welcome you. If you wish to attend this meeting and need reasonable accommodation contact JoAnne Lang, the WSRC executive assistant toll free at 1-866-252-2939 or by e-mail at langjk@dshs.wa.gov. You can learn more about the council and our work by visiting www.wastrehabcouncil.org.

WSR 09-19-041

NOTICE OF PUBLIC MEETINGS WASHINGTON STATE REHABILITATION COUNCIL

[Filed September 10, 2009, 10:17 a.m.]

You are invited to **the quarterly meeting of the Washington state rehabilitation council, on Friday, October 23, 2009, at 9:00 to 4:30 p.m., at the Doubletree Spokane City Center, 322 North Spokane Falls Court.**

If you use public transportation call (509) 328-7433, TTY 232-6555.

We are providing American Sign Language interpretation.

All council meetings and business are open to the public and we welcome you. If you wish to attend this meeting and need reasonable accommodation contact JoAnne Lang, the WSRC executive assistant toll free at 1-866-252-2939 or by e-mail at langjk@dshs.wa.gov. You can learn more about the council and our work by visiting www.wastrehabcouncil.org.

WSR 09-19-043

EXECUTIVE ORDER OFFICE OF THE GOVERNOR

[Filed September 8, 2009]

EXECUTIVE ORDER 09-06

ADMINISTRATION OF TAX EXEMPT BOND VOLUME CAPS AUTHORIZED UNDER AMENDMENTS TO THE INTERNAL REVENUE CODE

WHEREAS, in October 2008 Congress passed the Energy Improvement and Extension Act (Energy Act) of 2008, authorizing a new bond program, Qualified Energy Conservation Bonds, subject to a volume cap; and

WHEREAS, in February 2009 congress passed the American Recovery and Reinvestment Act (Recovery Act), authorizing two new bond issuance programs subject to volume caps, Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds; and increasing the volume cap for Qualified Energy Conservation Bonds; and

WHEREAS, Congress has authorized the states to administer the Recovery Zone Economic Development Bond, Recovery Zone Facility Bond, and Qualified Energy Conservation Bond state volume caps; and

WHEREAS, RCW 39.86.160 authorizes the Governor to establish by executive order an alternative system to allocate state volume cap if federal legislation is passed that affects the state volume cap when the state Legislature is not in session, taking into consideration the requirements of federal law, the policy choices expressed in state law, and the projected needs of issuers; and

WHEREAS, it is the purpose of chapter 39.86 RCW to provide a flexible and efficient method of allocating the annual state ceiling in a manner that recognizes the need of the state and its political subdivisions to finance activities or projects that satisfy a substantial public purpose; and

WHEREAS, RCW 43.330.050(4) authorizes the Department of Commerce (formerly known as the Department of Community, Trade, and Economic Development) to administer programs assigned to the Department by the Governor or the Legislature; and

WHEREAS, the adoption of an emergency rule is permitted under RCW 34.05.350(1) when immediate adoption of a rule is necessary for the preservation of the public welfare and that observing the time requirements of the notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and

WHEREAS, it is in the best interests of the residents of the state Washington, and in accordance with the intent of the Act to stimulate the economy, to allocate and use the volume cap authorized in the Act as quickly and efficiently as possible;

NOW THEREFORE, I Christine O. Gregoire, Governor of the state of Washington, do hereby order as follows:

1. The Department of Commerce shall allocate the Recovery Zone Economic Development Bond, Recovery Zone Facility Bond, and Qualified Energy Conservation Bond volume caps allocated to the state of Washington under the Energy Act and the Recovery Act in accordance with the provisions of federal and state law and program guidance published by the federal Treasury Department.
2. The Department of Commerce will adopt emergency rules approving appropriate amendments to the federal tax code and establishing procedures and timelines with which to allocate the volume caps.
3. The allocation of the volume caps authorized by the Energy Act and the Recovery Act according to the provisions of this Executive Order shall be effective until (a) all the additional cap authorized by the Energy and Recovery Acts has been allocated and used, (b) the legislature acts, or (c) this Executive Order is rescinded.

Signed and sealed with the official seal of the state of Washington, on this 8th day of September 2009, at Olympia, Washington.

By:

Christine O. Gregoire
Governor

BY THE GOVERNOR:

Sam Reed
Secretary of State

WSR 09-19-070

**NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE**

[Filed September 15, 2009, 10:13 a.m.]

In compliance with RCW 42.30.075, the following is the board-approved schedule for South Puget Sound Community College's regular board meetings for 2009-10:

Wednesday, September 9, 2009	3:00 p.m.
Tuesday, October 6, 2009	3:00 p.m.
Wednesday, November 4, 2009	3:00 p.m.
Tuesday, December 8, 2009	3:00 p.m.
Thursday, January 14, 2010	3:00 p.m.
Thursday, February 11, 2010	3:00 p.m.
Wednesday, March 10, 2010	3:00 p.m.
Thursday, April 8, 2010	3:00 p.m.
Thursday, May 13, 2010	3:00 p.m.
Wednesday, June 9, 2010	3:00 p.m.

If you have any questions, please contact Diana Toledo at 596-5206.

WSR 09-19-072

**INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH**

(Office of Drinking Water)

[Filed September 15, 2009, 3:56 p.m.]

Title of Policy: Local Government Consistency—Other Relevant Elements.

Supersedes: Not applicable.

Issuing Entity: Department of health, office of drinking water.

Description: This policy determines what local plans may contain "other relevant elements related to water supply planning" and are applicable to a local government consistency review under WAC 246-290-108 (1)(e).

Office Contact: Linda Kildahl, Technical Assistant to Field Operations, Department of Health, Office of Drinking Water, (360) 236-3189, linda.kildahl@doh.wa.gov.

Effective Date: September 15, 2009.

WSR 09-19-075

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed September 16, 2009, 8:37 a.m.]

Notice of Interpretive or Policy Statement

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.

**Health and Recovery Services Administration
Division of Legal Services**

Document Title: # Memo 09-61.

Subject: Prescription drug program: Generics first for new starts, changes to the Washington PDL, changes to the EA list, and new alien emergency medical billing requirements.

Effective Date: October 1, 2009.

Document Description: Effective for dates of service on and after October 1, 2009, unless otherwise noted, DSHS will require that preferred generic drugs be used as a client's first course of treatment within specific drug classes on the Washington preferred drug list (PDL).

To receive a copy of the interpretive or policy statements, contact Amber Dassow, Health and Recovery Services Administration, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail amber.dassow@dshs.wa.gov, web site http://hrsa.dshs.wa.gov.

WSR 09-19-079

**NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE**

[Filed September 16, 2009, 5:49 p.m.]

The board of trustees of Whatcom Community College, district number twenty-one, will hold its regularly scheduled September board meeting on Wednesday, September 23, 2009, at 2 p.m. on the campus of Whatcom Community College in the Laidlaw Building Boardroom #143, 237 West Kellogg Road, Bellingham, WA 98226. Boards of trustees meetings are open to the public.

WSR 09-19-081

OFFICE OF THE GOVERNOR

[Filed September 17, 2009, 10:20 a.m.]

**DIRECTIVE BY THE GOVERNOR
09-14**

Preparing for Potential Green River Flooding

Protecting the public health, safety, and welfare of the people of Washington State is my highest priority and one of the primary functions of state government. State government ensures the protection the public expects, in part, through

preparing to respond to problems through vigorous cooperation among governments both during, and in advance of those problems developing. We know that only by coordinating all of our federal, state, county, local and tribal governmental resources can we achieve our common objectives. With those lessons in mind, I provide the following direction to my cabinet agencies and invite other statewide elected officials and their agencies to join me in ensuring that all government agencies have taken the necessary steps to prevent potential damages and are fully ready to respond to the increased risks of flooding of the Green River valley.

For over 40 years the Howard Hanson Dam and Green River levees in King County provided effective flood control, but structural problems discovered earlier this year may have diminished the effectiveness of the dam. The United States Army Corps of Engineers operates the Howard Hanson Dam and is closely monitoring it and the Green River downstream of the dam. Agencies and governments are coordinating plans for a possible flood in order to prevent and lessen the impact on residents and businesses in the Green River Valley. The state is doing all it can to support those efforts, and this directive indicates my intention that the state of Washington will continue to be an active partner in the efforts of affected jurisdictions to address the problems at the Howard Hanson Dam.

Since we first learned of the potential problems with the Howard Hanson Dam, I have taken several steps to ensure that these problems will be addressed expeditiously and any risk of damage resulting from failure of the dam is minimized. Those steps include:

- On July 20, I sent a letter to the United States Army Corps of Engineers requesting that the Corps provide materials and equipment to improve the levees before this coming flood season. The Corps is working closely with King County, the cities in the Valley, and the state emergency managers on these short term measures. I know the Army Corps is also working hard on repairing the dam, with interim repairs under way now and permanent repairs being studied.
- I am also working actively with our congressional delegation to ensure we have funding for both short-term and long-term solutions for the Howard Hanson Dam. Senators Patty Murray and Maria Cantwell and Congressman Norm Dicks, Adam Smith, Jim McDermott and Dave Reichert are committed to finding those solutions. I am deeply grateful for their support.
- My office and agencies under my supervision have supported King County and the cities of the Green River in their preparations for potential flooding.

Those activities will continue and be expanded upon in the coming months. In order to further enhance the supportive functions of state government, I hereby direct the following state entities and functions to support King County and the involved local and tribal governments in the described ways:

- Principal Point of Contact - I designate Washington's Adjutant General Timothy Lowenberg as the principal state official to act on my behalf to work with affected jurisdictions. General Lowenberg will ensure that federal, county, local and tribal officials have a senior

point of contact to coordinate and oversee all state support functions related to the Howard Hanson Dam and Green River response.

- I direct the Adjutant General to convene and chair a Green River Flood Preparation Subcabinet, consisting of state agency directors and the agencies reporting to other statewide elected officials, to ensure the effective delivery of state support and services to the affected jurisdictions.
- State agencies and departments are directed, within existing budgetary authorization, to utilize state resources and to do everything reasonably possible to assist affected governments in their response to this situation. State agency and department heads are directed to support General Lowenberg in his assigned duties and to respond to specific requests.
- All state agencies should be prepared to implement their assigned duties as specified in the Washington State Comprehensive Emergency Management Plan. In addition, all state agency and department heads must evaluate the potential impact of potential Green River flooding on their operations and take appropriate continuity and mitigation measures.
- State agencies are directed to report to the Adjutant General on their readiness to implement the Comprehensive Emergency Management Plan and on their continuity and mitigation measures by October 30, 2009.

In addition to these general directions, I hereby direct the specific agencies below to provide the following support to the preparedness efforts of affected jurisdictions:

Military Department

- Facilitate the Green River Flood Preparations Subcabinet and coordinate the state's assistance to affected jurisdictions through the State Emergency Operations Center.
- Assign knowledgeable staff to assist King County in developing county contingency plans.
- Offer training and preparedness workshops for emergency managers and elected officials of affected jurisdictions.
- Collaborate with affected jurisdictions in providing information to the public related to mitigation and preparedness measures.

Department of Transportation

- Assist affected jurisdictions in developing evacuation routes using state managed highways and acquiring transportation capabilities in support of evacuation and mitigation of flooding.
- Coordinate with the Military Department in developing an aviation Search and Rescue plan.

Department of Information Services

- Work with the Military Department and affected jurisdictions to test and refine the alert, warning and notification networks and systems.

General Administration

- Identify state-agency facilities that are potentially at risk in the Green River flood plain.
- Identify short-term (sheltering) housing structures and develop a plan to assist affected jurisdictions in contracting for shelter management on short notice.
- Assist affected jurisdictions to develop a contracting plan for short-term housing and feeding operations.

Department of Social and Health Services

- Assist affected jurisdictions as they identify special needs populations in the potentially affected areas and plan for the care of special needs populations.
- Work with affected jurisdictions to help translate emergency messaging into appropriate languages.

Department of Commerce

- Work with energy providers to identify and mitigate potential effects on energy infrastructure.
- Support the planning of affected jurisdictions for interim and long-term housing of residents displaced by a flood.
- Assist affected jurisdictions, chambers of commerce and other business associations in preparing plans for continuity of operations and mitigation measures.

Department of Health

- Assist the health departments of affected jurisdictions as they evaluate and plan for potential vaccination and other health care needs during a potential flood event.
- Offer technical assistance to affected jurisdictions to help identify and protect critical water supply infrastructure.

Department of Ecology

- Work with affected jurisdictions to prepare a hazardous material and waste management flood prevention plan.
- Offer technical assistance to affected jurisdictions to help identify and protect critical wastewater treatment infrastructure.

Washington State Patrol

- Participate with affected jurisdictions and Department of Transportation to develop an evacuation and traffic control plan.
- Work with affected law enforcement agencies on security planning.

Department of Agriculture

- Assist affected jurisdictions to plan for agricultural livestock animal care and sheltering and for potential livestock animal disposal needs.
- Offer technical assistance to affected jurisdictions to plan for food supply and food quality protection at emergency shelters.

Washington State Conservation Commission

- In coordination with the Department of Agriculture, assist affected jurisdictions and agricultural associations to plan for the protection of the food supply and continuity of agricultural operations.

Department of Fish and Wildlife

- Identify personnel and equipment necessary to support swift water rescue and to be available as needed and requested by the Adjutant General.

Governor's Office of Indian Affairs

- Work with the Military Department and affected jurisdictions to ensure that affected tribal governments are supported in their planning efforts and are provided information relevant to their decision-making.

The tasks directed above are in addition to state agency responsibilities for flood prevention and response throughout the rest of the state, in consideration of the unusual flood risks in the Green River Valley posed by the damage to the Howard Hanson Dam. I expect additional activities will be necessary throughout the winter months and into spring 2010.

Finally, I invite and encourage the Commissioner of Public Lands, the Superintendent of Public Instruction, the Attorney General and the Insurance Commissioner to assign staff and resources to assist in this work, as able and appropriate. They, or their representatives, are invited to be members of the new Subcabinet. The expertise of their agencies would significantly improve the state's ability to help the Green River Valley prepare for potential flooding.

In closing, I have been impressed many times by our state's ability to respond to danger: forest fires, drought, snow storms and more than one major flood. In light of the severity of the potential damage that could result from the observed problems with the Howard Hanson Dam, we must summon again the common sense and courage of Washington. Rather than wait for today's potential problems to become an actual emergency, we're going to rise to the challenge and meet it with a thoughtful and ready response

Christine O. Gregoire
Governor

WSR 09-19-089**NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY**

[Filed September 18, 2009, 10:47 a.m.]

The university's board of trustees meetings for the next academic year are listed below.

Regular meetings of the Central Washington University board of trustees will be held at 1:00 p.m. in Barge Hall, Room 412, on the Central Washington University Ellensburg campus, except where noted, on the following dates:

October 2, 2009	
December 4, 2009	
February 5, 2010	
March 5, 2010	CWU-Moses Lake
May 7, 2010	
June 11, 2010	
July 29-30, 2010	Retreat

WSR 09-19-111
NOTICE OF PUBLIC MEETINGS
GRAIN COMMISSION

[Filed September 22, 2009, 9:00 a.m.]

The Washington grain commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting changes, per the board of directors, for publication in the state register. The dates change for the November meeting is submitted at least twenty days prior to the scheduled meeting dates.

November meeting was previously listed as regular - November 11 (10:00 a.m.) and 12 (8:00 a.m.).

Please change to regular - November 12 (10:00 a.m.) and 13 (8:00 a.m.).

WSR 09-19-115
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed September 22, 2009, 10:39 a.m.]

Notice of Interpretive or Policy Statement

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.

Health and Recovery Services Administration
Division of Healthcare Services

Document Title: Public Notice.

Subject: Alien emergency medical program (AEM) changes.

Effective Date: November 1, 2009.

Document Description: The legislature directed the medicaid program to reduce its expenditures. On November 1, 2009, the medical criteria for eligibility and the scope of services that will be paid for under the federal medicaid definitions for emergency services will change. Certain services will no longer be reimbursable. This affects aliens who have an emergency medical event. Evidentiary hearings to challenge these changes will not be available. Emergency WACs will be effective November 1, 2009.

To receive a copy of the interpretive or policy statements, contact Gail Kreiger, Washington State Medicaid, Office of Medical Benefits and Clinical Review, P.O. Box 45506, Olympia, WA 98504, phone (360) 725-1681, TDD/TTY 1-800-848-5429, fax (360) 586-1471, e-mail kreigga@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov/>.

WSR 09-19-133
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD

(Subcommittee on Watershed Analysis)

[Filed September 22, 2009, 2:12 p.m.]

The forest practices board has established a subcommittee to inform the board on policy and resource issues related

to the continued use of watershed analysis mass wasting prescriptions.

This committee will meet on October 12 at the Natural Resources Building, 1111 Washington Street S.E., Olympia in Room 172, convening at 9 a.m. and on October 19 at the Natural Resources Building in Room 175A and B, convening at 9 a.m.

WSR 09-19-145
TRANSPORTATION COMMISSION

[Filed September 23, 2009, 9:51 a.m.]

The transportation commission is beginning the process of decodifying transportation improvement board's chapters 479-210 and 479-216 WAC as per chapter 260, Laws of 2009.

The WACs will be recodified to chapters 468-700 and 468-705 WAC.

If you have any questions please give Reema Griffith a call at (360) 705-7070.

Reema Griffith
 Executive Director

WSR 09-19-152
DEPARTMENT OF HEALTH

[Filed September 23, 2009, 11:45 a.m.]

DECLARATION OF OUTBREAK AND VACCINE SHORTAGE AND SUSPENSION OF RCW 70.95M.115 LIMITS FOR CERTAIN INFLUENZA A (H1N1) 2009 MONOVALENT VACCINES IN MULTI-DOSE VIAL PRESENTATIONS

WHEREAS RCW 70.95M.115 prohibits vaccinating a person who is known to be pregnant or under three years of age with influenza vaccine that contains more than 1.0 microgram of thimerosal per 0.5 milliliter dose. RCW 70.90M.-115(3) authorizes the secretary of the department of health to temporarily suspend those limits if there is an outbreak of vaccine-preventable disease or a shortage of vaccine that complies with the limits.

The H1N1 influenza virus is a new influenza virus first detected in humans in the United States in April 2009. The United States continues to report the largest number of H1N1 cases of any country worldwide. There have been confirmed cases in all states in the United States. Significant illness from H1N1 influenza has continued into the summer across the country. As of September 4, 2009, the Centers for Disease Control and Prevention (CDC) reported nine thousand seventy-nine hospitalized cases and five hundred ninety-three deaths in the United States and its territories. As of September 16, 2009, there have been one hundred seventy-one hospitalized cases and sixteen deaths in Washington state. Of the sixteen deaths in Washington state, two have been pregnant women. According to the CDC, rates of infection (the number of reported cases per 100,000 population) are highest among people zero to twenty-four years old.

Rates of hospitalization among children have been highest in children younger than two years of age.

Nationally and within Washington, the spread of the H1N1 influenza virus has continued through the summer. The CDC and the department of health anticipate that the incidence of disease and influenza-related hospitalizations and deaths will increase rapidly starting in September 2009. Vaccination is considered the most effective method to stop community outbreaks as well as reduce overall sickness and death.

The H1N1 influenza virus is spread mainly by person-to-person contact though [through] coughing or sneezing. It appears that the new virus is spread as easily as seasonal influenza. In most cases, symptoms of H1N1 influenza are similar to seasonal influenza including fever, sore throat [throat], cough, runny nose, headache, body aches, chills and fatigue. The degree of illness from the H1N1 influenza virus ranges from mild to severe, including hospitalization and death.

The United States Food and Drug Administration (FDA) recently licensed new vaccines for the H1N1 influenza virus for use in the United States. At the time of the signing of this declaration four manufacturers produce approved H1N1 influenza vaccines (Novartis, CSL Limited, Sanofi Pasteur and MedImmune) and vary in allowable age-ranges and thimerosal content. The H1N1 vaccine product from Glaxo-SmithKline is still awaiting FDA approval. The new vaccines are expected to be available by early October.

Sanofi Pasteur is producing an injectable, single-dose vial (.25mL) that is a thimerosal-free version of H1N1 vaccine licensed for children younger than three years of age, but not for pregnant women. An intranasal, single-dose spray being produced by MedImmune is also a thimerosal-free vaccine licensed only for ages two through forty-nine years of age, and not for pregnant women. While it is possible for MedImmune's intranasal spray to be applied to the pediatric population affected by RCW 70.95M.115(1), it would only be for children over two years of age.

GlaxoSmithKline, Novartis, CSL Limited and Sanofi Pasteur are each producing an injectable, single-dose vial (0.5mL) H1N1 influenza vaccine that is thimerosal-free and may be administered to pregnant women. The minimum age-range allowed for each of these vaccines vary, but the only single-dose vial (0.5mL) licensed for children under three years of age is produced by Sanofi Pasteur.

GlaxoSmithKline, Novartis, CSL Limited and Sanofi Pasteur are each producing an injectable, multi-dose vial (5mL) H1N1 vaccine that contains thimerosal and may be administered to pregnant women. The only H1N1 vaccine in multi-dose vials (5mL) licensed for children under three years of age is produced by Sanofi Pasteur. While each of these multi-dose vaccines will contain thimerosal in varying amounts, all will exceed the limits of 1.0 micrograms per 0.5 milliliter dose as described in RCW 70.95M.115(1) for children under three years of age or pregnant women.

CDC's Advisory Committee on Immunization Practices (ACIP) has recommended that certain groups of the population receive the 2009 H1N1 vaccine when it first becomes available: Pregnant women; people who live with or care for children younger than six months of age; healthcare and

emergency medical services personnel, persons between the ages of six months and twenty-four years old; and people ages twenty-five through sixty-four years of age who are at higher risk for H1N1 because of chronic health disorders or compromised immune systems. Pregnant women are a priority because of a higher risk of complications due to illness, and young children because they are more susceptible to the H1N1 influenza virus. The ACIP recommends the H1N1 vaccine be given in addition to seasonal influenza vaccine.

Because the availability and demand of thimerosal-free vaccine is expected to be unpredictable, particularly in the initial stages of vaccine distribution, there will not be enough thimerosal-free vaccine for all the state's pregnant women and children under three years of age at all times and at every location. That shortage will create a barrier to the use of effective, FDA licensed vaccine to protect the health of two groups the ACIP has determined to be among those most in need of immediate protection against H1N1 influenza.

NOW, THEREFORE, I, Mary C. Selecky, secretary of the department of health, under RCW 70.95M.115(3), and under the circumstances set forth above, declare that there is an outbreak of H1N1 influenza, a vaccine-preventable disease, in Washington state. I also, under RCW 70.95M.115(3), and under the circumstances set forth above, declare that there is a shortage of vaccine for the H1N1 influenza virus that complies with the limits in RCW 70.95M.115(2) for influenza vaccine.

I also, under RCW 70.95M.115(3), effective immediately, temporarily suspend the thimerosal limits imposed by RCW 70.95M.115 on use of the Influenza A (H1N1) 2009 Monovalent Vaccines in multi-dose vial (5mL) presentations licensed for use in the United States and produced by the manufacturers GlaxoSmithKline, Novartis, CSL Limited and Sanofi Pasteur. This suspension is to ensure pregnant women and children under three years of age to [will] have access to the new H1N1 influenza vaccine. This suspension will last for a period of six months. The department has prepared a notice document that can be provided to persons known to be pregnant or lactating or the legal guardians of children under eighteen years old regarding the thimerosal content of H1N1 influenza vaccine in multi-dose vials, as required by RCW 70.95M.115(3). At the end of that six month period of suspension, I will reassess the available supply of vaccine to determine if it is necessary to continue this declaration of vaccine shortage.

Signed this 23rd day of September, 2009 at Olympia, Washington.

Mary C. Selecky
Secretary

WSR 09-19-153**DEPARTMENT OF HEALTH**

[Filed September 23, 2009, 11:45 a.m.]

Suspension of Legal Limits of Mercury-Containing Vaccine for H1N1 (Swine Flue) Virus

Why am I getting this notice? The secretary of health has temporarily suspended Washington's limit on the amount of mercury (thimerosal) in H1N1 (swine flu) vaccine allowed for pregnant women and children younger than three years old. The suspension applies only to H1N1 (swine flu) vaccines.

When the mercury limits are suspended, Washington law requires you be notified that you're getting vaccine containing more mercury than is usually allowed if you are:

- Pregnant or lactating; or
- The parent or guardian of a child under 18 getting the vaccine.

What are Washington's legal limits on mercury in flu vaccine? Washington law sets a limit on how much mercury can be in vaccines given to pregnant women and children younger than three years old. The law requires that flu vaccine, including H1N1 (swine flu) vaccine, provided to these two groups have no more than 1.0 microgram of mercury per 0.5 milliliter dose. Your doctor or nurse can help explain the size of these amounts.

How can the state's limit on mercury in H1N1 (swine flu) vaccines be lifted? The secretary of health can temporarily suspend Washington's legal mercury limit for a vaccine for two reasons: An outbreak of a vaccine-preventable disease or a shortage of vaccine available to protect the public health against vaccine-preventable disease. The H1N1 (swine flu) vaccine qualifies under both of these reasons.

Why were the H1N1 (swine flu) vaccine mercury limits suspended? Mercury-free H1N1 (swine flu) vaccine may not be available at all times. The state's mercury limit could prevent pregnant women and children under three years old who want the vaccine from getting it. Lifting mercury limits for H1N1 (swine flu) vaccine will give pregnant women and parents or guardians of children under three the option of getting the vaccine if they want it.

What are mercury and thimerosal? Mercury is a natural element found in the environment. Environmental mercury can become toxic to people at high levels. Thimerosal is a preservative that uses a different form of mercury to prevent bacterial contamination of some vaccines.

More information about H1N1 (swine flu) vaccine for the virus, and the mercury limit suspension found online [at] www.doh.wa.gov/h1n1/. Vaccine safety information is also available [at] www.doh.wa.gov/cfh/immunize/vaccine/vaccine-safety.htm.