

WSR 20-10-018
EXPEDITED RULES
DEPARTMENT OF AGRICULTURE

[Filed April 27, 2020, 10:53 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-730 WAC, Asparagus equipment lease program; and chapter 16-731 WAC, Asparagus grower equipment lease program.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to repeal chapter 16-730 WAC, Asparagus equipment lease program, which provides the procedural rules for the Washington state department of agriculture (department/DOA) to expend a one-time appropriation under section 308, chapter 276, Laws of 2004. The department is also proposing to repeal chapter 16-731 WAC, Asparagus grower equipment lease program, which provides the procedural rules for the department to expend another one-time appropriation under section 3217, chapter 520, Laws of 2007. The funds are expended and the programs no longer exist.

Reasons Supporting Proposal: In 2004, the Washington state legislature appropriated funds to the department to purchase packing equipment for agricultural products and to negotiate an agreement with the agricultural industry for the use of that equipment. The department implemented this directive by establishing procedural rules for the asparagus equipment leasing program under chapter 16-730 WAC. In 2007, the Washington state legislature appropriated additional funds to extend and expand the department's asparagus automation and mechanization program. The department implemented this directive by establishing procedural rules under chapter 16-731 WAC. The asparagus equipment lease program was intended as a time-limited program. No additional funds have been appropriated for the purchase of new equipment and the asparagus industry agrees that this program is no longer necessary. Therefore, rules are no longer needed.

Statutory Authority for Adoption: RCW 43.17.060.

Statute Being Implemented: Chapter 43.17 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DOA, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Teresa Norman, 1111 Washington Street S.E., Olympia, 360-902-2043; Enforcement: Hannah Flournoy, 1111 Washington Street S.E., Olympia, 360-902-1809.

This notice meets the following criteria to use the expedited repeal process for these rules:

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: These chapters of WAC provide the procedural rules for the department to expend two, one-time appropriations from the Washington state legislature to implement an asparagus equipment leasing program. The funds are expended and the programs no longer exist.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gloriann Robinson, Agency Rules Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, fax 360-902-2092, email wsdarules.comments@agr.wa.gov, AND RECEIVED BY July 6, 2020.

April 27, 2020

Jason Ferrante

Associate Deputy Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-730-005 What is the purpose of the asparagus equipment lease program?
- WAC 16-730-007 How does the department ensure that program participants comply with the program's purpose?
- WAC 16-730-010 What definitions are important to this chapter?
- WAC 16-730-015 How will the asparagus equipment leasing program be administered?
- WAC 16-730-020 Who is eligible to participate in the asparagus equipment leasing program?
- WAC 16-730-025 How does an eligible asparagus handler/packer apply to the equipment leasing program?
- WAC 16-730-030 When will an applicant know if they have been approved to participate in the equipment leasing program?
- WAC 16-730-035 If an application is denied, can the applicant request a review of the director's decision?
- WAC 16-730-040 If an applicant's initial application is disapproved, can the applicant reapply to the equipment leasing program?
- WAC 16-730-045 What is the process the program will follow to distribute equipment leasing money to approved applicants?
- WAC 16-730-050 How will the program's equipment leasing money be allocated in 2004?

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| WAC 16-730-055 | For the initial leasing program, what are the base distribution amounts for each category of handler/packers? | WAC 16-731-120 | For the leasing program, what are the maximum distribution amounts for each successful grower applicant? |
| WAC 16-730-060 | What requirements apply to equipment leasing program lease agreements? | WAC 16-731-130 | What requirements apply to equipment leasing program lease agreements? |
| WAC 16-730-062 | What happens if an approved handler/packer defaults on a lease? | WAC 16-731-140 | What happens if a selected asparagus grower defaults on a lease? |
| WAC 16-730-065 | How long will the initial asparagus equipment leasing program be in operation? | WAC 16-731-150 | How long will the asparagus grower equipment leasing program be in operation? |
| WAC 16-730-070 | Who develops the depreciation schedules for the program's leased equipment? | WAC 16-731-160 | Who develops the depreciation schedules for the program's leased equipment? |
| WAC 16-730-075 | Will the equipment used in the asparagus equipment leasing program be offered for sale to the handler/packer who leased it? | WAC 16-731-170 | Will the equipment used in the asparagus grower equipment leasing program be offered for sale to the grower who leased it? |

REPEALER

The following chapter of the Washington Administrative Code is repealed:

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| WAC 16-731-010 | What is the purpose of the asparagus grower equipment lease program? |
| WAC 16-731-020 | How does the department ensure that program participants comply with the program's purpose? |
| WAC 16-731-030 | What definitions are important to this chapter? |
| WAC 16-731-040 | How will the asparagus grower equipment leasing program be administered? |
| WAC 16-731-050 | Who is eligible to participate in the asparagus grower equipment leasing program? |
| WAC 16-731-060 | How does an eligible asparagus grower apply to the equipment leasing program? |
| WAC 16-731-070 | How will applicants be selected to participate in the equipment leasing program? |
| WAC 16-731-080 | If an application is not selected, can the applicant request a review of the director's decision? |
| WAC 16-731-090 | If an applicant's initial application is not selected, can the applicant reapply to the equipment leasing program? |
| WAC 16-731-100 | How will the program distribute equipment leasing funds? |
| WAC 16-731-110 | How will the program's equipment leasing funds be allocated? |

WSR 20-10-038
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 28, 2020, 12:16 p.m.]

Title of Rule and Other Identifying Information: WAC 220-340-490 Commercial crab fishery—Coastal gear recovery permits.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule change incorporates revisions to RCW 77.50.500 resulting from the passage of HB [SHB] 2250 by the Washington state legislature in 2020 into WAC 220-340-490.

This rule change would allow the recovery of derelict crab gear as early as May 1, prior to the close of the commercial Dungeness crab season. Gear recovery would be allowed after May 1 when a reduced pot limit is in effect and summer buoy tags are required. This measure would allow crab fishers to recover gear that is not properly marked with a summer buoy tag. Removal of this gear would avoid this gear becoming lost or abandoned and potentially increasing the likelihood of entangling a whale or other marine life.

Reasons Supporting Proposal: This proposed rule change is being implemented in conjunction with a reduced pot limit and summer buoy tag requirement, which was approved by the fish and wildlife commission in January 2020. These measures are intended to reduce the likelihood of whale entanglements in the coastal Dungeness crab fishery.

The summer buoy tag requirement is needed to enforce the reduced pot limit, but also distinguishes pots without a summer buoy tag as no longer actively being fished. Essentially, any gear that does not have a summer buoy tag after May 1 is unlawfully fishing. This rule change provides the mechanism to recover gear that does not have a summer buoy tag before the end of the season, which greatly improves the

chance that it will be recovered and removed from the ocean; thus, accomplishing the objective of reducing the likelihood of whale entanglements.

Statutory Authority for Adoption: RCW 77.040.020 [77.04.020], 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.020, 77.12.045, 77.12.047, and 77.70.500.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Heather Hall, 1111 Washington Street S.E., Olympia, WA, 360-902-2487; and Enforcement: Steve Bear, Police Chief, 1111 Washington Street S.E., Olympia, WA, 360-902-3463.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This rule change incorporates without material change revisions to RCW 77.50.500 resulting from the passage of HB [SHB] 2250 by the Washington state legislature in 2020 into WAC 220-340-490. RCW 77.50.500 regulates the same subject matter and conduct as the incorporating rule. Through the delegation of authority provided by the fish and wildlife commission to the director, the director has the authority to adopt expedited rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Michele Culver, WDFW, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-902-2196, email Rules.Coordinator@dfw.wa.gov, AND RECEIVED BY July 6, 2020.

April 28, 2020
Michele K. Culver
Rules Coordinator

AMENDATORY SECTION (Amending WSR 20-04-066, filed 1/31/20, effective 3/2/20)

WAC 220-340-490 Commercial crab fishery—Coastal gear recovery permits. (1) **Emergency coastal crab gear recovery permit.** Emergency permits are granted on a case-by-case basis to allow crab fishers to recover shell-fish pots that were irretrievable at the end of the lawful season opening due to extreme weather conditions. The director or director's designee may grant an emergency coastal crab gear permit once a commercial crab season is closed. Crab fishers must notify and apply to the department's enforcement program for such emergency permits within 24 hours prior to the close of the commercial crab season.

(2) **Coastal crab gear recovery permit.** 15 days after the close of the primary coastal commercial crab season and from May 1 through September 15, the director or director's designee may grant a coastal crab gear recovery permit for licensed coastal Dungeness crab fishers to recover crab pots that remain in the ocean and belong to state licensed fishers.

(3) It is unlawful to fail to follow the provisions of a coastal crab gear recovery permit. Violation of this section is a misdemeanor, punishable under RCW 77.15.750 Unlawful use of a department permit—Penalty.

WSR 20-10-052

EXPEDITED RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Commission Docket A-191064—Filed April 29, 2020, 2:55 p.m.]

Title of Rule and Other Identifying Information: This rule making would revise adoption-by-reference dates in Title 480 WAC to incorporate the most recent version of adopted federal rules and other adopted publications.

Rules affected include WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-62-999, 480-70-999, 480-73-999, 480-75-999, 480-93-999, 480-108-999, 480-109-999, 480-120-999, and 480-123-999.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal would revise the adoption-by-reference dates to reflect the current version(s) of adopted materials and make other minor administrative updates.

Reasons Supporting Proposal: The commission adopts by reference several parts in Title 18, Title 47, and Title 49 of the Code of Federal Regulations and other state rules and national standards. This adoption package will make commission rules consistent with current published versions of federal rules and reflect the most current versions of the national safety standards.

Statutory Authority for Adoption: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington utilities and transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting: Gregory J. Kopta, Administrative Law Judge, 621 Woodland

Square Loop S.E., Lacey, WA 98503, 360-664-1355; Implementation and Enforcement: Mark L. Johnson, Executive Director and Secretary, 621 Woodland Square Loop S.E., Lacey, WA 98503, 360-664-1115.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Mark L. Johnson, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, phone 360-664-1160, email records@utc.wa.gov, AND RECEIVED BY July 7, 2020.

April 29, 2020
Mark L. Johnson
Executive Director and Secretary

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

WAC 480-14-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publication, effective dates, references within this chapter, and availability of the resource is within Title 49 Code of Federal Regulations (C.F.R.), including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on December 31, (~~2018~~) 2019, for 49 C.F.R. Parts 171, 172 and 173.

(2) This publication is referenced in WAC 480-14-250 (Insurance requirements).

(3) Copies of Title 49 C.F.R. are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

WAC 480-15-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, (~~2019~~) 2020.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, (~~2018~~) 2019.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements) and WAC 480-15-570 (Driver safety requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

WAC 480-30-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, (~~2019~~) 2020.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, (~~2018~~) 2019.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements) and WAC 480-30-226 (Intrastate medical waivers).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

WAC 480-31-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2019)) 2020.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ((2018)) 2019.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—Inspection—Ordered for repairs), and WAC 480-31-130 (Operation of motor vehicles).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

WAC 480-62-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ((2018)) 2019.

(b) This publication is referenced in WAC 480-62-160 (Compliance policy), WAC 480-62-200 (Roadway worker safety and operating rules and statutes), WAC 480-62-205 (Track safety standards), WAC 480-62-210 (Crossing signal circuitry), WAC 480-62-215 (Hazardous materials regulations), WAC 480-62-235 (Flaggers), WAC 480-62-240 (Railroad owned or operated passenger carrying vehicles—Equipment), WAC 480-62-278 (Contract crew transportation vehicle and driver safety requirements), and WAC 480-62-293 (Contract crew transportation enforcement).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices**, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ((2018)) 2019.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices), WAC 480-62-235 (Flaggers), and WAC 480-62-245 (Railroad owned or operated passenger carrying vehicles—Operation).

(c) Copies of the MUTCD are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **ANSI/ISEA Z308.1 - 2015 American National Standard for Minimum Requirements for Workplace First Aid Kits** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on December 31, ((2018)) 2019.

(b) This publication is referenced in WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of ANSI/ISEA Z308.1 - 2015 American National Standard for Minimum Requirements for Workplace First Aid Kits and Supplies are available from IHS Global Engineering Documents in Englewood, Colorado.

(4) **ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on December 31, ((2018)) 2019.

(b) This publication is referenced in WAC 480-62-235 (Flaggers).

(c) Copies of ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests are available from IHS Global Engineering Documents in Englewood, Colorado.

(5) **North American Standard Out-of-Service Criteria (OOSC)** is published by the *Commercial Vehicle Safety Alliance* (CVSA).

(a) The commission adopts the version in effect on April 1, ((2019)) 2020.

(b) This publication is referenced in WAC 480-62-278 (Contract crew transportation vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

WAC 480-70-999 Adoption by reference. In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **The North American Standard Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2019))~~ 2020.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 40 Code of Federal Regulations**, cited as 40 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ~~((2018))~~ 2019.

(b) This publication is referenced in WAC 480-70-041 (Definitions, general).

(c) Copies of Title 40 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ~~((2018))~~ 2019.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements), WAC 480-70-431 (Biomedical waste, adoption of federal regulations), and WAC 480-70-486 (Hazardous waste, adoption of federal regulations).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

WAC 480-73-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 C.F.R., is published by the United States Government Printing Office.

(2) The commission adopts the version in effect on ~~((April 1, 2018))~~ December 31, 2019.

(3) This publication is referenced in WAC 480-73-130 (Accounting system requirements), WAC 480-73-150 (Retaining and preserving records and reports), and WAC 480-73-160 (Annual reports).

(4) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

WAC 480-75-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available

for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., Parts 190.221, 190.223, 195, 196, 198, and 199 including all appendices and amendments except for 49 C.F.R. Sections 195.0, 195.1, 199.1, 199.2, and 196.1 published by the United States Government Printing Office.

(a) The commission adopts the version in effect on March 1, ~~((2019))~~ 2020.

(b) This publication is referenced in WAC 480-75-100 (Definitions), WAC 480-75-370 (Design factor (*F*) for steel pipe), WAC 480-75-250 (Civil penalty for violation of chapter 81.88 RCW), WAC 480-75-650 (Annual reports), and WAC 480-75-660 (Procedural manual for operations, maintenance, and emergencies).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>.

(2) **The American Society of Mechanical Engineers (ASME) B31.4**, 2006 edition, October 20, 2006.

(a) This publication is referenced in WAC 480-75-350 (Design specifications for new pipeline projects), WAC 480-75-440 (Pipeline repairs), and WAC 480-75-450 (Construction specifications).

(b) Copies of ASME B31.4 are available from ASME, <https://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The 2007 edition, July 2007, of **Section IX of the ASME Boiler and Pressure Vessel Code**.

(a) This publication is referenced in WAC 480-75-430 (Welding procedures).

(b) Copies of the 2007 edition, of *Section IX of the ASME Boiler and Pressure Vessel Code* are available from ASME, <https://www.asme.org/codes/>. It is also available for inspection at the commission.

(4) The commission adopts **American Petroleum Institute (API) standard 1104** (20th edition 2005, including errata/addendum July 2007 and errata 2 (December 2008)).

(a) This publication is referenced in WAC 480-75-430 (Welding procedures) and WAC 480-75-460 (Welding inspection requirements).

(b) Copies of API standard 1104 (20th edition 2005, including errata/addendum July 2007 and errata December 2008) are available from the Office of API Publishing Services, <https://www.api.org/>. It is also available for inspection at the commission.

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

WAC 480-93-999 Adoption by reference. In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. Each regulation or standard is listed by publication, publisher, scope of what the commission is adopting, effective date of the regulation or standard, the place within the commission's rules the regulation or standard is referenced, and where to obtain the regulation or standard.

(1) Parts 190.221, 190.223, 191, 192, 193, 196, 198, and 199 of Title 49 Code of Federal Regulations, including all appendices and amendments thereto as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on March 1, ~~((2019))~~ 2020, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 196.1, 198.1, 199.1. In addition, please note that in WAC 480-93-013, the commission includes "new construction" in the definition of "covered task," as defined in 49 C.F.R. Sec. 192.801 (b)(2).

(b) This publication is referenced in WAC 480-93-005 (Definitions), WAC 480-93-015 (Odorization of gas), WAC 480-93-018 (Records), WAC 480-93-080 (Welder and plastic joiner identification and qualification), WAC 480-93-100 (Valves), WAC 480-93-110 (Corrosion control), WAC 480-93-124 (Pipeline markers), WAC 480-93-160 (Reporting requirements of proposed construction), WAC 480-93-170 (Tests and reports for gas pipelines), WAC 480-93-180 (Plans and procedures), WAC 480-93-223 (Civil penalty for violation of chapter 81.88 RCW and commission gas safety rules), and WAC 480-93-18601 (Leak classification and action criteria—Grade—Definition—Priority of leak repair).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>. It is also available for inspection at the commission.

(2) Section IX of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code.

(a) The commission adopts the 2007 edition, July 1, 2007, of Section IX of the ASME Boiler and Pressure Vessel Code.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2007 edition, including addenda through July 1, 2005) are available from ASME, <https://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104 (20th edition October 2005, including errata/addendum July 2007 and errata 2 (2008)).

(a) The commission adopts the 20th edition 2005, including errata/addendum July 2007 and errata 2 (2008) of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (20th edition 2005, including errata/addendum July 2007 and errata December 2008) are available from the Office of API Publishing Services, <https://www.api.org/>. It is also available for inspection at the commission.

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

WAC 480-108-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) The National Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the edition effective ~~((2017))~~ 2020, including errata ~~((70-17-1))~~ 70-20-1 published ~~((September 29, 2016))~~ October 10, 2019, errata ~~((70-17-2))~~ 70-20-2 published December ~~((16, 2016, 70-17-3 published January 11, 2017, 70-17-4 published March 13, 2017, 70-17-5 published May 9, 2018, and 70-17-06 published July 5, 2018))~~ 23, 2019, and errata on NEC Handbook published February 6, 2020.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA at 1 Batterymarch Park, Quincy, Massachusetts, 02169 or at internet address <https://www.nfpa.org/>.

(2) National Electrical Safety Code (NESC).

(a) The commission adopts the 2017 edition.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of the National Electrical Safety Code are available from the Institute of Electrical and Electronics Engineers at <https://standards.ieee.org/nesc>.

(3) Institute of Electrical and Electronics Engineers (IEEE) Standard 1547-2018, Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces.

(a) The commission adopts the version published April 6, 2018.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 1547 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(4) Institute of Electrical and Electronics Engineers (IEEE) Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.

(a) The commission adopts the version published in 2005 and reaffirmed in 2011.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard C37.90 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(5) Institute of Electrical and Electronics Engineers (IEEE) Standard 519, Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems.

(a) The commission adopts the version published June 11, 2014.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 519 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(6) Institute of Electrical and Electronics Engineers (IEEE) Standard 141, Recommended Practice for Electric Power Distribution for Industrial Plants.

(a) The commission adopts the version published in 1993 and reaffirmed in 1999.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 141 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(7) Institute of Electrical and Electronics Engineers (IEEE) Standard 142, Recommended Practice for Grounding of Industrial and Commercial Power Systems.

(a) The commission adopts the version published in 2007.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 142 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(8) Underwriters Laboratories (UL), including UL Standard 1741, Inverters, Converters, Controllers and Interconnection Systems Equipment for Use with Distributed Energy Resources.

(a) The commission adopts the version published January 28, 2010.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) UL Standard 1741 is available from Underwriters Laboratory at <https://www.ul.com>.

(9) Occupational Safety and Health Administration (OSHA) Standard at 29 C.F.R. 1910.269.

(a) The commission adopts the version published on (~~(November 18, 2016)~~) December 17, 2019, effective (~~(January 17, 2017)~~) December 17, 2019.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of Title 29 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

WAC 480-109-999 Adoption by reference. In this chapter, the commission adopts by reference all, or portions of, the publications identified below. They are available for inspection at the commission library. The publications, publication dates, references within this chapter, and availability of the resources are as follows:

(1) *Northwest Conservation and Electric Power Plan* as published by the Northwest Power and Conservation Council.

(a) The commission adopts the seventh version published in 2016.

(b) This publication is referenced in WAC 480-109-100 Energy efficiency resource standard.

(c) Copies of *Seventh Northwest Conservation and Electric Power Plan* are available from the Northwest Power and Conservation Council at (~~(<https://www.nwccouncil.org/energy/powerplan/7/plan/>)~~) <https://www.nwccouncil.org/reports/seventh-power-plan>.

(2) *Weatherization Manual* as published by the Washington state department of commerce.

(a) The commission adopts the version published in (~~(November 2018)~~) July 2019.

(b) This publication is referenced in WAC 480-109-100 Energy efficiency resource standard.

(c) Copies of *Weatherization Manual* are available from the Washington state department of commerce at (~~(<https://www.commerce.wa.gov/wp-content/uploads/2013/01/Wx-Manual-2018-Nov-1.docx>)~~) <http://www.commerce.wa.gov/wp-content/uploads/2019/07/Wx-Manual-2019-Jul-1-2019.docx>.

(3) The unit energy savings values as published by the Northwest Power and Conservation Council's Regional Technical Forum.

(a) The commission adopts the unit energy savings with status of "Active" or "Under Review" on (~~(January 10, 2019)~~) February 20, 2020.

(b) This information is referenced in WAC 480-109-100 Energy efficiency resource standard.

(c) The spreadsheets containing the unit energy savings values are available for download at <https://rtf.nwccouncil.org/measures>.

(4) The standard protocols as published by the Northwest Power and Conservation Council's Regional Technical Forum.

(a) The commission adopts the standard protocols with status of "Active" or "Under Review" on (~~(January 10, 2019)~~) February 20, 2020.

(b) This information is referenced in WAC 480-109-100 Energy efficiency resource standard.

(c) The spreadsheets containing the standard protocols are available for download at <https://rtf.nwccouncil.org/standard-protocols>.

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

WAC 480-120-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **American National Standards for Telecommunications** - "*Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 - Specifications*" (ATIS 0100510) is published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999, and reaffirmed 2013.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) The American National Standards for Telecommunications "*Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 - Specifications*" is a copyrighted document. Copies are available from ANSI in Washington, D.C. and from various third-party vendors.

(2) **The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance**

Characteristics (ANSI/IEEE Std 820-2005) is published by the ANSI and the IEEE.

(a) The commission adopts the version in effect as published in 2005.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) *The IEEE Standard Telephone Loop Performance Characteristics* is a copyrighted document. Copies are available from ANSI and IEEE in Washington, D.C. and from various third-party vendors.

(3) **The National Electrical Safety Code** is published by the IEEE.

(a) The commission adopts the 2017 edition.

(b) This publication is referenced in WAC 480-120-402 (Safety).

(c) *The National Electrical Safety Code* is a copyrighted document. Copies are available from IEEE in Washington, D.C. and from various third-party vendors.

(4) **Title 47 Code of Federal Regulations**, cited as 47 C.F.R., is published by the United States Government Printing Office.

(a) For this publication as referenced in WAC 480-120-359 (Accounting requirements for companies not classified as competitive) and WAC 480-120-349 (Retaining and preserving records and reports), the commission adopts the version of the relevant sections in effect on October 1, ((2018)) 2019.

(b) For this publication as referenced in WAC 480-120-202 (Customer proprietary network information), WAC 480-120-146 (Changing service providers from one local exchange company to another), and any other reference in chapter 480-120 WAC, the commission adopts the version of the relevant sections in effect on October 1, ((2018)) 2019.

(c) The ((2018)) 2019 version of C.F.R. Title 47 is available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 19-14-118, filed 7/3/19, effective 8/3/19)

WAC 480-123-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.

(a) The commission adopts the version in effect on January 1, 2017.

(b) This publication is referenced in WAC 480-123-030 (contents of petition for eligible telecommunications carriers).

(c) Copies of the CTIA Consumer Code for Wireless Service are available at <https://www.ctia.org/initiatives/voluntary-guidelines/consumer-code-for-wireless-service>.

(2) Title 47, Code of Federal Regulations, cited as 47 C.F.R., is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2018)) 2019.

(b) This publication is referenced in WAC 480-123-010 (Federal universal service contracts), WAC 480-123-060 (Annual certification of eligible telecommunications carriers), WAC 480-123-070 (Annual certifications and reports), WAC 480-123-100 (Prerequisites for requesting program support), and WAC 480-123-110 (Petitions for eligibility to receive program support).

(c) The ((2018)) 2019 version of C.F.R. Title 47 is available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

WSR 20-10-111

EXPEDITED RULES

DEPARTMENT OF LICENSING

[Filed May 6, 2020, 10:53 a.m.]

Title of Rule and Other Identifying Information: WAC 308-391-104 Fees related to the uniform commercial code in Washington state.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The law increases fees for Financing Statements, Financing Statement Amendments, UCC1 Financing Statement of 1 or 2 pages, UCC3 Financing Statement Amendments of 1 or 2 pages, and UCC5 Correction Statement of 1 or 2 pages. The department is required to adopt these increases as the fees are set by SSB 6074.

Reasons Supporting Proposal: The department is required to adopt these fee increases, which are set in SSB 6074.

Statutory Authority for Adoption: RCW 62A.9A-526.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Dee Sharp, 2000 4th Avenue West, Olympia, WA 98502, 360-664-1530.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The rule changes fees set in SSB 6074, passed by the 2020 legislature.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Dee Sharp, Department of Licensing, 2000 4th Avenue West, Olympia, WA 98502, phone 360-664-1530, email ucc@dol.wa.gov, AND RECEIVED BY July 6, 2020.

May 6, 2020
 Damon Monroe
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-13-004, filed 6/2/16, effective 7/3/16)

WAC 308-391-104 Fees. (1) The nonrefundable processing fee for filing and indexing a UCC record is:

FILINGS	DELIVERY MODE	FEE INCLUDING SURCHARGE
Financing Statement	electronic	\$(18.00) 23.00
Financing Statement Amendment	electronic	\$(18.00) 23.00
UCC1 Financing Statement (1 or 2 pages)	mail	\$(25.00) 30.00
UCC3 Financing Statement Amendment (1 or 2 pages)	mail	\$(25.00) 30.00
UCC5 Correction Statement (1 or 2 pages)	mail	\$(25.00) 30.00
Attachment	mail and electronic	\$1.00 each page

(2) UCC search fee. The nonrefundable fee for processing a UCC search request is:

SEARCH TYPE	DELIVERY MODE	FEE
Search by debtor name	electronic	No charge
Search by file number	electronic	No charge
Debtor name search with copies	electronic	\$15.00
Search held to reflect the filing	electronic	\$10.00/debtor name
UCC11 Search response	mail	\$10.00
UCC11 Search response with copies	mail	\$15.00

SEARCH TYPE	DELIVERY MODE	FEE
Search held to reflect the filing (UCC1 box 7)	mail	\$10.00/debtor name

(3) The fees for purchase of bulk data are:

BULK DATA	DELIVERY MODE	FEE
Full text	electronic	\$500
Text plus images	electronic	\$1,000
Weekly updates	electronic	\$150