

**WSR 11-01-049**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket A-101474—Filed December 7, 2010, 11:33 a.m.]

The Washington utilities and transportation commission (commission) filed on September 22, 2010, a preproposal statement of inquiry (CR-101) regarding access to public records. Consistent with the Governor's Executive Order 10-06, the commission has decided to withdraw this rule-making proceeding and requests that the CR-101 published in WSR 10-19-125 be withdrawn.

The commission will notify stakeholders in this rule-making docket of the withdrawal of this rule-making proceeding.

David W. Danner  
 Executive Director  
 and Secretary

**WSR 11-01-059**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket TG-080591—Filed December 8, 2010, 8:02 a.m.]

The Washington utilities and transportation commission (commission) filed on May 7, 2008, a preproposal statement of inquiry (CR-101) regarding solid waste definitions. Consistent with the Governor's Executive Order 10-06, the commission has decided to withdraw this rule-making proceeding and requests that the CR-101 published in WSR 08-10-094 be withdrawn.

The commission will notify stakeholders in this rule-making docket of the withdrawal of this rule-making proceeding.

David W. Danner  
 Executive Director  
 and Secretary

**WSR 11-01-062**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed December 8, 2010, 12:07 p.m.]

Subject of Possible Rule Making: WAC 392-126-075 (shared leave) eligibility, 392-126-090 (shared leave) maximum amount, 392-126-099 Calculation of shared leave benefit—Proration, 392-126-101 Shared leave benefits—Transfers between districts—Calculation of donated leave amounts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.400.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6724 requires revision of this rule. The current shared leave rules for school district employees were adopted prior to the passage of ESSB 6724 in the 2010 regular session. According to the existing rules, school district employees may only donate or receive shared leave with employees of the same district. The passage of ESSB 6724 removed that restriction from statute, allowing for the sharing of leave between employees of different school districts. In addition, the maximum amount of shared leave that an employee can receive was increased from two hundred sixty-one days to five hundred twenty-two days.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of financial management is responsible for shared leave rules between employees of state agencies.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Daniel Lunghofer, OSPI School District Accounting Supervisor, (360) 725-6303, Old Capitol Building, P.O. Box 47200, Olympia, WA, Daniel.lunghofer@k12.wa.us.

Randy Dorn  
 State Superintendent of  
 Public Instruction

**WSR 11-01-072**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WITHDRAWAL OF PROPOSED RULES**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Filed December 10, 2010, 4:03 p.m.]

The insurance commissioner is withdrawing the CR-101 preproposal statement of intent and the CR-102 proposed rule making for R 2010-12 Rate cap rules, transition rating rules, rate stability formulas, and other rating methods for property and casualty insurance, published by the code reviser in WSR 10-18-086 and 10-24-097 respectively.

We will contact individuals that provided comments during the CR-101 and CR-102 comment periods of the withdrawal.

Mike Kreidler

**WSR 11-01-137**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed December 21, 2010, 1:54 p.m.]

Subject of Possible Rule Making: Chapter 260-44 WAC, Weights and equipment.

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: The Washington horse racing commission has received a request for rule making to allow horses to run either partially or completely unshod.

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.

December 21, 2010

Douglas L. Moore

Deputy Executive Secretary

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 (USDHHS) administers the federal law that prompted the commissioner to propose rules in this area. This rule making is related to implementation of the requirements in Pub. L. 111-148 and the interim final regulations issued June 28, 2010, found at Vol. 75 F.R. 37187-37241, and codified in 45 C.F.R. Parts 144, 146 and 147. States are required to ensure that their state law does not interfere with the application of the federal law.

Process for Developing New Rule: Working with carriers, the Washington State Health Insurance Pool, the Pre-existing Condition Insurance Pool and the USDHHS to devise rules implementing guaranteed issue coverage for persons under age nineteen.

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 98504-0258, e-mail megj@oic.wa.gov, phone (360) 725-7170, fax (360) 586-3109.

December 21, 2010

Mike Kreidler

Insurance Commissioner

### WSR 11-01-138

#### PREPROPOSAL STATEMENT OF INQUIRY

#### OFFICE OF

#### INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2010-16—Filed December 21, 2010, 2:00 p.m.]

Subject of Possible Rule Making: Guaranteed issue enrollment of persons under age nineteen.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.120(2), 48.20.450, 48.44.-050, 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective for policy years and plan years beginning after September 23, 2010, interim final federal regulation requires health carriers and insurers that are not grandfathered to enroll persons up to age nineteen without applying a preexisting condition exclusion or waiting period or other limitations on benefits due to a preexisting condition. Federal law does not establish a uniform open enrollment period, but leaves management of such a market regulation to the states.

Due to the risk of adverse selection posed by parents or others waiting to enroll persons up to age nineteen until they have a medical condition requiring treatment, and then disenrolling when treatment is concluded, the commissioner enacted an emergency rule responding to a health carrier petition asking for open enrollment periods as the sole time frame for enrollment for this enrollee population. That rule established open enrollment during 2010 for policy years beginning in 2011. The rule expires January 27, 2011. Under this rule making, the commissioner will consider rules that would provide guidance to carriers, and those who seek insurance for persons under age nineteen regarding how the new federal law will be implemented in Washington's market.