

WSR 12-03-003
AGENDA
DEPARTMENT OF
EARLY LEARNING

[Filed January 4, 2012, 1:21 p.m.]

Semi-Annual Rule-Making Agenda under RCW 34.05.314
January 1, through June 30, 2012

The department of early learning (DEL) prepares a semi-annual rule-making agenda in January and July each year to let the public know about DEL rule changes that are underway or planned. The current agenda also: (1) Reports rule making suspended, eliminated or proceeding under the Governor's Executive Order (EO) 10-06 suspending noncritical rule making;* and (2) updates the 2007 child care provider rule review plan prepared under RCW 43.215.502. DEL rules are part of the Washington Administrative Code (WAC), and permanent DEL rules can be found on-line at Title 170 WAC. Find current information about department rule-making activity on-line at DEL Rules Under Development. See additional notes following the table.

Subject Matter and Authority	WAC Chapter or Sections	Description DEL Rules Under Development on the DEL web site has current information on these rules.	Emergency Rules (CR-103E)	Preproposal Notice (CR-101)	Proposed Rule (CR-102) and Public Hearings or Expedited Rule (CR-105)	Permanent Rule (CR-103P)
Common terms, definitions and standards RCW 43.215.060, 43.215.070, and chapter 43.215 RCW.	New chapter, and possible revisions of other DEL rules in Title 170.	Adopting a new DEL WAC chapter of title 170 WAC to include terms, definitions or standards that apply to more than one DEL WAC chapter or program. Other DEL WAC chapters may be revised to eliminate duplication. EO 10-06 impact: Rule development suspended.	None.	Filed 12/24/08 as WSR 09-01-185.	Suspended.	Suspended.
Public records, DEL organization RCW 42.56.070 and 42.56.100.	New chapter 170-01.	Adopting a new DEL WAC chapter on public records, and adopting DEL organization and index rules required by law. EO 10-06 impact: Rules are required by state law. DEL plans to proceed with rule development.	None.	Filed 8/27/09 as WSR 09-18-055.	Filed 1/4/12 as WSR 12-02-081 Public hearings 2/7/12 and 2/11/12.	Permanent rule adoption anticipated this period.
DEL hearing rules. RCW 34.05.220, 43.215.070, and chapter 43.215 RCW.	Chapter 170-03.	Adopting technical changes needed to make the rules consistent with other DEL WAC chapters and to revise hearing procedures. EO 10-06 impact: Rule development suspended this period, but DEL may review rules for potential budget-related revisions.	None.	Suspended.	Suspended.	Suspended.

Subject Matter and Authority	WAC Chapter or Sections	Description DEL Rules Under Development on the DEL web site has current information on these rules.	Emergency Rules (CR-103E)	Preproposal Notice (CR-101)	Proposed Rule (CR-102) and Public Hearings or Expedited Rule (CR-105)	Permanent Rule (CR-103P)
DEL background checks rules. Chapter 295, Laws of 2011, RCW 43.215.060, 43.215.070, 43.215.200, 43.215.205, 43.215.215, 43.43.832(6), and chapter 43.215 RCW.	Chapter 170-06 and related sections of chapters 170-151, 170-295, 170-296A.	<ul style="list-style-type: none"> Implementing 2011 HB 1903 creating an individual based/portable background check registry and new background check requirements; Updating the list of crimes or negative actions that may disqualify a person from obtaining a DEL clearance; and Revising rules on disqualification, reconsideration and due process, and to be consistent with current law. <p>EO 10-06 impact: Rules are necessary to implement new state law and to protect public health, safety and welfare. Rule development to proceed in 2012.</p>	Filed 11/17/11 as WSR 11-23-085. See also WSR 11-15-090.	Filed 5/31/11 as WSR 11-12-076. See also WSR 09-01-184 filed 12/24/08.	Proposed rules anticipated this period.	Permanent rule adoption anticipated this period.
Syrup of Ipecac use in DEL-licensed child care facilities. RCW 43.215.060, 43.215.070, 43.215.200, and chapter 43.215 RCW.	Chapters 170-151, 170-295.	Revising requirements on keeping syrup of Ipecac available in a licensed child care facility for emergency treatment of children suspected of swallowing a poison. Changes will be based on current research and advice from health professionals and Washington Poison Center. EO 10-06 impact: Rules are beneficial to and likely supported by regulated entities. Rule development may continue in 2012.	None.	To be determined.	To be determined.	To be determined.
School-age child care center programs. Chapter 359, Laws of 2011, RCW 43.215.060, 43.215.070, 43.43.832(6), and chapter 43.215 RCW.	Chapter 170-151.	<ul style="list-style-type: none"> Implementing HB 1776 related to licensed child care centers located in public or private school buildings; General chapter review. School-age program rules have not been updated since 1997 and are not consistent with current law or practice. <p>School's Out Washington (SOWA), a nonprofit group, has gathered stakeholder input and recommended comprehensive WAC changes. EO 10-06 impact: Rules are needed to implement new state law and to protect public health, safety and welfare, and are requested by regulated entities. Rule development to continue in 2012.</p>	None.	Filed 4/23/09 as WSR 09-10-009.	To be determined.	To be determined.

Subject Matter and Authority	WAC Chapter or Sections	Description DEL Rules Under Development on the DEL web site has current information on these rules.	Emergency Rules (CR-103E)	Preproposal Notice (CR-101)	Proposed Rule (CR-102) and Public Hearings or Expedited Rule (CR-105)	Permanent Rule (CR-103P)
Working connections child care (WCCC) and seasonal child care (SCC) subsidy programs. Chapter 42, Laws of 2011, 1st sp. sess., section 501, chapter 265, Laws of 2006 (uncodified), RCW 43.215.060, 43.215.070.	Chapter 170-290 and related sections in chapters 170-151, 170-295, and 170-296A.	<ul style="list-style-type: none"> Implementing certain recommendations in state and federal audits to increase accountability for federal funds and reduce potential fraud and abuse; Implementing applicable provisions of SB 5921. EO 10-06 impact: Rules are required by new state law and to maintain federally delegated or authorized programs. Rule development to continue in 2012.	Filed 10/6/11 as WSR 11-21-005. See also WSR 11-14-066.	Filed 5/31/11 as WSR 11-12-076.	Filed 1/4/12 as WSR 12-02-077. Public hearings 2/7/12 and 2/11/12.	Permanent rule adoption anticipated this period.
Annual license fees for DEL-licensed child care centers and family homes. Chapter 50, Laws of 2011 1st sp. sess., RCW 43.215.070, 43.215.255.	Chapters 170-151 170-295, 170-296, and 170-296A.	Implementing section 617(2) of HB 1087 authorizing an increase in the annual license fee for DEL-licensed child care centers and family home child cares to support expenditures authorized in the 2011-2013 State Operating Budget Act. EO 10-06 impact: Rules are required by new state law and to manage budget shortfalls, maintain fund solvency or for revenue generating activities. Rule making to proceed in 2012.	Filed 10/11/11 as WSR 11-21-021. See also WSR 11-13-077.	Filed 5/31/11 as WSR 11-12-076.	Filed 1/4/12 as WSR 12-02-079. Public hearings 2/7/12 and 2/11/12.	Permanent rule adoption for child care centers, school age anticipated this period. Fee increase for family home child care adopted in new chapter 170-296A WAC, WSR 11-23-068.
Nonexpiring child care licenses. Chapter 297, Laws of 2011, RCW 43.215.060, 43.15.070 [43.215.070], and chapter 43.215 RCW.	Chapters 170-151, 170-295, 170-296, and 170-296A.	Implementing applicable provisions of SB 5625 creating a non-expiring license and annual requirements for child care centers and family home child cares to continue a nonexpiring license. EO 10-06 impact: Rules are required to implement new state law, and to protect public health, safety and welfare. Rule making to proceed in 2012.	Filed 9/15/11 as WSR 11-19-066. See also WSR 11-15-091.	Filed 5/31/11 as WSR 11-12-076.	Filed 1/4/12 as WSR 12-02-078. Public hearings 2/7/12 and 2/11/12.	Permanent rule adoption for child care centers, school age programs anticipated this period. Rules implementing SB 5625 for family home child care adopted in new chapter 170-296A WAC, WSR 11-23-068.
Civil fines; providing child care without a license. Chapter 296, Laws of 2011, RCW 43.215.060, 43.215.070, chapter 43.215 RCW.	Chapters 170-151, 170-295, 170-296, and 170-296A.	Implementing provisions of SB 5504 revising civil fine amounts and notice requirements regarding individuals suspected of providing child care without a license, and civil fines for violating chapter 43.215 RCW or rules adopted pursuant to this statute. EO 10-06 impact: Rules are required to implement new state law, and to protect public health, safety and welfare. Rule making to proceed in 2012.	Filed 12/1/11 as WSR 11-24-025. See also WSR 11-15-089.	Filed 5/31/11 as WSR 11-12-076.	Filed 1/4/12 as WSR 12-02-080. Public hearings 2/7/12 and 2/11/12.	Permanent rule adoption for child care centers, school age programs anticipated this period. Civil fine and unlicensed care rules for family home child care adopted in new chapter 170-296A WAC, WSR 11-23-068.

Subject Matter and Authority	WAC Chapter or Sections	Description DEL Rules Under Development on the DEL web site has current information on these rules.	Emergency Rules (CR-103E)	Preproposal Notice (CR-101)	Proposed Rule (CR-102) and Public Hearings or Expedited Rule (CR-105)	Permanent Rule (CR-103P)
Minimum licensing requirements for child care centers. RCW 43.215.060, 43.215.070, chapter 43.215 RCW.	Chapter 170-295.	Review and update of rules for DEL-licensed child care centers. Rules have not been comprehensively updated since 2003 and do not reflect current law. Rules need to be updated for current child care health, safety and development research and practice. EO 10-06 impact: Rules are necessary to protect public health, safety and welfare. Rule review planned to be initiated in 2012.	None.	Filed 8/18/10 as WSR 10-18-006. First informal input period 12/11 through 3/31/12.	To be determined.	To be determined.
Child care centers, family home child care. RCW 43.215.070, and chapter 43.215 RCW.	Chapters 170-295, 170-296A.	Revising DEL rules on infant and toddler cribs and other sleeping equipment, consistent with new rules of the United States Consumer Product Safety Commission. By December 28, 2012, all cribs used in child care facilities must meet new national safety standards. EO 10-06 impact: Rules are necessary to protect public, health, safety and welfare. Rule development to proceed in 2012.	None.	Anticipated filing in this period.	To be determined.	To be determined for chapter 170-295 WAC. Crib rules for family child care homes adopted in new chapter 170-296A WAC, WSR 11-23-068.
Exclusion of ill children or staff in child care centers. RCW 43.215.070, chapter 43.215 RCW.	WAC 170-295-3030.	Possible rule making due to a public petition, under RCW 34.05.330, to amend WAC 170-295-3030 When is a child or staff member too ill to be at child care? EO 10-06 impact: Rules are necessary to protect public health, safety and welfare. Rule development may proceed in 2012.	None.	Filed 8/18/10 as WSR 10-18-006. Informal input period 12/11 through 1/31/12.	To be determined.	To be determined.
Licensed family home child care standards. RCW 43.215.060, 43.215.071, 43.215.350, and chapter 43.215 RCW. Chapters 295, 296, 297, Laws of 2011, and chapter 50, Laws of 2011 1st sp. sess.	Chapter 170-296 (repeal), new chapter 170-296A.	Revising the family home child care chapter using a negotiated rule-making process consisting of licensed child care providers, the Service Employees International Union, parent and licensee advocates, Child Care Resource and Referral network and DEL staff. Adopting new chapter 170-296A WAC and repealing all sections of chapter 170-296 WAC. Permanent rules adopted on 11/14/11 and effective 3/31/12. Rules also implement applicable provisions of 2011 SB 5625, SB 5504, HB 1903 and HB 1087. EO 10-06 impact: Rules may proceed if developed using negotiated rule making, pilot rule making or a similar inclusive process.	None.	Filed 12/1/06 as WSR 06-24-051.	Filed 4/20/11 as WSR 11-09-081. Eight public hearings held in June/July 2011.	Filed 11/14/11 as WSR 11-23-068. Permanent rules effective 3/31/12.

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Department of early learning rules. RCW 43.215.060, 43.215.070.	All chapters of Title 170.	DEL may revise its rules to update names, cross references or other information to keep DEL rules current. EO 10-06 impact: Rules suspended unless specific rules are deemed necessary to protect the public health, safety and welfare.	N/A.	Suspended.	Suspended.	Suspended.

Permanent rules adopted in the twelve months prior to this report:

- WSR 11-12-078. WCCC and SCC subsidy program rules. Permanent rules filed May 31, 2011, and effective July 1, 2011. Revising SCC subsidy rules to reflect joint implementation by DEL and the department of social and health services (DSHS).
- WSR 11-18-001. WCCC and SCC subsidy program rules. Permanent rules filed August 24, 2011, and effective September 24, 2011. Amending rules regarding consumer income eligibility, program caps and waiting list, copayments, reapplication, allowable fees, and partial implementation of 2011 SB 5921 and recommendations from state and federal audits.
- WSR 11-23-068. Adopting new chapter 170-296A WAC, Licensed family home child care standards, and repealing all sections of chapter 170-296 WAC. Permanent rules filed November 14, 2011, and effective March 31, 2011. Revising family home child care licensing rules using negotiated rule making as provided by RCW 43.215.350 and 34.05.310, and a process inclusive of licensees, the Services Employees International Union Local 925, parent and licensee advocates, the statewide Child Care Resource and Referral network and DEL staff.

***Governor's Executive Order 10-06 Suspending Noncritical Rule Development and Adoption**

EO 10-06, signed November 17, 2010, directs state executive agencies to suspend or eliminate "noncritical" rule development and adoption (extended through December 31, 2012 by EO 11-03). Guidance prepared by the state office of financial management (OFM) on implementing EO 10-06, says in part:

- Rule proceedings are noncritical unless the rule is:
 - a. Required by federal or state law or required to maintain a federally delegated or authorized program;
 - b. Required by court order;
 - c. Necessary to manage budget shortfalls, maintain fund solvency, or for revenue generating activities;
 - d. Necessary to protect health, safety, and welfare or necessary to avoid an immediate threat to the state's natural resources; or

e. Beneficial or requested or supported by the regulated entities, local governments, or small businesses that (the rule) affects.

- Agencies may continue to adopt rules that have been the subject of negotiated rule making or pilot rule making that involved substantial participation by interested parties before development of the proposed rule. Agencies may also proceed to finalize permanent rule making that has previously been covered by emergency rules.
- Agencies may continue to adopt expedited rules under RCW 34.05.353 where proposed rules relate only to internal government operations.

Find the complete OFM guidance on implementing EO 10-06 at the governor's office of regulatory assistance web site http://www.governor.wa.gov/news/20101116_memo_eo_10-06.pdf.

Notes: The DEL semi-annual rule-making agenda is prepared for information purposes only, and future dates or periods noted in this agenda are planning estimates that are subject to change. This agenda does not constitute a rule or rule-making action. Any errors or omissions in this agenda do not affect the actual DEL rules or rule-making notices filed with the office of the code reviser and published in the Washington State Register.

There may be additional DEL rule making that cannot be forecasted as the department adopts rules to implement new state laws, to meet federal requirements, or to meet unforeseen circumstances. Emergency rules noted, if any, are those in effect at the time this agenda was filed with the code reviser or were the last emergency rules filed prior to this agenda on the particular subject.

For more information about DEL rule making, or to join a mailing list to receive DEL rule notices and draft materials, please e-mail Rules@del.wa.gov, or write to the DEL Rules Coordinator, P.O. Box 40970, Olympia, WA 98504-0970.

CR means "code reviser." The legislature's office of the code reviser creates the rule-making notice forms used and filed by all state agencies.

CR-101 is a preproposal statement of inquiry notice filed under RCW 34.05.310.

CR-102 may be a proposed rule-making notice filed under RCW 34.05.320; a continuance notice under RCW 34.05.325, or a supplemental proposed rule-making notice

under RCW 34.05.340. **CR-103E** is an emergency rule-making order filed under RCW 34.05.350.

CR-103P is a permanent rule-making order filed under RCW 34.05.360.

CR-105 is an expedited rule-making notice filed under RCW 34.05.353.

WSR means "Washington State Register." The WSR numbers noted throughout this rules agenda are the official filing numbers assigned by the office of the code reviser and entered on materials filed for legal publication in the State Register.

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WSR 12-03-004
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Filed January 4, 2012, 1:41 p.m.]

In compliance with RCW 42.30.075, the following board of trustees 2012 meeting schedule has been approved for Edmonds Community College. The regularly scheduled meetings will take place on the second Thursday of the month beginning at 4:30 p.m. in Snohomish Hall, Room 304A, Cascade Conference Room, Edmonds Community College, 20226 68th Avenue West, Lynnwood, WA 98036.

- January 30
- February 9
- March 8
- April 12
- May 10
- June 14
- August 23-24 (retreat)
- September 13
- October 11
- November 8

WSR 12-03-005
NOTICE OF PUBLIC MEETINGS
OLYMPIC REGION
CLEAN AIR AGENCY
[Filed January 4, 2012, 2:39 p.m.]

Following is the schedule of regular meetings for the Olympic Region Clean Air Agency's regular board meetings for 2012:

Date	Time	Location
January 11, 2012	10:00 a.m.	2940 B Limited Lane N.W. Olympia, WA 98502
February 8, 2012	10:00 a.m.	2940 B Limited Lane N.W. Olympia, WA 98502
March 14, 2012	10:00 a.m.	2940 B Limited Lane N.W. Olympia, WA 98502
April 11, 2012	10:00 a.m.	2940 B Limited Lane N.W. Olympia, WA 98502
May 9, 2012	10:00 a.m.	2940 B Limited Lane N.W. Olympia, WA 98502
June 13, 2012	10:00 a.m.	2940 B Limited Lane N.W. Olympia, WA 98502
July 11, 2012	10:00 a.m.	2940 B Limited Lane N.W. Olympia, WA 98502
August 8, 2012	10:00 a.m.	2940 B Limited Lane N.W. Olympia, WA 98502
September 12, 2012	10:00 a.m.	2940 B Limited Lane N.W. Olympia, WA 98502
October 10, 2012	10:00 a.m.	2940 B Limited Lane N.W. Olympia, WA 98502
November 14, 2012	10:00 a.m.	2940 B Limited Lane N.W. Olympia, WA 98502
December 12, 2012	10:00 a.m.	2940 B Limited Lane N.W. Olympia, WA 98502

If you need further information contact Francea McNair, Director, 2940 B Limited Lane N.W., Olympia, WA 98502, (360) 539-7610, (360) 491-6308, fran.mcnaire@orcaa.org, www.orcaa.org.

WSR 12-03-006
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
[Filed January 5, 2012, 7:05 a.m.]

The **regularly scheduled** meeting of the board of trustees of Bellingham Technical College will be held on Thursday, January 19, 2012, from 9:00 - 12:00 p.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 12-03-008**AGENDA****FOREST PRACTICES BOARD**

[Filed January 5, 2012, 10:02 a.m.]

**Semi-Annual Rule-Making Agenda for
Publication in the Washington State Register Pursuant to
RCW 34.05.314
January - June 2012**

The forest practices board's mandate is to adopt rules to protect the state's public resources while maintaining a viable forest products industry. The following rule proposals are under development or are anticipated during this time period. There may be additional rule-making activity not on the agenda as conditions warrant.

1. Notice of Forest Practice to Affected Indian Tribes. The board will consider rule adoption at its February meeting to clarify rules that require landowners to meet with tribes when an application involves a cultural resource.

2. Critical Habitat. The board will consider rule adoption at its [its] February meeting that will reflect the changes made to WAC 232-12-014, 232-12-011, and 232-12-292 by the Washington fish and wildlife commission. It removes the bald eagle and the peregrine falcon from the board's critical habitats (state) list and eliminates the option to use a bald eagle site management plan. The proposal also updates the common and scientific names for the Western pond turtle on the board's critical habitats (state) list.

3. Forestry Riparian Easement Program. The board will consider rule making to amend chapter 222-21 WAC to implement HB 1509 (2011 legislation) that reforms the program including defining a qualifying small forest landowner as a for-profit entity.

4. WAC 222-16-080 Critical habitats (state) of threatened and endangered species. The board may consider rule making to amend WAC 222-16-080 to ensure special wildlife management plans (SWMP) are subject to SEPA review.

5. Notice of Conversion Activities. The board may consider rule making to amend rules that implement SB 5883 (2007 legislation) to provide a process to apply for a forest conversion application for another use.

6. Lands Platted. The board may consider rule making to implement HB 1582 (2011 legislation) that removes references to lands that were platted after January 1, 1960. These lands are no longer defaulted into a Class IV forest practices and are no longer automatically assumed to be lands that will be converted to a nonforestry land use.

Contact Person: Patricia Anderson, FPB Rules Coordinator, DNR, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, fax (360) 902-1428, e-mail patricia.anderson@dnr.wa.gov.

WSR 12-03-009**NOTICE OF PUBLIC MEETINGS****CITIZEN COMMISSION FOR PERFORMANCE
MEASUREMENT OF TAX PREFERENCES**

[Filed January 5, 2012, 10:12 a.m.]

Following is the schedule of meetings the citizen commission for performance measurement of tax preferences plans to hold during 2012:

Regular Meetings

Date	Location
May 21	Olympia
August 24	Olympia
September 14	Olympia
October 9	Olympia

Meetings usually begin at **2:00 p.m.** The exact location of each meeting has not been determined.

Distribution of agendas to all individuals and groups on the commission's mailing list also provides notice of these meetings. To be added to the mailing list, please contact Lisa Hennessy at (360) 786-5288, or visit the commission's web site at www.citizen taxpref.wa.gov.

WSR 12-03-010**AGENDA****UNIVERSITY OF WASHINGTON**

[Filed January 5, 2012, 10:53 a.m.]

**Semi-Annual Agenda for Rules under Development
(Per RCW 34.05.314)
January 2012**

Rule-making activity not now anticipated may also be added as conditions warrant between semi-annual agendas.

1. Rule making for housekeeping amendments to various Title 478 WAC rules continues during the first half of 2012 (CR-105 was filed as WSR 11-22-026).

2. Rule making continues for chapter 478-156 WAC, Rules for the University of Washington residence halls and family housing apartments, during the first half of 2012 (CR-101 was filed as WSR 11-20-075, CR-102 was filed as WSR 11-23-139).

3. Rule making continues for WAC 478-160-163 Waivers of tuition and fees, during the first half of 2012 (CR-101 was filed as WSR 11-20-078, CR-102 was filed as WSR 11-24-090).

4. Rule making for chapter 478-276 WAC, Governing access to public records, is anticipated to continue during the first half of 2012 (CR-101 was filed as WSR 10-04-104).

5. Rule making for chapter 478-140 WAC, Rules and regulations for the University of Washington governing student education records, is anticipated to continue during the first half of 2012 (CR-101 was filed as WSR 09-17-078).

For more information concerning the above rules, please contact Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, Box 351210, Seattle, WA 98195-1210, phone (206) 543-9219, fax (206) 685-

3825, e-mail rules@uw.edu, web www.washington.edu/admin/rules/.

WSR 12-03-011
AGENDA
DEPARTMENT OF CORRECTIONS

[Filed January 5, 2012, 12:06 p.m.]

SEMI-ANNUAL RULE-MAKING AGENDA
 JANUARY 1 - JUNE 30, 2012

Following is the department of corrections' semi-annual rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

RULE DEVELOPMENT CALENDAR
 JANUARY 1 - JUNE 30, 2012

WAC Chapter or Section	Purpose
137-04	Introductory information.
137-56	Community residential programs, work/training release.
137-58	Guideline for implementing the State Environmental Policy Act.
137-67	Transfer of citizens of foreign countries.
137-104	Community custody violation hearings.

In accordance with Executive Order 11-03, the governor's continuing moratorium on rule making, pursuing rule making on any of the items listed above is contingent upon the department's determination that the rule making is critical to the department's mission.

John Nispel
 Rules Coordinator

WSR 12-03-015
NOTICE OF PUBLIC MEETINGS
OFFICE OF
FINANCIAL MANAGEMENT

(Sentencing Guidelines Commission)

[Filed January 5, 2012, 12:59 p.m.]

The following is the schedule of regular meetings for the sentencing guidelines commission for 2012:

Date	Time	Location
January 13, 2012	8 a.m.	Teleconference
February 10, 2012	8 a.m.	Teleconference
March 9, 2012	8 a.m.	Teleconference
April 13, 2012	8 a.m.	Teleconference
May 11, 2012	8 a.m.	Teleconference

Date	Time	Location
June 8, 2012	8 a.m.	Teleconference
July 13, 2012	8 a.m.	Teleconference
August 10, 2012	8 a.m.	Teleconference
September 14, 2012	8 a.m.	Teleconference
October 12, 2012	8 a.m.	Teleconference
November 9, 2012	8 a.m.	Teleconference
December 14, 2012	8 a.m.	Teleconference

If you need further information contact Keri-Anne Jetzer, P.O. Box 43113, Olympia, WA 98504-3113, phone (360) 902-0425, fax (360) 725-5174, Keri-Anne.Jetzer@ofm.wa.gov, www.ofm.wa.gov/sgc.

WSR 12-03-017
INTERPRETIVE AND POLICY STATEMENT
UNIVERSITY OF WASHINGTON

[Filed January 5, 2012, 2:25 p.m.]

The University of Washington has recently created or revised the following policy statements:

- "Voluntary Fees of Students," new effective May 12, 2011 (*Student Governance and Policies*, Chapter 205).
- "Criteria for Tenure," revised effective July 5, 2011 (*Faculty Code*, Chapter 25, Section 25-32).
- "Appointment and Promotion of Faculty Members," multiple sections revised effective July 5, 2011 (*Faculty Code*, Chapter 24).
- "Organization of the University Faculty," multiple sections revised effective July 5, 2011 (*Faculty Code*, Chapter 21).
- "Suspended Operation Policy," revised effective July 19, 2011 (Executive Order No. 27).
- "Designation of Classified and Professional Staff Employees Who Perform Essential Services," new effective July 19, 2011 (Administrative Policy Statement 40.2).
- "Leave Use and Compensation for Classified and Professional Staff During Suspended Operations and During Inclement Weather," new effective July 19, 2011 (Administrative Policy Statement 45.2).
- "The Vice President and Vice Provost for UW Information Technology," revised effective July 19, 2011 (Executive Order No. 63).
- "Delegation of Authority," revised effective July 21, 2011 (*Board of Regents Governance*, Standing Orders, Chapter 1).
- "The Vice President for University Advancement," revised effective September 28, 2011 (Executive Order No. 62).
- "The U-PASS Program," revised effective September 29, 2011 (Administrative Policy Statement 53.4).
- "UW Seattle Parking Management Policies and Regulations," new effective September 29, 2011 (Administrative Policy Statement 53.1).

- "Types of University Personnel," revised effective October 12, 2011 (Administrative Policy Statement 40.1).
- "Delegation of Authority," revised effective October 20, 2011 (*Board of Regents Governance*, Standing Orders, Chapter 1).
- "University Privacy Policy," new effective November 4, 2011 (Administrative Policy Statement 2.2).
- "Information Security and Privacy Roles, Responsibilities, and Definitions," new effective November 4, 2011 (Administrative Policy Statement 2.4).
- "Information Security and Privacy Incident Management Policy," new effective November 4, 2011 (Administrative Policy Statement 2.5).
- "Endowment and Program Naming Policy," revised November 17, 2011, effective July 1, 2012 (*Board of Regents Governance*, Regent Policy No. 9).
- "Business and Financial Affairs," revised effective December 1, 2011 (Administrative Order No. 1).
- "University Wide Leadership List," revised effective December 12, 2011 (Administrative Policy Statement 1.2).
- "Shared Leave Program for Classified Non-Union and Contract-Classified Staff, Professional Staff Employees, and Librarians," revised effective December 20, 2011 (Administrative Policy Statement 45.10).

To view any current policy statement, see the University of Washington policy directory at <http://www.washington.edu/admin/rules/policies/>. For more information on these policy statements contact Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, Box 351210, Seattle, WA 98195-1210, e-mail rules@uw.edu, or fax (206) 685-3825.

WSR 12-03-019
POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed January 5, 2012, 2:34 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy/Interpretive Statement: Two-year approval for subsequent presentations of the same or substantially equivalent continuing education course.

Issuing Entity: Board of optometry.

Subject Matter: Board of optometry two-year approval of a continuing education course.

Effective Date: December 2, 2011.

Contact Person: Judy Haenke, Program Manager, Health Professions Quality Assurance, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4947.

WSR 12-03-020
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed January 5, 2012, 2:43 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT OR INTERPRETIVE STATEMENT

Title of Policy/Interpretive Statement: Board review of a continuing education course.

Issuing Entity: Board of optometry.

Subject Matter: Board of optometry review of continuing education courses.

Effective Date: December 2, 2011.

Contact Person: Judy Haenke, Program Manager, Health Professions Quality Assurance, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4947.

WSR 12-03-028
NOTICE OF PUBLIC MEETINGS
TREE FRUIT RESEARCH COMMISSION

[Filed January 6, 2012, 9:16 a.m.]

2012 Meeting Calendar

Date	Item	Time	Location
January 5	Board meeting	1:00 p.m.	Ellensburg
March 1	Board meeting	3:00 p.m.	Ellensburg
April 5	Board meeting	3:00 p.m.	Teleconference/WTFRC offices
May 10	Board meeting	Following tech review	Ellensburg
June 7	Board meeting	3:00 p.m.	Teleconference/WTFRC offices
August 9	Summer board retreat	All day	TBD
September 6	Board meeting	3:00 p.m.	Teleconference/WTFRC offices
October 4	Board meeting	2:00 p.m.	Ellensburg
November 14	Board meeting	Following cherry review	Yakima
December 16-18	Winter board retreat	All day	TBD

WSR 12-03-029
AGENDA
RECREATION AND CONSERVATION OFFICE

(Recreation and Conservation Funding Board)
(Salmon Recovery Funding Board)

[Filed January 6, 2012, 9:52 a.m.]

To comply with RCW 34.05.314, the recreation and conservation office, on behalf of the recreation and conservation funding board and salmon recovery funding board, has pre-

pared the following agenda for rules under development. As required, filing will be made with the code reviser for publication in the *State Register* by January 31 and July 31 each year. Within three days of publication, the recreation and conservation office will provide copies to each person so requesting, the director of office of financial management, the rules review committee, and other state agencies that may reasonably be expected to have an interest in this subject.

Contact: Dominga Soliz, rules coordinator, (360) 725-3937, Dominga.Soliz@rco.wa.gov.

Rules Development Agenda January - July 2012		
Subject of possible rule making	Reasons why rules on this subject may be needed and what might be accomplished	Status in response to EO 11-03
Title 286 WAC	Change the agency's name from interagency committee for outdoor recreation's to the recreation and conservation funding board and recreation and conservation office as required in HB 1813 (2007).	Delayed until 2013
Title 286 WAC	Update code references such as the state's public disclosure law, recently changed from chapter 42.17 RCW to chapter 42.56 RCW.	Delayed until 2013
Title 286 WAC	Update section titles to an easier to understand format. Many titles have already been improved to this new format.	Delayed until 2013
WAC 286-04-010	Update definitions.	Delayed until 2013
WAC 286-06-045	Move to a more logical location and clarify the text.	Delayed until 2013
WAC 286-13-060	Identify accurate sequence for agreement signatures.	Delayed until 2013
Title 286 WAC	Ensure that all language referencing conversions is consistent throughout the WAC.	Delayed until 2013
WAC 286-26-080 and 286-27-040	Update language regarding planning requirements; provide more general guidance.	Delayed until 2013

Dominga Soliz
Rules Coordinator

WSR 12-03-030
NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE
[Filed January 6, 2012, 11:53 a.m.]

BOARD OF TRUSTEES
2012 REGULAR MEETING SCHEDULE

The board of trustees of Community College District Number Eleven will hold their regular meetings mostly on the second Wednesday of each month. These meetings will be open to the public and advertised accordingly (RCW 42.30.075). The chancellor shall file, with the code reviser, a schedule of the time and place of such meetings on or before

January of each year for publication in the Washington State Register.

DATE	TIME	LOCATION
January 11	1:00 p.m.	Pierce College Fort Steilacoom
February 8	1:00 p.m.	Pierce College Puyallup <i>Joint Lunch with Foundation Board</i>
March 7	1:00 p.m.	Pierce College Fort Steilacoom
April 18	1:00 p.m.	Pierce College at McChord
May 9	1:00 p.m.	Pierce College Puyallup
June 13	1:00 p.m.	Pierce College Fort Steilacoom
July	No meeting scheduled	
August - To be determined	TBA	Retreat
September 12	1:00 p.m.	Pierce College Puyallup
October 10	1:00 p.m.	Pierce College Fort Steilacoom
November 14	1:00 p.m.	Pierce College Puyallup
December	No meeting scheduled	

PLEASE NOTE: Special meetings may be called at any time by the chairperson or a majority vote of the board. All special meetings will be publicly advertised at least twenty-four hours prior to being convened. A study session will take place prior to each board meeting.

WSR 12-03-031
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE STATE ACTUARY
(Select Committee on Pension Policy)
[Filed January 6, 2012, 11:54 a.m.]

SCPP Full and Executive Committee Meetings

April 17, 2012

Senate Hearing Room 4
Senate Conference Rooms A/B/C
8:00 a.m. - 5:00 p.m.

May 15, 2012

Senate Hearing Room 4
Senate Conference Rooms A/B/C
8:00 a.m. - 5:00 p.m.

June 19, 2012

Senate Hearing Room 4
Senate Conference Rooms A/B/C
8:00 a.m. - 5:00 p.m.

July 24, 2012

Senate Hearing Room 4
Senate Conference Rooms A/B/C
8:00 a.m. - 5:00 p.m.

August - no meeting scheduled

September 18, 2012

Senate Hearing Room 4
Senate Conference Rooms A/B/C
8:00 a.m. - 5:00 p.m.

SCPP Full and Executive Committee Meetings

October 16, 2012
 Senate Hearing Room 4
 Senate Conference Rooms A/B/C
 8:00 a.m. - 5:00 p.m.

November 20, 2012
 Senate Hearing Room 4
 Senate Conference Rooms A/B/C
 8:00 a.m. - 5:00 p.m.

December 18, 2012
 Senate Hearing Room 4
 Senate Conference Rooms A/B/C
 8:00 a.m. - 5:00 p.m.

WSR 12-03-035
NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed January 9, 2012, 12:41 p.m.]

On December 27, 2011, I sent you the 2012 meeting schedule for the Washington state criminal justice training commission. Due to a conflicting meeting, we will change the time and location of our March 14, 2012, meeting to Wednesday, March 14, 2012, at 1:00 p.m., WASPC Building, 3060 Willamette Drive N.E., Lacey, WA 98516.

All other meeting dates, times, and locations will remain the same as noted in the letter dated December 14, 2011.

If you have questions, please call Sonja Hirsch at (206) 835-7372.

WSR 12-03-034
NOTICE OF PUBLIC MEETINGS
ENERGY FACILITY SITE
EVALUATION COUNCIL
 [Filed January 9, 2012, 9:58 a.m.]

Council Meeting Dates for
January - December 2012

DATE	TIME	DESCRIPTION	LOCATION
January 24	1:30 p.m.	Monthly Council Meeting	UTC Room 206
February 21	1:30 p.m.	Monthly Council Meeting	UTC Room 206
March 21	1:30 p.m.	Monthly Council Meeting	UTC Room 206
April 17	1:30 p.m.	Monthly Council Meeting	UTC Room 206
May 22	1:30 p.m.	Monthly Council Meeting	UTC Room 206
June 19	1:30 p.m.	Monthly Council Meeting	UTC Room 206
July 17	1:30 p.m.	Monthly Council Meeting	UTC Room 206
August 21	1:30 p.m.	Monthly Council Meeting	UTC Room 206
September 18	1:30 p.m.	Monthly Council Meeting	UTC Room 206
October 16	1:30 p.m.	Monthly Council Meeting	UTC Room 206
November 20	1:30 p.m.	Monthly Council Meeting	UTC Room 206
December 18	1:30 p.m.	Monthly Council Meeting	UTC Room 206

Contact Person: Kayce Michelle, (360) 664-1363.

WSR 12-03-036
NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD
 [Filed January 9, 2012, 1:17 p.m.]

This is to notify all interested parties, that the executive ethics board's regular meeting, scheduled for March 9, 2012, has been changed to March 16, 2012.

If you have any questions, please contact Ruthann Bryant at 664-0871.

WSR 12-03-037
NOTICE OF PUBLIC MEETINGS
CONVENTION CENTER
 [Filed January 9, 2012, 1:17 p.m.]

A regular meeting of the Washington state convention center public facilities district board of directors will be held on Tuesday, January 17, 2012, at 2:00 p.m. The meeting will take place in Room 303 of the Convention Center, 800 Pike Street, Seattle.

If you have any questions regarding the board meeting, please call (206) 694-5000.

WSR 12-03-041
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [Filed January 10, 2012, 1:01 p.m.]

EXECUTIVE ORDER 12-01

REGULATORY REFORM AND ASSISTANCE TO HELP
SMALL BUSINESSES SUCCEED AND GROW

WHEREAS, with 95 percent of Washington employers having fewer than 50 workers, these small businesses are one of the main drivers in our state's economy; and

WHEREAS, small business success and growth are critical to the overall economic health of our state and nation; and

WHEREAS, regulatory red tape reduction across state agencies and access to more consistent and coordinated online resources are especially critical in tough economic times so small businesses can focus on sales and operations; and

WHEREAS, Executive Order 10-05 addressed some of the factors identified by small businesses that reduce the cost and complexity of doing business in the state; and

WHEREAS, through work begun under Executive Order 10-05, Washington embarked on the largest reform of our workers' compensation system in its history and has reduced unemployment insurance rates for more than 185,000 businesses, many of them small businesses; and

WHEREAS, Washington currently has an informal small business liaison program in 16 state agencies; and

WHEREAS, small businesses have found the work of the informal liaison program meaningful in identifying how government can serve businesses better and in helping government and business work together toward common goals; and

WHEREAS, in Washington State, manufacturing businesses employ more than 270,000 people, and the food and beverage industry employs nearly 200,000 people, not including proprietors and the self-employed; and

WHEREAS, small businesses from the manufacturing and restaurant sectors, as well as business associations, have expressed an interest in partnering with regulatory agencies to educate business owners about state and local requirements to prevent noncompliance issues; and

WHEREAS, assisting one or more segments of these industries can have a statewide impact while suggesting a template for improvements that will help other business sectors; and

WHEREAS, through current initiatives under Executive Order 10-05, and with the input of manufacturing and restaurant businesses, we have identified how to help small businesses without diminishing public health and safety by reducing the time, cost, and inconsistent requirements associated with multiple regulatory inspections and requirements.

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington by virtue of the power vested in me by the Constitution and statutes of the state of Washington do hereby order and direct the following:

(1) Small Business Liaison Program

(a) The Governor's Office of Regulatory Assistance (ORA) shall formalize a business liaison program for all state agencies having significant regulations affecting small businesses, including at a minimum the state departments of Revenue, Labor and Industries, Employment Security, Licensing, Commerce, Health, Agriculture, Ecology, Social and Health Services, Enterprise Services, Veterans Affairs, and Lottery, and the Office of Minority and Women's Business Enterprises. ORA shall lead the small business liaison team to ensure responsive and effective coordination across state agencies, and to facilitate roundtable and outreach sessions with small businesses. Representatives from the Department of Fish & Wildlife, Washington State Liquor Control Board,

the Workforce Training and Education Coordinating Board, the Governor's Office of Indian Affairs, and the commissions on African-American Affairs, Asian Pacific American Affairs, and Hispanic Affairs shall be invited to participate in the small business liaison program. The Secretary of State, Insurance Commissioner, and Commissioner of Public Lands shall be invited to appoint a member to the new business liaison program. By January 20, 2012, participating agencies shall designate an individual to serve as its Small Business Liaison to help businesses navigate state regulatory processes, resolve conflicting or inconsistent requirements, and facilitate multi-agency coordination.

(b) Small business liaisons shall meet at least six times a year, facilitated by ORA. The first meeting will be conducted on or before February 10, 2012. The purpose of the meetings is to review customer service performance, develop programs to simplify regulatory compliance, reduce duplication and inconsistency, and reduce the cost of regulations on small businesses to the maximum extent possible without negatively affecting the environment or public health and safety. ORA shall include results and recommendations from the small business liaison team in its annual report.

(c) The small business liaison team, working with ORA and Commerce, shall develop an annual outreach program to help agency directors and deputies connect with small businesses around the state and learn about the experiences of small businesses as they work to comply with state regulations. The outreach program may include some or all of the regulatory agencies, with an option for agency participation and geographic outreach to be adjusted annually to ensure a range of issues and agencies will be included over time. Recommendations and results from the outreach program shall be developed and managed by the liaison team and provided by agencies to ORA each year for inclusion in ORA's annual report.

(2) Inspection Coordination and Consistency

(a) ORA and the Department of Commerce shall work with the small business liaison team and the agencies they represent to develop a pilot program that streamlines and reduces the number of duplicative and conflicting requirements, decisions and inspections that affect small business operations. This program shall begin with a pilot project focused on a segment of the food and beverage industry. The selected industry segment must be the subject of inspections by multiple state and local regulatory agencies. Local government shall be invited to participate in the pilot program and related industry associations shall be consulted. Shared, delegated, or joint regulatory and inspection approaches among agencies shall be developed by interagency or interlocal agreements whenever possible.

(b) The inspection pilot program shall be developed immediately and implementation begun by June 1, 2012. The program shall conduct an inventory and reconcile related or similar regulatory requirements across relevant agencies. In developing this information, the pilot program should consult with the technical assistance and consultation programs already in place. In addition, this effort should develop ways

to communicate to small businesses about the most common regulatory violations and how to avoid violations by leveraging industry partnerships in the outreach and education efforts.

(c) From this pilot program, ORA and Commerce, working with the liaison team, shall compile a report by October 31, 2012, that includes a guide or template for expansion of the program to other business types or industry sectors.

(3) Website Improvements and Assistance

(a) The small business liaison program, in conjunction with ORA, shall establish an online presence where businesses and citizens can submit suggestions for regulatory improvements and request information or assistance.

(b) The small business liaison team shall also work with agency chief information officers (CIOs) and webmasters to develop more consistent and user-centered approaches across all state agencies that regulate or work with small business for finding and displaying online information frequently needed by businesses. At a minimum, a single point-of-entry approach for small business, or an indexed or categorized search page should be developed. The liaison team and CIOs shall report by June 30, 2012, and implement improvements by September 30, 2012.

(c) The state's Chief Information Officer shall work with Commerce, Department of Revenue, ORA and other executive agencies that license businesses or collect taxes and insurance premiums to review business community needs and evaluate technical options for an integrated enterprise system using a single sign-on or "My Account" for business interactions with state agencies. The Chief Information Officer shall collaborate with the agencies and the small businesses community to develop a high-level enterprise architecture design and implementation plan for an integrated online system by September 30, 2012.

(4) Deploy Lean Business Improvements

(a) The Department of Commerce, working with ORA and key state agencies that regulate business, shall continue its efforts begun under Executive Order 10-05 and called for in Executive Order 11-04 using Lean principles to improve regulatory process that affect small businesses.

Signed and sealed with the official seal of the state of Washington on this 5th day of January 2012, at Olympia, Washington.

By: _____
Christine O. Gregoire
Governor

BY THE GOVERNOR:
Steve Excell

[Assistant] Secretary of State

WSR 12-03-043
AGENDA
ENVIRONMENTAL AND
LAND USE HEARINGS OFFICE
[Filed January 10, 2012, 1:16 p.m.]

Rule-Making Agenda
January 1 through June 30, 2012

This is the environmental and land use hearings office (ELUHO) rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

If you have questions about this rule-making agenda, please contact Kay Brown, Rules Coordinator, P.O. Box 40903, Olympia, WA 98504, e-mail KayB@eluhwa.gov.

Current Rule Making: The ELUHO anticipates adopting proposed public records rules at its January 10, 2012, meeting. See WSR 11-22-091.

The ELUHO is also in the process of repealing chapters 198-12 and 242-04 WAC, which are the existing public records rules for the prior agency environmental hearings office and the growth management hearings boards; amending WAC 371-08-320, 371-08-325 and 198-09-010, to correct the agency address and name, and to correct outdated internal citations within the rules, and correcting typographical errors in chapter 242-03 WAC. See WSR 11-22-090.

Anticipated Rule Making:

1. Due to the governor's executive order, the ELUHO, on behalf of the pollution control hearings board, has decided to postpone addressing the question of the appropriate standards and process for issuance of temporary suspensions or discontinuances in forest practices appeals through rule making. WAC 223-08-087 will remain in effect in the interim and will control the issuance of temporary suspensions or discontinuances in forest practices appeals.

2. During the next six months, the ELUHO, on behalf of the shoreline hearings board, anticipates amending chapter 461-08 WAC as necessary to make it consistent with amendments to the Shoreline Management Act. Some sections of the rules also need to be updated to reflect the agency's new name and address.

January 10, 2012
Kay M. Brown
Rules Coordinator

WSR 12-03-045
HEALTH CARE AUTHORITY
[Filed January 11, 2012, 7:54 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment TN#12-003 Health Care-Acquired Conditions (HCACs) and Other Provider Preventable Conditions (OPPCs).

Effective Date: [No information supplied by agency.]

Description: The Washington health care authority intends to submit medicaid state plan amendment (SPA) TN#12-003 concerning HCACs and OPPCs in order to com-

ply with Section 2702 of the Patient Protection and Affordable Care Act and 42 C.F.R. 447.26. These federal regulations require states to implement nonpayment policies for HCACs and OPPCs as identified in the federal regulations. The SPA is currently under development; information regarding specific conditions and annual aggregate expenditures will be available at a later date.

For additional information, contact Sandy Stith, Financial Services Division, Health Care Authority, P.O. Box 45500, Olympia, WA 98504-5500, phone (360) 725-1949, TDD/TTY 800-848-5429, fax (360) 753-9152, e-mail sandy.stith@hca.wa.gov.

WSR 12-03-046

**NOTICE OF PUBLIC MEETINGS
OFFICE OF
FINANCIAL MANAGEMENT
(Technology Services Board)
[Filed January 11, 2012, 8:23 a.m.]**

Following is the schedule of regular meetings for the technology services board for 2012:

Date	Time	Location
January 19, 2012	1:00 - 3:30	Presentation Room 1213 1500 Jefferson Building Olympia, WA
April 19, 2012	1:00 - 3:00	Presentation Room 1213 1500 Jefferson Building Olympia
July 19, 2012	1:00 - 3:00	Presentation Room 1213 1500 Jefferson Building Olympia
October 18, 2012	1:00 - 3:00	Presentation Room 1213 1500 Jefferson Building Olympia

If you need further information contact Jill Satran, Office of the State CIO, P.O. Box 42440, Olympia, WA 98504, phone (360) 902-0407, fax (360) 664-0495, Jill.Satran@ofm.wa.gov, www.ocio.wa.gov.

WSR 12-03-047

**INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
[Filed January 11, 2012, 8:29 a.m.]**

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following excise tax advisory (ETA): ETA 3170.2012 *Sales Tax Sourcing for Installed Manufactured and Modular Homes*.

This ETA provides guidance regarding the sourcing, for retail sales tax when a dealer/seller is responsible for installation of a manufactured or modular home on a home site.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Alan R. Lynn
Rules Coordinator

WSR 12-03-050

**INTERPRETIVE OR POLICY STATEMENT
HEALTH CARE AUTHORITY
[Filed January 11, 2012, 9:33 a.m.]**

Notice of Interpretive or Policy Statement

Title or Subject: New Dental-Related Services Medicaid Provider Guide.

Effective Date: January 1, 2012.

Description: Effective for dates of service on and after October 1, 2011, the health care authority (HCA) published a new dental-related services medicaid provider guide to take the place of the dental program for clients through age twenty. HCA published this guide in response to the CR-103E filed for sections within chapter 182-535 WAC. These sections were filed under WSR 11-18-011 on August 25, 2011, and WSR 11-18-065 on September 2, 2011.

For additional information, contact Amber Dassow, HCA, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 12-03-051

**INTERPRETIVE OR POLICY STATEMENT
HEALTH CARE AUTHORITY
[Filed January 11, 2012, 9:34 a.m.]**

Notice of Interpretive or Policy Statement

Title or Subject: Inpatient Hospital Services Medicaid Provider Guide: Clarification of payment methods.

Effective Date: January 1, 2012.

Description: **Retroactive to dates of services on and after January 1, 2012**, the medicaid program of the health care authority (HCA) has clarified payment methods throughout the medicaid provider guide.

For additional information, contact Amber Dassow, HCA, P.O. Box 45504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@hca.wa.gov, web site <http://www.hca.wa.gov/>.

WSR 12-03-058

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
[Filed January 11, 2012, 4:18 p.m.]**

2012 Design, Funeral and Cemetery Board Meetings

Geologist licensing board - all meetings start at 9 a.m.

March 6, 2012	Eastern Washington University Cheney
June 12, 2012	South Puget Sound Community College Lacey
October 9, 2012	Western Washington University Bellingham
December 19, 2012	South Puget Sound Community College Lacey

Washington state board for architects - all meetings start at 9 a.m.

February 17, 2012	University of Washington Seattle
June 8, 2012	Department of Licensing Olympia
August 24, 2012	Department of Licensing Olympia
October 19, 2012	Washington State University Pullman

Board of licensure for landscape architects - all meetings start at 9:30 a.m.

February 9, 2012	South Puget Sound Community College Lacey
April 19, 2012	University of Washington Seattle
August 9, 2012	TBD (in the Puget Sound region)
October 18, 2012	Washington State University Pullman

Funeral and cemetery board - all meetings start at 9 a.m.

January 10, 2012	Department of Licensing Olympia
April 10, 2012	Department of Licensing Olympia
August 14, 2012	Department of Licensing Olympia
November 6, 2012	Department of Licensing Olympia

If you need further information contact Kezia Prater, 405 Black Lake Boulevard, Olympia, WA 98502, phone (360) 664-6652, fax (360) 570-7098, e-mail kprater@dol.wa.gov.

WSR 12-03-059

**NOTICE OF PUBLIC MEETINGS
DAIRY PRODUCTS COMMISSION**

[Filed January 12, 2012, 8:31 a.m.]

2012 Regular Meeting Schedule Revision

An additional meeting has been added on February 23 to the regular board meeting schedule for 2012.

DATE	LOCATION	TIME
February 23	WA Dairy Center 4201 198th Street S.W. Suite 101 Lynnwood, WA 98036	
March 28-29	WA Dairy Center	9:30 a.m. - March 28 8:30 a.m. - March 29
May 2-3	Sunnyside, Washington Location to be determined	TBD
June 21-22	WA Dairy Center	9:30 a.m. - June 21 8:30 a.m. - June 22
August 1-2	WA Dairy Center	9:30 a.m. - August 1 8:30 a.m. - August 2
September 26-27	WA Dairy Center	9:30 a.m. - September 26 8:30 a.m. - September 27
November TBD	Location and time to be determined	
December 5-6	WA Dairy Center	9:30 a.m. - December 5 8:30 a.m. - December 6

NOTE: The above meeting times are subject to change. Please confirm all final meeting start times with Celeste Piette at (425) 672-0687.

WSR 12-03-061

**NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY**

[Filed January 12, 2012, 8:50 a.m.]

In compliance with RCW 42.30.075, please note the following change of location for the board of trustees regular meeting of February 3, 2012.

The board's regularly scheduled business meeting will be held Friday, February 2, 2012, at 9:00 a.m. in Hal Holmes Center, Teanaway/Ellensburg rooms, 209 North Ruby Street, Ellensburg, WA. The business meeting will be preceded by general discussion by the board at 8:00 a.m. in the Kittitas Room.

WSR 12-03-066
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE

[Filed January 12, 2012, 10:40 a.m.]

The Skagit Valley College (Community College District No. 4) board of trustees has changed the start time of their regular February meeting from 4:30 p.m. to 3:30 p.m. The date of the meeting, February 14, 2012, and location, multi-purpose room on the Mount Vernon campus remain as originally scheduled.

If you need further information, please contact Lisa Radeleff, President's Office, 2405 East College Way, Mount Vernon, WA 98273, office (360) 416-7995, fax (360) 416-7773, lisa.radeleff@skagit.edu, www.skagit.edu.

WSR 12-03-070
AGENDA
OFFICE OF
FINANCIAL MANAGEMENT

[Filed January 12, 2012, 2:23 p.m.]

In accordance with RCW 34.05.314, the office of financial management (OFM) submits this semi-annual agenda for rules under development. During the next six-month period, OFM will be engaged in the rule-making activities set forth below.

WAC 82-50-021 will be updated to reflect the establishment of the semi-monthly pay dates for the 2012 calendar year. The CR-105 form will be filed in January and the CR-103P will be filed in April.

OFM may undertake additional rule-making activity as necessary during and following the 2012 legislative session.

We will not be initiating rule-making activities to update chapter 82-48 WAC, Disclosure of public records, as indicated in our previous semi-annual agenda due to the extension of the governor's rule moratorium.

If you have any questions, please feel free to contact Sandi Stewart at (360) 664-6324.

WSR 12-03-096
DEPARTMENT OF ECOLOGY

[Filed January 17, 2012, 10:49 a.m.]

PUBLIC NOTICE

**Announcing the Public Comment Period and Hearings
for the Draft Modified Industrial Stormwater General
Permit**

The department of ecology (ecology) proposes to modify the industrial stormwater national pollutant discharge elimination system and state waste discharge general permit (permit). The permit was last issued in October 2009 and was scheduled to expire in January 2015. The modified draft permit and fact sheet are available for review and public comment from **February 1, 2012, to March 16, 2012, at 5 p.m.**

Ecology will host four informational workshops and one public hearing on the draft permit.

Purpose of the Permit: The permit provides coverage for industries located in Washington state that discharge stormwater associated with industrial activities. Under federal and state water quality law (Federal Clean Water Act and State Water Pollution Control Act), a permit is required for the discharge of wastewater. The federal definition of wastewater includes stormwater associated with industrial activities.

Most facilities that discharge stormwater from industrial activity either directly or indirectly to surface water are required to obtain permit authorization for their discharge unless they apply for and receive a "no exposure" exemption. Facilities with a "stormwater discharge associated with industrial activity," as defined in the Code of Federal Regulations (C.F.R.) at 40 C.F.R. Subpart 122.26 (b)(14)(i-xi, excluding x) are subject to coverage under the permit.

Applying for Coverage Under the Permit: Facilities that applied for coverage and are covered under the existing permit will also be covered under the new modified permit. New or unpermitted facilities may obtain coverage under the permit by submitting a complete permit application to ecology and satisfying all applicable public notice and State Environmental Policy Act requirements (WAC 173-226-200). The application is available on-line at www.ecy.wa.gov/biblio/ecy02084.html.

Copies of the Draft Permit: The draft permit and fact sheet are available on-line at www.ecy.wa.gov/programs/wq/stormwater/industrial/index.html. You may request copies from Julie Robertson at (360) 407-6575 or by e-mail at Julie.Robertson@ecy.wa.gov.

Submitting Written Comments: Ecology will accept written comments on the draft permit and fact sheet from **February 1, 2012, to March 16, 2012, at 5 p.m.** Ecology prefers comments be submitted by e-mail. E-mailed comments must contain the commenter's name and postal address. Comments should reference specific permit text when possible.

Ecology prefers comments be submitted by e-mail to industrialstormwatercomments@ecy.wa.gov. Written comments must be postmarked or received via e-mail no later than **March 16, 2012, at 5 p.m.**

Submit written, hard copy comments to Jeff Killelea, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Public Workshops: In March 2012, public workshops on the draft permit will be held in Seattle, Vancouver, Mount Vernon, and Moses Lake. The purpose of the workshops is to explain the proposed changes to the permit. Information on the Seattle workshop is listed below, under public hearing. The date, time, and location of the Vancouver, Mount Vernon, and Moses Lake public workshops are posted on ecology's industrial stormwater web site <http://www.ecy.wa.gov/programs/wq/stormwater/industrial/index.html>.

Public Hearing: On March 12, 2012, ecology will host a public hearing and workshop to explain the proposed changes to the permit and provide an opportunity for people to give formal oral testimony and comments on the draft permit.

March 12, 2012, 1 p.m.
 South Seattle Community College
 Georgetown Campus (Room C110/C111)
 6737 Corson Avenue South
 Seattle, WA 98108-3450

Issuing the Permit: After ecology receives and considers all public comments, it will issue the final permit and a response to comments. Ecology expects to issue the modified permit in May 2012, with an effective date of July 1, 2012.

WSR 12-03-097

DEPARTMENT OF ECOLOGY

[Filed January 17, 2012, 10:49 a.m.]

PUBLIC NOTICE

Announcing the Proposal of a Japanese Eelgrass Management on Commercial Shellfish Beds General Permit

The department of ecology (ecology) is proposing to issue a general permit for the application of the aquatic herbicide imazamox to manage Japanese eelgrass on commercial shellfish beds.

These management activities may result in the discharge of chemicals to the surface waters of the state of Washington. We are requesting comments about whether or not it is appropriate for ecology to develop a permit for this activity. This comment period ends **March 9, 2012, at 5 p.m.** Please direct comments to Kathy Hamel, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6562, e-mail Kathy.Hamel@ecy.wa.gov.

Purpose of the General Permit: The Japanese eelgrass management on commercial shellfish beds general permit (permit) will regulate the use of herbicides and other products applied to manage Japanese eelgrass on commercial shellfish beds where herbicides or other products may enter the surface waters of the state of Washington. The permit will cover activities that result in a discharge of herbicides, adjuvants, and marker dyes into estuaries and marine areas to manage Japanese eelgrass on commercial shellfish beds.

Under the Washington State Water Pollution Control Act, a permit is required for the discharge of pollutants which may alter the biological or chemical characteristics of a water body. The proposed permit addresses these legal requirements and regulates the discharge of pollutants to protect surface water quality in Washington state.

Ecology issues general permits in place of a series of individual permits when the permitted activities are similar. Agencies that receive coverage under the general permit must comply with the terms and conditions of the permit.

For more information <http://www.ecy.wa.gov/programs/wq/pesticides/eelgrass.html>.

WSR 12-03-098

DEPARTMENT OF ECOLOGY

[Filed January 17, 2012, 10:50 a.m.]

PUBLIC NOTICE

Announcing a Modification to the Aquatic Plant and Algae Management General Permit for Review and Comment

Proposed Permit Modification: The Washington state department of ecology (ecology) is modifying the aquatic plant and algae management general permit (permit) and the notice of intent (NOI). The permit is a joint national pollutant discharge elimination system (NPDES) and state waste discharge general permit. The permit covers the discharge of products used to control aquatic plants and algae in Washington lakes. The permit also allows treatment of emergent plants along roadsides and ditch banks. Control products include aquatic herbicides, algaecides, biological clarification products, aquatic dyes, adjuvants, and nutrient inactivation products such as alum.

Purpose of the Permit Modification:

- The modification adds four new Environmental Protection Agency (EPA) reduced-risk herbicides to the permit. Information about these four herbicides is found in ecology's recent *Environmental Impact Statement for Penoxsulam, Imazamox, Bispyribac-sodium, flumioxazin, and Carfentrazone-ethyl - Addendum to the Final Supplemental Environmental Impact Statement for Freshwater Aquatic Plant Management* at http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/noxious/docs/eis100511.pdf. Ecology updated Table 3 in the permit to include the new herbicides and added a sign template for each new chemical.
- Ecology updated Table 2 - Listed adjuvants based on new information from the Washington state department of agriculture about which adjuvants met their criteria for aquatic toxicity.
- Ecology added a sign template for nutrient inactivation products and clarified that permittees do not need to post signs for continuous alum treatments.

Purpose of the NOI Modification: Ecology added a statement about treatment timing windows and included a checkbox for applicants to request a timing window change.

Copies of the Modified Permit: You may download copies of the modified permit from [the] following web site www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/aquatic_plants/aquatic_plant_permit_index.html.

You may request copies of the permit from Julie Robertson at (360) 407-6575 or by e-mail julie.robertson@ecy.wa.gov.

Ecology Contact: Kathy Hamel, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6562, e-mail kathy.hamel@ecy.wa.gov.

Submitting Written Comments: Ecology will accept written comments on the permit and NOI modifications until **5 p.m., March 7, 2012**. Ecology will only accept comments

on the modifications. The rest of the permit/NOI language is not open for review or comment.

Ecology prefers modification comments be submitted by e-mail to kathy.hamel@ecy.wa.gov. E-mailed comments must contain the commenter's name and postal address. Comments should reference the specific modification when possible.

Submit comments by e-mail to kathy.hamel@ecy.wa.gov.

Submit written comments to Kathy Hamel, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

You must send e-mail comments before **5 p.m., March 7, 2012**. Written comments must be postmarked no later than **5 p.m., March 7, 2012**.

Hearing and Workshop: Ecology will hold one public workshop and hearing on the modifications to the permit and NOI. The purpose of the workshop is to explain the permit modifications, and answer questions in order to facilitate meaningful testimony during the hearing. The purpose of the hearing is to provide an opportunity for people to give formal oral testimony and comments on the proposed modifications to the permit and NOI. Written comments will receive the same consideration as oral testimony. The public workshop and hearing will begin at 1 p.m. on March 5, 2012, and conclude when public testimony is complete.

Workshop and Hearing: March 5, 2012, at 1 p.m., at the Lacey Timberland Library, 500 College Street S.E., Lacey, WA 98503.

Issuing the Modified Permit: The final modified permit will be issued after ecology receives and considers all public comments. If public comments cause a substantial change in the permit modifications from the original draft permit, another public notice of draft and comment period may ensue. Ecology expects to issue the modified permit in April 2012.

WSR 12-03-099

NOTICE OF PUBLIC MEETINGS COMMUNITY ECONOMIC REVITALIZATION BOARD

[Filed January 17, 2012, 11:05 a.m.]

The community economic revitalization board (CERB) will be having regularly scheduled meetings on the following dates:

~~January 19~~ Canceled due to weather conditions.

March 15

May 17

July 19

September 20

November 15

The meetings will begin at 9:00 a.m.

Please contact the CERB main line at (360) 725-3150 for additional information.

WSR 12-03-101

AGENDA

OFFICE OF FINANCIAL MANAGEMENT

[Filed January 17, 2012, 11:34 a.m.]

In accordance with RCW 34.05.314, the office of financial management (OFM) submits this semi-annual agenda for rules under development. During the next six-month period, OFM will be engaged in the rule-making activities set forth below.

WAC 82-50-021 will be updated to reflect the establishment of the semi-monthly pay dates for the 2012 calendar year. The CR-105 form will be filed in January and the CR-103P will be filed in April.

OFM may undertake additional rule-making activity as necessary during and following the 2012 legislative session.

We will not be initiating rule-making activities to update chapter 82-48 WAC, Disclosure of public records, as indicated in our previous semi-annual agenda due to the extension of the governor's rule moratorium.

If you have any questions, please feel free to contact Sandi Stewart, at (360) 664-6324.

Sandi Stewart

Rules Coordinator

WSR 12-03-102

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF ENTERPRISE SERVICES

(Project Review Committee)

[Filed January 17, 2012, 11:36 a.m.]

Please record the following project review committee (PRC) meeting dates, time and location in the Washington State Register.

Dates:	January 26, 2012 March 22, 2012 July 26, 2012 September 27, 2012 November 29, 2012 January 24, 2013
Time:	9:00 a.m. - 5:00 p.m.
Location:	Northwest Carpenters Facility Second Floor Conference Room 25120 Pacific Highway South Kent, WA 98032-5436

If you have any questions, please contact Robyn Hofstad at (360) 407-9347.

WSR 12-03-109

**NOTICE OF PUBLIC MEETINGS
BUILDING CODE COUNCIL**

[Filed January 17, 2012, 1:25 p.m.]

2012 Meeting Schedule

In accordance with RCW 42.30.075, the following is a proposed schedule of regular meetings of the Washington state building code council for calendar year 2011 [2012]. All meetings begin at 10 a.m. unless otherwise noted.

If you have questions or need additional information, please contact council staff at (360) 407-9280 or via e-mail at sbcc@des.wa.gov.

January 13	Council Meeting	Olympia SBCC Office 1500 Jefferson Olympia, WA	April 13	Council Meeting Conference Call (if necessary)	Monitor Location 1500 Jefferson Olympia, WA
February 10	Council Conference Call 1 p.m.	Monitor Location 1500 Jefferson Olympia, WA	May 11	Council Meeting	Olympia SBCC Office 1500 Jefferson Olympia, WA
March 9	Council Meeting	Seattle Area (Location to be announced)	June 8	Council Meeting	Seattle Area (Location to be announced)
March 23	Council Meeting Conference Call (if necessary)	Monitor Location 1500 Jefferson Olympia, WA	June 22	Council Meeting	Olympia SBCC Office 1500 Jefferson Olympia, WA
			July 13	Council Meeting	Olympia SBCC Office 1500 Jefferson Olympia, WA
			September 14	Council Meeting/ Public Hearing	Spokane Area (Location to be announced)
			September 21	Council Meeting/ Public Hearing	Seattle Area (Location to be announced)
			October 19	Council Meeting	Olympia SBCC Office 1500 Jefferson Olympia, WA
			November 9	Council Meeting	Seattle Area (Location to be announced)
			November 30	Council Meeting	Olympia SBCC Office 1500 Jefferson Olympia, WA

WSR 12-03-112

AGENDA

BUILDING CODE COUNCIL

[Filed January 17, 2012, 2:28 p.m.]

Rules Agenda

Anticipated Rule Making in 2012

This report details current and anticipated rule-making activities for the Washington state building code council (SBCC). If you have any questions regarding this report or SBCC rule-making activities, please contact Tim Nogler at (360) 407-9280.

This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. There may be additional unforeseen rule-making activities.

Subject Matter	WAC	Description	Emergency Rule	CR-101	CR-102	CR-103	Exemption Criteria
Energy Code	51-11	Repeal of Section 1460 of the Washington State Energy Code.	Currently in effect (12-03-100)		Anticipate filing in June 2012	Anticipate filing in December 2012	Beneficial to or requested by regulated entity.
Fire Code	51-54	Amendment of requirement for luminous egress path markings in existing high rise buildings.	Currently in effect (11-24-037)		Anticipate filing in June 2012	Anticipate filing in December 2012	Beneficial to or requested by regulated entity.

Subject Matter	WAC	Description	Emergency Rule	CR-101	CR-102	CR-103	Exemption Criteria
Energy Code	51-11/new rule within Title 51 WAC	Possible repeal of chapter 51-11 WAC; readopted new rule within Title 51 WAC to accommodate reformatting necessary for adoption of 2012 IECC as base model code.		Filing in January 2012	Anticipate filing in June 2012	Anticipate filing in December 2012	Required by state law; beneficial to or requested by regulated entity.
Building Code	51-50	Update to 2012 International Building Code.	None anticipated.	Filing in January 2012	Anticipate filing in June 2012	Anticipate filing in December 2012	Required by state law.
Residential Building Code	51-51	Update to 2012 International Residential Code.	None anticipated.	Filing in January 2012	Anticipate filing in June 2012	Anticipate filing in December 2012	Required by state law.
Mechanical Code	51-52	Update to 2012 International Mechanical Code.	None anticipated.	Filing in January 2012	Anticipate filing in June 2012	Anticipate filing in December 2012	Required by state law.
Fire Code	51-54	Update to 2012 International Fire Code.		Filing in January 2012	Anticipate filing in June 2012	Anticipate filing in December 2012	Required by state law.
Plumbing Code	51-56, 51-57	Update to 2012 Uniform Plumbing Code; repeal chapter 51-57 WAC and incorporate existing amendments into chapter 51-56 WAC.	None anticipated.	Filing in January 2012	Anticipate filing in June 2012	Anticipate filing in December 2012	Required by state law.

C. Ray Allshouse
Chair

WSR 12-03-114
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD
[Filed January 17, 2012, 3:36 p.m.]

The community economic revitalization board (CERB) will be having regularly scheduled meetings on the following dates:

- ~~January 19~~ Canceled due to weather conditions.
- January 26
- March 15
- May 17
- July 19
- September 20
- November 15

The meetings will begin at 9:00 a.m.
Please contact the CERB main line at (360) 725-3150 for additional information.

WSR 12-03-118
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
(Pharmacy and Therapeutics Drug Utilization Review Committee)
[Filed January 18, 2012, 10:27 a.m.]

Contact Regina Chacon, program coordinator, (206) 521-2027, regina.chacon@hca.wa.gov.

On March 15, 2012, at 9:00 a.m. - 4:00 p.m., at the SeaTac Airport Conference Center, International A Conference Room, 17801 International Boulevard, Seattle, WA 98158.

WSR 12-03-119
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)
[Filed January 18, 2012, 10:39 a.m.]

The health care authority (HCA) will hold a public meeting to consider the following proposed PEBB program administrative policies:

- Policy #19-1: *Termination Due to Loss of Eligibility.*
This policy applies whenever coverage

for a subscriber or a subscriber's dependent is terminated due to loss of eligibility.

Policy #45-2: *Special Open Enrollment (SOE)*. This policy applies whenever a subscriber requests an enrollment change or election change outside of the PEBB annual open enrollment.

The meeting is scheduled for **February 29, 2012, at 2:30 p.m.** in the Apple/Peach Conference Rooms (106A and 106B), Health Care Authority, 626 8th Avenue, Olympia, WA 98501.

The proposed policies can be downloaded on-line from <http://www.pebb.hca.wa.gov/policy.html>. Public comment on these proposed policies can be submitted through the web page or to Barbara Scott, P.O. Box 42684, Olympia, WA 98504-2684. The deadline for public comment is February 29, 2012.

For further information, or to receive a hard copy of the proposed policies, please contact Barbara Scott at barbara.scott@hca.wa.gov or (360) 923-2642.