

WSR 11-17-001**PREPROPOSAL STATEMENT OF INQUIRY
OLYMPIC COLLEGE**

[Filed August 3, 2011, 1:17 p.m.]

Subject of Possible Rule Making: Distribution of printed material on campus.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing WAC 132C-10-010 is redundant to WAC 132C-10-009. For clarity, and to eliminate any conflict, the college is rescinding WAC 132C-10-010.

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

Process for Developing New Rule: Review by president's cabinet and the board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Thomas Oliver, Olympic College, rules coordinator, (360) 475-7502 or toliver@olympic.edu to provide comments on this rule.

August 3, 2011
Thomas Oliver
Rules Coordinator

WSR 11-17-002**PREPROPOSAL STATEMENT OF INQUIRY
OLYMPIC COLLEGE**

[Filed August 3, 2011, 1:17 p.m.]

Subject of Possible Rule Making: Weapons and fireworks policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This new policy for Olympic College is required by RCW 28B.10.569. It establishes prohibitions for weapons and fireworks on college property to assist in the maintenance of a safe environment for students, staff, faculty and visitors.

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

Process for Developing New Rule: Review by the president's cabinet and the board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Thomas Oliver, Olympic College, rules coordinator, (360) 475-7502 or toliver@olympic.edu to provide comments on this rule.

August 3, 2011
Thomas Oliver
Rules Coordinator

WSR 11-17-014**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed August 4, 2011, 11:58 a.m.]

Subject of Possible Rule Making: Raffles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0277.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Blair Smith, 50/50 Central, Ltd. The proposed amendment would authorize electronic accounting software for selling raffle tickets at a discount.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Arland@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] September 8 and 9, 2011, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-7718, visit www.wsgc.wa.gov on September 1 to confirm meeting location and start time; on October 13 and 14, 2011, at Spokane, Washington, visit www.wsgc.wa.gov on October 1 to confirm meeting location and start time; and on November 17 and 18, 2011, at the Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857, visit www.wsgc.wa.gov on November 1 to confirm meeting location and start.

August 4, 2011
Susan Arland
Rules Coordinator

WSR 11-17-017**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed August 4, 2011, 2:48 p.m.]

Subject of Possible Rule Making: Chapter 363-11 WAC, Practice and procedure—Board of pilotage commissioners.

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: The purpose of the proposed revisions to chapter 363-11 WAC is to update the board's practices and procedures for administrative hearings so that they are consistent with the Administrative Procedure Act model rules of procedure (chapter 10-08 WAC), and chapter 363-116 WAC, and the civil rules of Washington.

The proposed changes are also intended to modify the scope of hearings and associated discovery currently permitted under chapter 363-11 WAC.

Housekeeping revisions will also be made as necessary.

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 proposed revisions to these rules and will be discussing them with the board's legislative/WAC committee, the exam 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 rules 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, Executive Director, 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.

August 4, 2011
Peggy Larson
Executive Director

WSR 11-17-057

PREPROPOSAL STATEMENT OF INQUIRY CRIMINAL JUSTICE TRAINING COMMISSION

[Filed August 15, 2011, 7:46 a.m.]

Subject of Possible Rule Making: New WAC 139-05-100. RCW 36.28.025 states "A person who files a declaration of candidacy for the office of sheriff after September 1, 1979, shall have, within twelve months of assuming office, a certificate of completion of a basic law enforcement training program which complies with standards adopted by the criminal justice training commission pursuant to RCW 43.101.-080 and *43.101.160." This new rule will establish a standard for basic law enforcement training for newly elected sheriffs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: None.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The requirements set forth in this RCW have not previously been included in a WAC. After conferring with the Washington State Sheriff's Association and the Washington state criminal justice training commission (WSCJTC), it was determined that a WAC should be written to establish a standard for the basic law enforcement training program for sheriff candidates elected to office after September 1, 1979.

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; and agency study.

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. Com-

missioners will be advised of the proposed rule changes via e-mail. Proposed changes will also be listed on the agency web site.

August 9, 2011

Sonja Hirsch
Executive Assistant,
Certification Records Manager
and Rules Coordinator

WSR 11-17-060

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed August 15, 2011, 10:23 a.m.]

Subject of Possible Rule Making: Coastal recreational bottomfish and halibut fishing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.020 and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering implementing a new yelloweye rockfish conservation area (YRCA) off the southern coast. A YRCA is an area that is closed to recreational fishing for bottomfish and halibut in order to protect yelloweye rockfish that may be incidentally caught while anglers are targeting other fish. Yelloweye rockfish are one of seven overfished species managed under rebuilding plans by the Pacific Fishery Management Council (PFMC). The retention of yelloweye rockfish is prohibited in all coastal waters.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The PFMC manages groundfish fisheries in coastal waters, and the National Marine Fisheries Service (NMFS) adopts regulations developed through the PFMC. WDFW will recommend that PFMC approve and NMFS adopt federal regulations that conform to this rule. The department has the authority to adopt regulations that are more restrictive than federal regulations.

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 Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail Lori.Preuss@dfw.wa.gov. Contact by October 10, 2011. Expected proposal filing date is October 19, 2011.

August 15, 2011
Lori Preuss
Rules Coordinator

WSR 11-17-063
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed August 16, 2011, 7:42 a.m.]

Subject of Possible Rule Making: Authorizing the Washington state criminal justice training commission (WSCJTC) to establish standards for the conditions of employment for the position of a certified law enforcement officer or a reserve law enforcement officer to include background investigation consisting of a check of criminal history, a psychological examination, and a polygraph or similar assessment as administered by the county, city, or state law enforcement agency.

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: SHB 1567 passed into law in the 2011 session authorizes the WSCJTC to require county, city, or state law enforcement agencies, that make a conditional offer of employment to an applicant as a fully commissioned peace officer or a reserve officer, to administer a background investigation including a check of criminal history, a psychological examination, and a polygraph test or similar assessment to each applicant in compliance with the standards established by the WSCJTC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The commission 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, Doug Blair, Certification Investigator, e-mail dblair@cjtc.state.wa.us, phone (509) 230-1280. Commissioners will be advised of the proposed rule changes via e-mail. Proposed changes will also be listed on the agency web site.

August 16, 2011
 Sonja Hirsch
 Executive Assistant,
 Certification Records Manager
 and Rules Coordinator

WSR 11-17-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed August 17, 2011, 12:18 p.m.]

Subject of Possible Rule Making: Procedures for real estate licensees to follow when providing home buyers with home inspector referrals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.041 and 18.85.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Required by statute - will

provide guidance to designated brokers in establishing procedures for their affiliated licensees to follow.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jerry McDonald, Administrator, P.O. Box 2445, Olympia, WA 98507, (360) 664-6525, e-mail jmcDonald@dol.wa.gov.

August 17, 2011
 Ben T. Shomshor
 Agency Rules Coordinator

WSR 11-17-086
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 18, 2011, 10:39 a.m.]

Subject of Possible Rule Making: WAC 392-123-132 Finance—School district budgeting—Reconciliation of monthly county treasurers' statements to district records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Order 8-76, § 392-123-132, filed 7/23/76.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amended rule provides relief to districts.

Process for Developing New Rule: Consideration of public comments and recommendations in the course of amending rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael J. (Mike) Dooley, (360) 725-6305.

August 18, 2011
 Randy Dorn
 State Superintendent

WSR 11-17-087
PREPROPOSAL STATEMENT OF INQUIRY
OLYMPIC COLLEGE

[Filed August 18, 2011, 12:44 p.m.]

Subject of Possible Rule Making: Public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes will bring chapter 132-276 [132C-276] WAC up-to-date and consistent with current practices.

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

Process for Developing New Rule: Review by president's cabinet and the board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Thomas Oliver, Olympic College, rules coordinator, (360) 475-7502 or toliver@olympic.edu to provide comments on this rule.

August 18, 2011
Thomas Oliver
Rules Coordinator

WSR 11-17-095

PREPROPOSAL STATEMENT OF INQUIRY FOREST PRACTICES BOARD

[Filed August 22, 2011, 11:22 a.m.]

Subject of Possible Rule Making: Title 222 WAC, pertaining to the forestry riparian easement program (FREP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2011 legislature passed ESHB 1509 amending chapter 76.13 RCW which established the forestry riparian easement program. Rule amendments will reflect changes in the statute.

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 will request input from interested stakeholders in the development of rule language. The board will seek agreement from the department of ecology, and solicit input from counties, the Washington department of fish and wildlife, and tribes pursuant to RCW 76.09.040(2).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Mail, fax, or e-mail comments to Patricia Anderson, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practicesboard@dnr.wa.gov.

August 10, 2011
B. Moran
Chair

WSR 11-17-096

PREPROPOSAL STATEMENT OF INQUIRY FOREST PRACTICES BOARD

[Filed August 22, 2011, 11:23 a.m.]

Subject of Possible Rule Making: WAC 222-16-080 Critical habitat (state) of threatened and endangered species.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040.

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

wildlife commission (commission) has removed the bald eagle from the state threatened or endangered list and amended WAC 232-12-292 pertaining to bald eagle protection to require bald eagle management plans for land-use activities only when the bald eagle is listed as state threatened or endangered. The commission has also removed the peregrine falcon from the state threatened and endangered list. This rule making will reflect these changes by removing the bald eagle and peregrine falcon from the forest practices board's critical habitat (state) list, and also update the common and scientific name for the western pond turtle on the board's list.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Fish and Wildlife Service through their administration of the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act which provides protection to the bald eagle and peregrine falcon. The Washington department of fish and wildlife (WDFW) through their administration of WAC 232-12-292 has an interest in this rule development. The board has had ongoing coordination meetings with WDFW and will continue to do so to implement rule changes.

Process for Developing New Rule: The board will request input from interested stakeholders to develop rule language. The board will also solicit input from counties, the WDFW, and tribes pursuant to RCW 76.09.040(2).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Mail, fax, or e-mail comments to Patricia Anderson, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practicesboard@dnr.wa.gov.

August 10, 2011
B. Moran
Chair

WSR 11-17-100

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed August 22, 2011, 2:53 p.m.]

Subject of Possible Rule Making: Title 308 WAC, Department of licensing (DOL), to include but not limited to WAC 308-96A-077 (new WAC) Volunteer firefighter special vehicle license plate series.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 225, Laws of 2011 (SHB 1136) requiring DOL to issue volunteer firefighter license plates to eligible applicants.

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

Process for Developing New Rule: DOL welcomes the public to take part in developing the rules. Anyone interested

should contact the staff person identified below. At a later date, DOL 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 Debra K. Then, Research Analyst, Program and System Support, Mailstop 48205, P.O. Box 9037, Olympia, WA 98507-9037, or by phone (360) 902-4094, fax (360) 902-7821, TTY (360) 664-8885, e-mail dthen@dol.wa.gov.

August 22, 2011
Ben T. Shomshor
Rules Coordinator

WSR 11-17-101

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed August 22, 2011, 3:26 p.m.]

Subject of Possible Rule Making: Chapter 246-901 WAC, Pharmacy technician certification, adding new rules to establish continuing education (CE) requirements for pharmacy technicians and making housekeeping changes to clarify certification renewal and expired credential reactivation [reactivation] requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64A.020, HB 1353 (chapter 71, Laws of 2011).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 1353 (2011) requires the board of pharmacy (board) to develop rules to establish continuing education (CE) requirements for pharmacy technicians. At this time, pharmacy technicians are not required to obtain CE to maintain a credential. Requiring pharmacy technicians to obtain CE to maintain a credential will ensure they stay current with professional practice standards. The board is also considering making housekeeping changes to clarify certification renewal and expired credential reactivation requirements.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in participating in the rule process or receiving updates can contact the Washington state board of pharmacy office to join the interested parties list. Interested parties can send a written request by e-mail to wsbop@doh.wa.gov, by facsimile to (360) 236-2901 or by mail to the Board of Pharmacy, P.O. Box 47863, Olympia,

WA 98501. You can also contact Kitty Slater at (360) 236-4861.

August 22, 2011
Susan Teil Boyer
Executive Director

WSR 11-17-113

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 10-09—Filed August 23, 2011, 10:53 a.m.]

Subject of Possible Rule Making: This rule making will amend chapter 173-175 WAC, Dam safety. The amended rule will increase the fees collected under RCW 90.03.470 (7) and (8) for periodic inspections and engineering plan reviews by dam safety office engineers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The 2011 legislature gave ecology authority to increase fees in section 302(2) of 2ESHB 1087.SL and chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Fees set in the current rule do not collect sufficient revenue to offset costs per RCW 90.03.470. Furthermore, the legislature authorized ecology to increase dam safety fees by up to thirty-five percent in fiscal year (FY) 2012 and up to 4.62 percent in FY 2013 as necessary to meet the actual costs of conducting business (2ESHB 1087.SL). Based on this proviso, the office of financial management directed ecology to increase collected fees to recoup actual costs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The changes will not affect federal agencies. State agencies affected will be Washington department of fish and wildlife and state parks, which will see increased inspection fees for dams that they own and operate. There will be an increase in fees for water quality-related projects, such as dairy or municipal waste lagoons (1) for plan review and construction inspection, as well as (2) periodic inspections by ecology. This will require coordination with conservation districts and the state department of agriculture.

Process for Developing New Rule: Ecology will work with stakeholders who will have the opportunity to comment on the proposed rule. We will send a mailing to those potentially impacted by the rule change. To explain the elements of the proposed fee schedule, ecology will distribute information via focus sheets, direct mail, a web page, and e-mail. Prior to the regional public hearings, staff will be available to discuss the proposal and answer questions. To follow our rule-making progress, go to the ecology web site, Current rule making, at <http://www.ecy.wa.gov/laws-rules/currentactivity.html>. Scroll down the page to Water Resources, and click on "Chapter 173-175 WAC Dam Safety."

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ben Bonkowski, Section Manager, P.O. Box 47600, Olympia, WA 98504, phone (360) 407-6603, fax (360) 407-7162, bbon461@ecy.wa.gov; or Jerald

LaVassar, Dam Safety Lead, P.O. Box 47600, Olympia, WA 98504, phone (360) 407-6625, fax (360) 407-7162, jlsd461@ecy.wa.gov; or Rebecca Inman, Rule Writer, P.O. Box 47600, Olympia, WA 98504, phone (360) 407-6450, fax (360) 407-7162, rinm461@ecy.wa.gov.

August 18, 2011
Maia D. Bellon
Water Resources
Program Manager

Olympia, WA 98504-7453, e-mail GayleC@dor.wa.gov, phone (360) 534-1576.

Public Meeting Location: Capital Plaza Building, 4th Floor, RLA Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on September 28, 2011, at 9:30 a.m.

August 23, 2011
Alan R. Lynn
Rules Coordinator

WSR 11-17-115

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed August 23, 2011, 11:14 a.m.]

Subject of Possible Rule Making: WAC 458-20-164 (Rule 164) Insurance (~~agents, brokers and solicitors~~) producers, adjusters—Title insurance agents—Surplus line brokers.

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 revisions to Rule 164 to:

- Recognize legislation changing terms from "insurance agents, brokers, or solicitors" to "insurance producers," and the addition of "title insurance agents" in chapter 82.04 RCW (chapter 217, Laws of 2008);
- Add language pertaining to economic nexus;
- Add language pertaining to "surplus line brokers" in chapter 82.04 RCW (chapter 162, Laws of 2009);
- Addition of a new subsection for tax information for insurance adjusters;
- Delete portions of subsection (5) *Special classification for certain managing general agents* as no longer needed. These taxpayers report under the "Insurance producers, title insurance agents, or surplus line broker commissions" B&O tax classification;
- Add a new subsection covering purchases subject to retail sales tax; and
- Add examples and subsection headings.

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. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of anticipated changes will be available upon request shortly before the public meeting. Written comments on and/or requests for copies of the rule may be directed to Gayle Carlson, Interpretations and Technical Advice Division, P.O. Box 47453,

WSR 11-17-116

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed August 23, 2011, 11:37 a.m.]

The health care authority requests the withdrawal of the preproposal statement of inquiry filed as WSR 11-03-082 (new sections in chapter 388-531 WAC, Physician related services).

Kevin M. Sullivan
Rules Coordinator

WSR 11-17-122

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed August 23, 2011, 3:38 p.m.]

Subject of Possible Rule Making: Chapter 192-270 WAC, Training benefits for dislocated workers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.20.010, 50.20.040, 50.20.155.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule making will implement chapter 4, Laws of 2011 (EHB 1091), Part III. Amending WAC 192-270-010 to include dislocated workers who voluntarily quit with good cause; WAC 192-270-035 to modify application/enrollment deadlines and good cause for dislocated workers; WAC 192-270-040 to eliminate requirement that dislocated workers attend school full-time; WAC 192-270-045 to clarify application requirements; WAC 192-270-047 to clarify that incomplete applications may be returned for completion; WAC 192-270-050 to modify criteria for approving training plans including financial plans for completing training and limited conditions under which academic training can be approved; WAC 192-270-055 to modify policies and procedures regarding waiting lists for funding; WAC 192-270-065 to modify definition of satisfactory progress for dislocated workers enrolled less than full-time; WAC 192-270-070 to modify provisions as they relate to dislocated workers; technical amendments to other sections. Possible additional amendments identified through the rule-making process. Adopting new rule related to earnings deductions for dislocated workers, and such other new rules as are identified through the rule-making process. The chapter title will be changed because the training benefits program now includes other than dislocated workers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: The agency will consult with stakeholders in the development of these regulations. Individuals interested in participating in this rule-making process should contact the department at the address listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Unemployment Insurance Division, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, e-mail jmyers@esd.wa.gov, fax (360) 902-9799.

August 23, 2011

Paul Trause
Commissioner

WSR 11-17-124
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Filed August 23, 2011, 3:51 p.m.]

The department of ecology withdraws the CR-101, WSR 10-12-032 (filed May 24, 2010), amendment of chapter 173-175 WAC, Dam safety.

The agency has decided to narrow the rule amendment to raising dam safety fees as authorized in the budget bill for the 2012-2013 biennium. We may update terminology and make other housekeeping changes included in the original proposal in the future, but they will not be part of this rule making. In conjunction with filing this withdrawal, ecology has filed a CR-101 to amend chapter 173-175 WAC to raise fees for periodic inspections and engineering plan reviews by dam safety engineers to recoup actual costs, as required by RCW 90.03.470.

Maia D. Bellon
Water Resources Program

WSR 11-17-127
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2011-19—Filed August 24, 2011, 7:34 a.m.]

Subject of Possible Rule Making: Amending chapter 284-07 WAC by adding a new section for biographical affidavit requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.36A.290, 48.44.050, 48.46.-030, 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The filing of biographical affidavits (NAIC Form 11) is part of the application packet for a certificate of authority when an insurer, fraternal benefit society, health care service contract, health maintenance organization and self-funded multiple employer welfare arrangement applies for a license.

Any of the above entities domiciled in the state of Washington are required to update or file new biographical affidavits in certain circumstances. This rule will standardize which circumstances and in what time frames these documents are required.

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

Process for Developing New Rule: Submit written comments by October 17, 2011.

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 40255, Olympia, WA 98504-0255, donnad@oic.wa.gov, fax (360) 586-3109.

August 24, 2011

Mike Kreidler
Insurance Commissioner

WSR 11-17-128
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2011-20—Filed August 24, 2011, 7:36 a.m.]

Subject of Possible Rule Making: Change to existing rule regarding licensure of life settlement providers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.102.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, WAC 284-97-020 (2)(f) requires submission of fingerprint cards of the directors, officers, and significant shareholders of domestic life settlement applicants. The commissioner will consider changes that would replace this requirement with a requirement to provide third party verification reports from an acceptable vendor for each director, officer, and significant shareholder. Based upon the use of these verifications with foreign insurer expansion applications, we believe that the change would provide for more thorough and quicker verifications and coordination of life settlement provider requirements with those of other insurers, resulting in administrative savings.

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

Process for Developing New Rule: Submit written comments by October 17, 2011.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, kacys@oic.wa.gov, fax (360) 586-3109.

August 24, 2011
Mike Kreidler
Insurance Commissioner

WSR 11-17-129
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2011-21—Filed August 24, 2011, 7:42 a.m.]

Subject of Possible Rule Making: The use of senior-specific certifications and professional designations in the sale of life insurance and annuities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.23.015(8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The National Association of Insurance Commissioners (NAIC) adopted a model on the use of senior-specific certifications and professional designations in the sale of life insurance and annuities in October of 2008. Since that time thirty-four states have adopted either the entire model or portions of it.

The purpose of this rule making is to consider adoption of the NAIC model to set forth standards to protect consumers from misleading and fraudulent marketing practices with respect to the use of senior-specific designations in the solicitation, sale or purchase of, or advice made in connection with, a life insurance or annuity product.

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

Process for Developing New Rule: Submit written comments by October 10, 2011.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail kacys@oic.wa.gov.

August 24, 2011
Mike Kreidler
Insurance Commissioner

WSR 11-17-131
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed August 24, 2011, 8:49 a.m.]

Subject of Possible Rule Making: WAC 388-96-910, for a safety net assessment (SNA) imposed on nonexempted nursing facilities in Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39.030(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 7, Laws of 2011 1st sp. sess. imposes an SNA on nonexempt nursing facilities in Washington state. The department is adding WAC 388-96-910 to provide additional direction for implementation of this new regulation.

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 Ken Callaghan, P.O. Box 45600, Mail-stop 45600, Olympia, WA 98504-5600, phone (360) 725-2499, fax (360) 725-2641.

August 23, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-17-135
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Financial Services Administration)

[Filed August 24, 2011, 8:56 a.m.]

Subject of Possible Rule Making: The operations support and services division, background check central unit, is amending the following sections of chapter 388-06 WAC related to division of developmental disabilities long-term care fingerprint check requirements: WAC 388-06-0110(1) Who must have background checks? and 388-06-0150(5) What does the background check cover?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.055(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In the 2011 special session, the legislature passed ESHB 1548 delaying the implementation date for long-term care fingerprint check requirements from January 2012 to January 2014. Rule revisions are needed to show the new effective date.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will work with the department of health and Washington state patrol in implementing the long-term care fingerprint check requirements. No other federal and state agencies are affected by these rule revisions.

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 Cindy LaRose-Eatwell, Operations Support and Services Division, Background Check Central Unit, P.O. Box 45025, Olympia, WA 98504-5025, phone (360) 725-8072, fax (360) 902-0292, e-mail laroscej@dshs.wa.gov.

August 23, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-17-136
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed August 24, 2011, 8:57 a.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-436-0002 If my family has an emergency, can I get help from DSHS to get or keep our housing or utilities?, 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 department is proposing to change the option of issuing additional requirements for emergent needs to a client as part of the TANF, SFA, or RCA cash grant if the landlord or vendor cannot be paid directly. This change is necessary to uphold fiscal accountability for the 2011-13 biennium.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies regulate this subject.

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.

August 23, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-17-137
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 24, 2011, 8:58 a.m.]

Subject of Possible Rule Making: DSHS is proposing to create a new chapter within Title 388 WAC to create new rules regarding the interaction between the state of Washington and tribal programs under Title IV-A of the federal Social Security Act, as required by RCW 74.08A.040.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08A.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to adopt rules under RCW 74.08A.040 to set out the procedures and processes that apply to the operation of RCW 74.08A.040 and 74.08A.050, covering at a minimum the appropriate uses of state maintenance of effort (MOE) funds and annual reports on program operations. These amendments are necessary to adopt these rules so the department and the eligible tribes within Washington state upon approval of a tribal TANF by the secretary of the federal Department of Health and Human Services have a clear understanding of what is required.

Process for Developing New Rule: In addition to working with tribes through the economic services administration (ESA) subcommittee of the Indian policy advisory committee, and in addition to the consultation process required under DSHS Administrative Policy 7.01, DSHS welcomes the public to take part in developing rules. Anyone interested in the development of these rules should contact the staff person identified below. DSHS will post information regarding this rule development project and others on the DSHS/ESA's policy review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>

DSHS/ESA encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Mike Mowrey, Tribal Relations Program Administrator - TANF, Community Services Division, Department of Social and Health Services, Economic Services Administration, P.O. Box 45857, Olympia, WA 98504-

5857, phone (360) 725-4656, fax (360) 413-3123, e-mail Michael.Mowrey@dshs.wa.gov.

August 23, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-17-140
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket TV-111493—Filed August 24, 2011, 9:50 a.m.]

Subject of Possible Rule Making: This is an industry-requested rule making. The Washington Movers Conference, a division of the Washington Trucking Association, has requested the Washington utilities and transportation commission (commission) consider a rule making to review its rules on household goods entry standards. Staff agrees the commission would benefit from a review of its household goods entry rules, chapter 480-15 WAC. The rule making has been assigned Docket TV-111493.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040 and 81.80.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Entry standards for household goods carriers are minimal. Applicants must properly complete the application, pay the fee, and provide proof of both liability and cargo insurance. Once these simple steps are completed, the commission grants a permit. The existing rules may be insufficient, perhaps granting permits to companies that are unfit to operate. This rule making will consider the need to set standards that allow qualified companies to operate and, at the same time, protect the public from unscrupulous, unsafe, or unfit household goods moving companies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None at the intrastate level; USDOT Federal Motor Carrier Safety Administration at the interstate level.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments by September 26, 2011, and will conduct a stakeholders' workshop on October 11, 2011. The commission will provide the opportunity for additional written comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may contact the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, fax (360) 586-1150.

WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP: 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 26, 2011, for consideration at the October 11, 2011, stakeholder workshop.

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 com-

ments. 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 (TV-111493).
- 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 on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. 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/111493>. 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 David W. Danner, executive director and secretary. When contacting the commission, please refer to Docket TV-111493 to ensure that you are placed on the appropriate service list. Questions may be addressed to Vicki Elliott, (360) 664-1119 or e-mail velliott@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 TV-111493, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket TV-111493, 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/111493>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

August 24, 2011
David W. Danner
Executive Director
and Secretary

WSR 11-17-143
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 24, 2011, 10:36 a.m.]

Subject of Possible Rule Making: To consider rule making for the raffle and auction hunts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047 and 77.32.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provides recreational opportunity and resource conservation.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nate Pamplin, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2515. Contact by October 10, 2011. Expected proposal filing on or after October 19, 2011.

August 24, 2011

Lori Preuss
 Rules Coordinator

WSR 11-17-144
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 24, 2011, 11:10 a.m.]

Subject of Possible Rule Making: WAC 388-105-0005, the daily medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and boarding homes contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39.030(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective July 1, 2011, the department increased the daily medicaid payment rates for clients assessed using CARE tool and who reside in adult family homes or who reside in boarding homes contracted to provide AL, ARC, and EARC services. Under ESSB [2ESHB] 1087, the 2011/13 biennial operating budget, 2011 1st sp. sess., adult family home rates are enhanced to compensate for the licensing fee increase. Boarding home rates are restored to March 31, 2011, levels. However, because new training requirements are delayed pursuant to ESHB 1548, 2011 1st sp. sess., the previously given rate enhancement for training is removed from the boarding home rate until such a time that the new training requirements are reinstated.

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 Ken Callaghan, P.O. Box 45600, Mailstop 45600, Olympia, WA 98504-5600, phone (360) 725-2499, fax (360) 725-2641, e-mail haguepe@dshs.wa.gov.

August 24, 2011

Katherine I. Vasquez
 Rules Coordinator

WSR 11-17-148
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 24, 2011, 11:40 a.m.]

Subject of Possible Rule Making: WAC 260-36-120 Denial, suspension, and revocation—Grounds.

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 is contemplating amending the licensing requirement in which the board of stewards must deny or revoke an application or existing license. The change would be beneficial to and supported by the regulated entities. It would reduce automatic commission hearings shortening the time needed to either approve or deny certain applications.

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, Deputy Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

August 24, 2011

Douglas L. Moore
 Deputy Executive Secretary