

**WSR 12-01-052**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GRAYS HARBOR COLLEGE**

[Filed December 15, 2011, 8:59 a.m.]

Subject of Possible Rule Making: Administrative policy.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Need to update an administrative policy dealing with the rules for use of campus as public forum.

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

Process for Developing New Rule: Develop an administrative policy and seek input from members of the college community.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tony Simone, Chief of Campus Operations, Safety and Security, 1620 Edward P. Smith Drive, Aberdeen, WA 98520, phone (360) 538-4154, fax (360) 538-4298.

December 15, 2011  
 Arlene Torgerson  
 Vice-President  
 for Student Services

**WSR 12-01-054**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed December 15, 2011, 10:11 a.m.]

The department of labor and industries is withdrawing WSR 11-16-085 filed on August 2, 2011. The department is withdrawing the preproposal statement of inquiry because we have additional information about the implementation of EHB 2123 and ESHB 1725. We will be submitting a new CR-101 to accommodate these changes.

Please call (360) 902-6805 if you have any questions.

Tamara Jones  
 Assistant Director for  
 Legislative and Government Affairs

**WSR 12-01-062**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed December 16, 2011, 11:18 a.m.]

Subject of Possible Rule Making: Amend WAC 390-05-400 to include city council and mayoral candidates' contribution limits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370/42.17A.110 and 42.17.640/42.17A.125.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 206, Laws of 2010 placed limits on contributions given to city council and mayoral candidates. These limits must be incorporated into WAC 390-05-400 which sets out adjustments the public disclosure commission makes to contribution limits in even-numbered year[s] based on economic conditions.

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.

December 16, 2011  
 Lori Anderson  
 Communications and  
 Training Officer

**WSR 12-01-074**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

(Traffic Safety Education)

[Filed December 19, 2011, 1:24 p.m.]

Subject of Possible Rule Making: Chapter 392-142 WAC, Transportation—Replacement and depreciation allocation.

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: Technical corrections and reformatting changes to this chapter.

Also, probable revisions in response to legislative decisions.

Process for Developing New Rule: [No further information supplied 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.

December 15, 2011  
 Randy Dorn  
 State Superintendent  
 of Public Instruction

**WSR 12-01-078**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BELLINGHAM TECHNICAL COLLEGE**

[Filed December 19, 2011, 2:48 p.m.]

Subject of Possible Rule Making: Use of facilities for first amendment activities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To address college groups and noncollege groups and the use of college facilities for first amendment activities.

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 Ronda Laughlin, Rules Coordinator, Bellingham Technical College, 3028 Lindbergh Avenue, Bellingham, WA 98225, (360) 752-8334, rlaughlin@btc.ctc.edu.

December 19, 2011  
 Patricia L. McKeown  
 President

**WSR 12-01-081**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

(Medicaid Program)

[Filed December 19, 2011, 4:39 p.m.]

Subject of Possible Rule Making: Chapter 182-530 WAC, Prescription drugs (outpatient) and possibly other related chapters and sections as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021; Social Security Act, Section 1927.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To avoid elimination of the pharmacy benefit for medicaid clients in response to budget shortfalls, the state intends to submit a state plan amendment (SPA) to implement a formulary in accordance with the provisions of Section 1927 of the Social Security Act, and establish a process through which medicaid prescribers may request authorization for their patient to receive a nonformulary medication. The health care authority (HCA) anticipates the resulting outpatient drug formulary will be effective July 1, 2012, and will apply to all medicaid and medical assistance clients. New rules on this subject are necessary in order [to] establish the process through which the formulary will be developed and managed, and the process through which exceptions will be made.

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' Centers for Medicare and Medicaid Services - HCA will be submitting an amendment to Washington state's medicaid state plan.

Process for Developing New Rule: HCA welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later

date, HCA will file a notice of proposed rule-making (CR-102) with the office of the code reviser. 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 Kevin Sullivan, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail kevin.sullivan@hca.wa.gov.

December 19, 2011  
 Kevin M. Sullivan  
 Rules Coordinator

**WSR 12-01-082**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE UNIVERSITY**

[Filed December 20, 2011, 9:04 a.m.]

Subject of Possible Rule Making: Chapter 504-19 WAC, Campus parking and traffic regulations for Washington State University Vancouver.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Campus traffic and parking regulations for WSU Vancouver are being updated.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph T. Jenks, Director, Office of Procedures, Records, and Forms and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, and e-mail prf.forms@wsu.edu.

A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

December 20, 2011  
 Ralph T. Jenks, Director  
 Office of Procedures, Records, and Forms  
 and University Rules Coordinator

**WSR 12-01-085**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed December 20, 2011, 9:13 a.m.]

Subject of Possible Rule Making: WAC 296-20-135 Conversion factors, 296-23-220 Physical therapy rules, and 296-23-230 Occupational therapy rules; medical aid rules

updates regarding rate setting for most professional health care services for injured workers. These updates may also impact rates for health care services provided to crime victims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The affected rules describe elements used in the process of updating the maximum allowable payments for most professional health care services. These elements are set in rule in order to follow the established methodologies of L&I and maintain consistency with the health care authority and medicaid purchasing administration. Specifically, the proposed rule changes will do the following:

1. WAC 296-20-135, update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services. The conversion factors will be updated to correspond to changes in the medical procedure codes, the relative value units, and anesthesia base units. These changes will enable the department to continue a reimbursement methodology consistent with other state agencies. Cost-of-living increases may be incorporated into the changes in the conversion factors.

2. WAC 296-23-220 and 296-23-230, update the maximum daily reimbursement level for physical and occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.

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 department works with external stakeholders through its anesthesia and reimbursement technical advisory groups on updates to conversion factors and to the physical and occupational therapy maximum daily reimbursement level. The department coordinates these updates with the health care authority, the medicaid purchasing administration and the Centers for Medicare and Medicaid Services to ensure consistent health care purchasing policies when possible. The proposed changes will be presented to the advisory groups and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Davis, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6687, fax (360) 902-4249, e-mail Thomas.Davis@Lni.wa.gov.

December 20, 2011

Judy Schurke  
Director

## WSR 12-01-096

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed December 20, 2011, 3:11 p.m.]

Subject of Possible Rule Making: WAC 458-20-10202 (Rule 10202) Brief adjudicative proceedings for matters related to reseller permits, this rule explains the procedure and process regarding the brief adjudicative proceedings adopted by the department for the following issues:

- A determination of whether an applicant meets the criteria for a reseller permit per WAC 458-20-10201 (Rule 10201) Application process and eligibility requirements for reseller permits; and
- On the administrative appeal of an initial order denying a taxpayer's application for a reseller permit, a determination as to whether the department's order denying the application was correctly based on the criteria for approving reseller permits as set forth in WAC 458-20-10201.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 82.01.060(2), 82.32.780.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering an amendment to Rule 10202 to adopt the brief adjudicative proceedings for the following:

- A determination of whether a reseller permit should be revoked using the criteria per RCW 82.32.780 and WAC 458-20-102 (Rule 102) Reseller permits; and
- On the administrative appeal of an initial order revoking a taxpayer's reseller permit, a determination as to whether the department's order revoking the permit was correctly based on the criteria as set forth in RCW 82.32.780 and WAC 458-20-102.

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 on-line Rules Agenda.

Written comments may be submitted by mail and should be directed to Gayle Carlson, Interpretations and Technical Advice Division, e-mail GayleC@dor.wa.gov, or ITA Division, P.O. Box 47453, Olympia, WA 98504-7453.

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

Public Meeting Location: Capital Plaza Building, 4th Floor Large Conference Room (L&P), 1025 Union Avenue S.E., Olympia, WA, on January 24, 2012, at 1:30 p.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 hear-

ing impaired please contact us via the Washington relay operator at (800) 833-6384.

December 20, 2011  
Alan R. Lynn  
Rules Coordinator

### WSR 12-01-098

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 11-07—Filed December 20, 2011, 4:08 p.m.]

Subject of Possible Rule Making: The air quality fee regulation (chapter 173-455 WAC) includes fees for a number of air quality activities. This rule making will focus on:

1. Increasing general registration program fees for businesses that release small amounts of emissions and report those emissions every three years.
2. Reestablishing registration fees for gas stations and other sources that emit gasoline vapors.
3. Clarifying the process for calculating registration fees.
4. Consolidating the registration program fees for various businesses into one location within chapter 173-455 WAC.

Fees for business[es] that report emissions annually are being increased through the procedures and formula currently established in rule (WAC 173-455-040). Since the legislature approved raising these fees and the fee formula is already defined, these fee increases will not require a rule change and will go into effect in 2012.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 302(2), chapter 50, Laws of 2011 (partial veto) (2ESHB 1087-S.SL) authorizes ecology to increase registration fees by up to thirty-six percent. RCW 70.94.151 provides authority to establish registration fees that cover the cost of operating the program. Because ecology does not currently collect registration fees for sources emitting gasoline vapors, ecology is seeking legislative authority during the 2012 session to reinstate and adopt fees for these sources.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The air quality fee regulation applies to a number of air quality programs. This rule making only focuses on the air quality source registration program.

**What is the purpose of the air quality source registration program?** Businesses that generate small and moderate amounts of air pollution must register for the air quality source registration program.

The registration information helps us to:

- Maintain a current and accurate record of air pollution sources in Washington.
- Provide businesses with technical assistance on how to comply with Clean Air Act requirements.
- Verify that businesses are complying with air pollution control requirements.
- Evaluate the effectiveness of air pollution control strategies.
- Gather and verify emissions data.

Doing so will help minimize harmful emissions at the source.

**What is the purpose of this rule making?** The state Clean Air Act requires registered sources of air pollution to cover the cost of the program. Existing fees fall short of what is needed to effectively monitor and reduce harmful emissions and other activities necessary for the program. To reduce reliance on the general fund, ecology would update general registration program fees. The legislature authorized a thirty-six percent increase for these fees. Through this rule making we will establish how this increase is applied. Ecology would also adopt new fees to cover the cost of conducting an inspection program for gas stations and other sources that emit gasoline vapors.

**Why are we increasing fees for the general registration program for businesses that report emissions every three years?** The air quality source registration program currently relies heavily on state general fund dollars. The registration program is necessary to ensure that sources of air pollution operate in a way that minimizes emissions to comply with the Clean Air Act and protect human health. To help cover the cost and to reduce reliance on the general fund, the legislature gave ecology the authority to increase the general registration program fees by up to thirty-six percent in the 2011-2013 biennium. Even with this increase, the fees will not cover all of the costs to operate this program.

**Why are we reestablishing registration fees for gas stations and other businesses that emit gasoline vapors?** Gasoline recovery systems that aren't routinely inspected and properly maintained are much more likely to fail, putting the public at risk. Gasoline vapors contain toxic and carcinogenic chemicals. They also contain volatile organic compounds that contribute to ozone, another human health hazard. If safeguards aren't in place, these harmful fumes can escape as gas is transferred into storage tanks or dispensed at the pump.

Ecology has jurisdiction over air quality in San Juan County in western Washington and most counties in central and eastern Washington. (Many other areas in Washington are regulated by clean air agencies.) Of the entities that have jurisdiction in Washington, ecology is the only one without a gasoline recovery system inspection program.

**Ecology is seeking legislative authorization to collect gasoline vapor fees.** Ecology does not currently impose registration fees on gas stations and other businesses that emit gasoline vapors, although we have in the past. Ecology recognizes that gasoline vapor is a significant source of toxic air pollution and more needs to be done to manage these emissions. Ecology is seeking legislative authority during the 2012 session to reinstate and adopt these fees, to implement the inspection program and help these businesses operate in a way that keeps the public safe and protects air quality.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Seven local air agencies regulate registration program sources in their jurisdiction. These are the Benton Clean Air Agency, Northwest Clean Air Agency, Olympic Region Clean Air Agency, Puget Sound Clean Air Agency, Southwest Clean Air Agency, Spokane Regional Clean Air Agency, and Yakima Regional Clean Air Agency. While

there is no regulatory overlap between agencies regarding registration program fees, ecology will apprise the agencies of our actions via e-mail at the rule-making milestones of pre-proposal, proposal and adoption.

**Process for Developing New Rule:** Ecology will hold public meetings to give an overview of the key issues related to this rule making and explain the different ways the public, stakeholders, and interested parties can participate in the rule-making process. We will send notice to those impacted by the rule change. To explain the elements of the proposed fee schedules, ecology will distribute information via a web site, press release, mailing and agency e-mail list serve. Ecology will also hold at least one public hearing on the rule proposal prior/during the comment period.

Ecology will hold separate meetings for the businesses that are part of the general registration program and for those that would be part of the new gasoline vapor recovery system inspection program. The first meeting for the general registration program is January 10. The first meeting for sources emitting gasoline vapors is February 2.

**General registration program:** On January 10, 2012, at 2 p.m. to 4 p.m., at Big Bend Community College, 7662 Chanute Street N.E., Moses Lake, WA 98837. A call-in number is available for people who want to participate but are unable to travel to Moses Lake. Call-in number: (360) 407-3780. PIN Code: 353382 #.

**Gasoline vapor recovery system inspection program:** On February 2, 2012, at 9 a.m. to noon, video conference meeting at Department of Ecology offices: At Headquarters, 300 Desmond Drive S.E., Lacey, WA 98503; at the Central Regional Office, 15 West Yakima Avenue, Yakima, WA 98902; and at the Eastern Regional Office, North 4601 Monroe, Spokane, WA 99205.

To follow our rule-making process, click on <http://www.ecy.wa.gov/laws-rules/wac173455/11-07.html>.

Contact Elena Guilfoil, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6855, e-mail [elena.guilfoil@ecy.wa.gov](mailto:elena.guilfoil@ecy.wa.gov).

December 20, 2011  
Stu Clark  
Air Quality Program

## WSR 12-01-100

### PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket UE-112133—Filed December 21, 2011, 8:25 a.m.]

**Subject of Possible Rule Making:** In the spring of 2011, the Washington house technology, energy, and communications committee requested the utilities and transportation commission (UTC or commission) conduct an interim study on the potential for distributed generation in the territories of investor-owned electric utilities. In Docket UE-110667, the UTC developed a set of policy recommendations based upon that study, including a recommendation that the UTC initiate a rule making to consider changes to the rules for intercon-

necting with utility electric systems (chapter 480-108 WAC). At a legislative hearing to discuss the recommendations, the UTC committed to initiating the rule making before the end of 2011.

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

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The UTC adopted two sets of rules in 2006 (WSR 06-07-017, codified in chapter 480-108 WAC) addressing electrical standards to ensure safety and reliability, and responsibility for the costs of interconnection. During the UTC's interim study in the summer of 2011, many commenters suggested that technological advances made some of the current requirements redundant, such as the requirements for an external disconnect switch and additional insurance. In addition, modifications to the system capacity sizes reflected in the two sets of rules may enable streamlined or simplified interconnection requirements for larger systems. This rule making will focus on reviewing requirements in the rules, that if modified, would lower costs for interconnection and accelerate the development of distributed generation systems, without unduly shifting costs between ratepayers or classes.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Federal Energy Regulatory Commission (FERC) regulates interconnection of generation facilities to transmission facilities used to transmit power in interstate commerce. The current rules in chapter 480-108 WAC provide a model for regulation of interconnection in Washington. The UTC will provide notice of the rule making broadly to all interested persons, including investor-owned utilities in the state, as well as the department of commerce, the department of labor and industries, consumer-owned utilities and those electric generators seeking to interconnect with electric utilities.

**Process for Developing New Rule:** Agency study; and the commission will ask for initial written comments by January 30, 2012, and will conduct a stakeholders' workshop during the spring of 2012. 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 file comments with the Executive Director and Secretary, 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, by 5:00 p.m., **Monday, January 30, 2012.**

**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, January 30, 2012.

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](http://www.utc.wa.gov/e-filing) or by electronic mail to the commission's records center at [records@utc.wa.gov](mailto:records@utc.wa.gov). Please include:

- The docket number of this proceeding (UE-112133).
- 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/112133>. 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](mailto: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 UE-112133 to ensure that you are placed on the appropriate service list. Questions may be addressed to Elizabeth Osborne (360) 664-1209 or e-mail at [eosborne@utc.wa.gov](mailto:eosborne@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 UE-112133, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket UE-112133, and the words "Please keep me on the mailing list" to <[records@utc.wa.gov](mailto: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/112133>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

December 21, 2011  
David W. Danner  
Executive Director  
and Secretary

#### WSR 12-01-104

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed December 21, 2011, 8:45 a.m.]

Subject of Possible Rule Making: Changes to Washington department of fish and wildlife's (WDFW) Columbia River, coastal commercial, and Puget Sound commercial salmon fishing rules, resulting from North of Falcon recommendations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.020, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules based on North of Falcon recommendations change from year to year to reflect resource availability and achieve conservation goals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA Fisheries and the National Marine Fisheries Service. These agencies, as well as WDFW, the Pacific Fisheries Management Council, and the Pacific Salmon Commission, all provide input and/or take part in the North of Falcon meetings and recommendations.

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 John Long, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2733, fax (360) 902-2158, e-mail [John.Long@dfw.wa.gov](mailto:John.Long@dfw.wa.gov). Contact by February 1, 2012. Expected proposal filing on or after February 22, 2012.

December 21, 2011

Lori Preuss

Rules Coordinator

#### WSR 12-01-109

#### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2011-30—Filed December 21, 2011, 9:41 a.m.]

Subject of Possible Rule Making: Certificates of insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner will consider rules to govern the issuance of certificates of insurance (documents issued by or on behalf of an insurance company to a third party who has not contracted with the insurer to purchase an insurance policy).

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 February 13, 2012, to Kacy Scott, P.O. Box 40258,

Olympia, WA 98504-0258, kacys@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 Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, kacys@oic.wa.gov, fax (360) 586-3109.

December 21, 2011

Mike Kreidler  
Insurance Commissioner

#### WSR 12-01-114

#### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2011-31—Filed December 21, 2011, 9:44 a.m.]

Subject of Possible Rule Making: Insurance producer's, surplus line broker's, and title insurance agent's separate premium accounts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.17.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Some licensed producers and surplus line brokers have been treating the separate premium account as their personal asset by pledging the account as security for loans and withdrawing premium tax funds from the account for their personal use rather than maintaining the funds in the account until paid to the state. Although the commissioner believes that the existing rule makes it clear that the separate premium account cannot be used in this manner a recent administrative decision has put this into question. Therefore, this rule making is being undertaken to make it clear and beyond question that the separate premium account may not be used as a personal asset by licensed producers and surplus line brokers and that premium tax funds in the account may not be withdrawn, except for payment to the state or refund of unearned taxes.

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 February 10, 2012, to Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@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 Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@oic.wa.gov, fax (360) 586-3109.

December 21, 2011

Mike Kreidler  
Insurance Commissioner

#### WSR 12-01-115

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Aging and Disability Services Administration)

[Filed December 21, 2011, 9:47 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-835 WAC, ICF/MR program and reimbursement system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 General authority of secretary—Rule adoption.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 71A.20.010 covers the operation of residential habilitation centers (RHCs); in 2011, the legislature added "(2) Effective no later than July 1, 2012, no person under the age of sixteen years may be admitted to receive services at a residential habilitation center. Effective no later than July 1, 2012, no person under the age of twenty-one years may be admitted to receive services at a residential center, unless there are no service options available in the community to appropriately meet the needs of the individual. Such admission is limited to the provision of short-term respite or crisis stabilization services."

In June 2010, Governor Gregoire signed HB 2490 which directed the office of the code reviser to eliminate language in all state laws and rules that was deemed disrespectful and to replace it with preferred language that puts the person before the disability (i.e., "people first").

- RCW 44.04.280 State laws - respectful language states in part: "*The legislature recognizes that language used in reference to individuals with disabilities shapes and reflects society's attitudes towards people with disabilities. Many of the terms currently used diminish the humanity and natural condition of having a disability. Certain terms are demeaning and create an invisible barrier to inclusion as equal community members.*"
- On October 5, 2010, President Barack Obama signed Rosa's Law, which directed that all references in federal law to "mental retardation" be changed to "intellectual disability." Similarly the law stated that references to "a mentally retarded individual" be changed to "an individual with an intellectual disability."

The risk to not making this change in WAC is that the department may not collect federal funds related to these changes required by the legislature. This change is also needed to ensure that chapters 388-828, 388-835 and 388-845 WAC are synchronized as they reference each other. In addition, other changes may occur in response to the budget and the division of developmental disabilities will also be making general housekeeping changes throughout chapter 388-835 WAC.

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 Alan McMullen, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3422, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

December 19, 2011  
Katherine I. Vasquez  
Rules Coordinator

### WSR 12-01-116

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 21, 2011, 9:47 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-845 WAC, DDD home and community based services waivers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 General authority of secretary—Rule adoption.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of developmental disabilities (DDD) is amending chapter 388-845 WAC to include information governing the operation of a new consolidated Basic and Basic Plus waiver. In addition, other changes may be needed to respond to budget and general housekeeping needs related to the renewal of the DDD home and community based services waivers.

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 Alan McMullen, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3422, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

December 19, 2011  
Katherine I. Vasquez  
Rules Coordinator

### WSR 12-01-117

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 21, 2011, 9:48 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-828 WAC, The division of developmental disabilities (DDD) assessment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 General authority of secretary—Rule adoption.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DDD is amending chapter 388-828 WAC to comply with the 2009-11 budget passed by the legislature which contains a proviso related to county programs and outcome based contracts.

The proviso requires DDD to develop and implement the use of a consistent, statewide outcome-based vendor contract for employment and day services as recommended by the joint legislative audit and review committee. In its description of activities the agency shall include activity listings and dollars appropriated for: Employment services, day services, child development services and county administration of services to the developmentally disabled.

The risk to not making this change in WAC is that the department may not collect federal funds related to these changes required by the legislature. This change is also needed to ensure that both chapters 388-828 and 388-845 WAC are synchronized as they reference each other. In addition, other changes may occur in response to the budget and DDD will also be making general housekeeping changes throughout chapter 388-828 WAC.

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 Alan McMullen, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3422, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

December 21, 2011  
Katherine I. Vasquez  
Rules Coordinator



**WSR 12-01-118**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)

[Filed December 21, 2011, 9:48 a.m.]

Subject of Possible Rule Making: The department is amending the medicaid personal care (MPC) program within chapter 388-106 WAC, Long-term care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the governor's proposed 2012 supplemental operating budget, the department is changing the eligibility requirements of medicaid personal care (MPC), WAC 388-106-0210. Other necessary changes on this subject may be incorporated into this rule making.

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 Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

December 19, 2011  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 12-01-119**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)

[Filed December 21, 2011, 9:48 a.m.]

Subject of Possible Rule Making: The department is eliminating the adult day health program within chapter 388-71 WAC, Home and community services and programs, and chapter 388-106 WAC, Long-term care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the governor's proposed 2012 supplemental operating budget, the adult day health program is being eliminated. Other necessary changes on this subject may be incorporated into this rule making.

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 Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

December 19, 2011  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 12-01-120**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed December 21, 2011, 9:50 a.m.]

Subject of Possible Rule Making: The department is proposing amendments to WAC 388-436-0050 Determining financial need and benefit amount for CEAP, 388-478-0005 Cash assistance need and payment standards and grant maximum, 388-478-0020 Payment standards for TANF, SFA, and RCA, 388-478-0035 Maximum earned income limits for TANF, SFA, and RCA, and any other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.50 [74.04.050], 74.04.055, 74.08.090, chapters 74.08A and 74.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may propose amendments to reduce payment standards, maximum earned income limits, grant maximum amount and other related rules. The proposed changes are necessary to achieve targeted budget reductions for the remainder of the 2011-2013 biennium and thereafter, which may help to prevent further WorkFirst program reductions in the future.

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 Aurea Figueroa-Rogers, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4623, fax (360) 725-4904, e-mail Aurea.Figueroa-Rogers@dshs.wa.gov.

December 16, 2011  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 12-01-121****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services)

[Filed December 21, 2011, 9:50 a.m.]

Subject of Possible Rule Making: The department is considering adding new sections to chapter 388-101 WAC, Certified community residential services and supports.

The department is also considering amendments to the following sections in chapter 388-101 WAC: WAC 388-101-3000 Definitions, 388-101-3390 Physical safety and requirements, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 71A.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is adding new rule sections to comply with 2SSB 5459 People with developmental disabilities—Services. This newly passed statute requires the department to establish state-staffed crisis stabilization beds to provide crisis stabilization services to DDD clients who are experiencing behaviors that jeopardize the safety and stability of their current living situation. The department plans to regulate crisis stabilization providers under chapter 388-101 WAC. Additions to this chapter are necessary to incorporate crisis stabilization providers under this chapter. The addition of sections applicable to the new crisis stabilization program will not result in any new or revised requirements for current certified community residential services providers.

Amendments to WAC 388-101-3000, 388-101-3390 and other related rules are being considered for purposes of protecting client health and safety.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. 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 John Gaskell, Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3210, fax (360) 438-7903, e-mail gaskejw@dshs.wa.gov.

Draft section language will be posted on ADSA professional internet web page for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the program manager listed above via phone, e-mail or fax.

December 19, 2011  
Katherine I. Vasquez  
Rules Coordinator

**WSR 12-01-128****PREPROPOSAL STATEMENT OF INQUIRY  
SOUTH PUGET SOUND  
COMMUNITY COLLEGE**

[Filed December 21, 2011, 10:53 a.m.]

Subject of Possible Rule Making: Chapter 132X-30 WAC, Use of college facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 132X-30 WAC for inclusion of new language to update and clarify guidelines and procedural changes, as recommended by the attorney general's office.

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

Process for Developing New Rule: Agency study; and for inclusion of new language to update and clarify guidelines and procedural changes, as recommended by the attorney general's office.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. This topic will be included in the regular meeting of the college's board of trustees scheduled on March 8, 2012, for a public hearing and board adoption. For questions, contact Diana Toledo, South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, WA 98512-6292, phone (360) 596-5206, fax (360) 586-3570, e-mail dtoledo@spsec.ctc.edu.

December 21, 2011  
Gerald Pumphrey  
College President

**WSR 12-01-129****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH  
(Chiropractic Quality Assurance Commission)**

[Filed December 21, 2011, 11:01 a.m.]

Subject of Possible Rule Making: WAC 246-808-180 Expired licenses—Requirements for reinstating a license, the chiropractic quality assurance commission (commission) intends to evaluate the requirements to reinstate an expired chiropractic license that has been expired more than three years, to determine if they are sufficient to protect the public.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.25.0171 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently a Washington state chiropractor with a license expired for three years or more must pay the fees and pass the jurisprudence exam to reinstate the license. The commission is concerned there is an increased risk of patient harm by a practitioner who does not have current practice experience and has not maintained continuing education. The commission intends to evaluate the current requirements to reinstate an expired license to determine if amendments are 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 by contacting Leann Yount, Department of Health, Chiropractic Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4856, and fax (360) 236-2901. Stakeholders will be notified and invited to participate in an open public rules workshop and may submit written comments for consideration. Stakeholders will be notified through listserv, commission meetings, and posting to the web site.

December 21, 2011

Leann Yount  
Program Manager