

WSR 13-03-002**PREPROPOSAL STATEMENT OF INQUIRY
EVERETT COMMUNITY COLLEGE**

[Filed January 2, 2013, 12:23 p.m.]

Subject of Possible Rule Making: Chapter 132E-120 WAC, WAC 132E-120-130, updating students as research subjects; WAC 132E-120-150, updating student affairs/student rights; WAC 132E-120-220, updating student conduct code—Violations; WAC 132E-120-260, updating notice of summary suspension; WAC 132E-120-310, updating student conduct committee hearing procedures; WAC 132E-120-360, updating academic grievance procedure; WAC 132E-120-370, updating student affairs grievance procedure; WAC 132E-120-390, updating antihazing policy; and WAC 132E-120-400, updating drug-free campus policy.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 132E-120-130, clarifies the college's expectations for researchers who wish to use students as research subjects; WAC 132E-120-150, changes job title of the contact person, adds a new right of editorial independence in student publications; WAC 132E-120-220, extends WAC to college housing, changes job title of responsible employee, adds and clarifies conduct code violations (assault, threat, bullying, stalking, stun guns, fire alarms, tobacco, pets on campus, academic cheating and dishonesty); WAC 132E-120-260, changes job title of responsible employee, changes response to findings timeline from three days to ten days providing more time to conduct a thorough investigation and thoughtful response; WAC 132E-120-310, changes job title of responsible employee, changes response of student conduct committee timeline from seven days to ten days providing more time for the student conduct committee to consider and respond to the hearing process; WAC 132E-120-360, changes job title of responsible employee, extends the filing deadline for formal student grievances from the tenth day of the quarter to the last day of the quarter following the alleged grievance; WAC 132E-120-370, changes job title of the responsible employee, extends the filing deadline for formal student grievances from the tenth day of the quarter to the last day of the quarter following the alleged grievance; WAC 132E-120-390, changes policy title to "hazing policy," changes job title of the responsible employee, expands to include student housing, clarifies and defines hazing; and WAC 132E-120-400, changes job title of the responsible employee, expands to include student housing, eliminates the term "college sponsored."

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

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 Jennifer Howard, Vice-President of Administrative Services, Everett Community College, 2000 Tower Street, Everett, WA 98201, e-mail jhoward@everettcc.edu, fax (425) 388-9228, phone (425) 388-9232. Board of trustee meetings, in which public comment is received, occur

each third Tuesday of the month, 5 p.m. at the Olympus Hall Board Room, 801 Wetmore Avenue, Everett, WA 98201.

January 2, 2013
Jennifer L. Howard
Vice-President of
Administrative Services

WSR 13-03-029**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES**

[Filed January 8, 2013, 10:28 a.m.]

Subject of Possible Rule Making: Chapter 131-16 WAC governing the Washington state board for community and technical colleges retirement plan.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state board is considering elimination of rules governing the higher education retirement plan it sponsors. The plan document, adopted by the state board and required by the IRS, includes the rule provisions and meets federal requirements. Given board adoption of a plan document, rules are repetitive.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Boesenberg, 1300 Quince Street S.E., P.O. Box 42495, Olympia, WA 98504, fax (360) 704-4415, e-mail jboesenberg@sbctc.edu, phone (360) 704-4303.

January 8, 2013
Beth Gordon
Executive Assistant

WSR 13-03-047**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed January 10, 2013, 10:19 a.m.]

Subject of Possible Rule Making: WAC 260-12-180 Safety equipment required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add new entities that may establish minimum safety standards on equipment that have been approved by the ARCI model rules.

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

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 Douglas L. Moore, Deputy Executive

Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

January 10, 2013
Douglas L. Moore
Deputy Executive Secretary

WSR 13-03-082

**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed January 15, 2013, 9:52 a.m.]

Subject of Possible Rule Making: WAC 390-12-200 Public disclosure commission—Executive director.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Duties described in rule are outdated and do not accurately reflect current duties/delegated authority.

Process for Developing New Rule: The commission will likely discuss potential rule amendments and possibly approve draft language during the February 28 or March 28, 2013, meeting. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments to Lori Anderson, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, in advance of the meetings.

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

January 14, 2013
Lori Anderson
Communications and
Training Officer

WSR 13-03-083

**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed January 15, 2013, 9:52 a.m.]

Subject of Possible Rule Making: WAC 390-19-030 Electronic filing—Reporting threshold.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110, 42.17A.245.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Candidates or political committees who spend or expect to expend \$5,000 must electronically file their campaign reports, which enables the public disclosure commission to maintain a publicly accessible database containing campaign finance data. Currently, candidates who are seeking reelection or otherwise running for the

same office last sought and spent at least \$5,000 on the last campaign, are allowed to file manually until the \$5,000 threshold is reached in the current campaign or January 1 of the election year, whichever comes first. Requiring these candidates to electronically file reports from the beginning of the campaign will enhance public disclosure and give better access to the campaign data.

Process for Developing New Rule: The commission will likely discuss potential rule amendments and possibly approve draft language during the February 28, 2013, meeting. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments to Lori Anderson, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, in advance of the meetings.

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

January 14, 2013
Lori Anderson
Communications and
Training Officer

WSR 13-03-084

**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed January 15, 2013, 9:53 a.m.]

Subject of Possible Rule Making: WAC 390-12-170 Public disclosure commission—Organization and structure—Officers—Terms and 390-24-160 Definition—Professional staff member.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110, 42.17A.100, 42.17A.700, 42.17A.705.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission annually receives from the house of representatives, senate, and governor's office a list of professional staff members who are subject to personal financial disclosure. The current deadline to receive and approve these lists is December, which is not always possible because the commission meets the first week of December and in transition years the professional staff are still being hired then. Moving the deadlines to the beginning of the year will allow the submissions to be more complete and still allow adequate processing time for the commission and its staff.

The members of the public disclosure commission have eliminated the administrative office of secretary and will update WAC 390-12-170 to reflect the current organizational structure.

Process for Developing New Rule: The commission will likely discuss potential rule amendments and possibly approve draft language during the February 28, 2013, meeting. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments to Lori

Anderson, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, in advance of the meetings.

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

January 14, 2013
Lori Anderson
Communications and
Training Officer

WSR 13-03-108

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed January 17, 2013, 3:24 p.m.]

Subject of Possible Rule Making: The proposed rule change will address WAC 392-190-026, which is more restrictive and inconsistent with RCW 28A.640.020 and Title IX regulations (34 C.F.R. § 106.41).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.640.020 and 28A.642.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As the rule is currently written, WAC 392-190-026 only allows schools to maintain separate sports teams for girls and boys in grades 7-12. Sports teams in grades K-6 must be coeducational. This is inconsistent with RCW 28A.642.020 and Title IX, which allow schools to provide separate sports teams at any grade, provided that they do so with no disparities based on sex.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education's Office for Civil Rights regulates the provision of student athletics under Title IX of the Education Amendments of 1972. There is no need to coordinate this rule change with this agency.

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 Yvonne Ryans, Director of Equity and Civil Rights, Office of the Superintendent of Public Instruction, Yvonne.Ryans@k12.wa.us, (360) 725-6162, <http://www.k12.wa.us/Equity>. A public hearing will also be scheduled.

January 17, 2013
Randy Dorn
Superintendent of
Public Instruction

WSR 13-03-115

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ENTERPRISE SERVICES

[Filed January 18, 2013, 11:40 a.m.]

Subject of Possible Rule Making: Managing state print operations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.19.742.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of enterprise services is required by RCW 43.19.742 which states in part: "...the department shall establish rules and guidelines for all agencies to use in managing their printing operations, including both agency-based printing and those jobs that require the services of a print shop..."

In addition, these rules are needed in order to implement managed print strategies to track, manage, and reduce agency-based printing.

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

Process for Developing New Rule: Department staff will discuss any proposed rules with affected stakeholders. Anyone interested 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. The public is encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Zeigler, Policy and Rules Manager, phone (360) 407-9209, e-mail jack.zeigler@des.wa.gov, written comments on-line <https://www.surveymonkey.com/s/DESRulemaking>.

Information will be posted on the agency web site at <http://www.des.wa.gov/about/LawsRules/Pages/RuleMaking.aspx> and interested parties can participate in the development of the proposed rule before publication. You can identify yourself as an interested party by sending an e-mail to rules@des.wa.gov with your contact information and typing "Interested party - print management rule making" in the subject line.

January 18, 2013
Jack Zeigler
Policy and Rules Manager

WSR 13-03-118
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
EVERETT COMMUNITY COLLEGE

[Filed January 18, 2013, 3:41 p.m.]

Please withdraw the CR-101 filing submitted by Everett Community College on January 2, 2013. We intend to refile with corrections.

Jennifer L. Howard
 Vice-President of
 Administrative Services

WSR 13-03-121
PREPROPOSAL STATEMENT OF INQUIRY
EVERETT COMMUNITY COLLEGE

[Filed January 18, 2013, 4:19 p.m.]

Subject of Possible Rule Making: Chapter 132E-120 WAC, WAC 132E-120-130, updating students as research subjects; WAC 132E-120-150, updating student affairs/student rights; WAC 132E-120-160, disclosure of student information; WAC 132E-120-170, distribution of literature procedures; WAC 132E-120-190, general policies concerning student conduct; WAC 132E-120-210, student conduct—Authority and responsibility; WAC 132E-120-220, updating Student conduct code—Violations; WAC 132E-120-230, student conduct code—Sanctions for violations; WAC 132E-120-240, Student conduct—Initial disciplinary procedures; WAC 132E-120-250 Summary suspension—Purpose and proceedings; WAC 132E-120-260, updating notice of summary suspension; WAC 132E-120-270, summary suspension for failure to appear; WAC 132E-120-290, student conduct committee; WAC 132E-120-300 Appeals of disciplinary action—General; WAC 132E-120-310, updating student conduct committee hearing procedures; WAC 132E-120-350, readmission after dismissal; WAC 132E-120-360, updating academic grievance procedure; WAC 132E-120-370, updating student affairs grievance procedure; WAC 132E-120-390, updating anti hazing policy; and WAC 132E-120-400, updating drug-free campus policy.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 132E-120-130, clarifies the college's expectations for researchers who wish to use students as research subjects; WAC 132E-120-150, changes job title of the contact person, adds a new right of editorial independence in student publications; WAC 132E-120-160, adds enrollment status as directory information, changes job title of responsible employee; WAC 132E-120-170, changes job title of responsible employee; WAC 132E-120-190, changes job title of responsible employee, policy notices will no longer be printed; WAC 132E-120-210, changes job title for responsible employee; WAC 132E-120-220, extends WAC to college housing, changes job title of responsible employee. Adds and clarifies conduct code violations (assault, threat, bullying, stalking, stun guns, fire alarms,

tobacco, pets on campus, academic cheating and dishonesty); WAC 132E-120-230, changes job title for responsible employee, removes notice requirement for parents of students under eighteen in cases of discipline; WAC 132E-120-240, changes job title for responsible employee; WAC 132E-120-250, changes job title for responsible employee, obligates student to schedule hearing, WAC 132E-120-260, changes job title of responsible employee, changes response to findings timeline from three days to ten days providing more time to conduct a thorough investigation and thoughtful response; WAC 132E-120-270, changes job title for responsible employee; WAC 132E-120-290, changes job title for responsible employee; WAC 132E-120-300, changes job title for responsible employee; WAC 132E-120-310, changes job title of responsible employee, changes response of student conduct committee timeline from seven days to ten days providing more time for the student conduct committee to consider and respond to the hearing process; WAC 132E-120-350, changes job title for responsible employee; WAC 132E-120-360, changes job title of responsible employee, extends the filing deadline for formal student grievances from the tenth day of the quarter to the last day of the quarter following the alleged grievance; WAC 132E-120-370, changes job title of the responsible employee, extends the filing deadline for formal student grievances from the tenth day of the quarter to the last day of the quarter following the alleged grievance; WAC 132E-120-390, changes policy title to "hazing policy," changes job title of the responsible employee, expands to include student housing, clarifies and defines hazing; and WAC 132E-120-400, changes job title of the responsible employee, expands to include student housing, eliminates the term, "college sponsored."

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

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 Jennifer Howard, Vice-President of Administrative Services, Everett Community College, 2000 Tower Street, Everett, WA 98201, e-mail jhoward@everettcc.edu, fax (425) 388-9228 or phone (425) 388-9232. Board of trustee meetings, in which public comment is received, occur each third Tuesday of the month, 5 p.m. at the Olympus Hall Board Room, 801 Wetmore Avenue, Everett, WA 98201.

January 2, 2013
 Jennifer L. Howard
 Vice-President of
 Administrative Services

WSR 13-03-122**PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION COMMISSION**

[Filed January 22, 2013, 7:40 a.m.]

Subject of Possible Rule Making: SR 520 Bridge toll rate, fee, discount and policy setting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 47.46 and 47.56 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission must consider toll rates that will help maintain travel time, speed, and reliability on the SR 520 corridor and must set and adjust toll rates and policies to generate revenue sufficient and necessary to cover costs and obligations described in RCW 47.56.830 and 47.56.850.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of transportation will review and coordinate with the transportation commission on this rule-making process.

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. The transportation commission will hold public input meetings in the regional area surrounding the SR 520 Bridge in the spring of 2013. More details will be issued in coming months. Public comment will be taken at the public input meetings as well as at the final hearing. Comments may also be submitted in writing to the Transportation Commission, P.O. Box 47308, Olympia, WA 98504-7308, phone (360) 705-7070, fax (360) 705-6802, or e-mail transc@wsdot.wa.gov.

January 22, 2013
Reema Griffith
Executive Director

WSR 13-03-123**PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION COMMISSION**

[Filed January 22, 2013, 7:40 a.m.]

Subject of Possible Rule Making: Tacoma Narrows Bridge toll rate, fee, discount and policy setting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 47.46 RCW and RCW 47.56.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State statute requires rates must be sufficient to meet maintenance and operational costs, insurance costs, and make principal and interest payments on the debt. In order to meet the requirements in state law, Tacoma Narrows Bridge toll rates and policies will need to be adjusted.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of transportation will review and coordinate with the transportation commission on this rule-making process.

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. The transportation commission will hold public input meetings in the regional area surrounding the Tacoma Narrows Bridge in the spring of 2013. More details will be issued in coming months. Public comment will be taken at the public input meetings as well as at the final hearing. Comments may also be submitted in writing to the Transportation Commission, P.O. Box 47308, Olympia, WA 98504-7308, phone (360) 705-7070, fax (360) 705-6802, or e-mail transc@wsdot.wa.gov.

January 22, 2013
Reema Griffith
Executive Director

WSR 13-03-124**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed January 22, 2013, 11:05 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for workers' compensation insurance; chapter 296-17A WAC, Classifications for Washington workers' compensation insurance; and chapter 296-17B WAC, Retrospective rating for workers' compensation insurance.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan. This plan classifies all occupations or industries within the state and sets basic rates of premium that are distributed fairly for these classifications (RCW 51.16.035). The department determined that certain rules are in need of revision to ensure the plan is clear and accurate.

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

Process for Developing New Rule: Labor and industries will solicit input from the business community by way of direct mailings, the internet, informal public meetings, or more than one of these. Labor and industries will use this input to formulate proposed changes to the existing rules and advise customers of future rule making by direct mailing, the internet, or both.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries will mail letters with possible rule changes to affected employers. Employers will be encouraged to participate in the process, to share ideas, and attend meetings. Employers can obtain information on our rule-making process at <http://www.lni.wa.gov/LawRule/ruleProcess.asp> and can submit comments electronically to

joanne.attwood@lni.wa.gov or by calling (360) 902-4777, or by fax (360) 902-4729.

January 22, 2013
Joel Sacks
Director

WSR 13-03-136

**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY**

[Filed January 23, 2013, 8:38 a.m.]

Subject of Possible Rule Making: Chapter 504-45 WAC, Public records.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The university is updated [updating] the procedures regarding requesting public records from Washington State University.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph T. Jenks, Director, Office of Procedures, Records, and Forms and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, e-mail prf.forms@wsu.edu. A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

January 23, 2013
Ralph T. Jenks, Director
Procedures, Records, and Forms
and University Rules Coordinator

WSR 13-03-140

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

[Insurance Commissioner Matter No. R 2013-02—Filed January 23, 2013, 9:53 a.m.]

Subject of Possible Rule Making: Open and special enrollment in the individual and small group health plan markets.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.120(2), 48.20.450, 48.43.-720, 48.44.050, and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Beginning October 1, 2013, the health benefit exchange will conduct open enrollment for health plans offered on the exchange. The first year, open enrollment closes in March 2014; subsequently it will end earlier. Beginning January 1, 2014, health plan issuers must

enroll all applicants, whether the applicant seeks coverage during open enrollment (on or off the exchange) or off-exchange at any time during the calendar year. This creates a risk of adverse selection for the off-exchange markets, because someone with a specific health care need can enroll, receive the service, and disenroll, unless open enrollment periods are established that parallel the exchange's time frames.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other federal or state agencies that regulate the off-exchange marketplace with regard to this subject.

Process for Developing New Rule: Submit written comments by March 8, 2013.

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, rulescoordinator@oic.wa.gov, phone (360) 725-7170, fax (360) 586-3109.

January 23, 2013
Mike Kreidler
Insurance Commissioner

WSR 13-03-141

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

[Filed January 23, 2013, 9:57 a.m.]

Subject of Possible Rule Making: Chapter 388-96 WAC and other sections as appropriate to adopt rules regarding ventilator/tracheostomy clients in nursing facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.46.431(9).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Adopt rules regarding ventilator/tracheostomy clients in nursing facilities. Allow the department to establish a methodology for ventilator and tracheostomy payments for nursing facility clients.

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 Elizabeth Pashley, phone (360) 725-2447, fax (360) 725-2641, TTY (360) 493-2637, e-mail Elizabeth.Pashley@dshs.wa.gov.

January 16, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-03-142**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Special Commitment Center)

[Filed January 23, 2013, 10:13 a.m.]

Subject of Possible Rule Making: WAC 388-885-005 Purpose; 388-885-010 Definitions, 388-885-013 Limitations on reimbursement costs related to expert evaluations, 388-885-015 Limitations of funds, 388-885-016 Matters for which reimbursement is not available, 388-885-020 Maximum allowable reimbursement for civil commitment costs, 388-885-025 Billing procedures, 388-885-030 Exceptions, 388-885-035 Reimbursement schedule, and related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.09.800 and 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rules require updating to better reflect current practices as they relate to the reimbursement of county agencies for their costs associated with the civil commitment process of sexually violent predators. In 2012, SSB 6493 transferred the duties, responsibilities and funding for county reimbursement of resident indigent defense legal costs currently found in chapter 388-885 WAC to the office of public defense. Chapter 388-885 WAC requires revision to reflect DSHS's process to reimburse counties for trial, secure transport and jail costs associated with civil commitment under chapter 71.09 RCW, and to eliminate language that refers to mental health evaluations and indigent defense cost reimbursement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no federal or state agencies other than DSHS that regulate the subject of these WACs.

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 Cathi Harris, Administrative Services Chief, DSHS, Special Commitment Center, Mailstop W27-22, P.O. Box 88450, Steilacoom, WA 98388-0646, phone (253) 583-5930, fax (253) 589-7368, e-mail HarriCD@dshs.wa.gov.

January 22, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-03-146**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed January 23, 2013, 11:01 a.m.]

Subject of Possible Rule Making: WAC 388-96-580 Operating leases of office equipment, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.46.431(9).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The recognition of the rental cost of medically necessary equipment as an allowable cost under the state medicaid nursing facility rate methodology.

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 Elizabeth Pashley, phone (360) 725-2447, fax (360) 725-2641, TTY (360) 493-2637, e-mail Elizabeth.Pashley@dshs.wa.gov.

January 22, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-03-147**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed January 23, 2013, 11:01 a.m.]

Subject of Possible Rule Making: WAC 388-96-585 Unallowable costs, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.46.431(9).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The recognition of travel expenses as allowable costs under the state medicaid nursing facility rate methodology.

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 Elizabeth Pashley, phone (360) 725-2447, fax (360) 725-2641, TTY (360) 493-2637, e-mail Elizabeth.Pashley@dshs.wa.gov.

January 22, 2013
Katherine I. Vasquez
Rules Coordinator

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.

January 22, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-03-148

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed January 23, 2013, 11:01 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-444-0005 Am I required to work or look for work in order to be eligible for Basic Food?, 388-444-0055 What are the penalties if I refuse or fail to meet Basic Food work requirements?, 388-444-0065 Am I eligible for Basic Food if I quit my job?, 388-444-0070 What is good cause for quitting my job?, 388-444-0075 What are the penalties if I quit a job without good cause?, 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, 74.08.090, 74.08A.120, 74.08A.903, 74.04.500, and 74.04.515.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The community services division is proposing to amend rules under WAC 388-444-0005, 388-444-0055, 388-444-0065, 388-444-0070, and 388-444-0075 to update Basic Food work requirement rules to be consistent with federal regulations, and Washington approved Basic Food state plan.

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 amendments to Basic Food work requirement rules that are consistent with the act, federal regulations, and our approved Basic Food state plan.

The state legislature authorizes the department to administer the 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