

WSR 13-17-005**PREPROPOSAL STATEMENT OF INQUIRY
SEATTLE COMMUNITY COLLEGES**

[Filed August 7, 2013, 2:40 p.m.]

Subject of Possible Rule Making: Public records request.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13), 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update and streamline the district's rules to better comply with the Public Records Act.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carin Weiss, Vice Chancellor, 1500 Harvard Avenue, Seattle, WA 98122, phone (206) 934-6744, e-mail carin.weiss@seattlecolleges.edu; or Charles Sims, Chief Human Resources Officer, 1500 Harvard Avenue, Seattle, WA 98122, phone (206) 934-4136, e-mail Charles.sims@seattlecolleges.edu.

August 7, 2013
Jill Wakefield
Chancellor

WSR 13-17-006**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed August 7, 2013, 4:41 p.m.]

Subject of Possible Rule Making: WAC 390-24-010 Forms for statement of financial affairs and 390-24-020 Forms for amending statement of financial affairs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110, 42.17A.125, and 42.17A.710.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission will consider amendments to modernize the form and improve the instructions contained on the form.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The commission is expected to begin discussing potential amendments at its August 22, 2013, meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by submitting comments to Lori Anderson, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737 or toll-free 1-877-601-2828, e-mail lori.anderson@pdc.wa.gov.

August 7, 2013
Lori Anderson
Communications and
Training Officer

WSR 13-17-007**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed August 7, 2013, 4:42 p.m.]

Subject of Possible Rule Making: WAC 390-05-400 Changes in dollar amounts and 390-16-050 Forms for contributions and expenditures of out-of-state political committee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110, 42.17A.125, and 42.17A.250 (1)(g).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- Possible amendment to WAC 390-05-400 to adjust contribution limits for inflation in accordance with RCW 42.17A.125.
- Possible amendment to WAC 390-05-400 to insert and adjust contribution limits for certain hospital commissioner candidates enacted by chapter 311, Laws of 2013, effective July 28, 2013.
- Possible amendment to WAC 390-16-050 to adjust the reporting threshold of contributions disclosed by an out-of-state political committee in accordance with WAC 42.17A.250.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The commission is expected to discuss and possibly approve draft language at its September 26, 2013, meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by submitting comments to Lori Anderson, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737 or toll-free 1-877-601-2828, e-mail lori.anderson@pdc.wa.gov.

August 7, 2013
Lori Anderson
Communications and
Training Officer

WSR 13-17-019**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed August 9, 2013, 10:07 a.m.]

Subject of Possible Rule Making: Expanding the definition of "precious metal" under RCW 21.30.010(17) of the Commodities Act of Washington to include palladium and copper.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.30.400, 21.30.010 (17)(d), 21.30.040 (1)(b).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington adopted its Commodities Act in 1987, based on the North American

Securities Administrators Association (NASAA) Model State Commodity Act (Model Act). Since that time, NASAA has amended the Model Act to expand the definition of "precious metal" to include palladium and copper, in addition to the initially covered metals of gold, silver and platinum. A majority of other states that have adopted the Model Act have amended their own laws to reflect this expanded definition. A primary reason to expand this definition would be to broaden the subject matter covered by the exemption for precious metal commodity contracts in RCW 21.30.040 (1)(b).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal agency governing commodity transactions is the Commodity Futures Trading Commission (CFTC). The federal Commodity Exchange Act permits the states to govern commodity transactions that fall outside the exclusive jurisdiction of the CFTC. RCW 21.30.180 permits cooperation with other state and federal agencies to encourage uniform application and interpretation of the act and related enforcement activity.

Process for Developing New Rule: The securities division is soliciting comments from interested persons and will adopt rules only after the consideration of public comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the decision to adopt the new rule by contacting Jordan Rood, Associate General Counsel, Department of Financial Institutions, Securities Division, 150 Israel Road S.W., Tumwater, WA 98501, phone (360) 902-8797, e-mail Jordan.Rood@dfi.wa.gov.

August 8, 2013
William M. Beatty
Director of Securities

August 11, 2013
Douglas L. Moore
Executive Secretary

WSR 13-17-026

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed August 12, 2013, 9:38 a.m.]

Subject of Possible Rule Making: Chapter 260-84 WAC, Penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission (WHRC) is considering adopting a new section to address trainers with multiple medication violations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Executive Secretary, WHRC, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

August 11, 2013
Douglas L. Moore
Executive Secretary

WSR 13-17-025

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed August 12, 2013, 9:22 a.m.]

Subject of Possible Rule Making: WAC 260-28-020 Stable names, registration names and restrictions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission (WHRC) is considering amending the restrictions on stable names and advertising.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Executive Secretary, WHRC, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

WSR 13-17-033

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Denturists)

[Filed August 12, 2013, 1:56 p.m.]

Subject of Possible Rule Making: Chapter 246-812 WAC, Denturists—Practice of denturism, amending the chapter to implement SHB 1271.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SHB 1271 (chapter 172, Laws of 2013), RCW 18.30.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1271, enacted in 2013, requires the board of denturists (board) to adopt rules that expand the scope of practice and to specify the education and training required for a licensed denturist to undertake expanded scope of practice activities. The board will also consider adopting rules that define the term "bruxism device," and address other matters needed to implement SHB 1271.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The board will be holding at least one public workshop before developing its proposed rules. The board will e-mail notices of its rule-making activities to those on its listserv and affected state associations (to sign up for this listserv go to <http://listserv.wa.gov/cgi-bin/wa?SUBED1=DENTURISTS&A=1>).

The board contact is Vicki Brown, Board of Denturists, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4865, vicki.brown@doh.wa.gov.

August 12, 2013
Blake T. Maresh
Executive Director

WSR 13-17-034
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Denturists)
[Filed August 12, 2013, 1:57 p.m.]

Subject of Possible Rule Making: Chapter 246-812 WAC, Board of denturists, amending the chapter to implement SHB 1270 (chapter 171, Laws of 2013) and to potentially make other rule changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.30.065, SHB 1270 (chapter 171, Laws of 2013).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1270 makes the board of denturists (board) the disciplinary authority for licensed denturists instead of the secretary of the department of health. Rule making is necessary to align the existing rules with this legislative change in authority. The board also is considering housekeeping changes to its rules, amending its continuing competency requirements, clarifying its inactive status license requirements, adopting sexual misconduct rules, changing the title from board of denture technology to board of denturists, and other rule changes that may be needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The board will be holding at least one public workshop before developing its proposed rules. The board will e-mail notices of its rule-making activities to those on its listserv and affected state associations (to sign up for this listserv go to <http://listserv.wa.gov/cgi-bin/wa?SUBED1=DENTURISTS&A=1>).

The board contact is Vicki Brown, Board of Denturists, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4865, vicki.brown@doh.wa.gov.

August 12, 2013
Blake T. Maresh
Executive Director

WSR 13-17-050
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2013-19—Filed August 14, 2013, 8:33 a.m.]

Subject of Possible Rule Making: Review and approval requirements for pediatric oral services when offered in stand-alone dental plans.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.43.715.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislation enacted during the 2013 session directs the commissioner to establish by rule, only to the extent permitted by federal law and guidance, the review and approval requirements and procedures for pediatric oral services offered in stand-alone dental plans. This rule making will affect nongrandfathered individual and small group markets outside of the exchange.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Health and Human Services: The commissioner will review regulations and subregulatory guidance issued by the department during the rule development.

Process for Developing New Rule: Submit written comments by September 24, 2013, to Donna Dorris, rules coordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Donna Dorris, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7040, fax (360) 586-3109, rulescoordinator@oic.wa.gov.

August 14, 2013
Mike Kreidler
Insurance Commissioner

WSR 13-17-055
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 15, 2013, 10:19 a.m.]

Subject of Possible Rule Making: WAC 392-140-915 Process and definition of K-3 high poverty eligibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2013-15 Biennial Appropriations Act makes receipt of K-1 high poverty funding contingent on districts demonstrating hiring to meet the funded

class size. Current rule does not inform districts as to if their schools are eligible for K-3 high poverty funding until October, after the school year starts. The intent of this CR-101 is to inform interested parties of changes in that timeline which will allow schools to be notified which schools are eligible to receive K-3 high poverty funds in the spring prior to the school year starting.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting T. J. Kelly, (360) 725-6301, thomas.kelly@k12.wa.us, P.O. Box 47200, Olympia, WA 98504.

August 15, 2013
Randy Dorn
State Superintendent
of Public Instruction

WSR 13-17-075
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 16, 2013, 1:22 p.m.]

The department of health is withdrawing the preproposal statement of inquiry (CR-101) for chapter 246-247 WAC, Radiation protection—Air emissions, which was filed on June 1, 2005, and published in the Washington State Register as WSR 05-12-140.

The original proposal was to clarify requirements and potentially create separate chapters for facilities subject to Nuclear Regulatory Commission rules versus those subject to Environmental Protection Agency rules for regulation of radioactive air emissions sources. At this time, the department of health does not have the resources to complete rule making.

If the department chooses to amend these rules later, a CR-101 will be filed so that the public may participate in the rule development process.

Any questions about this withdrawal should be directed to John Martell, radioactive air emissions manager, (509) 946-3798, or e-mail john.martell@doh.wa.gov.

John Wiesman, DrPH, MPH
Secretary

WSR 13-17-077
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed August 16, 2013, 2:14 p.m.]

Subject of Possible Rule Making: Adoption of rules, or amendment of existing rules, necessary to establish a state accountability framework as specified in E2SSB 5329 (chapter 159, Laws of 2013), and amendment of certain state board

of education rules for increased clarity and alignment with current statute. Rules to be amended include chapter 180-17 WAC, Accountability, WAC 180-51-115 Procedures for granting high school graduation credits for students with special educational needs, 180-51-001 Education reform vision, and 180-51-075 Social studies requirement—Mandatory courses—Equivalencies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The statutory authority for rules on the state accountability framework is RCW 28A.657.110 as amended by chapter 159, Laws of 2013; for the other rules, statutory authority is RCW 28A.230.060, 28A.230.090, and 28A.230.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on establishment of a state accountability framework are required by E2SSB 5329. In addition, some state board of education rules require amendment to clarify practice and align with current statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Aspects of the state accountability system are also regulated by the office of the superintendent of public instruction (OSPI). State board of education staff will meet regularly with OSPI staff to coordinate rule making.

Process for Developing New Rule: The state board of education will solicit comment on proposed rules from school district boards of directors, education organizations, OSPI, parents, teachers and other interested parties. The state board of education and OSPI consults regularly with the achievement and accountability workgroup composed of representatives of government agencies, educational associations and organizations, and the state ethnic commissions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Linda Drake, Senior Policy Analyst, Washington State Board of Education, Old Capitol Building, Room 253, P.O. Box 47206, Olympia, WA 98504. Interested parties are encouraged to submit comments in writing to linda.drake@k12.wa.us.

August 6, 2013
Ben Rarick
Executive Director

WSR 13-17-081
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed August 19, 2013, 10:02 a.m.]

Subject of Possible Rule Making: Changes to WAC 139-05-210 are needed to provide clarification and to streamline the existing process and requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Applicants will now need to attend the first available session of the equivalency academy regardless if it is held within the first sixty days of hire.

Equivalency academies are held every three months; this change will eliminate lengthy gaps in training.

It is not the Washington state criminal justice training commission's (WSCJTC) responsibility to ensure future police officers have a current and valid driver's license and basic first aid card; the responsibility lies with the employing agency.

All applicants must have emergency vehicle operations training. If they do not, it will be provided at the employer's expense.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSCJTC regulates this process.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sonja Hirsch, Rules Coordinator, WSCJTC, 19010 1st Avenue South, Burien, WA 98148, e-mail shirsch@cjtc.state.wa.us, phone (206) 835-7372. Commissioners will be advised of the proposed rule changes via e-mail. Proposed changes will also be listed on the agency web site.

August 19, 2013
Sonja Hirsch
Executive Assistant
and Rules Coordinator

WSR 13-17-087

PREPROPOSAL STATEMENT OF INQUIRY CRIMINAL JUSTICE TRAINING COMMISSION

[Filed August 20, 2013, 7:18 a.m.]

Subject of Possible Rule Making: New section WAC 139-05-241 is being proposed to provide guidelines for law enforcement agencies who wish to sponsor an applicant for basic law enforcement training who is not employed by or volunteering for the agency as a fully commissioned law enforcement officer.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- This new rule allows applicants to pay their own admission, either through personal funds or federal G.I. Bill, to the basic law enforcement academy when sponsored by a law enforcement agency.
- Sponsored applicants will not be given priority status for admittance into the Basic Law Enforcement Academy; only those that are fully commissioned peace officers.
- Sponsored applicants must carry and provide proof of adequate medical coverage for the duration of the academy.

- Sponsored applicants must satisfy all other admission requirements to include those outlined in WAC 139-05-220, 139-05-230, and 139-05-240.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state criminal justice training commission (WSCJTC) regulates this process.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sonja Hirsch, Rules Coordinator, WSCJTC, 19010 1st Avenue South, Burien, WA 98148, e-mail shirsch@cjtc.state.wa.us, phone (206) 835-7372. Commissioners will be advised of the proposed rule changes via e-mail. Proposed changes will also be listed on the agency web site.

August 20, 2013
Sonja Hirsch
Executive Assistant
and Rules Coordinator

WSR 13-17-091

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed August 20, 2013, 12:07 p.m.]

Subject of Possible Rule Making: Chapter 246-310 WAC, Certificate of need and chapter 246-320 WAC, Hospital licensing regulations. The department of health (DOH) is considering amending rules to address health care facility affiliations, corporate restructuring, mergers and other arrangements, and greater consumer transparency, in compliance with the directive of the Governor 13-12.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.38.115 and 70.38.135 for chapter 246-310 WAC; and chapter 70.41 RCW for chapter 246-320 WAC.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DOH is directed by the directive of the Governor 13-12 to initiate rule making to consider how the structure of affiliations, corporate restructuring, mergers, and other arrangements between health care facilities result in outcomes similar to traditional methods of sales, purchasing and leasing of hospitals, particularly when control of part or all of an existing hospital changes from one party to another. DOH is also directed to consider ways to improve transparency for consumer information and ease of use by ensuring hospitals provide their policies of nondiscrimination, end-of-life care, and reproductive care services to the department for posting on its web site.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Centers for Medicare and Medicaid Services (CMS) certify certificate of need (CoN) hospitals. Department of social and health services (DSHS) and the health care authority (HCA) are also involved in medicaid and medicare billing and reimbursement issues for CoN hos-

pitals. The department will coordinate with DSHS, HCA, and CMS as appropriate.

Process for Developing New Rule: DOH will use a collaborative rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can receive information on the rule-making process by contacting Janis Sigman, Program Manager, DOH, Health Systems Quality Assurance, Office of Health Professions and Facilities, P.O. Box 47852, 111 Israel Road S.E., Olympia, WA 98504-7853, e-mail janis.sigman@doh.wa.gov, phone (360) 236-2956, or fax (360) 236-2321.

August 20, 2013
Jessica Todorovich
Deputy Secretary
for John Wiesman, DrPH, MPH

WSR 13-17-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 21, 2013, 9:21 a.m.]

Subject of Possible Rule Making: Chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.87 RCW and chapter 4, Laws of 2013 (3ESSB 5034).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The elevator program was given the authority by 3ESSB 5034, which passed the legislature in 2013, to increase the elevator fees by 13.1 percent. The Legislature gave the elevator program an additional six new FTEs as requested by the department. The elevator program's budget and projected revenue were evaluated and the 13.1 percent fee increase was necessary to support the program's expenditures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Department of Labor and Industries, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6244, fax (360) 902-5292, e-mail alicia.curry@lni.wa.gov.

August 21, 2013
Joel Sacks
Director

WSR 13-17-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed August 21, 2013, 9:25 a.m.]

Subject of Possible Rule Making: WAC 458-20-185 Tax on tobacco products and 458-20-186 Tax on cigarettes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amendments to the rules on the taxation of tobacco products and cigarettes to reflect legislative changes since 2010.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A preliminary draft of possible rule changes is available via the department's online Rules Agenda.

Written comments may be submitted by mail and should be directed to David Hesford, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail DavidH@dor.wa.gov.

Written and oral comments will be accepted at the public meeting.

Public Meeting Location: Capital Plaza Building, 4th Floor Executive Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on October 1, 2013, at 10:00 a.m.

Assistance For Persons With Disabilities: Contact Mary Carol LaPalm, (360) 725-7499 or Renee Cosare, (360) 725-7514, no later than ten days before the meeting date. For hearing impaired please contact us via the Washington relay operator at (800) 833-6384.

August 21, 2013
Alan R. Lynn
Assistant Director

WSR 13-17-105
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed August 21, 2013, 9:52 a.m.]

Subject of Possible Rule Making: WAC 182-500-0045 Medical assistance definitions—H, 182-500-0085 Medical assistance definitions—P, 182-501-0060 Health care coverage—Program benefits packages—Scope of service categories, 182-501-0065 Health care coverage—Description of categories of service, and possibly other related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021; 3ESHB 5034 (chapter 4, Laws of 2013); and the Patient Protection and Affordable Care Act (Public Law 111-148).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) will be reviewing and updating as necessary its program benefits packages and scope of health care service categories effective January 1, 2014, to comply with changes required by the federal Affordable Care Act and recently passed state budget. Some of the changes include adding alternative benefit plan (ABP) as a program; adding applied behavior analysis (ABA) and habilitation services as categories of service; adding preventive exams, vaccinations, and screening, brief intervention, referral and treatment (SBIRT) for chemical dependency to health care professional services; defining habilitation services; and adding naturopathy to the definition of "physician."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services (division of behavioral health and recovery and division of vocational rehabilitation).

Process for Developing New Rule: HCA welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail kevin.sullivan@hca.wa.gov.

August 21, 2013
Kevin M. Sullivan
Rules Coordinator

WSR 13-17-107

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY (Medicaid Program)

[Filed August 21, 2013, 9:57 a.m.]

Subject of Possible Rule Making: Chapter 182-531 WAC, Physician-related services and possibly other related sections as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Patient Protection and Affordable Care Act (Public Law 111-148), 3ESHB 5034 (chapter 4, Laws of 2013), and RCW 41.05.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) must implement federal requirements under the Affordable Care Act and the budget-driven benefit changes under the legislative session of 2013 concerning: Removing mental health visit limits for kids and adults and expanding the list of qualified providers for adults; adding shingles vaccinations; adding preventive medicine evaluation and management services; adding periodic screening for developmental delay and autism for a child suspected of having a condi-

tion classified on the autism spectrum disorder; adding "screening, brief intervention, referral and treatment (SBIRT) services for chemical dependency; adding naturopathic physicians as primary care providers; adding suppliers of complex rehabilitation technologies; adding telemedicine as a mode for delivery of care; and adding habilitation services for the newly eligible under medicaid expansion. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The division of vocational rehabilitation and the division of behavioral health and recovery with the department of social and health services.

Process for Developing New Rule: HCA welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Barcus (Boedigheimer), P.O. Box 42716, Olympia, WA 98504-2716, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.boedigheimer@hca.wa.gov.

August 21, 2013
Kevin M. Sullivan
Rules Coordinator

WSR 13-17-116

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket UW-131386—Filed August 21, 2013, 11:23 a.m.]

Subject of Possible Rule Making: The Washington utilities and transportation commission (commission) initiates this rule-making inquiry to consider the need to clarify jurisdiction over water companies, homeowner associations, cooperatives and mutual corporations, or similar entities, under WAC 480-110-245 and 480-110-255.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, and 80.04.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During a recent classification proceeding, commission staff (staff) became aware that part of the commission's rule on jurisdiction over water companies, WAC 480-110-255 (2)(e) and (f), may be read to exempt from commission regulation certain entities that are not exempt. To avoid this problem, staff proposes that the commission consider repealing WAC 480-110-255 (2)(e) and (f), relating to homeowner associations, cooperatives, mutual corporations and similar entities. Staff proposes the commission consider addressing the jurisdictional status of such entities, preferably in a policy statement, or in the rule. Also, staff proposes to define the terms "for hire" and "to the

public" in WAC 480-110-245 Glossary, in addition to other minor changes in WAC 480-110-255 Jurisdiction, subsections (1)(b), (2)(a).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file written comment with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail at records@utc.wa.gov, or through the commission's web portal at www.utc.wa.gov/e-filing by **5:00 p.m., Monday, September 23, 2013.**

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **Monday, September 23, 2013.**

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the commission's web portal at www.utc.wa.gov/e-filing or by electronic mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (UW-131386).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy to the commission's records center on a CD or flash drive, in .pdf Adobe Acrobat format or in Word 2010 or later format. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/131386>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at records@utc.wa.gov, or (3) mail written comments to the address above to the attention of Steven V. King, executive director and secretary. When contacting the commission, please refer to Docket UW-131386 to ensure that you are placed on the appropriate service list. Questions may be addressed to Penny Ingram at (360) 664-1242 or e-mail pigram@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING—The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UW-131386, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket UW-131386, and the words "Please keep me on the mailing list" to records@utc.wa.gov. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/131386>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

August 21, 2013
Steven V. King
Executive Director
and Secretary

WSR 13-17-117

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMERCE

[Filed August 21, 2013, 11:39 a.m.]

Subject of Possible Rule Making: Chapter 194-37 WAC, Energy Independence Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.285.080(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update rules governing implementation of the Energy Independence Act by qualifying electric utilities other than investor-owned utilities. Potential updates would (a) incorporate the effect of statutory changes to chapter 19.285 RCW since the rules were adopted in 2008; (b) delete outdated or superseded provisions; (c) delete definitions that duplicate or conflict with statutory definitions; (d) correct cross-references; and (e) clarify or correct provisions that no longer reflect current industry practices or have proven unclear in implementation. The Energy Independence Act has been amended by the legislature six times since chapter 194-37 WAC was adopted in 2008: 2009/565, 2012/22, 2012/254, 2013/61, 2013/99, and 2013/158.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The utilities and transportation commission regulates investor-owned utilities, including their compliance with the Energy Independence Act. The state auditor reviews the compliance of municipal utilities and public utility districts with the Energy Independence Act. The Northwest Power Planning Council prepares plans for acquisition of conservation and renewable resources for the region that includes Wash-

ington. Commerce will consult with these agencies in developing potential changes to chapter 194-37 WAC.

Process for Developing New Rule: Standard rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meg O'Leary, P.O. Box 42525, Olympia, WA 98504-2525, meg.oleary@commerce.wa.gov, (360) 725-3121. All rule-making documents and schedules will be posted on the agency web site. Commerce will host stakeholder webinars and meetings seeking input. Likely participants include affected electric utilities, owners and developers of renewable energy projects, public and environmental interest groups, and the agencies listed above. Those interested in providing input may attend meetings or provide information via e-mail or other printed submission.

August 21, 2013
Nick Demerice
Director of
External Relations