

WSR 13-12-023
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 28, 2013, 3:12 p.m.]

This serves as notice that the department is withdrawing the CR-101 for chapter 246-843 WAC that was filed June 7, 2006, and published in WSR 06-12-109. The original intent of the preproposal was to amend rules for nursing home administrator license requirements. The board of nursing home administrators would like to withdraw this CR-101 and review these and other rules pertaining to the licensing of nursing home administrators in light of changes in the profession and industry since the CR-101 was filed.

If the board of nursing home administrators after a thorough review chooses to amend these rules, a new CR-101 will be filed so that the public may participate in the full process.

Individuals requiring information on this rule should contact Kendra Pitzler, program manager for the board of nursing home administrators, at (360) 236-4723.

WSR 13-12-028
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed May 29, 2013, 10:17 a.m.]

Subject of Possible Rule Making: WAC 182-537-0600 School-based health care services for children in special education—School district requirements for billing and payment, and possibly amending other related WAC sections, 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: Effective March 18, 2013, the United States Department of Education revised 34 C.F.R. 300.154(d) related to parental consent for school districts to access public benefits or insurances. Parental consent is no longer required annually to pay for medicaid health care-related services under the Individual Disability Education Act (IDEA) Part B. For this reason, medicaid agency will no longer require prior, informal, written notification for parents or guardians by school districts to submit claims for third-party insurance or medicaid reimbursement. During the course of this review, the agency may identify additional changes that are required to improve clarity or update policy.

Process for Developing New Rule: The health care authority (HCA) welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and 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 Katey Simetra, P.O. Box 42716, Olym-

pia, WA 98504-2716, phone (360) 725-1842, fax (360) 586-9727, TTY 1-800-848-5429, e-mail katey.simetra@hca.wa.gov.

May 29, 2013
 Kevin M. Sullivan
 Rules Coordinator

WSR 13-12-031
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 13-05—Filed May 29, 2013, 11:47 a.m.]

Subject of Possible Rule Making: The department of ecology's water quality program (ecology) is proposing to amend chapter 173-98 WAC, Uses and limitations of the water pollution control revolving fund (revolving fund rule), to implement an administration charge authorized by newly enacted state law. The proposed amendments will allow ecology to assess an administration charge on each revolving fund loan at the point the loan enters repayment status. The rule making is limited to the administration charge. The administration charge will be subtracted from the established interest rate for the loan; thus, it will have no impact on borrowers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.50A RCW, Water pollution control facilities—Federal capitalization grants.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The revolving fund rule is well established. However, in order to meet the mandate from the United States Environmental Protection Agency (EPA) that the revolving fund be maintained "in perpetuity," ecology needs to amend the existing rule to implement an administration charge. The administration charge will be used strictly for program administration costs. SHB 1141 (chapter 96, Laws of 2013) authorizes ecology to implement this charge.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology is the agency solely responsible for regulating the revolving fund in Washington state. However, EPA, through the Clean Water Act, established baseline rules for the revolving fund. EPA and ecology have signed an "operating agreement" that specifies ecology's requirements for implementing the revolving fund. Thus, it's essential that ecology coordinate with EPA during rule making. There are two EPA representatives on the financial assistance council that will be reviewing and commenting on draft rule language.

Process for Developing New Rule: Amend an existing rule. During the rule-development process ecology will work with the existing financial assistance council to develop rule language. Ecology will post rule-making information our rule-making web page and distribute it to our e-mail lists. Ecology will hold one public hearing on the proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Daniel Thompson, State Revolving

Fund Planner, Department of Ecology, Water Quality Program, Financial Management Section, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6510, e-mail daniel.thompson@ecy.wa.gov.

Rule language will be reviewed and discussed by the financial assistance council. Communication with "interested parties" will be conducted through an existing listserv. Documents and information will be available via ecology's current rule-making web page at <http://www.ecy.wa.gov/laws-rules/currentactivity.html>.

May 29, 2013

Kelly Susewind, P.E., P.G.
Program Manager

WSR 13-12-032

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 13-03—Filed May 29, 2013, 11:48 a.m.]

Subject of Possible Rule Making: Ecology is starting rule making to set reasonably available control technology (RACT) to limit greenhouse gas emissions (GHG) from petroleum refineries. This rule making will propose a new chapter in Washington Administrative Code (WAC). The GHG Refinery RACT rule is required at this time to comply with a decision from the federal district court. The court order requires the rule be in effect by May 27, 2014.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.94 RCW provides authority to adopt rule changes under RCW 70.94.154, 70.94.030, 70.94.331.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In *Washington Environmental Council v. Sturdevant*, the U.S. District Court for the Western District of Washington decided that state regulations in Washington's federally approved air quality state implementation plan require ecology to establish RACT for petroleum refinery GHG emissions. Because the RACT analysis and determination affects three or more refineries, state law requires us to establish the new standards in a statewide rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The refineries affected by this rule making are located in the Northwest Clean Air Agency and Puget Sound Clean Air Agency jurisdictions. We will keep the agencies informed throughout our rule-development process with regularly scheduled phone calls, e-mail notifications, public notices, web postings, and public meetings.

Process for Developing New Rule: This is a new rule creating new requirements as ordered by the district court. We will:

- Ask for feedback from stakeholders on design and organization of the rule to make it as clear and streamlined as possible.
- Use representatives of the petroleum refineries and the environmental groups as a target audience for additional review, in addition to ecology staff writers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Margo Thompson, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, margo.thompson@ecy.wa.gov, (360) 407-6827.

Interested parties can participate in stakeholder meetings, contact ecology staff directly, and participate in the formal comment period. Interested parties can access more information on this rule making by contacting the ecology staff member listed below or accessing the ecology web site at <http://www.ecy.wa.gov/laws-rules/index.html> or the air quality program web site at http://www.ecy.wa.gov/programs/air/rules/rules_laws.html.

May 29, 2013

Stu Clark
Air Quality Program Manager

WSR 13-12-033

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed May 29, 2013, 12:44 p.m.]

Subject of Possible Rule Making: Adopt rules defining "equity and good conscience" as it pertains to the department's authority to make settlement agreements for unemployment taxes, interest, or penalties owed by an employer. Amend WAC 192-220-030 to define "equity and good conscience" for unemployment benefit overpayments consistent with new regulations adopted during this rule-making process and other statutory changes. The need for additional new and amended rules may be identified through the rule-making process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules will implement chapter 122, Laws of 2013 (EHB 1394) regarding the department's authority to settle unemployment taxes, interest, and penalties owed by employers. The bill will also implement only section 4, chapter 189, Laws of 2013 (SB 5355) to clarify that, when determining eligibility for waiver, the department, in defining the term "equity and good conscience" must consider whether the employer or the employer's agent failed, without good cause, to respond timely or adequately to the department's written request for information.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance (UI) program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of UI laws as long as conformity is maintained. The proposed rules will be shared with USDOL prior to adoption.

Process for Developing New Rule: The proposed rules will be shared with stakeholders identified in the rule-making

process. We will solicit input from stakeholders and consider all written comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, UI Rules Manager, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9799, e-mail jmyers@esd.wa.gov. Please include your name, organization (if any), mailing address, e-mail address and telephone number.

May 29, 2013
Dale Peinecke
Commissioner

WSR 13-12-040
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed May 30, 2013, 2:44 p.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification. Addresses requirements for teachers, administrators and education staff associates for obtaining, retaining and renewing their certificate.

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. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

May 30, 2013
David Brenna
Senior Policy Analyst

WSR 13-12-046
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)

[PEBB Admin 2013-01—Filed May 31, 2013, 10:37 a.m.]

Subject of Possible Rule Making: Public employees benefits board (PEBB) rules related to enrollment in chapter

182-08 WAC; eligibility in chapter 182-12 WAC; and appeals in chapter 182-16 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) will consider amendments to PEBB rules to address the following:

- Allowing non-Medicare retirees to defer enrollment in PEBB retiree insurance if enrolled in coverage through an American Health Benefit Exchange if a policy is adopted by PEBB.
- Eligibility of stepchildren following divorce or death of the parent.
- Clarify that when the department of retirement systems (DRS) issues a formal determination of retroactive eligibility, the retiree must still satisfy retiree insurance eligibility under WAC 182-12-171.
- Expand the provisions of WAC 182-12-211 to include employees awarded a retroactive disability retirement under a higher education retirement plan if a policy is adopted by PEBB.
- A technical correction so it is clear that a retiree who is enrolled in a PEBB or Washington state K-12 health plan as a dependent or an employee does not need to submit a form to defer enrollment in PEBB retiree insurance.
- The definition of child and consider a closer alignment to the definition of child to RCW 26.26.101 which includes the many different ways that a parent-child relationship can be established.
- The employer group application process as it relates to school districts required by the office of the superintendent of public instruction to purchase through PEBB.
- A comprehensive error correction policy to address when an employing agency fails to provide notice of benefits eligibility or fails to enroll an eligible employee when enrollment forms are received or are not received. This will include implementing any PEBB policy limiting retroactive medical and dental enrollment to a maximum of three months and exceptions to default medical and dental plan enrollment or employee elections under certain circumstance.
- Clarify the meaning of the term federal retiree plan as it is used in WAC 182-12-205.
- Amend special open enrollment rules to allow a coverage effective date of the first day of the month under certain circumstances.
- That a change to a collective bargaining agreement may affect faculty eligibility.
- Clarify that blind vendors are not eligible for PEBB retiree insurance when they end participation in the business enterprises program.
- Clarify that if an employer group application is for a bargaining unit, the bargaining unit will be evaluated as a unit in addition to all eligible employees of the employer being evaluated as a single unit.

HCA will conduct a full review of PEBB program rules in these chapters and make changes as necessary to provide

technical corrections, implement legislation, implement PEBB policy and to comply with federal or state regulations.

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. Individuals wishing to receive PEBB rule-making notices are encouraged to join our listserv, PEBB-RULE-MAKING-NOTICE, via this link <http://listserv.wa.gov/archives/pebb-rule-making-notice.html> or by logging on to listserv.wa.gov and selecting our listserv from the public e-mail list. If you have questions about this rule making, contact Barbara Scott at (360) 725-0830 or Rob Parkman at (360) 725-0883 or at HCA, P.O. Box 42684, Olympia, WA 98504-2684, fax (360) 586-9727, TTY 1-800-848-5429, e-mail <mailto:Barbara.Scott@hca.wa.gov> or <mailto:Robert.Parkman@hca.wa.gov>.

May 31, 2013
Kevin M. Sullivan
Rules Coordinator

WSR 13-12-051

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed May 31, 2013, 2:53 p.m.]

Subject of Possible Rule Making: Adopt rules in chapter 192-320 WAC, Experience rating and benefit charging, to implement section 3 of SB 5355. The bill provides that employers are not eligible for relief of unemployment benefit charges to their account if the employer fails to respond timely or adequately to a written request for information from the department and has established a pattern of such failures. The need to amend or repeal existing rules may be identified through the rule-making process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules will implement chapter 189, Laws of 2013 (SB 5355) related to ineligibility of an employer for relief of benefit charges under certain circumstances. The topics for rule making that have been identified to date include definition of the terms "timely" and "good cause," what constitutes a "pattern" event, what constitutes a "written request" for information, and the treatment of amended or adjusted reports. Other topics will be identified through the rule-making process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance (UI) program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the imple-

mentation of UI laws as long as conformity is maintained. The proposed rules will be shared with USDOL prior to adoption.

Process for Developing New Rule: The proposed rules will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders and consider all written comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, UI Rules Manager, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9799, e-mail jmyers@esd.wa.gov. Please include your name, organization (if any), mailing address, e-mail address and phone number.

May 31, 2013
Dale Peinecke
Commissioner

WSR 13-12-052

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed May 31, 2013, 2:53 p.m.]

Subject of Possible Rule Making: Amend rules relating to registration of corporate officers for unemployment tax purposes, and the conditions under which they are eligible for unemployment benefits. Rules under consideration include WAC 192-300-090, 192-310-010, 192-310-150, 192-310-160, 192-310-170, 192-310-180, and 192-310-190. The need for additional amendments or adoption of new rules may be identified through the rule-making process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules will implement chapter 66, Laws of 2013 (HB 1056) and chapter 250, Laws of 2013 (SSB 5227), related to corporate officers and unemployment insurance (UI) taxes and benefits. Among other changes, SB [SSB] 5227 modifies the statute so that registration and coverage by the corporation of their officers is elective rather than mandatory. HB 1056 modifies the circumstances under which those corporate officers who have elected coverage are considered "unemployed" and thus eligible for benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the UI program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of UI laws as long as conformity is maintained. The proposed rules will be shared with USDOL prior to adoption.

Process for Developing New Rule: The proposed rules will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders and consider all written comments in the development of the final rules.

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

lication by contacting Juanita Myers, UI Rules Manager, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9799, e-mail jmyers@esd.wa.gov. Please include your name, organization (if any), mailing address, e-mail address and phone number.

May 31, 2013
Dale Peinecke
Commissioner

WSR 13-12-056
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed June 3, 2013, 9:50 a.m.]

Subject of Possible Rule Making: Removing actuarial factors from WAC and establishing a process for adopting and publishing revised factors using other methods of communication.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislation passed in 2012 will increase the frequency of updates to actuarial factors used in the calculation of retirement costs and benefits. Removing the factors from WAC and establishing alternative processes for adopting and publishing the factors will allow the department to meet its statutory requirements while remaining responsive to its stakeholders' interests.

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 Jilene Siegel, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Rules@drs.wa.gov, phone (360) 664-7291.

June 3, 2013
Jilene A. Siegel
Rules Coordinator

WSR 13-12-062
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed June 4, 2013, 12:08 p.m.]

Subject of Possible Rule Making: Chapter 181-85 WAC, Professional education—Continuing education requirements, certification requirements for continuing education and renewal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher,

administrator, education staff associates certification related to maintaining licensure.

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. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

June 4, 2013
David Brenna
Senior Policy Analyst

WSR 13-12-067
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed June 4, 2013, 3:10 p.m.]

Subject of Possible Rule Making: Combined fund drive. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.04.033.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are necessary to update procedures and clarify policies.

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 Katie Blinn, Assistant Director of Policy, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4168, katie.blinn@sos.wa.gov.

June 4, 2013
Kenneth Raske
Assistant Secretary of State

WSR 13-12-068
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed June 4, 2013, 3:11 p.m.]

Subject of Possible Rule Making: Elections. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is necessary to update the WACs to reflect recent legislative changes, and to update and clarify procedures.

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 Katie Blinn, Assistant Director of Pol-

icity, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4168, katie.blinn@sos.wa.gov.

June 4, 2013
Kenneth Raske
Assistant Secretary of State

WSR 13-12-074
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 5, 2013, 8:52 a.m.]

Subject of Possible Rule Making: The department will amend Title 388 WAC to implement all mandatory provisions of the nutrition title of the 2013 farm bill.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.515, 74.08.090, 74.08A.010, 74.08A.903, house and senate farm bills, Food and Nutrition Act of 2008, Federal Agriculture Reform and Risk Management (FARRM) Act of 2013.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes proposed under this filing will be to implement mandatory provisions of the SNAP program under H.R. 1947, the FARRM Act of 2013 or S. 954 - Agriculture Reform, Food and Jobs Act of 2013 as enacted.

Changes may also impact eligibility and benefits for the state-funded food assistance program for legal immigrants (FAP). Under RCW 74.08A.120, rules for the state food assistance program shall follow exactly the rules of the federal food stamp program except for the provisions pertaining to immigrant status.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS incorporates regulations from federal agencies, exercises state options, and implements approved waivers and demonstration projects by adopting administrative rules for food assistance administered as the Washington Basic Food program, the Washington combined application program (WASHCAP), and transitional food assistance.

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 Holly St. John, SNAP Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4895, fax (360) 725-4904, e-mail holly.st.john@dshs.wa.gov.

May 30, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-12-077

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE
[Filed June 5, 2013, 9:12 a.m.]

Subject of Possible Rule Making: The following real estate excise tax rules: WAC 458-61A-105 Mobile and floating home sales, 458-61A-202 Inheritance or devise, 458-61A-205 Governmental transfers, 458-61A-206 Condemnation proceedings, 458-61A-207 Bankruptcy, 458-61A-208 Foreclosure—Deeds in lieu of foreclosure—Sales pursuant to court order, 458-61A-210 Irrevocable trusts, 458-61A-213 IRS "tax deferred" exchange, 458-61A-215 Clearing or exiting title, and additions to title, 458-61A-301 Payment of tax, collection responsibility, audit responsibility, and tax rulings, 458-61A-303 Affidavit, and 458-61A-304 Supplemental statements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.45.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amendments to the rules on REET affidavit requirements to provide county treasurers the flexibility in deciding what conveyances require a REET affidavit, and when documents are needed to substantiate certain exemptions in order to process affidavits. The department is also proposing edits to correct typographical errors in the 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: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A preliminary draft of possible rule changes is available via the department's online Rules Agenda.

Written comments may be submitted by mail and should be directed to David Hesford at either of the following addresses: E-mail DavidH@dor.wa.gov, or mailing address ITA Division, P.O. Box 47453, Olympia, WA 98504-7453.

Written and oral comments will be accepted at the public meeting.

Public Meeting Location: Capital Plaza Building, 4th Floor L&P Conference Room, 1025 Union Avenue S.E., Olympia, WA, on July 16, 2013, at 10:00 a.m.

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

June 5, 2013
Alan R. Lynn
Rules Coordinator

WSR 13-12-080
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2013-13—Filed June 5, 2013, 11:31
a.m.]

Subject of Possible Rule Making: Health plan market transition requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.700, 48.43.715, 48.44.050, 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A number of market reforms established by the Affordable Care Act must be included in health plans beginning January 1, 2014. As a result, plans currently issued must be replaced with compliant plans. The health benefit coverage marketplace will benefit if one approach to replacement is used, for both consumer and issuer certainty regarding access to coverage and regulatory compliance. For health plans already issued, this can be managed either by requiring wholesale replacement on a specific date, or by requiring the replacement to occur on the plan's renewal date for the purchaser.

The proposed rules will address the commissioner's requirements for grandfathered and nongrandfathered plan replacement, and explain how grandfathered status is determined and applies to different types of group and individual plans.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Health and Human Services (HHS) regulates this subject as well. The commissioner plans to rely on the HHS regulations and guidance implementing the Affordable Care Act, and will communicate with HHS as the rule is being developed.

Process for Developing New Rule: Submit written comments by July 10, 2013.

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

June 5, 2013
Mike Kreidler
Insurance Commissioner