

**WSR 15-21-018**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed October 12, 2015, 1:25 p.m.]

Subject of Possible Rule Making: Chapter 246-814 WAC, Access to dental care for children, this is a five-year rule review under RCW 43.70.041. Amendments may be necessary to revise the rules so they are clear, concise, and use plain talk principles.

The current rules were written in 2002 and have not been updated since that time.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.650 and 43.70.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments may be necessary to revise the rules so they are clear, concise, use plain talk principles and are modernized. Rule making is being done consistent with the five-year rule review under RCW 43.70.041.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vicki Brown, Program Manager, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4865, fax (360) 236-2901, e-mail vicki.brown@doh.wa.gov. All notices will be sent to the dental hygiene, dental and denturist listservs.

October 7, 2015

John Wiesman, DrPH, MPH  
Secretary

**WSR 15-21-020**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 15-12—Filed October 12, 2015, 3:25 p.m.]

Subject of Possible Rule Making: This rule making will amend chapter 173-333 WAC, Chemical action plans (proposed title change from persistent bioaccumulative toxins). This rule identifies the persistent, bioaccumulative, and toxic (PBT) criteria used to identify a chemical as a PBT, provides a list of chemicals appropriate for chemical action plan (CAP) development, identifies the CAP development process, and details the CAP contents.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.105 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating the chemical list and streamlining the CAP process will allow ecology to focus limited resources on the chemicals of most concern. During this update we will evaluate the opportunity to provide consistency by aligning chemical criteria with other jurisdictions, such as the European Union.

PBTs and other chemicals have been linked to a wide range of toxic effects in fish, wildlife, and humans, including effects on the nervous system, reproductive and developmental problems, immune-response suppression, cancer, and endocrine disruption. Reducing or eliminating these chemicals will protect human health and the environment. The rule update will incorporate recent scientific information relating to chemicals appropriate for CAP development. The rule update will consider improvements to the CAP development process based on our experiences from the completion of five previous CAPs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Environmental Protection Agency regulations (including the Toxic Substance Control Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and the Resource Conservation and Recovery Act) regulate hazardous chemicals, which include some PBTs. Several ecology regulations, including the Children's Safe Product Act rule (chapter 173-334 WAC), dangerous waste regulations (chapter 173-303 WAC), and pollution prevention plans (chapter 173-307 WAC) identify and list specific chemicals. These regulations require chemical reporting, monitoring, permitting or management by regulated entities. Although this rule identifies a list of chemicals, it does not require these activities. Changes to the rule will be coordinated with these regulations to avoid conflicts. Ecology will consult with the department of health and encourage local, state, and federal government agencies to provide input in the development of rule language.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Ecology developed five CAPs since 2003 and convened an advisory committee for each one. Members of those CAP advisory committees will be informed of this rule making and are invited to sign up on the CAP rule listserv.

Ecology will use a web site, listserv and other social media to inform interested stakeholders of rule-making activities. At the announcement phase, we will invite a wide audience, including existing listserv audiences (e.g., dangerous waste rules listserv) to join the listserv specific to this rule making. We will also invite members of the current PFAS CAP advisory committee to join the listserv.

During the CR-101 process ecology will send a survey (or surveys) to interested stakeholders to solicit input on proposed approaches and rule amendments. The preliminary draft rule language will be influenced by the responses to this outreach.

Contact Information: Kara J. Steward, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6250, kara.steward@ecy.wa.gov.

How to sign up for the listserv: Interested parties can join the CAP rule listserv: <http://listserv.wa.gov/cgi-bin/wa?A0=CHEMICAL-ACTION-PLAN-RULE>.

October 12, 2015  
Carol Kraege  
Section Manager

Reducing Toxic Threats  
Department of Ecology

**WSR 15-21-021****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed October 12, 2015, 4:04 p.m.]

Subject of Possible Rule Making:

- WAC 308-408-010, 308-408A-010, 308-408A-040, 308-408A-100, 308-408A-105, 308-408B-010, 308-408B-030, 308-408B-040, 308-408B-060, 308-408B-070, 308-408B-080, 308-408B-090, 308-408B-110, 308-408B-120, 308-408B-130, 308-408C-070, 308-408C-080, 308-408C-090, 308-408C-100, 308-408C-110, 308-408C-120, 308-408C-130, 308-408C-140, 308-408C-150 and 308-408C-180, home inspectors words and terms, exams, licensing, education, and standards of practice.
- New WAC on safety under standards of practice, WAC 308-408C-XXX.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.280.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Change existing rules that are dated to clarify and ensure applicants and licensees are aware of the current education and licensing requirements and standards of practice. New safety rules in standards of practice needed to protect the consumer and licensees.

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 director must have the advice and approval of the home inspector board to create or modify rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen Jarvis, Program Manager, P.O. Box 2445, Olympia, WA 98507, phone (360) 664-6483, fax (360) 586-0998, e-mail [kjarvis@dol.wa.gov](mailto:kjarvis@dol.wa.gov).

October 12, 2015  
Damon Monroe  
Rules Coordinator

**WSR 15-21-023****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed October 13, 2015, 8:58 a.m.]

Subject of Possible Rule Making: Chapter 260-84 WAC, Penalties.

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 update and amend penalties for rule violations.

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, 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](mailto:doug.moore@whrc.state.wa.us).

October 13, 2015  
Douglas L. Moore  
Executive Secretary

**WSR 15-21-025****WITHDRAWL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed October 13, 2015, 10:04 a.m.]

The department of licensing, home inspector program, request[s] the withdrawal of the proposed rule making [pre-proposal statement of inquiry] filed as WSR 14-03-051. The CR-101 was filed on January 10, 2014, chapter 308-408 WAC. This document serves as the official notification of our rule withdrawal.

Damon Monroe  
Rules Coordinator

**WSR 15-21-032****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed October 14, 2015, 2:52 p.m.]

Subject of Possible Rule Making: WAC 308-104-160, moving and nonmoving violations defined.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.20.2891, 46.20.291, and 46.65.-020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update list of moving traffic violations by adding a reference to the THC open container violation, created by the legislature in 2015.

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

Process for Developing New Rule: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of

Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, [cholloway@dol.wa.gov](mailto:cholloway@dol.wa.gov).

October 14, 2015  
Damon Monroe  
Rules Coordinator

**WSR 15-21-046**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed October 16, 2015, 1:51 p.m.]

Subject of Possible Rule Making: Chapter 246-814 WAC, Access to dental care for children, this is a five-year rule review under RCW 43.70.041. Amendments may be necessary to revise the rules so they are clear, concise, and use plain talk principles.

The current rules were written in 2002 and have not been updated since that time.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.650 and 43.70.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments may be necessary to revise the rules so they are clear, concise, use plain talk principles and are modernized. Rule making is being done consistent with the five-year rule review under RCW 43.70.041.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vicki Brown, Program Manager, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4865, fax (360) 236-2901, e-mail [vicki.brown@doh.wa.gov](mailto:vicki.brown@doh.wa.gov). All notices will be sent to the dental hygiene, dental and denturist listservs.

October 7, 2015  
John Wiesman, DrPH, MPH  
Secretary

**WSR 15-21-047**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Chiropractic Quality Assurance Commission)

[Filed October 16, 2015, 1:52 p.m.]

Subject of Possible Rule Making: WAC 246-808-XXX Independent chiropractic examinations (ICE), the chiropractic quality assurance commission is considering creating rules to set standards for independent chiropractic physical examinations and patient records reviews.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.25.0171 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently chiropractors are able to perform ICEs on chiropractic patient care. In 2013, the commission filed an ICE interpretive statement which explained that the commission has authority over ICEs because they meet the legal definition of the practice of chiropractic. The commission is considering outlining the legal standards a chiropractor must follow when performing ICEs to ensure all chiropractors follow the same standards and do not jeopardize the patient's access to care. Although the commission filed the ICE interpretive statement in 2013, it can only be used as a guidance tool because it is not enforceable. To be able to enforce the interpretive statement it needs to be adopted into rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agency regulates ICE physical examinations or patient records review. However, the department of labor and industries (L&I) has jurisdiction over workers compensation ICE examinations and they established their own criteria regarding how to become an L&I approved ICE examiner. The commission's draft ICE rules will be sent to L&I giving them an opportunity to provide comment and to also testify at the future rules hearing.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Stakeholders will be notified of the rule making via the chiropractic listserv and postings on the chiropractic web site. Stakeholders will be given an opportunity to submit written comments for consideration. In addition, stakeholders can also participate in public rule writing workshops and/or testify at the public hearing. If you have questions regarding this proposal, please contact Leann Yount, Program Manager, P.O. Box 47858, Olympia, WA 98504-7858, office (360) 236-4856, fax (360) 236-2901, or e-mail [cqac@doh.wa.gov](mailto:cqac@doh.wa.gov).

October 16, 2015  
Leann Yount  
Program Manager

**WSR 15-21-051**

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

[Insurance Commissioner Matter No. R 2015-15—Filed October 16, 2015, 2:25 p.m.]

Subject of Possible Rule Making: Clarifying data use for setting P&C premiums.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.19.035, and 48.19.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In light of expenses associated with updating credit scores and potential market disruption arising from rescoring, the office of insurance commissioner (OIC) has been willing to approve rate filings that provided for reordering credit scores at least once every three

years. One insurer is requesting that OIC adopt a rule to ensure that all insurers are held to the same standard.

This proposed rule will add a new section to chapter 284-24 WAC, requiring each insurer that uses credit history for rating personal lines of property/casualty insurance to update the credit history and resulting insurance score no less often than once every three years. It would also permit insurers writing usage-based insurance to collect data on a policyholder's driving behavior for only a specific period of time and then continue to use the same data for premium calculation at each successive policy renewal.

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

Process for Developing New Rule: Submit written comments by December 4, 2015, to Stacy Middleton, P.O. [Box] 40258, Olympia, WA 98504-0258, rulescoordinator@oic.wa.gov, fax (360) 586-3109.

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

October 16, 2015  
Mike Kreidler  
Insurance Commissioner

### WSR 15-21-052

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed October 16, 2015, 2:40 p.m.]

Subject of Possible Rule Making: Chapter 16-149 WAC, Cottage food operations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.22.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2015 legislature made changes to chapter 69.22 RCW adding new products and revising the limitation to the gross sales amount. Revision to chapter 16-149 WAC, Cottage food operations, is necessary to implement the new legislation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of health; local health jurisdictions; United States Federal Food and Drug Administration.

Food safety officials from these organizations will be notified about the rule-making process through our food safety taskforce committee and outreach notifications. The Washington state department of agriculture (WSDA) will ask members from these organizations to participate in our cottage food rule-making advisory working group.

Process for Developing New Rule: The agency is developing the rule in coordination with stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Claudia Coles, Policy/External Affairs

Advisor, WSDA, Food Safety and Consumer Services Division, P.O. Box 42560, Olympia, WA 98504-2560, ccoles@agr.wa.gov.

October 16, 2015  
Candace A. Jacobs  
Assistant Director

### WSR 15-21-053

#### PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed October 16, 2015, 2:43 p.m.]

Subject of Possible Rule Making: Amending chapter 172-115 WAC, Pet control.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This revision adds standards and procedures related to service animals and assistance animals on university owned or controlled property and within university facilities.

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 Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, and e-mail tlutey@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

October 16, 2015  
Trent Lutey  
University Policy Administrator

### WSR 15-21-064

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed October 19, 2015, 2:46 p.m.]

Subject of Possible Rule Making: Amusement games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0331.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from the public requesting changes to Class 12 amusement game rules.

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

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

lication by contacting Susan Newer, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Newer@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] January 14 and 15, 2016, at the Best Western - Hawks Prairie, 8326 Quinault Drive N.W., Lacey, WA 98516, (360) 456-5655, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on January 1 for meeting location and start time; on February 11 and 12, 2016, at the Best Western - Hawks Prairie, 8326 Quinault Drive N.W., Lacey, WA 98516, (360) 456-5655, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on February 1 for meeting location and start time; and on March 10 and 11, 2016, Best Western - Hawks Prairie, 8326 Quinault Drive N.W., Lacey, WA 98516, (360) 456-5655, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on March 1 for meeting location and start time.

October 19, 2015  
Susan Newer  
Rules Coordinator

### WSR 15-21-067

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed October 20, 2015, 9:23 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 and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapters 296-17 and 296-17A WAC establish how employers are required to report and pay industrial insurance premiums.

The department intends to review rules to:

- Clarify the rules to make them easier to understand and apply;
- Incorporate existing agency practices into rule;
- Consolidate subclassifications to remove unnecessary administrative burden from employers; and
- Define terms used within the rules to make the rules easier to understand and apply.

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 workers' compensation rates.

Process for Developing New Rule: Labor and industries will solicit input from the business community by way of e-mail, direct mailing, and from public meetings. Interested parties may participate by commenting before proposals are made, by testifying at the public hearings, or by providing comment after the proposal is made.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Employers can get information on our rule-making process at <http://www.lni.wa.gov/LawRule/ruleProcess.asp>

and can submit comments electronically to Annie.Peeples@lni.wa.gov or by calling (360) 902-4723.

October 20, 2015

Joel Sacks  
Director

### WSR 15-21-091

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed October 21, 2015, 9:43 a.m.]

Subject of Possible Rule Making: WAC 458-20-19404 (Rule 19404) Financial institution—Income apportionment and 458-20-19404A (Rule 19404A) Financial institution—Income apportionment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.01.060, 82.04.460, and 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules explain how financial institutions apportion their income under single factor receipts apportionment. Specifically, Rule 19404A will cover the period June 1, 2010, through December 31, 2015, and Rule 19404 will cover periods after December 31, 2015. The rules are consistent with the model method of apportionment adopted by the Multistate Tax Commission.

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 Chris Coffman, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail [ChrisC@dor.wa.gov](mailto:ChrisC@dor.wa.gov).

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

Public Meeting Location: Capital Plaza Building, 4th Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on December 2, 2015, at 10:00 a.m. *Call-in option can be provided upon request no later than three days before the meeting date.*

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.

October 21, 2015

Kevin Dixon  
Rules Coordinator

**WSR 15-21-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed October 21, 2015, 10:33 a.m.]

Subject of Possible Rule Making: WAC 260-20-165 Equine ambulance.

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 correct a typographical error discovered.

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, 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.

October 21, 2015  
 Douglas L. Moore  
 Executive Secretary

**WSR 15-21-096**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed October 21, 2015, 10:47 a.m.]

Subject of Possible Rule Making: WAC 458-16A-100 Senior citizen, disabled person, and one hundred percent disabled veteran exemption—Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 82.01.060(2), and 84.36.865.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-16A-100 contains definitions used to evaluate qualification for the senior citizen, disabled person, and one hundred percent disabled veteran exemption contained in RCW 84.36.381 through 84.36.389. The department is considering revisions to the rule's definitions of "annuity" and "excess levies."

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.

No preliminary draft of possible changes to the rule will be prepared prior to the public meeting. The purpose of the

public meeting is to receive feedback on whether and to what extent the rule needs changes.

Written comments may be submitted by mail and should be directed to Atif Aziz, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail AtifA@dor.wa.gov.

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

Public Meeting Location: Capital Plaza Building, 2nd Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on November 19, 2015, at 1:30 p.m.

*Call-in option can be provided upon request no later than three days before the meeting date.*

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.

October 21, 2015  
 Kevin Dixon  
 Rules Coordinator

**WSR 15-21-099**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BELLINGHAM TECHNICAL COLLEGE**

[Filed October 21, 2015, 11:10 a.m.]

Subject of Possible Rule Making: Revise chapter 495B-140 WAC, Use of college facilities, to reflect current federal, state and college policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To address free speech on campus to be consistent with new student code of conduct and assistant attorney general recommendations.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ronda Laughlin, Rules Coordinator, Bellingham Technical College, 3038 Lindbergh Avenue, Bellingham, WA 98225, (360) 752-8334, rlaughlin@btc.edu.

October 21, 2015  
 Kimberly Perry  
 President

**WSR 15-21-101**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket TG-151838—Filed October 21, 2015, 11:22 a.m.]

Subject of Possible Rule Making: The Washington utilities and transportation commission (commission) commences this inquiry to consider whether it should develop rules on revenue sharing as a result of the commission's interpretive and policy statement on revenue sharing issued on

May 30, 2012, in Docket TG-112162. In 2002 the legislature enacted RCW 81.77.185 allowing commission regulated companies that collect recyclable materials to retain up to fifty percent of revenue received by companies for the material collected. The statute requires a company to submit a ["revenue sharing plan" to the commission, certified by the appropriate local government authority as being consistent with its local solid waste management plan, that demonstrates how the collected revenues will increase recycling. Residential customers receive the remaining revenue as a credit to their bill.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 81.04.160, 80.01.040, 34.05.230.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 34.05.230 encourages agencies to convert long-standing interpretive and policy statements into rules, this rule making may develop rules to inform the regulated community of the commission's policy reflected in its interpretive policy statement on revenue sharing in Docket TG-112162.

The interpretive and policy statement outlines procedures for industry and commission staff to use while preparing or reviewing revenue sharing plans. Specifically, the statement directs a company to file the following with the commission at least forty-five days prior to the effective date of a revenue sharing plan: (1) A copy of the plan, including a budget of anticipated revenues and expenditures; (2) certification by the appropriate local government authority that the proposed plan is consistent with the local government's solid waste plan; (3) a narrative explanation of how the proposed retained revenues will be used to increase recycling; (4) an analysis of the company's performance under the existing or prior plan, including the quantifying and explaining of any discrepancy between budgeted and actual revenues and expenditures; (5) the name and contact information for at least one person at the company and one person at the local government to whom the commission can address questions or requests for additional information; any other documentation on which the company relies to demonstrate how the related revenues will be used to increase recycling; and (6) the amount of recycling revenues to be returned to customers as a result of the proposed revision to the company's commodity credit adjustment tariff.

The commission also may consider developing rules that clarify (1) filing requirements for the deferred accounting mechanism calculation used to determine the annual commodity credit; (2) the limit for incentives or rewards of five percent of expenditures, part of the overall fifty percent retained revenue; and (3) requirements for revenue sharing plans spanning more than twelve consecutive months and consider other issues that may be introduced by stakeholders.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, schedule a workshop, and conduct such other process as necessary to gather the information to determine whether rules should be proposed.

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

Interested persons may contact the Executive Director and Secretary, Washington Utilities and Transportation Commission, P. O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, fax (360) 586-1150.

**WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP:** The commission has scheduled a stakeholder workshop in this rule making for **Monday, December 14, 2015, beginning at 9:30 a.m.**, in the Commission's Hearing Room, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than Monday, November 23, 2015, for consideration at the December 14, 2015, stakeholder workshop.

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

- The docket number of this proceeding (TG-151838).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a flash drive, DVD, or compact disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/151838>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at [records@utc.wa.gov](mailto:records@utc.wa.gov), or (3) mail written comments to the address above to the attention of Steven V. King, executive director and secretary. When contacting the commission, please refer to Docket TG-151838 to ensure that you are placed on the appropriate service list. Questions may be addressed to Mike Young, (360) 664-1155 or e-mail [myoung@utc.wa.gov](mailto:myoung@utc.wa.gov).

#### NOTICE

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING --** The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and phone and fax numbers referencing Docket TG-151838,

and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket TG-151838, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <<http://www.utc.wa.gov/151838>>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

October 21, 2015  
Steven V. King  
Executive Director  
and Secretary