

WSR 12-06-001

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed February 23, 2012, 11:01 a.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the department of retirement systems requests to withdraw its preproposal statement of inquiry (CR-101) filed on August 31, 2011, as WSR 11-18-050.

Ken Goolsby
Rules and
Contracts Coordinator

WSR 12-06-003

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed February 23, 2012, 2:59 p.m.]

Subject of Possible Rule Making: Rules regarding retirees that return to work and updates to rules associated with changes in return to work rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5) and chapters 41.32, 41.35, 41.37, and 41.40 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amended rules will ensure compliance with ESHB 1981, Laws of 2011, and EHB 2391, Laws of 2007. Additional minor changes to rules, due to ESHB 1981 and EHB 2391, will be completed.

Process for Developing New Rule: The department of retirement systems (DRS) will amend rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Ken Goolsby, Rules Coordinator, DRS, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-5397, e-mail Rules@drs.wa.gov.

February 23, 2012
Ken Goolsby
Rules and
Contracts Coordinator

WSR 12-06-014

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed February 27, 2012, 1:55 p.m.]

Subject of Possible Rule Making: Rules related to Internal Revenue Code requirements, including, but not limited to, WAC 415-02-740 and 415-02-751.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amended rules will ensure continued retirement system plans qualifications and compliance with Internal Revenue Code requirements.

Process for Developing New Rule: The department of retirement systems (DRS) will amend rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Ken Goolsby, Rules Coordinator, DRS, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-5397, e-mail Rules@drs.wa.gov.

February 27, 2012
Ken Goolsby
Rules and
Contracts Coordinator

WSR 12-06-030

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

(Policy and External Relations)

[Filed March 1, 2012, 2:56 p.m.]

Subject of Possible Rule Making: The department is amending chapter 388-02 WAC to clarify when the department's board of appeals (BOA) will accept for review a party's petition for review of an initial order.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 388-02-0580 does not specifically address whether a party disagreeing with an initial order can submit a petition for review to BOA by fax, alone. WAC 388-02-0075 (1)(c) and 388-02-0040(4), do allow filing or sending of documents to BOA by fax if a copy of the document is also mailed the same day. "Filing" is defined in WAC 388-02-0070 as the act of delivering docu-

ments to BOA or the office of administrative hearings (OAH). It has been the practice of BOA to accept for review timely faxed transmissions of petitions for review whether or not a "hard copy" of the petition is eventually mailed to BOA. This practice is not in compliance with the regulations when reading and applying WAC 388-02-0580, 388-02-0075, and 388-02-0040 together. The proposed amendment (addition) to WAC 388-02-0580 would clarify and implement BOA's current practice of accepting for review timely faxed petitions for review while still encouraging follow-up with a mailed copy. The term "should" is defined in WAC 388-02-0010 as meaning that an action is recommended but not required. Using the term "should" in the proposed changes would allow accepting faxed petitions for review and would not require a "hard copy" to be mailed in order for BOA to assume jurisdiction to review the case. Without the rule change, there exists a serious question as to whether BOA has jurisdiction to review a timely faxed petition for review that has not also been mailed the same day as the facsimile transmission. The proposed rule change allows greater access to justice for all parties (department and clients) involved in the administrative hearing process. Other related sections as needed.

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 James Conant, P.O. Box 45803, Olympia, WA 98504-5803, phone (360) 664-6081, fax (360) 664-6187, e-mail conanjw@dshs.wa.gov.

March 1, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-06-036

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed March 2, 2012, 1:09 p.m.]

Subject of Possible Rule Making: Amend WAC 182-501-0135 Patient review and coordination (PRC), and possibly other related WAC sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to 2ESHB 1087, effective April 1, 2012, health care authority (HCA) is directed to pay for only medically necessary emergency services performed in the emergency room. HCA is also adding criteria for Alcohol and Drug Addiction Treatment and Support Act clients and changing the re-review and hearing processes.

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 Jason Crabbe, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1346, fax (360) 586-9727, TTY 1-800-848-5429, e-mail jason.crabbe@hca.wa.gov.

March 2, 2012
Kevin M. Sullivan
Rules Coordinator

WSR 12-06-045

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 5, 2012, 10:01 a.m.]

Subject of Possible Rule Making: Chapter 392-127 WAC, Finance—Certificated instructional staff ratio (46:1000) compliance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.100 and 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions update the calculation of the state-required K-12 certificated instructional staff ratio (46:1000) compliance, pursuant to ESHB 2065, section 10 (2011 legislative session).

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Bunda, (360) 725-6308.

March 5, 2012
Randy Dorn
Superintendent of
Public Instruction

WSR 12-06-050

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 5, 2012, 10:25 a.m.]

Subject of Possible Rule Making: Chapter 392-143 WAC, Transportation—Specifications for school buses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to chapter 392-143 will provide clarification to school districts on the process to license a school bus. Currently a school district is required to submit a copy of the school bus operation permit (issued by office of superintendent of public instruction) to the county auditor or license agent to obtain an exempt plate. This change would eliminate that requirement and result in a reduction in the paperwork collected by the county auditor or license agent.

In addition, the changes proposed will include clarification to the process for obtaining a school bus operations permit.

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.

March 5, 2012

Randy Dorn

Superintendent of
Public Instruction

WSR 12-06-056

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed March 5, 2012, 1:40 p.m.]

Subject of Possible Rule Making: WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments, 458-40-610 Timber excise tax—Definitions, 458-40-640 Timber excise tax—Stumpage value area (map), 458-40-650 Timber excise tax—Timber quality codes defined, and 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods—Sample scaling—Conversions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.091 requires the department of revenue to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-660 to provide valuations for the second half of 2012.

The department's anticipated changes include consolidating stumpage value areas (SVAs), which will result in the elimination of other SVAs, and changes to some log quality codes. Other rules in chapter 458-40 WAC will need to be amended to recognize these changes. Possible changes include the following.

WAC 458-40-610 Timber excise tax—Definitions, this rule provides definitions of terms used in other rules prescribing the policies and procedures for the taxation of timber harvested from public and private forest lands as required by

RCW 84.33.010 through 84.33.096. Possible changes include updating the following definitions:

- Subsection (25)(e), small logs.
- Subsection (25)(f), sawlog.
- Subsection (30), thinning.

WAC 458-40-640 Timber excise tax—Stumpage value area (map), map to be updated to combine SVA 6, 7, and 10 into one Eastern Washington SVA 6.

WAC 458-40-650 Timber excise tax—Timber quality codes defined.

- Updating Table 1 by removing SVA 10 and making "All conifer and all hardwoods" Quality Code 1 for all log grades.
- Updating Table 2 by removing SVA 7 and making "All conifer and all hardwoods" Quality Code 1 for all log sizes.

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments, in addition to updating existing valuations for the second half of 2012:

- Stumpage value tables - eliminate SVA 6 and 10.
- Harvest adjustment tables - remove references to SVA 10 and SVA 7.
- Domestic market adjustment - for SVA 1-5 only, eliminate Quality Code 2, leaving only Quality Code 1.

WAC 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods—Sample scaling—Conversions, remove all references to SVA 7 and SVA 10.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there is no need to involve them in the valuation revisions addressed provided in these rules.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted and should be directed to Mark E. Bohe at either of the following addresses: E-mail markbohe@dor.wa.gov, or mail Mark Bohe, 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, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on April 10, 2012, at 10:00 a.m.

Assistance for persons with disabilities: Contact Mary Carol LaPalm, (360) 725-7499, or Renee Cosare, (360) 725-7514, no later than ten days before the meeting date. For

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

March 5, 2012
Alan R. Lynn
Rules Coordinator

WSR 12-06-063
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed March 5, 2012, 5:41 p.m.]

The health care authority requests the withdrawal of the preproposal statement of inquiry filed as WSR 10-18-097 (federally qualified health centers).

Kevin M. Sullivan
Rules Coordinator

WSR 12-06-068
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 6, 2012, 9:22 a.m.]

Subject of Possible Rule Making: Chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035 and 51.16.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A classification study was conducted on land surveying businesses. It was determined that land surveyors report approximately ten percent of the total hours for risk classification 4901; however, they report approximately forty-two percent of the claims. This rule filing is necessary to better align land surveying businesses with like degrees of hazard.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments can be submitted to Karen Chamberlain, P.O. Box 44148, Olympia, WA 98504-4148, e-mail karen.chamberlain@lni.wa.gov, phone (360) 902-4772, fax (360) 902-4988.

March 6, 2012
Judy Schurke
Director

WSR 12-06-072

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed March 6, 2012, 2:10 p.m.]

Subject of Possible Rule Making: WAC 458-20-257 (Rule 257) Warranties and maintenance agreements.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule 257 explains the business and occupation (B&O), retail sales, and use tax reporting responsibilities of persons:

- Selling warranties and maintenance agreements for tangible personal property; and
- Performing services covered by such a warranty or maintenance agreement.

The department is considering an amendment to Rule 257 to:

- Update the rule to recognize that the sale of an extended warranty is a retail sale;
- Reformat the rule to provide the information in a more useful manner.

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 at e-mail GayleC@dor.wa.gov, or Gayle Carlson, 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 Conference Room Large, 1025 Union Avenue S.E., Olympia, WA, on April 17, 2012, at 10:00 a.m.

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

March 6, 2012
Alan R. Lynn
Rules Coordinator

WSR 12-06-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed March 7, 2012, 10:47 a.m.]

Subject of Possible Rule Making: The community services division is proposing to amend sections in Title 388 WAC to modify the way monthly state supplemental payment (SSP) benefits are issued by the economic services administration to eligible SSI recipients. Amendments may include updates to WAC 388-412-0025 How do I get my benefits? and possible other related WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may propose to modify rules in order to correctly reference the way SSP benefits are sent to SSP recipients.

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

Process for Developing New Rule: Agency study; 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 Olga Walker, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4641, fax (360) 725-4904, e-mail olga.walker@dshs.wa.gov.

March 6, 2012
Katherine I. Vasquez
Rules Coordinator