

WSR 12-11-013**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 3, 2012, 3:54 p.m.]

Subject of Possible Rule Making: To allow insurance carriers, employers, or their agents to enter into contracts with the department of licensing to participate in the abstract driving records (ADR) monitoring service.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Need to establish guidelines for contracting with insurance companies, employers, or agents to participate in the ADR monitoring service. This will include: The requirements to contract with the department of licensing, recording keeping and reporting, and audit requirements.

Process for Developing New Rule: Internal review and input from stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

May 3, 2012
Damon Monroe
Rules Coordinator

WSR 12-11-018**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 7, 2012, 8:43 a.m.]

Subject of Possible Rule Making: WAC 308-56A-460(3) What is the current market value threshold amount?, need to change to seven thousand eight hundred eighty.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to the rule are required to comply with RCW 46.12.600. This section requires the department to determine the market value threshold each year according to information provided in the United States Department of Labor consumer price index report.

If the threshold amount changes the department of licensing (DOL) must document the new amount by updating the rule. The threshold amount is only referenced in WAC 308-56A-460(3).

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

Process for Developing New Rule: DOL welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the

proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debra K. Then, Research Analyst, Program and System Support, Mailstop 48205, P.O. Box 9037, Olympia, WA 98501-9037, or by phone (360) 902-4094, fax (360) 902-3706, TTY (360) 664-0116, e-mail dthen@dol.wa.gov.

May 7, 2012
Damon Monroe
Rules Coordinator

WSR 12-11-034**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed May 10, 2012, 10:26 a.m.]

Subject of Possible Rule Making: WAC 390-05-400 Changes in dollar amounts, 390-18-010 Political advertising—Identification of sponsor, and 390-18-025 Political advertising—Identification of "top five contributors."

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

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

- Chapter 202, Laws of 2012, effective June 7, 2012, adds school board candidates to the list of candidates subject to contribution limits and sets the limit at \$800. As of January 13, 2012, the commission adjusted the contribution limit to \$900. In order to make the newly enacted school board candidates' contribution limit consistent with existing limits, the commission must insert the new limit in WAC 390-05-400 and adjust it.
- Incorporate into existing clarifying rules newly enacted requirement that political advertising regarding ballot measures sponsored by a political committee include the committee's top five contributors (chapter 226, Laws of 2012).

Process for Developing New Rule: The commission will meet May 24, 2012, to discuss legislative amendments taking effect June 7, 2012, and whether to move forward with related rule making. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by May 23, 2012, to Lori Anderson, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737, toll-free phone 1-877-601-2828, fax (360) 753-1112, e-mail lori.anderson@pdc.wa.gov.

May 9, 2012
Lori Anderson
Communications and
Training Manager

WSR 12-11-039
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Financial Services Administration)

[Filed May 10, 2012, 12:39 p.m.]

Subject of Possible Rule Making: The operations support and services division, background check central unit, is amending the following sections and creating a new section in chapter 388-06 WAC related to division of developmental disabilities (DDD) long-term care fingerprint check requirements and one hundred twenty day provisional hire: WAC 388-06-0020, 388-06-0110, 388-06-0150, 388-06-0525, 388-06-0540, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.056, 43.43.832, ESHB 2314.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is creating a new section and revising sections of chapter 388-06 WAC to implement Initiative 1163 and ESHB 2314 related to DDD long-term care fingerprint check requirements and one hundred twenty [day] provisional hire pending the completion of a national fingerprint-based background check. In addition the department will make clarifying revisions to DDD recheck requirements.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cindy LaRose-Eatwell, Operations Support and Services Division, Background Check Central Unit, P.O. Box 45025, Olympia, WA 98504-5025, phone (360) 725-8072, fax (360) 902-0292, e-mail larosej@dshs.wa.gov.

May 1, 2012
 Katherine I. Vasquez
 Rules Coordinator

WSR 12-11-041
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed May 10, 2012, 2:53 p.m.]

Subject of Possible Rule Making: Members-only raffles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0315.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Staff proposed rule change to comply with bill (SB 6465) that passed during the 2012 legislative session. Historically, charitable/nonprofit organizations conduct unlicensed "members only" raffles, where liquor can be given away as a prize. Unlicensed raffles cannot exceed \$5,000 in yearly gross revenues. SB 6465 allows "members only" raffles to exceed \$5,000 if the organization obtains a raffle license. The effect is that the organizations will be able to continue to give away alcohol as a prize, even if gross revenues are over \$5,000.

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

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

[Meetings on] July 12 or 13, 2012, at the DoubleTree Guest Suites - Southcenter, 16500 Southcenter Parkway, Seattle, WA 98188, visit www.wsgc.wa.gov on July 1 to confirm meeting location and start time; on August 9 or 10, 2012, at the Vancouver Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, visit www.wsgc.wa.gov on August 1 to confirm meeting location and start time; and on September 13 or 14, 2012, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, visit www.wsgc.wa.gov on September 1 to confirm meeting location and start time.

May 10, 2012
 Susan Arland
 Rules Coordinator

WSR 12-11-043
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed May 11, 2012, 10:33 a.m.]

The aging and disability services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 10-10-075 (chapter 388-825 WAC) filed on May 3, 2010.

Katherine I. Vasquez
 Rules Coordinator

WSR 12-11-049
PREPROPOSAL STATEMENT OF INQUIRY
OLYMPIC COLLEGE

[Filed May 14, 2012, 12:45 p.m.]

Subject of Possible Rule Making: Adjudicative proceedings policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B50 [chapter 28B.50 RCW].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Community College District Number 3 is interested in publishing this policy into the administrative code so that those who wish to appeal decisions understand the proper procedures, and to assure that the standards are followed consistent with the model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250.

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

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

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

May 14, 2012
 Thomas Oliver
 Rules Coordinator

WSR 12-11-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed May 14, 2012, 2:21 p.m.]

Subject of Possible Rule Making: Setting pesticide license examination fees in WAC 16-228-1540.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.21.030, 15.58.040, and chapter 34.05 RCW. In addition, 3ESBH [3ESHB] 2127 authorizes the department to establish pesticide license examination fees.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The pesticide management division (PMD) lost \$616,000 in general fund dollars during the last biennium. Charging a \$25 exam session fee will assist the program in recovering costs to administer exams to approximately four thousand prospective licensees each year. Exams are offered in all PMD offices, following large WSU prelicense shortcourses and upon request for large groups. The Washington state department of agriculture (WSDA) estimates that it costs from \$19 - \$31/tester to administer exams yet does not currently collect a fee for this activity. (A private contractor would charge from \$40 - \$70 per exam session.) Currently, only an annual license application fee is collected. The application fee supports licensing and compliance activities of the division.

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

While WSDA has been delegated the authority by the Environmental Protection Agency to license pesticide applicators, this federal agency does not have any role in setting license or examination fees.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Margaret Tucker, Program Manager, Certification and Training Program, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2015, fax (360) 902-2093, e-mail mtucker@agr.wa.gov.

May 14, 2012
 Bob Arrington
 Assistant Director
 Pesticide Management Division

WSR 12-11-057
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed May 15, 2012, 7:54 a.m.]

The department of licensing would like to withdraw our preproposed rule WSR 12-10-030, chapter 308-96A WAC. The CR-101 was filed on April 24, 2012. This document serves as the official notification of our rule withdrawal.

Damon G. Monroe
 Rules Coordinator

WSR 12-11-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed May 15, 2012, 10:57 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Vehicle licenses, to include but not limited to WAC 308-56A Vehicle brands and comments.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the comments that will print on the titles and registrations of off-road motorcycles that have been modified for road use, street rods, and custom vehicles.

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

Process for Developing New Rule: The department of licensing (DOL) welcomes the public to take part in developing the rules. Anyone interested should contact the staff per-

son identified below. At a later date, DOL will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debra K. Then, Research Analyst, Program and System Support, Mailstop 48205, P.O. Box 9037, Olympia, WA 98501-9037.

May 15, 2012
Damon Monroe
Rules Coordinator

WSR 12-11-064

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed May 15, 2012, 11:56 a.m.]

Subject of Possible Rule Making: Amendments to WAC 180-18-040 Waivers from minimum one hundred eighty-day school year requirement and student to teacher ratio requirement, 180-18-050 Procedure to obtain waiver, and the adoption of any rules necessary to implement criteria for the granting of waivers to a school district from the one hundred eighty day school year.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.140, 28A.305.141, 28A.655.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state board of education (SBE) is considering the adoption of criteria governing requests for waivers from the statutory requirement for a one hundred eighty day school year and providing for other requirements as determined necessary to evaluate a district's need for a waiver or waivers. These changes are intended to delete language relating to waivers for student-to-teacher ratio requirements that is now obsolete due to legislation adopted in 1999 and provide clarity, consistency and greater certainty in how the board will exercise its delegated waiver authority.

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

Process for Developing New Rule: The SBE will solicit comments and recommendations regarding new or amended rules governing waivers from school districts prior to the filing of the CR-102. Interested parties who wish to provide public comment may do so at upcoming board meetings; please see www.sbe.wa.gov for upcoming meeting agendas. In addition, information regarding the development of the rule can also be found in upcoming SBE newsletters and on the waiver web page at www.sbe.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Archer, Senior Policy Analyst, Washington State Board of Education, Old Capitol Building, Room 253, P.O. Box 47206, Olympia, WA 98504, parties are

encouraged to submit comments in writing to jack.archer@k12.wa.us.

May 15, 2012
Ben Rarick
Executive Director

WSR 12-11-071

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed May 16, 2012, 8:42 a.m.]

Subject of Possible Rule Making: Revision of WAC 468-38-120 Transport of extra-legal manufactured housing.

Revision of the rule was initiated by the manufactured housing industry for a provision to increase the length limit of a manufactured home in transit on a case-by-case basis. This revision will incorporate similar requirements in neighboring states' rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Having a provision in rule to authorize manufactured home moves with a length greater than seventy-five feet will allow the department to make exceptions to the seventy-five foot length limit in special circumstances. This would be similar to a length provision provided by Oregon to manufactured homes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The WAC is enforced by the Washington state patrol.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Wright, Commercial Vehicle Services, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 704-6345, fax (360) 704-6350, e-mail wrightji@wsdot.wa.gov.

May 16, 2012
Stephen T. Reinmuth
Chief of Staff

WSR 12-11-073

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed May 16, 2012, 10:01 a.m.]

Subject of Possible Rule Making: Card rooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from ShuffleMaster, a licensed manufacturer, requesting a definition of "utility products" and allowing those products to connect to a network wired and wirelessly

for service, repair, trouble shooting and information collecting.

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

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

[Meetings on] July 12 or 13, 2012, at the DoubleTree Guest Suites - Southcenter, 16500 Southcenter Parkway, Seattle, WA 98188, visit www.wsgc.wa.gov on July 1 to confirm meeting location and start time; on August 9 or 10, 2012, at the Vancouver Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, visit www.wsgc.wa.gov on August 1 to confirm meeting location and start time; and on September 13 or 14, 2012, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, visit www.wsgc.wa.gov on September 1 to confirm meeting location and start time.

May 16, 2012
Susan Arland
Rules Coordinator

WSR 12-11-078

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed May 17, 2012, 10:13 a.m.]

Subject of Possible Rule Making: This rule making will involve technical changes and structural improvements to WAC 232-28-619 in conjunction with the WAC overhaul project. The department will clarify language where needed, and the rule itself will be split into smaller, more manageable sections as part of this rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to WAC 232-28-619 are needed because the rule is long, unwieldy, not clearly written or structured, and lacking in sound organization. Further, this rule is amended frequently because it contains seasons and limits for freshwater fishing. Splitting the rule into multiple, smaller sections will make these changes more manageable. Also, the public will be able to locate and understand requirements more easily because the requirements will be better organized and clearly structured.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Fish and Wildlife Service also regulates fish and wildlife. State regulations may be more restrictive than federal regulations, but not less so. The Washington department of fish and wildlife (WDFW) will coordinate the regulatory landscape of these rule changes, where and if

applicable. Because these changes are largely structural and technical, it is unlikely that coordination will be necessary.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanna Eide, Administrative Regulations Analyst, WDFW Enforcement Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, fax (360) 902-2156, e-mail Joanna.Eide@dfw.wa.gov. Contact by July 13, 2012. Expected proposal filing on or after July 18, 2012.

May 17, 2012
Joanna M. Eide
Administrative Regulations Analyst

WSR 12-11-082

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)
(Community Services Division)

[Filed May 17, 2012, 3:15 p.m.]

Subject of Possible Rule Making: The department is proposing to amend rules in Title 388 WAC to establish eligibility and benefit level for a state-funded food assistance program. This may include creating new rules and amending the following (and any other related) rules: WAC 388-400-0040 Am I eligible for benefits through the Washington Basic Food program?, 388-412-0015 General information about your food assistance allotments, 388-424-0020 How does my alien status impact my eligibility for Washington Basic Food program benefits?, 388-489-0010 How is my transitional food assistance benefit calculated?, and 388-489-0025 Can my transitional food assistance benefits end before the end of my five-month transition period?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to RCW 74.08A.-120 and 3ESHB 2127, Laws of 2012, the department is establishing a state-funded food assistance program for legal immigrants that will provide benefits at fifty percent of the federal supplemental nutrition assistance program benefit amount.

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 Kim Chea, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA

98504-5470, phone (360) 725-4653, fax (360) 725-4905, e-mail kimberly.chea@dshs.wa.gov.

May 17, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-11-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed May 17, 2012, 3:19 p.m.]

Subject of Possible Rule Making: The division of child support (DCS) is adopting new sections and/or amendments, and repealing three sections, in chapter 388-14A WAC, to implement SSB 6386 (section 5, chapter 253, Laws of 2012) and the technical amendments contained in SHB 2828 (chapter 4, Laws of 2012). Both bills have an effective date of June 7, 2012. Families applying for a child care subsidy on or after June 7, 2012, will not be required to apply for DCS services as a condition of eligibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 6386 (section 5, chapter 253, Laws of 2012); SHB 2828 (chapter 4, Laws of 2012); RCW 34.05.220, 43.20A.550, 74.04.055, 74.08.090, 74.20.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 6386 (section 5, chapter 253, Laws of 2012) and the technical amendments contained in SHB 2828 (chapter 4, Laws of 2012) repeal the provisions included in ESSB 5921 (sections 9, 10 and 11, chapter 42, Laws of 2011) which made application to DCS for child support enforcement services a condition of eligibility for a child care subsidy. This requirement is terminated effective June 7, 2012. Families applying for a child care subsidy on or after June 7, 2012, will not be required to apply for DCS services as a condition of eligibility.

DCS is starting the permanent rule adoption process by filing this preproposal statement of inquiry; at the same time, we are adopting emergency rules to implement these bills as of June 7, 2012.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of early learning (DEL) is also amending its rules to implement these bills. DCS, DEL and the DSHS community services division are coordinating the implementation process.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS/DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <http://www.dshs.wa.gov/dcs/>, or on the DSHS economic services administration's policy review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. DSHS/DCS encourages the public

to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, DCS, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, e-mail nkoptur@dshs.wa.gov or nancy.koptur@dshs.wa.gov, phone (360) 664-5065, toll-free 1-800-457-6202, fax (360) 664-5342, TTY/TDD (360) 664-5011.

May 17, 2012
Katherine I. Vasquez
Rules Coordinator
Rules and Policies Assistance Unit

WSR 12-11-090
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket UG-120715—Filed May 18, 2012, 10:48 a.m.]

Subject of Possible Rule Making: The Washington utilities and transportation commission commences this inquiry to examine whether companies subject to the commission's jurisdiction should do more to enhance the safety of their natural gas distribution systems and, if so, to develop appropriate requirements or incentives to accomplish that goal.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be necessary to implement the requirements or incentives the commission develops as a result of its investigation to enable the commission to accomplish its goals of enhancing natural gas pipeline safety.

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

Process for Developing New Rule: The commission will ask for initial comments, and will provide the opportunity to provide additional comments. The commission will conduct stakeholder workshops on June 21, and July 2, 2012.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail records@utc.wa.gov, or through the UTC web portal <http://www.utc.wa.gov> by June 8, 2012.

WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **Friday, June 8, 2012**, for consideration at the **June 21 and July 2, 2012, stakeholder workshops**.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the commission's web portal at www.utc.wa.gov/e-filing or by electronic mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (UG-120715).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/120715>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at records@utc.wa.gov, or (3) mail written comments to the address above to the attention of David W. Danner, executive director and secretary. When contacting the commission, please refer to Docket UG-120715 to ensure that you are placed on the appropriate service list. Questions may be addressed to Mark Vasconi at (360) 664-1308 or e-mail at mvasconi@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UG-120715, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket UG-120715, and the words "Please keep me on the mailing list" to records@utc.wa.gov. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/120715>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

May 18, 2012
David W. Danner
Executive Director
and Secretary

WSR 12-11-091
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed May 18, 2012, 1:22 p.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-478-0005 Cash assistance need and payment standards and grant maximum and any other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08A-100, 74.04.770, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will propose amendments and additions to WAC 388-478-0005, and any other related rules, in order to change the cash assistance grant maximum for temporary assistance for needy families (TANF), state family assistance (SFA) and refugee cash assistance (RCA) to implement budget requirements.

This change is necessary to comply with the 2011-13 revised omnibus operating budget as mandated under 3ESHB 2127, Laws of 2012.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Aurea Figueroa-Rogers, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4623, fax (360) 725-4905, e-mail Aurea.Figueroa-Rogers@dshs.wa.gov.

May 17, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-11-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed May 21, 2012, 2:34 p.m.]

Subject of Possible Rule Making: New sections and/or amendments in chapter 388-14A WAC, to implement HB 2393 (chapter 109, Laws of 2012), which amended RCW 26.23.040 concerning new hire reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: HB 2393 (chapter 109, Laws of 2012), RCW 26.23.040(1), 34.05.350 (1)(b), 43.20A.550, 74.04.055, 74.08.090, 74.20A.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 2393 amends RCW 26.23.040, the Washington statute regarding new hire reporting. This statute is a state plan requirement for the child support program under Title IV-D of the federal Social Security Act (42 U.S.C. 653A(b)). The division of child support (DCS) is amending WAC 388-14A-8200 to implement HB 2393, which was adopted to implement changes to federal law contained in two acts: (1) The Claims Resolution Act of 2010 (P.L. 111-291), which among other things makes changes to employer reporting requirements. Under this new provision, employers are now required to report, among other elements, the date that an employee first performs services for pay; and (2) the Trade Adjustment Assistance Extension Act of 2011 (P.L. 112-40), which in Section 253 amends 42 U.S.C. 653a (a)(2) to provide a definition of the term "newly-hired employee," a term which was not previously defined. A state's employer reporting statute must contain the new definition.

Failure to enact these requirements into state law could have resulted in a state plan violation for Washington state, which would jeopardize all federal funding for Washington's child support enforcement and temporary assistance for needy families programs.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS/DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <http://www.dshs.wa.gov/dcs/>, or on the DSHS economic services administration's policy review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, DCS, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, e-mail nkoptur@dshs.wa.gov or nancy.koptur@dshs.wa.gov, phone (360) 664-5065, toll-free 1-800-457-6202, fax (360) 664-5342, TTY/TDD (360) 664-5011.

May 18, 2012

Katherine I. Vasquez
Rules Coordinator
Rules and Policies Assistance Unit

WSR 12-11-101

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed May 21, 2012, 4:08 p.m.]

Subject of Possible Rule Making: Chapter 182-537 WAC, School services.

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: The agency is amending chapter 182-537 WAC to update the school-based services program to be compliant with the current state plan amendment (SPA), expand the requirements for documentation of health care-related services, clarify the school districts' monitoring/auditing requirements, clarify the authority to implement the program and scope of covered and noncovered services, and make housekeeping changes throughout.

During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Process for Developing New Rule: The health care authority (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 R. P. Crabbe, Rules and Publications Program Manager, HCA, Legal and Administrative Services, P.O. Box 45504, Olympia, WA 98504-5504, fax (360) 586-9727, TTY 1-800-848-5429, e-mail jason.crabbe@hca.wa.gov.

May 21, 2012

Kevin M. Sullivan
Rules Coordinator

WSR 12-11-102

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed May 21, 2012, 4:21 p.m.]

Subject of Possible Rule Making: New sections in chapter 182-550 WAC, Hospital services, and possibly other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, chapter 74.60 RCW, chapter 30, Laws of 2010 (ESSHB [E2SHB] 2956); and chapter 35, Laws of 2011 (EHB 2069).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is implementing a safety net assessment on certain Washington hospitals. HCA will use the assessment solely to augment funding from all other sources and thereby obtain additional funds to restore recent reductions and to support

additional payments to hospitals for medicaid services. The hospital safety net assessment and hospital safety net assessment fund will allow the state to generate additional federal financial participation for the medicaid program and provide for increased reimbursement to hospitals. During the course of this review, HCA may identify additional changes that are required in order to improve clarity or update policy.

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 R. P. Crabbe, Rules and Publications Program Manager, HCA, Legal and Administrative Services, P.O. Box 45504, Olympia, WA 98504-5504, fax (360) 586-9727, TTY 1-800-848-5429, e-mail jason.crabbe@hca.wa.gov.

May 21, 2012
Kevin M. Sullivan
Rules Coordinator

WSR 12-11-103
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed May 21, 2012, 4:26 p.m.]

Subject of Possible Rule Making: Amending WAC 182-531-1500 Sleep studies and 182-550-1800 Hospital specialty services not requiring prior authorization; and repealing WAC 182-550-6350 Outpatient sleep apnea/sleep study programs; and other rules as appropriate.

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: As a result of a health technology assessment, the agency is amending centers of excellence (COE) criteria to include nonhospital owned and operated facilities in the agency-approved sleep study list. The agency is taking this action to improve access to care. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Process for Developing New Rule: The health care authority (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 R. P. Crabbe, Rules and Publications Program Manager, HCA, Legal and Administrative Ser-

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

May 21, 2012
Kevin M. Sullivan
Rules Coordinator

WSR 12-11-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 21, 2012, 4:48 p.m.]

Subject of Possible Rule Making: Changes to the Washington department of fish and wildlife's (WDFW) recreational sportfishing rules based on input from the fish and wildlife commission, agency staff, the public, and/or North of Falcon meetings.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules based on fish and wildlife commission suggestions and input from agency staff and the public ensure that the agency adheres to its mission of preserving, protecting, and perpetuating fish, wildlife and ecosystems while providing sustainable fish and wildlife recreational and commercial opportunities. Rules based on North of Falcon meetings change from year to year to reflect resource availability and achieve conservation goals.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Long, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2733, fax (360) 902-2158, e-mail John.Long@dfw.wa.gov. Contact by July 3, 2012. Expected proposal filing on or after July 18, 2012.

May 21, 2012
Lori Preuss
Rules Coordinator

WSR 12-11-105
PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD

[Filed May 22, 2012, 9:02 a.m.]

Subject of Possible Rule Making: Experimental research treatments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The forest practices board's authority to adopt forest practices rules is granted under RCW 76.09.040, [76.09].050, and [76.09].370. The pilot project process is authorized by RCW 34.05.313.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington state department of ecology is implementing headwater research led by the Washington state forest practices cooperative monitoring evaluation and research (CMER) committee of the adaptive management program. This CMER-funded research, known as the Type N experimental buffer treatment for soft rock lithology study, is a basin level evaluation of buffer effectiveness that will provide valuable information for the adaptive management of headwater streams.

The Type N experimental buffer treatment project for soft rock lithology tests the effectiveness of the current riparian management rules in providing protection for water quality and providing riparian functions along nonfish bearing streams in western Washington. The research could result in new rules developed through the adaptive management process. See RCW 76.09.370(7) and WAC 222-12-045. This project is a critically important step in determining whether the rules result in meeting the performance goals along Type N streams. This evaluation will be achieved by identifying the effectiveness of the current forest practices riparian management zone (RMZ) buffers (fifty foot wide buffers on both sides of the stream extending along at least fifty percent of the length of the perennial, nonfish bearing stream) in maintaining important ecological functions provided by riparian forests. The ecological functions evaluated in this study include: Large woody debris recruitment, shade, stream temperature, sediment storage, invertebrates, and downstream exports (nutrients and suspended sediment).

Pilot RMZ and harvesting rules are needed on a subset of the experimental sites. A pilot RMZ rule (WAC 222-30-021(1)) will be used to apply the current fifty foot forested buffers at the upper end of one or more Type F (fish-bearing) stream channels. In addition to the pilot RMZ rule, a pilot even-aged green-up rule (WAC 222-30-025(4)) will be used on one or more sites where timber harvest within the treatment basin(s) will result in an area greater than two hundred forty acres harvested within the last five years by even-aged harvest methods on land owned by one landowner. These pilot rules are needed to allow field data collection this summer (2012). Failure to initiate field monitoring in the 2012 summer field season may result in loss of the \$695,000 Environmental Protection Agency (EPA) grant needed to fund this important study.

Screening criteria were established as part of the study design to ensure treatment sites will be similar enough in size, geology, and forest age to serve as replicates in the experimental design. Field work was originally to begin in the summer of 2011; however, a sufficient number (twenty) of basins needed for consistency with the study design could not be located. By April 2012, only the minimum number of sites was found with landowners willing to harvest at the time and to the extent necessary to be included in the study.

Cooperators have now completed protocol surveys to verify the last fish point for the prospective treatment basins.

For three of the treatment basins the last fish point occurs upstream of the modeled point. Using this higher point to define the study basin would result in Type N basin being too small to be allowed to remain in the study; unless as authorized by this pilot rule nonfish bearing buffers can be applied to a small portion of the Type F stream.

Due to the fact that the final step in our process is to layout the harvest areas, and this step could result in some changes needing to be made, the specific streams and an absolute number that would be covered under the pilot rules cannot yet be determined. However, based on the protocol surveys and site reviews that have been done, only three basins would require application of the pilot RMZ rule and only one basin would require application of the pilot even-age harvest rule.

All other applicable forest practices rules will be adhered to at all treatment sites. Forest practices applications for study sites identified by CMER will only be approved for treatments consistent with the study plan, and this CR-101.

The study has been designed to minimize the potential for damage to public resources while maintaining the quality of design and implementation necessary to address the study objectives. The three study sites identified for application of the pilot RMZ rule do not include riparian areas adjacent to any 303d listed waters. If damage to public resources is detected from the harvest treatments, the project lead will be immediately informed and will consult with the forest practices program, the adaptive management administrator, the department of ecology and the cooperating landowner about resource mitigation that supports the research needs while limiting damage. CMER will closely monitor the study sites for at least two years after the application of treatments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The study has a peer-reviewed study design, involves the cooperation of multiple landowners (state and private), and has been highly supported by CMER and the forests and fish policy committee. The study is being supported in large part by a five year grant of \$695,000 awarded by the EPA. This study is a companion to a similar study conducted on hard rock (less erosive) lithology. There is consensus among the CMER committee and forests and fish policy committee that conducting this experiment (with its associated harvest treatments) will inform the adaptive management for riparian buffers along nonfish bearing streams in western Washington. Both committees include representatives of federal and state natural resource agencies including: United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration - Fisheries, department of fish and wildlife, department of ecology, department of natural resources, and tribes and tribal organizations. Coordination of the project will occur via regularly scheduled CMER meetings, and the forest practices board will be briefed on the progress and results of the study.

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Mail, fax, or e-mail comments to Patricia Anderson, Forest Practices Board Rules Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washing-

ton Street East, 4th Floor, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practiceboard@dnr.wa.gov.

May 8, 2012
B. Moran
Chair

WSR 12-11-111
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 22, 2012, 9:19 a.m.]

Subject of Possible Rule Making: Chapter 296-200A WAC, Contractor certificate of registration renewals—Security—Insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.27 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is initiating rule making to revise the insurance and bond filing requirements for contractors to reflect changes in new technology. Currently, the department is required to maintain a hard copy of the documents; however the department now has access to the information through an electronic system, which eliminates the need for paper.

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 these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed or by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-4281, fax (360) 902-5292, e-mail alicia.curry@lni.wa.gov.

May 22, 2012
Judy Schurke
Director

WSR 12-11-112
PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD

[Filed May 22, 2012, 10:12 a.m.]

Subject of Possible Rule Making: Hydraulic project approvals for forestry activities and forest practices within urban growth areas.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2012 legislature passed

2ESSB 6406 which integrates hydraulic project approvals associated with forestry activities into the forest practices application (FPA) and review process.

In addition, certain portions of chapter 76.09 RCW related to forest practices within urban growth areas have not been incorporated into Title 222 WAC, Forest practices. It is preferable to add this information to the rules to facilitate appropriate and consistent implementation.

Therefore, the board is considering rule making to incorporate the necessary changes from 2ESSB 6406 into Title 222 WAC, Forest practices; and clarify existing forest practices rule language related to forest practices within urban growth areas.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of fish and wildlife (WDFW) currently regulates hydraulic projects in fish habitat waters on forest land and determines standards for fish protection. The forest practices board will coordinate with WDFW to incorporate fish protection standards into Title 222 WAC after WDFW adopts rules establishing a concurrence review process. This concurrence review process is to be integrated into the rules and the department of natural resources' review of FPAs that include hydraulic projects.

Process for Developing New Rule: Coordinate with WDFW on rule making to incorporate necessary changes from 2ESSB 6406 into Title 222 WAC, Forest practices; include forest practices stakeholders in review of draft rules (department of ecology, WDFW, Washington State Association of Counties, United States Fish and Wildlife Service, NOAA Fisheries, and interested forest landowner and conservation organizations).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Mail, fax, or e-mail comments to Patricia Anderson, Forest Practices Board Rules Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washington Street S.E., 4th floor, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practicesboard@dnr.wa.gov.

May 9, 2012
B. Moran
Chair

WSR 12-11-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 22, 2012, 1:46 p.m.]

Subject of Possible Rule Making: WAC 246-491-149, consider amending the rule to gender-neutralize terms for spouses on the marriage and divorce certificates, and to consider clarifying names and adding gender as an item on the marriage certificate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.150 Registration of vital statistics.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In February 2012, chapter 3,

Laws of 2012 (ESSB 6239) was signed into law allowing same-sex couples to marry in Washington. The department of health collects records of all marriages and divorces that occur in Washington and issues copies of certificates. Current marriage and divorce certificates use gender-specific terms. After the law goes into effect, same-sex couples who marry may expect these records to use gender-neutral language. The department also anticipates public interest in knowing how many same-sex marriages occur. The department will consider revising the rule when the law goes into effect. (A referendum has been filed to refer the law to voters; signatures have not yet been submitted.)

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency regulates the collection of marriage and divorce records in Washington state.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals who would like to join the department's interested parties list for marriage certificate rules may contact Rachel McKinlay, Washington State Department of Health, P.O. Box 47814, Olympia, WA 98501-7814, phone (360) 236-4308, fax (360) 753-4135, e-mail vitalrecordsrules@doh.wa.gov.

May 21, 2012
Mary C. Selecky
Secretary

WSR 12-11-117
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 22, 2012, 4:05 p.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-458-0011 DSHS sends you a denial letter when you can't get benefits, and other related rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The community services division is proposing to amend WAC 388-458-0011 to align the language of this WAC section and several sections in chapter 388-406 WAC, Applications, concerning reconsideration of denied Basic Food applications.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal supplemental nutrition assistance program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will

develop rules that are consistent with the act, federal regulations, FNS administrative notices and interim guidance.

The state legislature authorizes the department to administer the food stamp program (SNAP) and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington Basic Food program.

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 Bob Thibodeau, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail thiborl@dshs.wa.gov.

May 22, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-11-119
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed May 23, 2012, 8:06 a.m.]

Subject of Possible Rule Making: The department will propose rules that increase the fruit and vegetable program hourly and overtime inspection, certification and fresh produce audit verification program for good agricultural practices (GAP) and good handling practices (GHP) rates. These hourly rate increases are necessary to recover the department's actual costs of providing inspection services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 3ESBH [3ESHB] 2127, chapter 7, Laws of 2012 2nd sp. sess. PV; chapter 15.17 RCW, Standards of grades and packs, specifically RCW 15.17.150 Inspections and certifications—Fees adopted by rule—Failure to pay; chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 15.17.150 mandates that the department of agriculture establish fees to recover the costs of providing inspection and/or certification or other requested services. In compliance with this mandate, the department will propose a fee schedule that provides for the recovery of the hourly inspection costs, both regular and overtime. Currently, hourly inspection rates are below the costs of providing services. Also, the department will propose adopting Federal Market inspection fees for GAP and GHP audit certifications performed by federal/state licensed

auditors for the United States Department of Agriculture (USDA) Fresh Produce Audit Verification Program. Adopting the federal terminal market hourly inspection rate would make the state and federal fees equal for the federal/state program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA. The Washington state department of agriculture (WSDA) fruit and vegetable inspection program administrator will coordinate with federal counterpart on any issues that may arise with respect to these rules.

Process for Developing New Rule: WSDA staff will develop the rule proposal and will consult with stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Quigley, Administrator, Fruit and Vegetable Program, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1833, fax (360) 902-2085, e-mail jquigley@agr.wa.gov.

May 23, 2012

Brad J. Avy

Assistant Director

WSR 12-11-120

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed May 23, 2012, 8:10 a.m.]

Subject of Possible Rule Making: Chapter 16-303 WAC, Seed assessment, fees for seed services and seed certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.49 RCW, Seeds; chapter 34.05 RCW, Administrative Procedure Act; 3ESHB 2127, chapter 7, Laws of 2012 2nd sp. sess. PV.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This review will ensure that the fees being charged for services provided by the seed program are in correlation to the amount of time needed to render that service and ensure cost recovery for the program. This review will result in fees being increased in such a way as to ensure that revenues collected by the program are sufficient to ensure financial solvency of the seed program.

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

Process for Developing New Rule: The Washington department of agriculture (WSDA) staff will develop the specific rule proposal in consultation with a special committee made up of members of the seed industry. This committee will be structured such that the various seed program user groups are represented. In addition the seed program advisory committee will be kept informed of this proposal. Interested parties can participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Victor Shaul, Program Manager, WSDA, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 249-6950, e-mail Vshaul@agr.wa.gov.

May 23, 2012

Brad J. Avy

Assistant Director

WSR 12-11-121

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed May 23, 2012, 8:13 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 16-237-195 Fees for warehouse audit and related services, to increase the year-end inventory fee from ten percent of the warehouse license fee to twenty percent of the warehouse license fee with a minimum of four hundred dollars.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 3ESBH [3ESHB] 2127, chapter 7, Laws of 2012 2nd sp. sess. PV; chapter 22.09 RCW, Warehousing and deposits; chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments to WAC 16-237-195 Fees for warehouse audit and related services, are needed to enable the grain warehouse audit program to recover the cost of performing the year-end inventory at the request of the licensed warehouse operators and dealers.

Licensed warehouses frequently request special inventories at the end of their fiscal year so they can determine the quality and quantities of their year-end inventories that licensed public accountants will use when preparing the warehouse company's year-end financial statements.

Process for Developing New Rule: Warehouse audit program staff will develop the proposed rule amendments in consultation with the program's advisory committee and other industry representatives.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Don Potts, Program Manager, Grain Warehouse Audit Program, (509) 533-2488, dpotts@agr.wa.gov.

May 23, 2012

Brad J. Avy

Assistant Director

WSR 12-11-122

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed May 23, 2012, 8:26 a.m.]

Subject of Possible Rule Making: The department is considering amending chapter 16-240 WAC, proposes to adjust grain inspection program fees outlined in chapter 16-240 WAC, WSDA grain inspection program—Definitions,

standards, and fees, to adequately recover the cost of providing inspection services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 3ESBH [3ESHB] 2127, chapter 7, Laws of 2012 2nd sp. sess. PV; chapter 22.09 RCW, Agricultural commodities; chapter 34.05 RCW, Administrative Procedure Act; RCW 22.09.790 Inspection or grading of commodities—Fees and charges.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The grain inspection program is supported entirely by the rendering of inspection services. RCW 22.09.790 Inspection or grading of commodities—Fees and charges, authorize the department to:

- Set the fee for inspection, grading, and weighing of the commodities included under the provisions of this chapter and mandates that these fees must be sufficient to cover the cost of services provided.
- Make any tests relating to grade or quality of commodities covered by this chapter; inspect and approve facilities and vessels to be used in transporting such commodities; provide any other necessary services; and set reasonable fees for such services.
- Adjust the fees collected under this chapter in order to meet the expenses necessary to carry out the provisions of this chapter, and allows the department to prescribe a different scale of fees for different localities.
- If necessary, establish a reasonable charge, in addition to the regular grain inspection program fees, for service performed at places other than terminal warehouses in order to avoid rendering the services at a loss to the state.

The proposed fee increases are necessary to offset increases in grain inspection program operating expenses.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Services (USDA, GIPSA, FGIS) must approve changes in the WSDA grain inspection program's fee schedule.

Process for Developing New Rule: Grain inspection program staff will develop the proposed fee increases based upon program needs in consultation with the grain inspection program advisory committee.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Keith Angerman, Program Manager, Grain Inspection Program, Commodity Inspection Division, 11 Schuster Parkway, Tacoma, WA 98402-5310, phone (253) 593-2064, fax (253) 722-5104, TDD (360) 902-1996, e-mail kangerman@agr.wa.gov. The public may submit written comments during the public comment period and participate in the public hearing process.

May 23, 2012

Brad J. Avy
Assistant Director

WSR 12-11-123

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 23, 2012, 8:50 a.m.]

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

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 388-845 WAC is being amended to comply with federal and state law. Proposed updates include:

- Rename ICF/MR to ICF/ID;
- Rename behavior management and consultation and mental health stabilization;
- Remove duplication of plan of care language;
- Remove obsolete link and rule citations;
- Eliminate skilled nursing services under mental health stabilization services;
- Clarify residential setting to community transition services;
- Clarify when individual support plan (ISP) is effective; and
- Clarify intent of respite services.

The changes that are reflected above are required to maintain compliance with the home and community based waiver programs for the division of developmental disabilities that was approved by the Centers for Medicare and Medicaid Services (CMS). This request for rule modification is to address obsolete language that is in conflict in all of the approved home and community based services (HCBS) waivers, clarify language to ensure that services are implemented consistent with services contained in the approved HCBS waiver program, or to update language that is no longer in compliance with federal and state law. These changes ensure the division is in compliance with the HCBS waiver program and to ensure the division can continue to collect federal financial match for the receipt of services.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alan McMullen, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3524, fax (360)

407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@
dshs.wa.gov.

May 23, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-11-125

**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2012-15—Filed May 23, 2012, 9:43
a.m.]

Subject of Possible Rule Making: Long-term care partnership—Inflation requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.83.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is initiated in response to a rule-making petition submitted by John Hancock Life Insurance Company. Under this rule making, the commissioner will consider amendment of WAC 284-83-400(1).

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

Process for Developing New Rule: Submit written comments by July 2, 2012.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, kacys@oic.wa.gov.

May 23, 2012
Mike Kreidler
Insurance Commissioner

WSR 12-11-126

**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2012-16—Filed May 23, 2012, 9:44
a.m.]

Subject of Possible Rule Making: Insurance producers sharing of commissions and paying referral fees to nonlicensed persons.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner will consider rules to provide guidance to the producer industry to ensure that the proposals are in compliance with the standards in RCW 48.30.140 and 48.30.150.

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

Process for Developing New Rule: Submit written comments by June 29, 2012.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, kacys@oic.wa.gov, fax (360) 586-3109.

May 23, 2012
Mike Kreidler
Insurance Commissioner

WSR 12-11-132

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed May 23, 2012, 10:58 a.m.]

The department of ecology is withdrawing the CR-101 Preproposal statement of inquiry filed on December 20, 2011, as WSR 12-01-098. This filing announced rule making related to chapter 173-455 WAC, Air quality fee regulation.

Immediately following this withdrawal, ecology is filing a new preproposal statement of inquiry. This new filing includes the scope from the previous CR-101 and expands the rule-making scope to (1) include a method for making future fee increases and (2) consider housekeeping changes to the rule.

Stuart A. Clark
Air Quality Program Manager

WSR 12-11-133

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 11-07—Filed May 23, 2012, 10:59 a.m.]

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

(1) Increasing registration program fees for businesses that release small amounts of emissions and report that [the] emissions every three years.

(2) Clarifying the process for calculating general registration fees.

(3) Reestablishing air quality inspection fees for gas stations and other sources that dispense gasoline.

(4) Providing a method for making future fee increases. This change will not result in any additional fee increases at this time. This methodology will not apply to the retail sales fee on wood stoves in WAC 173-455-060.

(5) Making housekeeping changes to increase the understanding of the rule and clarify the rules' intent, such as consolidating registration program fees in one location.

Fees for business that report emissions annually are being increased through the procedures and formula currently established in rule (WAC 173-455-040), and went into effect in 2012 based on 2011 legislative direction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.151, section 302(2), chapter 50, Laws

of 2011 (2ESHB 1087), and section 302(9), chapter 158, Laws of 2012 (3ESHB 2127).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: **What is the purpose of the air quality source registration program?** Businesses that generate small and moderate amounts of air pollution must participate in the air quality source registration program. The registration program is necessary to ensure that sources of air pollution operate in a way that minimizes emissions to comply with the Clean Air Act and protect human health.

The registration information helps us to:

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

Why are we increasing fees for businesses that report their emissions every three years? Businesses that report emissions every three years are periodic registration program sources. The air quality source registration program currently relies heavily on state general fund dollars. To help cover the cost and to reduce reliance on the general fund, the legislature directed ecology to increase the general registration program fees by up to thirty-six percent. Even with this increase, the fees will not cover all of the costs to operate this program.

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

Ecology has jurisdiction over air quality in San Juan County in western Washington and most counties in central and eastern Washington. (Other areas in Washington are regulated by clean air agencies.) Ecology is the only regulatory agency in Washington without an air quality gasoline vapor recovery system inspection program.

Why are we considering other rule changes? Ecology is making changes that will improve the usability of the rule and provide more transparency regarding fees. Examples include clarifying the process for calculating general registration program fees and establishing a method for increasing fees in the rule. Consolidating registration program fees in one location will reduce the time spent searching for a fee. Including a method for increasing fees simplifies the process to update fees in the future.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Seven local air agencies regulate sources in their jurisdiction. These are the Benton Clean Air Agency, Northwest

Clean Air Agency, Olympic Region Clean Air Agency, Puget Sound Clean Air Agency, Southwest Clean Air Agency, Spokane Regional Clean Air Agency, and Yakima Regional Clean Air Agency. While there is no regulatory overlap between agencies regarding fees, ecology will apprise the agencies of our actions via e-mail at the rule-making milestones of preproposal, proposal, and adoption.

Process for Developing New Rule: Ecology will hold public meetings to give an overview of the key issues related to this rule making and explain the different ways interested parties can participate in the rule-making process. In addition to the two meetings we have already held, ecology is holding two meetings, each addressing a separate topic. The general registration meeting on May 31 will cover concerns about increasing registration fees. The meeting to discuss reestablishing the gas station inspection fee will be a video conference on June 14th. A call-in number will be available for each meeting. Click on the web site link below, or contact Elena Guilfoil, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6855, e-mail elena.guilfoil@ecy.wa.gov, for location, time, and call-in numbers for each of the meetings.

We will also send notice to those impacted by the rule change. To explain the elements of the proposed fee schedules, ecology will distribute information via a web site, press release, mailing and agency e-mail list serve. Ecology will also hold at least one public hearing on the rule proposal during the comment period (likely in September).

To follow our rule-making process, click on <http://www.ecy.wa.gov/laws-rules/wac173455/1107.html>.

May 21, 2012

Stu Clark

Program Manager
Air Quality Program