

WSR 12-12-012**PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD**

[Filed May 24, 2012, 12:08 p.m.]

Subject of Possible Rule Making: Clarification of the \$150 million assessment on spirits sales by spirits distributor license holders in the first year of privatization.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 and 66.24.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The new laws created with the passing of Initiative 1183 require clarification on the \$150 million assessment due to the Washington state liquor control board by persons holding a spirits distributor license between March 1, 2012, and March 31, 2013.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

May 24, 2012

Sharon Foster

Chairman

WSR 12-12-013**PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD**

[Filed May 24, 2012, 12:09 p.m.]

Subject of Possible Rule Making: Chapter 314-01 WAC, Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 and 66.24.630.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The new laws created with the passing of Initiative 1183 require clarification on the definition of "trade area" to determine if a location for a spirits retail license in a location less than 10,000 square feet of retail space meets the requirements for the license.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

May 24, 2012

Sharon Foster

Chairman

WSR 12-12-014**PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD**

[Filed May 24, 2012, 12:11 p.m.]

Subject of Possible Rule Making: Chapter 314-42 WAC, Liquor control board administration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to authorize the utilization of brief adjudicatory proceedings in accordance with RCW 34.05.482 (1)(c).

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

May 24, 2012

Sharon Foster

Chairman

WSR 12-12-017**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 12-01—Filed May 24, 2012, 3:21 p.m.]

Subject of Possible Rule Making: Chapter 197-11 WAC, SEPA rules (State Environmental Policy Act). This proposed rule making is directed by chapter 1, Laws of 2012 1st sp. sess. (2ESSB 6406, section 301). As directed in the legislation, the rule making will focus on:

- Increasing the thresholds for SEPA review of minor construction projects under WAC 197-11-800 (1) and (23)(c); and
- Improving the efficiency of the environmental checklist in WAC 197-11-960.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.21C.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 1, Laws of 2012 1st sp. sess. (2ESSB 6406, section 301) directs ecology to update SEPA rules. The proposed rule making is the first phase of these updates. SEPA was enacted in 1971, when the nation's awareness of environmental problems was emerging. Many laws and procedures for environmental protection, land use planning and infrastructure provision have been implemented since SEPA was first adopted. The 2012 legislature directed ecology to modernize the rules that guide state and local agencies in conducting SEPA reviews, in light of the increased environmental protections in place under chapters 36.70A, 90.58 RCW and other laws.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington's SEPA requires all state and local agen-

cies to review and disclose the likely environmental consequences, to both the natural and the built environment, of a proposed action. Ecology will involve representatives of state and local agencies and tribes in the rule making. As directed by 2ESSB 6406, we will invite nominations to participate on an advisory committee ecology is forming. We will also engage directly with state and local governments in this update process.

Process for Developing New Rule: Ecology will form an advisory committee to meet the requirements in the 2012 legislation. We will also post information on the agency web site, hold advisory committee meetings, share information with interested parties, and hold at least one public hearing on the rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can access more information on this rule making by contacting Tom Clingman, Department of Ecology, Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7448, e-mail Tom.Clingman@ecy.wa.gov, interested parties can sign-up for e-mail updates at <http://list.serv.wa.gov/cgi-bin/wa?A0=ECOLOGYS-SEPA-UPDATES>, or accessing the ecology web site <http://www.ecy.wa.gov/programs/sea/sepa/rulemaking2012.html>.

May 24, 2012

Gordon White

SEA Program Manager

WSR 12-12-020

PREPROPOSAL STATEMENT OF INQUIRY

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 24, 2012, 5:22 p.m.]

Subject of Possible Rule Making: Chapter 392-144 WAC, School bus driver qualifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.160.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to chapter 392-144 WAC will update and change the disqualifying conditions and the drug and alcohol reporting requirements. A definition for a school bus driver instructor will be added. School district reporting requirements will be revised to reduce the workload on the transportation department, and other minor grammatical changes will be made to bring the chapter up-to-date with current federal and state regulations.

Process for Developing New Rule: Other [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 Trans-

portation, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, fax (360) 586-6124, allan.jones@k12.wa.us.

May 24, 2012

Randy Dorn

Superintendent of

Public Instruction

WSR 12-12-037

PREPROPOSAL STATEMENT OF INQUIRY

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 30, 2012, 10:30 a.m.]

Subject of Possible Rule Making: WAC 392-343-019 Definition—Instructional space.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 28A-525-020 [RCW 28A.525.020] Duties of superintendent of public instruction.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendment will implement legislative intent to exclude colocated spaces on a "host" district inventory where more than one district jointly administers facilities such as skills centers or a new Delta STEM facility proposed in Richland. Preliminary work has been done with stakeholders including the citizen's advisory panel as required in statute in order to move forward with proposed rule language.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Black, Program Development Manager, P.O. Box 47200, 600 Washington Street S.E., Olympia, WA 98504-7200, fax (360) 586-3946, e-mail scott.black@k12.wa.us, phone (360) 725-6268.

May 30, 2012

Randy Dorn

State Superintendent

of Public Instruction

WSR 12-12-061

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 5, 2012, 9:29 a.m.]

Subject of Possible Rule Making: Chapter 296-31 WAC, Crime victims compensation mental health treatment rules and fees and chapter 296-33 WAC, Attendant services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 7.68.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will amend eight and repeal nine rules under chapter 296-31 WAC. The purpose is to be consistent with SSB 5691 (chapter 346, Laws of 2011). The amendments will include the removal of references to Title 51 RCW and WACs being repealed, explain the impacts of the new benefit maximum, add clarity, and correct references to the billing guidelines. The amendments will also streamline the reporting process for mental health providers. The repealed WACs are repetitive with rules contained in chapter 296-30 WAC regarding provider responsibilities. The independent mental health or independent medical evaluations are no longer considered separate from regular medical exams and the rule under WAC 296-31-069 is redundant.

Chapter 296-33 WAC will be revised to improve quality of care and public safety to victims. It will also increase the efficiency of staff time and will eliminate the uncertainty of employer/employee relationships between the program and care providers.

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

Process for Developing New Rule: Public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cletus Nnanabu, Department of Labor and Industries, Crime Victims Compensation Program, P.O. Box 44520, Olympia, WA 98504-4520, phone (360) 902-5340, fax (360) 902-5333, Cletus.Nnanabu@lni.wa.gov. 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. A public hearing will be held after the proposal is filed.

June 5, 2012

Judy Schurke

Director

WSR 12-12-064

PREPROPOSAL STATEMENT OF INQUIRY

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-17—Filed June 5, 2012, 11:14 a.m.]

Subject of Possible Rule Making: Designation of the Washington state essential health benefits package benchmark plan for benefit years beginning January 1, 2014.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 87, Laws of 2012.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislation enacted during the 2012 session directs the commissioner to designate by rule the small group plan with the largest enrollment, as the benchmark plan for purposes of defining the essential health benefits package for health benefit plans issued between January 1, 2014, and December 31, 2015.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Health and Human Services (HHS) implements the Affordable Care Act through regulation and guidance. HHS permits states to designate their essential health benefits package benchmark plan. This rule will be coordinated with HHS by monitoring HHS published requirements and guidance associated with the topic.

The Washington health exchange does not regulate the essential health benefits benchmark plan designation, but will use the information in planning the exchange. The commissioner will coordinate with the exchange by keeping its staff informed as the rule making progresses.

Process for Developing New Rule: Submit written comments by July 8, 2012.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meg L. Jones, P.O. Box 40258, Olympia, WA 98504, (360) 725-7170, fax (360) 586-3109, e-mail megj@oic.wa.gov.

June 5, 2012

Mike Kreidler

Insurance Commissioner

WSR 12-12-067

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF AGRICULTURE

[Filed June 5, 2012, 1:07 p.m.]

Subject of Possible Rule Making: Chapter 16-623 WAC, Commission Merchant Act—Licensing fees, proof of payment, cargo manifests and registration of acreage commitments. The department is considering increasing the fees for licenses issued under chapter 20.01 RCW, which authorizes the agricultural investigations program. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 20.01.020 and 20.01.040; chapter 34.05 RCW; and chapter 7, Laws of 2012.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2012 legislative session, the Washington state legislature authorized (as required by Initiative 960) the Washington state department of agriculture to increase the commission merchant licensing fees as necessary to meet the actual costs of conducting business (see chapter 7, Laws of 2012).

The agricultural investigations program enforces the Commission Merchants Act; licenses commission merchants, dealers, brokers, agents, and cash buyers; and investigates complaints. The program's revenue is largely derived from license fees. An increase in licensing fees is necessary to cover the costs of operating the 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: 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 Mary A. Martin Toohey, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Jerry Buendel, Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1856, fax (360) 902-2094, e-mail jbundel@agr.wa.gov.

June 5, 2012

Mary A. Martin Toohey
Assistant Director

WSR 12-12-069

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 5, 2012, 3:23 p.m.]

Subject of Possible Rule Making: WAC 392-343-025 State funding assistance percentage—General and 392-343-045 Space allocations—Enrollment projections provision.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 28A-525-020 [RCW 28A.525.020] Duties of superintendent of public instruction.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to WAC 392-343-025 State funding assistance percentage [percentage]—General and 392-343-045 Space allocations—Enrollment projections provision.

Changes are necessary to respond to language in SSB 6002 that requires immediate implementation for revised K-linear cohort projection methodology and new funding assistance percentages (matching) ratios affecting projects [projects] expected to qualify for school construction assistance program funding in July 2012 release.

Emergency rule procedure was utilized for WAC amendments.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Black, Program Development Manager, P.O. Box 47200, 600 Washington Street S.E.,

Olympia, WA 98504-7200, fax (360) 586-3946, e-mail scott.black@k12.wa.us, phone (360) 725-6268.

June 5, 2012

Randy Dorn
Superintendent of
Public Instruction

WSR 12-12-076

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed June 6, 2012, 9:57 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-825 WAC, Division of developmental disabilities services rules.

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: During the 2011 legislative session the legislature passed 2SSB 5459 and further amended state law, chapter 71A.20 RCW, directing, effective no later than July 1, 2012, no person under the age of sixteen years may be admitted to receive services at a residential habilitation center. Effective no later than July 1, 2012, no person under the age of twenty-one years may be admitted to receive services at a residential center, unless there are no service options available in the community to appropriately meet the needs of the individual. Such admission is limited to the provision of short-term respite or crisis stabilization services.

Due to these changes, the department is developing additional resources in the community, including the provision of enhanced respite services provided by licensed and contracted providers, to respond to potential service requests as a result of the new legislation.

In addition changes will be made to all references of "mental retardation" to "intellectual disability." This change to respectful language was signed by the governor in HB 2490 and is incorporated within RCW 44.04.280 State laws—Respectful language. President Barack Obama also signed Rosa's Law, which directed that all references in federal law to "mental retardation" be changed to "intellectual disability." Similarly the law stated that references to "a mentally retarded individual" be changed to "an individual with an intellectual disability."

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.

June 6, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-12-081

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 6, 2012, 11:11 a.m.]

Subject of Possible Rule Making: Chapter 16-86 WAC, Cattle and bison diseases in Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend chapter 16-86 WAC to change the official mature RB-51 Brucella vaccination dosage from 0.25cc to a full dose of the RB-51 Brucella vaccine. New research is casting doubt on the effective protection provided with the .25cc dose of the RB-51 vaccine. Amending this chapter will provide confidence with our neighboring trading partners that our cattle our [are] protected against brucellosis and movement restrictions in the event of exposure are not required.

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

Process for Developing New Rule: The Washington state department of agriculture (WSDA) staff will develop the rule proposal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, WSDA, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail jjones@agr.wa.gov.

June 6, 2012
Dr. Leonard E. Eldridge
Assistant Director

WSR 12-12-082

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 6, 2012, 11:12 a.m.]

Subject of Possible Rule Making: Chapter 16-610 WAC, Livestock brand inspection.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.57 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend chapter 16-610 WAC to align with SHB 1538 that was signed by the governor in 2011 supporting animal disease traceability. Proposed changes may include:

- Modifying the livestock inspection exemption for private sales of unbranded, female, dairy breed cattle involving fifteen head or less. This modification would limit the inspection exemption to only producers with a valid Washington state department of agriculture (WSDA) milk producers license;
- Requiring milk producers to develop, implement, and financially support an electronic transaction reporting system within eighteen months of the rule-making effective date;
- Requiring a certificate of permit and bill of sale to accompany any cattle presented for an inspection that are in the possession of the buyer; and
- Exempting unbranded dairy breed bull calves or free martins from inspection requirements when criteria are met.

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

Process for Developing New Rule: WSDA staff will develop the rules proposal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, WSDA, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail jjones@agr.wa.gov.

June 6, 2012
Leonard E. Eldridge, DVM
Assistant Director