

WSR 11-08-007**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed March 28, 2011, 10:24 a.m.]

Subject of Possible Rule Making: Chapter 392-153 WAC, School safety patrol.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.220 RCW and RCW 46.20.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to this WAC will update the regulations to the current standards. New language regarding the student transportation allocation reporting system and walk routes need to be added to this chapter. In addition, some technical corrections need to be made.

Process for Developing New Rule: Other [no further information provided by agency].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allan J. Jones, Director, Student Transportation, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, or fax (360) 586-6124, allan.jones@k12.wa.us.

March 28, 2011

Randy Dorn
Superintendent of
Public Instruction

WSR 11-08-057**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed April 5, 2011, 2:34 p.m.]

Subject of Possible Rule Making: WAC 363-116-xxx Challenges to board actions concerning licensing determinations and appeal procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To enact procedures for challenging board determinations made pursuant to WAC 363-116-080 as to whether a trainee should be issued a pilot's license. Currently, there is no such framework enacted to specifically address challenges to decisions made pursuant to WAC 363-116-080. Conversely, there are procedures for challenging determinations as to whether pilot applicants successfully passed the written tests and simulator tests, which are found in WAC 363-116-083 and 363-116-084. The proposed WAC would set forth the procedures for challenging the board's determinations made pursuant to WAC 363-116-080, which would include express notice requirements, procedures for any adjudicative proceeding and pre-hearing discovery, and the scope of any hearing and related procedures.

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 board's legal counsel is drafting the proposed language for this rule and will be discussing it with the board's legislative/WAC committee and at monthly board meetings. Stakeholder comments are welcome. Upon further review and consideration of this proposal, a public hearing will be scheduled to consider the proposed new rule pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Larson, Administrator, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, LarsonP@wsdot.wa.gov, www.pilotage.wa.gov.

April 5, 2011

Peggy Larson
Administrator

WSR 11-08-060**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Basic Health)**

[Order 11-01—Filed April 6, 2011, 8:04 a.m.]

Subject of Possible Rule Making: Amending chapters 182-22 and 182-24 WAC to revise rules for the basic health (BH) plan regarding the appeals process and as a result of state and federal legislation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) intends to amend agency rules, concerning the appeals process. Other changes and corrections that arise during this rule making may be incorporated as a result of federal rules promulgated to implement the Patient Protection and Affordable Care Act (national healthcare reform) or state legislation. In addition to these specific subject areas, the HCA will conduct a full review of BH rules and make any necessary technical corrections.

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

Process for Developing New Rule: Meetings with stakeholders, stakeholder mailings, collection and review of stakeholder comments and public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information regarding this rule making will be posted on the agency web site, [HTTP://www.hca.wa.gov/laws_rules.html](http://www.hca.wa.gov/laws_rules.html), or you may contact Alyson Chase, Basic Health Communications Manager, P.O. Box 42683, Olympia, WA 98504-2683, (360) 923-2765 or e-mail Alyson.chase@hca.wa.gov.

April 6, 2011

Jason Siems
Rules Coordinator

WSR 11-08-061
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Filed April 6, 2011, 8:55 a.m.]

The department of ecology withdraws the CR-101 pre-proposal statement of inquiry, WSR 10-18-007, filed on August 19, 2010, chapter 173-98 WAC, Use and limitations of the water pollution control revolving fund.

The department of ecology is filing another CR-101 that includes both chapter 173-98 WAC, Use and limitations of the water pollution control revolving fund and chapter 173-95A WAC, Use and limitation of centennial clean water funds. This new filing addresses issues of consistency between these two rules as necessary to administer the water quality's joint funding program, as well as issues identified for the original CR-101. This rule making will address:

- Incorporating provisions in the 2010 clean water state revolving fund federal appropriation (e.g. green project reserves, forgivable principal).
- Reviewing the allocation of funds between project categories (e.g., facility, activity, or green project reserves).
- Creating a set-aside for preconstruction activities (e.g. planning and design).
- Maintaining consistency between the state revolving fund (SRF) and centennial grant programs.
- Setting a minimum score on applications in order to receive funding.
- Reviewing the list of eligible and ineligible projects to be consistent with Environmental Protection Agency guidance and to define the list of low impact development techniques.
- Revisiting eligibility of projects that serve only industrial and commercial wastewater or stormwater.
- Addressing the usefulness of hardship funding for storm-water projects.
- Requiring an enterprise accounts [account] for all SRF loan recipients.
- Other issue[s] that emerge during the public comment period.
- Cleaning up miscellaneous housekeeping items (e.g., minor corrections, typos).

Kelly Susewind
 Water Quality
 Program Manager

WSR 11-08-062
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 10-14—Filed April 6, 2011, 9:00 a.m.]

Subject of Possible Rule Making: This rule making would amend chapters 173-98 and 173-95A WAC to address:

- Incorporating provisions in the 2010 clean water state revolving fund federal appropriation (e.g. green project reserves, forgivable principal).

- Reviewing the allocation of funds between project categories (e.g., facility, activity, or green project reserves).
- Creating a set-aside for preconstruction activities (e.g., planning and design).
- Maintaining consistency between the state revolving fund (SRF) and centennial grant programs.
- Setting a minimum score on applications in order to receive funding.
- Reviewing the list of eligible and ineligible projects to be consistent with Environmental Protection Agency (EPA) guidance and to define the list of low impact development techniques.
- Revisiting eligibility of projects that serve only industrial and commercial wastewater or stormwater.
- Addressing the usefulness of hardship funding for storm-water projects.
- Requiring an enterprise accounts [account] for all SRF loan recipients.
- Other issue[s] that emerge during the public comment period.
- Cleaning up miscellaneous housekeeping items (e.g., minor corrections, typos).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.50A RCW, RCW 90.48.035, 43.21.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The SRF program is funded in part through a grant from the EPA through the Clean Water Act. It is necessary to comply with new provisions in the federal appropriations under the federal Clean Water Act in order to receive the EPA funding. If we do not conduct the proposed rule making we may run the risk of losing EPA funding.

The SRF program is managed along with the centennial grant program using a single application form and a combined application process. It is important to maintain consistency between the SRF and centennial program because of the combined funding process.

The 2010 clean water state revolving fund federal appropriation created a new set aside for green project reserves that is not accounted for in the current SRF rule funding categories.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The rule-making process will be coordinated with EPA as the federal agency administering the Clean Water Act funding. Also, we intend to coordinate the rule-making process with other state (e.g. department of commerce) and federal (e.g. USDA-rural development) agencies that we partner with on funding wastewater treatment projects and provide technical assistance to local governments.

Process for Developing New Rule: We intend to involve stakeholders in the rule-making process by using the water quality program's financial advisory council, existing water quality program clients, stakeholder groups for the SRF and other water quality financial assistance programs, and by holding public meetings and hearings for interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joseph Coppo, Ecology, P.O. Box 47600, Olympia, WA 98504, (360) 407-6510, fax (360) 407-

7151, joseph.coppo@ecy.wa.gov; Jeff Nejedly, Ecology, P.O. Box 47600, Olympia, WA 98504, (360) 407-6566, fax (360) 407-7151, jeff.nejedly@ecy.wa.gov, web site http://www.ecy.wa.gov/programs/wq/funding/funding.html.

April 5, 2011
Kelly Susewind
Program Manager

WSR 11-08-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medicaid Purchasing Administration)

[Filed April 6, 2011, 10:04 a.m.]

Subject of Possible Rule Making: WAC 388-545-300 Occupational therapy, 388-545-500 Physical therapy, 388-545-700 Speech/audiology services, 388-545-900 Neurodevelopmental centers, and 388-551-2110 Home health services—Covered specialized therapy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 43.88.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Upon order of the governor, the medicaid purchasing administration (MPA) must reduce its budget expenditures for the current fiscal year ending June 30, 2011, by 6.3 percent. To achieve this expenditure reduction, MPA is changing the benefit limit for adults, twenty-one years of age and older, for outpatient rehabilitation (which includes occupational therapy, physical therapy, and speech therapy). The new benefit limits apply to skilled therapy services through a medicare-certified home health agency as well as therapies provided by physical therapists, occupational therapists, and speech therapists in outpatient hospital clinics and free-standing therapy clinics.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to 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. Boedigheimer, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.boedigheimer@dshs.wa.gov.

April 6, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-08-066
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medicaid Purchasing Administration)

[Filed April 6, 2011, 10:08 a.m.]

Subject of Possible Rule Making: WAC 388-438-0125 Alien nursing facility program (state-funded).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, ESHB 1086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state legislature enacted ESHB 1086 on February 18, 2011, which states "the department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs."

The state provides nursing facility care for approximately forty-five state only alien medical clients who are discharged from hospitals with acute/long-term medical conditions. Of the forty-five state-only funded nursing home slots, forty will be moved into adult family homes. These rules will allow the department to continue to provide medical coverage to maintain current levels of medical care and a consistent level of services for these clients.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to 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 Jason Crabbe, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1346, fax (360) 586-9727, TTY 1-800-848-5429, e-mail jason.crabbe@dshs.wa.gov.

April 6, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-08-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed April 6, 2011, 10:09 a.m.]

Subject of Possible Rule Making: The department is proposing to amend rules, or adopt new sections, regarding the allowable use of benefits for cash and food assistance programs. This may include amending rules in chapters 388-412 and 388-446 WAC, WAC 388-472-0005, and other related

rules, and include the creation of a new chapter and WAC section(s).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, 9.91.142, 7 C.F.R. 273.16, the Food and Nutrition Act of 2008 as amended and 42 U.S.C. 601a.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments proposed under this filing are needed to incorporate federal regulations regarding the allowable use of supplemental nutrition assistance program (SNAP) benefits. Amendments will provide definitions of trafficking and adopt federal penalties for trafficking of food assistance benefits. Additionally amendments may be necessary to conform with restrictions regarding the use of EBT food and cash during the 2011 legislative session or necessary to carry out the purposes of the cash and food assistance programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS incorporates regulations from federal agencies, exercises state options, and implements approved waivers and demonstration projects by adopting administrative rules for the federal SNAP administered as the Washington Basic Food program. DSHS adopts rules for cash assistance conforming to federal regulations under Title 45 C.F.R., Title IV-A of the Social Security Act, Title 74 RCW and the approved TANF state plan.

Process for Developing New Rule: Negotiated rule making, DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to 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 Holly St. John, Community Services Division, P.O. Box 45470, Olympia, WA 98504-4904, phone (360) 725-4895, fax (360) 725-4904, e-mail stjohhc@dshs.wa.gov.

April 6, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-08-069

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed April 6, 2011, 10:17 a.m.]

Subject of Possible Rule Making: The department is proposing to amend all necessary sections in Title 388 WAC to implement annual adjustments to standards for WASHCAP and the Washington Basic Food program. The proposed changes include updates to the following standards for federal fiscal year 2012: WAC 388-412-0015 General information about your Basic Food allotments, 388-450-0185

What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits?, 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food?, 388-450-0195 Does the department use my utility costs when calculating my Basic Food or WASHCAP benefits?, 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food?, 388-492-0070 How are my WASHCAP food benefits calculated?, and any other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These standards are required by federal regulations and approved department waivers. Under federal regulations these standards must be adjusted annually in order to determine a client's eligibility and benefit level for the Washington Basic Food program or the WASHCAP.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) annually adjusts income and payment standards, the standard deduction, and maximum shelter deductions for the upcoming federal fiscal year. FNS also requires that the department adjust the supplemental nutrition assistance program (SNAP) utility allowance and WASHCAP standards on an annual basis. DSHS adopts the new FNS standards into administrative rule. The department adjusts WASHCAP standards as required under the department's approved waiver based on changes to the consumer price index.

The department will update the current standard utility allowance (SUA) for Basic Food, adjusting for inflation for the various utilities included in the SUA deduction and submitting proposed standards to FNS for approval. The standards approved by FNS will be adopted by the department for use in determining monthly benefits for Basic Food and WASHCAP.

Process for Developing New Rule: Negotiated rule making, DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to 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 Holly St. John, Policy Analyst, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4895, fax (360) 725-4904, e-mail stjohhc@dshs.wa.gov.

April 5, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-08-071**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed April 6, 2011, 10:20 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-450-0015, 388-455-0005, 388-470-0045, 388-470-0055, 388-475-0550, 388-475-0860, and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments are necessary to comply with federal regulations announcement dated December 17, 2010, which requires states to disregard federal income tax refunds received after December 31, 2009, as income in the month received, and as a resource for twelve months when determining eligibility for any program that is funded in whole or part with federal funds, such as TANF, SNAP, and medicaid.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Health and Human Services Administration for Children and Families, and the United States Department of Agriculture Food and Nutrition Service enforces provisions as enacted in the "Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010" (P.L. 111-312). The law includes a provision that disregards tax refunds received after December 31, 2009, as income and resources (for a period of twelve months) in programs funded in whole or part with federal funds, included [including] those operated by states. The department will develop amendments to budgeting rules that are consistent with this act.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone [on] the mailing list and to 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 Kerry Judge-Kemp, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4630, fax (360) 725-4905, e-mail judgeka@dshs.wa.gov.

April 6, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-08-077**PREPROPOSAL STATEMENT OF INQUIRY
REDISTRICTING COMMISSION**

[Filed April 6, 2011, 11:24 a.m.]

Subject of Possible Rule Making: Rules governing the operations of the redistricting commission; updating the address and contact information for the commission, updating to current standards, the options for electronic filing of third party plans, correcting statutory citations changed through prior recodification; and eliminating use of tenth edition of Robert's Rules of Order.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 44.05.080(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to Washington Constitution Art. II, Section 43, and RCW 44.05.030, the Washington redistricting commission is required to submit to the state legislature, no later than January 1, 2012, a redistricting plan. Further, the redistricting commission's administrative rules encourage members of the public to submit proposed redistricting plans, and provide that early submission of third party plans is encouraged. In order for the public to be able to participate in a timely and meaningful way in the development of a redistricting plan, the procedures applicable to the redistricting process must be known to the public. These procedures include such things as a correct address for plan submission.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The U.S. Census Bureau collects the census information upon which the state redistricting is based. The redistricting commission uses the population and demographic data, citizen input, and the parameters provided in statute to devise new legislative and congressional district plans. The secretary of state's office uses the new district plans in managing elections. No other agencies regulate this subject.

Process for Developing New Rule: Rule changes are simple updates to the commission address and contact information, correction of statutory citations, elimination of the use of Robert's Rules of Order, tenth edition, and modernizing the forms of electronic submission of third party plans.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A public hearing on the rule changes will be held at the Washington Redistricting Commission Offices, 1063 Capitol Way South, Suite 16, Olympia, WA 98504, on July 6 or later. Comments and questions may be e-mailed, faxed, or mailed to the address below.

Contact for Comments to Rule Changes: Bonnie Bunning, Executive Director, Washington Redistricting Commission, P.O. Box 40948, Olympia, WA 98504, phone (360) 786-0040, e-mail bonnie.bunning@redistricting.wa.gov, fax (360) 586-0433.

March 29, 2011
Bonnie Bunning
Executive Director