

WSR 11-24-003
PREPROPOSAL STATEMENT OF INQUIRY
SEATTLE COMMUNITY COLLEGES

[Filed November 23, 2011, 3:54 p.m.]

Subject of Possible Rule Making: First amendment activities for Seattle Community College District VI.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current time, place, and manner restrictions for first amendment activities on campus do not provide enough protection against disruption of the educational process.

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 Alan Ward, Interim Chief Financial Officer, 1500 Harvard Avenue, Seattle, WA 98122, phone (206) 934-4111, fax (206) 934-3894, e-mail alan.ward@seattlecolleges.edu.

November 23, 2011
 Dr. Jill A. Wakefield
 Chancellor

WSR 11-24-035
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed December 1, 2011, 3:36 p.m.]

The health care authority requests the withdrawal of the preproposal statement of inquiry filed as WSR 11-09-068 (WAC 388-406-0005) on April 19, 2011.

Kevin M. Sullivan
 Rules Coordinator

WSR 11-24-038
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed December 2, 2011, 9:48 a.m.]

Subject of Possible Rule Making: Amending WAC 180-18-040 governing reduction in waiver days authorized under the rule if the Washington state legislature enacts legislation reducing the number of school days to less than one hundred eighty school days; and deleting subsection (3) of the rule in its entirety.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 180-18-040 provides the authority for school districts to apply for a waiver from the minimum one hundred eighty day school year require-

ment in RCW 28A.150.220. WAC 180-18-050(3) provides a process for eligible school districts to develop and implement a plan for a maximum waiver of three school days per year from the one hundred eighty school day requirement in RCW 28A.305.140 under prescribed circumstances. Unlike subsection (1) waivers, a waiver under subsection (3) of WAC 180-18-050 is not required to occur at a state board of education (SBE) meeting prior to implementation. The SBE has conditioned all subsection (1) waivers to provide for a reduction in waiver days granted in any year by a number equal to the total number of school days a district reduces its school calendar for that year below the current one hundred eighty day statutory requirement in response to a change in legislation authorizing the reduction as a consequence of the state's economic plight. An amendment to WAC 180-18-040 will make it explicit that waivers granted under subsections (1) and (3) of WAC 180-18-050 will both be subject to the condition now placed on subsection (1) waivers. Additionally, the board will be amending WAC 180-18-040 to delete subsection (3) due to a change in legislation eliminating the student teacher ratio under RCW 28A.150.250 effective September 1, 2011.

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

Process for Developing New Rule: SBE will notify school districts of the intended change to WAC 180-18-040 and give them an opportunity to provide comments prior to the filing of the CR-102.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Loy McColm, Washington State Board of Education, Old Capitol Building, P.O. Box 47206, Olympia, WA 98504, e-mail loy.mccolm@k12.wa.us, phone (360) 725-6025, fax (360) 586-2357.

December 2, 2011
 Ben Rarick
 Executive Director

WSR 11-24-058
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

(Elections Division)

[Filed December 5, 2011, 3:34 p.m.]

Subject of Possible Rule Making: Elections, voter registration, and the initiative and referendum process.

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: To conform WACs to existing election law, facilitate voting by military and overseas voters, and facilitate ballot processing.

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, Co-Director of Elections,

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

December 5, 2011
Steve Excell
Assistant Secretary of State

WSR 11-24-059

**PREPROPOSAL STATEMENT OF INQUIRY
TACOMA COMMUNITY COLLEGE**

[Filed December 5, 2011, 3:47 p.m.]

Subject of Possible Rule Making: Petitioning, posting, distribution and demonstrations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140 (10) and (15).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clearly define campus policies and procedures in regard to petitioning, posting, distribution and demonstrations.

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 Valerie Robertson, Dean for Student Development and Success, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, phone (253) 566-5159, fax (253) 566-5159, vrobertson@tacomacc.edu.

December 5, 2011
Mary A. Chikwinya
Vice-President for
Student Services

WSR 11-24-063

**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed December 6, 2011, 9:39 a.m.]

Subject of Possible Rule Making: Repealing WAC 172-122-300 Smoking regulations, and adopting WAC 172-122-310 Use of tobacco products, to revise regulations related to the use of tobacco products in or on property that is owned or leased by Eastern Washington University. These rules constitute a significant revision that is more easily implemented by repealing the existing section and adopting a new section.

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: These rule changes are needed to better support and comply with the requirements of chapter 70.160 RCW, Smoking in public places.

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 pub-

lication 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, e-mail tlutey@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

December 6, 2011
Trent Lutey
University Policy Administrator

WSR 11-24-093

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 7, 2011, 10:44 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-513 WAC, Client not in own home, institutional medical; chapter 388-515 WAC, Alternative living, institutional medical; and chapter 388-527 WAC, Estate recovery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.-530, Section 6014 of the Deficit Reduction Act of 2005 (DRA). Section 209(1), chapter 37, Laws of 2010 (ESSB 6444).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending chapters 388-513, 388-515, 388-527 WAC as follows:

- Combine categorically needy (CN) and medically needy (MN) home and community based (HCB) waiver eligibility based on a projected approval by Centers for Medicare and Medicaid Services.
- Repeal of HCB MN waivers.
- Add language regarding long-term care partnerships to estate recovery WAC.
- Increased excess home equity standard and add formula for increase based on federal standards for 1/2011 and ongoing.
- Update federal utility standard used in spousal deeming.
- Update links and references based on program changes made by economic services administration (ESA) and health care authority (HCA) as ordered by the governor necessary to implement the budget.
- Update links and references based on HB 1738 and HCA medicaid WACs recodified under Title 182 WAC.
- Correction of language allowing the federal poverty level (FPL) as a personal needs allowance (PNA) for a married individual receiving an HCB waiver, living at home but apart from the community spouse.
- Add language in the hardship waiver WAC to include transfers between registered domestic partners up to the resource amount a married couple is allowed for resources.
- Clarifying reasonable limits for qualifying medical deductions.

- Updating references and changing language for readability and clarity.

Other necessary changes on these subjects may be incorporated into this rule making. Other WAC chapters may need to be updated as a result of this rule making.

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 Lori Rolley, Financial Policy Analyst, Aging and Disability Services Administration, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2272, fax (360) 407-7582, e-mail Rollej@dshs.wa.gov.

December 7, 2011
Katherine Vasquez
Rules Coordinator

WSR 11-24-094

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

[Filed December 7, 2011, 10:46 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-106-0300 in chapter 388-106 WAC, Long-term care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending WAC 388-106-0300 to correct the appropriate WAC references that are now part of the health care authority in chapters 182-500, 182-543 and 182-551 WAC. Other sections may be amended as necessary.

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 Angel Sullivan, P.O. Box 46500, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

December 5, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-24-098

**PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD**

[Filed December 7, 2011, 11:08 a.m.]

Subject of Possible Rule Making: New sections in chapter 314-02 WAC, Requirements for retail liquor licensees, create new chapter 314-23 WAC, Spirits distributors and spirits certificate of approval licenses, and revise chapter 314-28 WAC, Distilleries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030; the following new sections in Initiative 1183 created new laws directing the board to establish rules: Sections 103, 104, 105, 123, 206.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are needed to implement Initiative 1183 that passed on November 8, 2011. Parts of the initiative become effective on December 8, 2011. New license types were created and the state of Washington changed from a controlled liquor system to a privatized liquor system. Emergency rules were adopted to clarify the language in the new laws created in Initiative 1183. Permanent rules are needed.

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

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

December 7, 2011
Sharon Foster
Chairman

WSR 11-24-100

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed December 7, 2011, 11:16 a.m.]

Subject of Possible Rule Making: Chapter 16-326 WAC, the department is considering amending Brassica seed production rules to prohibit the planting and production of Brassica napus var. biennis, winter type canola or rapeseed in Brassica seed production district 2. Additionally, the department is considering eliminating the question format on some section headings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.51 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has been petitioned by all of the seed companies involved in spring hybrid canola production to prohibit winter canola production in Brassica seed production district 2. This will serve to prevent hybrid spring canola and winter canola from being produced in close geographic proximity and eliminate the possibility of detrimental genetic crosses in spring hybrid canola seed crops.

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

Process for Developing New Rule: Washington state department of agriculture staff will develop the specific rule proposal. The proposed language and rule amendments will be presented to a working group of impacted constituents including representatives of seed production companies, canola crushing and processing companies and the canola commission.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Victor Shaul, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 249-6950, e-mail Vshaul@agr.wa.gov.

December 7, 2011
Brad J. Avy
Assistant Director

Wildthing@dfw.wa.gov. Contact by January 23, 2012.
Expected proposal filing on or after February 1, 2012.

December 7, 2011
Lori Preuss
Rules Coordinator

WSR 11-24-102

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed December 7, 2011, 11:33 a.m.]

Subject of Possible Rule Making: The department is considering rule making for the following: Deer and elk seasons and permits; cougar seasons and regulations; black bear seasons and regulations; mountain goat, bighorn sheep, and moose seasons, permits, and regulations; game bird regulations; small game seasons; landowner hunting permit program; deer and elk area boundaries; game management units, special closures and firearm restriction areas; unlawful methods for hunting; hunting equipment rules; hunting at night; and other hunting regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.12.040, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, 77.32.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provides clarification, recreational opportunity, and mitigation of wildlife conflicts, consistent with maintaining sustainable game populations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Migratory birds are also regulated by the United States Fish and Wildlife Service (USFWS) and coordination is managed through the Pacific Flyway. State regulations are designed to fit within the parameters of the USFWS regulation guidelines.

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 Nate Pamplin, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515, fax (360) 902-2162, e-mail