

**WSR 13-14-008**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket US-111021—Filed June 20, 2013, 12:04 p.m.]

The Washington utilities and transportation commission (commission) filed on June 22, 2011, a preproposal statement of inquiry (CR-101) regarding the regulation of wastewater companies at WSR 11-13-123. The commission has decided not to proceed with this rule-making proceeding due to the lack of interest from wastewater companies and other private entities in funding the cost of this rule making. The commission, therefore, requests that the CR-101 published in WSR 11-13-123 be withdrawn.

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

Steven V. King  
 Acting Executive Director  
 and Secretary

**WSR 13-14-015**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed June 21, 2013, 1:11 p.m.]

Subject of Possible Rule Making: Amend WAC 232-12-054 Archery requirements—Archery special use permits, to allow hunters with disabilities to use scopes on crossbows while hunting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12-047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department received a petition from the public to amend WAC 232-12-054 to allow the hunters with disabilities to use scopes on crossbows during archery seasons and will provide additional recreational opportunities for hunters with disabilities. This amendment will provide an accommodation for hunters with disabilities that do not allow them to draw back and shoot standard archery equipment and will increase access to archery hunting seasons for hunters with disabilities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal law requires that persons with disabilities are allowed access to agency programs.

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 98501-1091, phone (360) 902-2515, fax (360) 902-2162, e-mail Wildthing@dfw.wa.gov. Contact by August 7, 2013. Expected proposal filing on or after August 21, 2013.

June 21, 2013  
 Joanna Eide  
 Administrative Regulations Analyst

**WSR 13-14-021**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**NOXIOUS WEED**  
**CONTROL BOARD**

[Filed June 24, 2013, 10:31 a.m.]

Subject of Possible Rule Making: WAC 16-750-005, 16-750-011, 16-750-015, 16-750-110, and 16-750-135.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.10.080, 17.10.070, and 17.10.010(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state noxious weed control board is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agency regulates this subject. Federal agencies are subject to federal noxious weed laws that require them to coordinate with state regulations. Federal agencies in Washington are invited to participate in all stages of noxious weed rule making.

Process for Developing New Rule: The state noxious weed control board annually solicits proposed changes to the noxious weed list from county weed boards, weed districts, state agencies, federal agencies, interest groups, and the general public. The noxious weed committee of the board (which includes representation from the Washington Native Plant Society, county weed boards, the nursery industry and several scientific advisors) meets at least twice to review and research these suggestions. A public hearing is scheduled, and a press release and information regarding the proposed changes are widely distributed to newspapers, stakeholders, and the general public. The board makes its final decisions after considering comments received at the hearing.

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

- Submit suggested changes to the noxious weed list and/or other sections of chapter 16-750 WAC between January 1 and April 30 each year.
- Attend noxious weed committee meetings and/or state noxious weed control board meetings.
- Testify at the public hearing and/or submit written testimony.

Information on participating in the decision-making process can be obtained from Alison Halpern, Washington State Noxious Weed Control Board, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2053, fax (360) 902-2094, e-mail ahalpern@agr.wa.gov.

June 24, 2013  
 Alison Halpern  
 Executive Secretary

**WSR 13-14-025**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**EARLY LEARNING**

[Filed June 24, 2013, 3:48 p.m.]

Subject of Possible Rule Making: Chapter 170-296A WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making in chapter 170-296A WAC is necessary in order to clarify and/or update one or more sections within chapter 170-296A WAC. The department may file more than one proposed rule (CR-102) under this notice, and may, if appropriate, adopt emergency rules on a temporary basis.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As appropriate, the department of early learning (DEL) plans to coordinate rule making with or seek input on the draft rules with the department of health.

Process for Developing New Rule: To the extent practicable, DEL intends to seek public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at Rules@del.wa.gov, by fax (360) 586-0533, or by writing to the DEL Rules Coordinator, Department of Early Learning, P.O. Box 40972, Olympia, WA 98504-0972.

June 24, 2013  
 Robert McLellan  
 Senior Assistant Director

**WSR 13-14-036**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed June 27, 2013, 9:01 a.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-478-0055 How much do I get from my state supplemental payment (SSP)? and possible other related WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may propose to modify rules in order to stay within available funds. The department is required by federal law, C.F.R. 20 §416.2095 Pass-along of federal benefit increases through §416.2099

Compliance with pass-along to maintain the total amount of SSI state supplement benefits spending at the same level each calendar year, without an increase or decrease in total spending.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Olga Walker, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4641, fax (360) 725-4904, e-mail olga.walker@dshs.wa.gov.

June 25, 2013  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 13-14-054**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed June 27, 2013, 4:29 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs, higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 WAC.

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. PESB 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 27, 2013  
 David Brenna  
 Senior Policy Analyst

**WSR 13-14-055**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed June 27, 2013, 4:33 p.m.]

Subject of Possible Rule Making: Chapter 181-01 WAC, WEST B, teacher candidate assessment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The WEST B teacher candidate assessment rule is the responsibility of the board.

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. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site [www.PESB.wa.gov](http://www.PESB.wa.gov).

June 27, 2013  
 David Brenna  
 Senior Policy Analyst

**WSR 13-14-058**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed June 28, 2013, 8:23 a.m.]

Subject of Possible Rule Making: WAC 308-56A-090 Disclosure of individual vehicle owner information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 34.05.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring WAC 308-56A-090 into compliance with RCW 46.12.365 as modified by chapter 232, Laws of 2013, aka SSB 5182.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

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 Ben Shomshor, Department of Licensing, Central Operations and Resources Division, P.O. Box 2957, Olympia, WA 98507-2957, e-mail (preferred) [bshomshor@dol.wa.gov](mailto:bshomshor@dol.wa.gov), phone (360) 359-4019.

June 28, 2013  
 Damon Monroe  
 Rules Coordinator

**WSR 13-14-059**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed June 28, 2013, 8:24 a.m.]

**Subject of Possible Rule Making: WAC 308-93-087 Disclosure of names and addresses of individual vessel owners, 308-93-088 Disclosure violations, penalties, and 308-93-089 Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use.**

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 88.02.320, 34.05.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring WAC 308-93-087, 308-93-088, and 308-93-089 into compliance with RCW 46.12.365 as modified by chapter 232, Laws of 2013, aka SSB 5182.

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 Ben Shomshor, Department of Licensing, Central Operations and Resources Division, P.O. Box 2957, Olympia, WA 98507-2957, e-mail (preferred) [bshomshor@dol.wa.gov](mailto:bshomshor@dol.wa.gov), phone (360) 359-4019.

June 28, 2013  
 Damon Monroe  
 Rules Coordinator

**WSR 13-14-060**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket U-131087—Filed June 28, 2013, 8:41 a.m.]

Subject of Possible Rule Making: The utilities and transportation commission (commission) commences this inquiry to consider whether changes to WAC 480-100-128 (6)(k) and 480-90-128 (6)(k), which state that utility company representatives dispatched to disconnect service must accept payment to prevent disconnection, are warranted.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040 and 80.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: PacifiCorp d/b/a Pacific Power requested an exemption from WAC 480-100-128 (6)(k), citing safety concerns and the availability of alternative methods of payment for its customers. Staff, public counsel, and the energy project believe that any potential safety concerns are outweighed by potential consumer harm, and that alternative methods of payment are largely unavailable to low-income consumers. This inquiry is being undertaken to gather more information from regulated companies related to safety incidents, disconnections prevented by collecting payment at the door, and data on banking options and internet access for low-income consumers.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, schedule one or more workshops, and will provide the opportunity

to provide additional written comments on draft rules and proposed CR-102 prior to adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Director and Secretary, Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail [records@utc.wa.gov](mailto:records@utc.wa.gov), or through the commission's web portal at [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing) by 5:00 p.m., **Thursday, August 1, 2013**.

**WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP:**

Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **5:00 p.m., Thursday, August 1, 2013**, for consideration at the **August 15, 2013**, 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 (UE-131087).
- 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 3 1/2 inch, IBM-formatted, high-density 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/131087>. 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, acting executive director and secretary. When contacting the commission, please refer to Docket U-131087 to ensure that you are placed on the appropriate service list. Questions may be addressed to Rayne Pearson, (360) 664-1103, or [rpearson@utc.wa.gov](mailto:rpearson@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 telephone and fax numbers referencing Docket U-131087, and the words "Please keep me on the mailing list;" or (2) e-mail your name, address, telephone and fax numbers, referencing Docket U-131087, and the words "Please keep me on the mailing list" to [records@utc.wa.gov](mailto: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/131087>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

June 28, 2013  
Steven V. King  
Acting Director  
and Secretary

**WSR 13-14-062**

**PREPROPOSAL STATEMENT OF INQUIRY  
PROFESSIONAL EDUCATOR  
STANDARDS BOARD**

[Filed June 28, 2013, 10:07 a.m.]

Subject of Possible Rule Making: Chapter 181-77 WAC, Career and technical education, rules governing CTE educators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher CTE certification and preparation programs.

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. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site [www.PESB.wa.gov](http://www.PESB.wa.gov).

June 28, 2013  
David Brenna  
Senior Policy Analyst

**WSR 13-14-063**

**PREPROPOSAL STATEMENT OF INQUIRY  
PROFESSIONAL EDUCATOR  
STANDARDS BOARD**

[Filed June 28, 2013, 10:16 a.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](http://www.PESB.wa.gov).

June 28, 2013  
David Brenna  
Senior Policy Analyst

#### WSR 13-14-065

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ENTERPRISE SERVICES

[Filed June 28, 2013, 11:23 a.m.]

Subject of Possible Rule Making: Self-insurance requirements governing local government and nonprofit self-insurance transactions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.62.061 Rule making by state risk manager—Standards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify solvency and operational requirements in order to reduce the risk to local government and nonprofit members of risk pools.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of enterprise services (DES) will communicate and coordinate with the office of insurance commissioner, which has an interest in the rules governing joint self-insurance programs, as necessary. DES will also communicate with the state auditor's office, which is responsible for financial and accountability audits of local government and nonprofit risk pools.

Process for Developing New Rule: DES staff will discuss proposed rules with affected stakeholders. Anyone interested will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing. The public is encouraged to participate, as described below.

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

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

June 28, 2013  
Jack Zeigler  
Policy and Rules Manager

#### WSR 13-14-080

#### PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed July 1, 2013, 10:20 a.m.]

Subject of Possible Rule Making: Amending chapter 172-06 WAC, Organization and operation.

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 is needed to update university contact information and better reflect current practices.

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](mailto:tlutey@ewu.edu). A public hearing will be held to permit comment on all proposed rules and revisions.

July 1, 2013  
Trent Lutey  
University Policy Administrator

**WSR 13-14-085**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed July 1, 2013, 11:24 a.m.]

Subject of Possible Rule Making: Chapter 181-86 WAC, Certification, policies and procedures for administration of certification proceedings.

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: Addressing proceedings for revocation or discipline through investigation by the office of professional practice, office of the superintendent of public instruction.

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](http://www.PESB.wa.gov).

July 1, 2013  
 David Brenna  
 Senior Policy Analyst

**WSR 13-14-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 1, 2013, 3:57 p.m.]

Subject of Possible Rule Making: Chapter 246-358 WAC, Temporary worker housing and chapter 246-361 WAC, Cherry harvest camps. The department is opening rules to assess the current licensing fee structure for temporary worker housing (TWH) and cherry harvest camps and issues directly related to these fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.340 and chapter 70.114A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of health promotes public health and safety by inspecting and licensing migrant farmworker housing through the TWH program. To assure fees are fairly assessed of operators and are set appropriately to support the costs of operating the TWH program, the current TWH and cherry harvest camps' licensing fee structures will be evaluated by the department. Only issues directly related to these fees will be considered in this rule making. Licensing fees include fees for initial licenses, renewals, late fees, and on-site inspections.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of labor and industries and

United States Department of Labor: The Washington state department of health will coordinate with these agencies as appropriate. These agencies also regulate TWH conditions but their regulations do not impact the department's fees.

Process for Developing New Rule: The department of health will use a collaborative rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department of health will use electronic communication strategies (listserv, web site postings, e-mail notifications, and letters) to notify interested parties of rule making, stakeholder workshops, and opportunities to submit written comments on proposed rules. The department of health will take public testimony during the official public rules hearing. For more information, please contact Debra Fisher, Program Manager, Washington State Department of Health, P.O. Box 47852, Olympia, WA 98504, phone (360) 236-2952, e-mail [Debra.Fisher@DOH.WA.GOV](mailto:Debra.Fisher@DOH.WA.GOV).

July 1, 2013  
 John Wiesman, DrPH, MPH  
 Secretary

**WSR 13-14-096**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed July 2, 2013, 8:59 a.m.]

Subject of Possible Rule Making: Chapter 192-250 WAC, Shared work program, amendments will be made to implement EHB 1396. Additional changes will be made to clarify policy and procedures and to streamline program operations. WAC 192-250-045 Who is not eligible for participation in the shared work program?, will also be reviewed to determine if program participation should be limited to hourly employees and whether businesses in tax rate class 5.4 should continue to be ineligible for program participation.

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: This rule making will implement chapter 79, Laws of 2013 (EHB 2013 [1396]). The bill makes a number of changes to the shared work program and existing rules must be updated to reflect these changes. Other proposed changes will be considered to improve program operations, including eligibility for participation in the program.

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 publication by contacting Juanita Myers, Unemployment Insurance Rules Manager, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9799, e-mail [jmyers@esd.wa.gov](mailto:jmyers@esd.wa.gov). Please include your name, organization (if any), mailing address, e-mail address and telephone number.

June 12, 2013  
Dale Peinecke  
Commissioner

### WSR 13-14-097

#### PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed July 2, 2013, 9:00 a.m.]

Subject of Possible Rule Making: Adopt rules in chapter 192-230 WAC, Recovery of overpayments and chapter 192-220 WAC, Overpayment notice, assessment and fraud to implement sections 1 and 2 of SB 5355. The bill requires that a penalty of not less than fifteen percent of the amount of benefits overpaid or deemed overpaid by an individual be assessed against a person who makes a false statement or representation in an attempt to obtain UC (unemployment) benefits. This penalty and the first fifteen percent of the penalty imposed on repeat offenders are deposited into the UI trust fund. 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: This rule making will implement chapter 189, Laws of 2013 (SB 5355, sections 1 and 2) related to implementing the unemployment insurance integrity provisions of the Federal Trade Adjustment Assistance Extension Act of 2011. The topics for rule making that have been identified to date include providing for a fraud penalty on the first offense, clarifying the priority of payment procedures for penalties required to be deposited into the UI trust fund and defining the term "equity and good conscience." 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 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, Unemployment Insur-

ance Rules Manager, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9799, e-mail [jmyers@esd.wa.gov](mailto:jmyers@esd.wa.gov). Please include your name, organization (if any), mailing address, e-mail address and telephone number.

June 28, 2013  
Nan Thomas  
Deputy Commissioner

### WSR 13-14-101

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE LOTTERY

[Filed July 2, 2013, 11:00 a.m.]

Subject of Possible Rule Making: The lottery commission is considering revisions to chapter 315-38 WAC, Mega Millions, in order to conform Mega Millions game rules to the multi-state Mega Millions game agreement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040 (1), (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The multi-state lottery agreement establishing the lottery game Mega Millions contains technical revisions to the game that will become effective October 22, 2013. Chapter 315-38 WAC needs revision to conform with the new multi-state agreement. WAC 315-38-020, 315-38-080, 315-38-090 and 315-38-100 are some of the game WAC that need revision, although not all inclusive.

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 Jana Jones, Director of Legal Services, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4833, Jennifer McDaniel, legal assistant, phone (360) 664-4834.

July 2, 2013  
Jana L. Jones  
Director of  
Legal Services

### WSR 13-14-105

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 13-04—Filed July 2, 2013, 1:14 p.m.]

Subject of Possible Rule Making: Ecology is beginning rule making to update requirements and make other administrative changes for sources emitting gasoline vapors to align with federal rules. Emission standards and controls for sources emitting gasoline vapors, chapter 173-491 WAC, includes requirements for:

- Gasoline dispensing facilities (Stage I requirements),
- Gasoline loading terminals,
- Bulk gasoline plants, and
- Gasoline storage tanks.

Stage II requirements for large volume gasoline dispensing facilities are not part of this rule making.

The broader rule-making scope includes revising other rules to ensure consistency between:

- Washington state rules: Provisions in chapter 173-455 WAC, Air quality fee rule and chapter 173-400 WAC, General regulations for air pollution sources, may need to be updated to reflect changes to chapter 173-491 WAC.
- Federal rules: Provisions in chapter 173-400 WAC will be updated for compliance with:
  - o Federal air toxics rules,
  - o New source performance standards, and
  - o Emission guidelines for existing incineration units.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.331, [70.94.]141, [70.94.]152, and [70.94.]165(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will revise outdated state requirements and make other administrative changes related to rules for gasoline marketing operations. In particular, rules for gasoline dispensing facilities need to be updated for consistency with federal Stage I vapor recovery requirements. The last significant update of emission standards for gasoline emitting sources was in 1997 so our rules don't include federal requirements adopted in 2008 and revised in 2011.

Controlling gasoline vapors helps protect public health by reducing benzene (a carcinogen) exposure at and near gasoline dispensing facilities, saves gasoline, and reduces formation of ground level ozone (a contributor to smog) which also protects public health.

This rule making will ensure streamlined connections between the two rules that intersect with requirements for sources emitting gasoline vapors: Chapter 173-455 WAC, Air quality fee rule and chapter 173-400 WAC, General regulations for air pollution sources.

This rule making will amend chapter 173-400 WAC to update the adoption of federal air toxics rules and new source performance standards, and include requirements that implement emission guidelines for certain incineration units.

Keeping our rules current with EPA requirements simplifies compliance for the regulated community, supports a healthy business climate, and maintains delegation of federal programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Seven local air agencies regulate this subject in their jurisdictions. These are the Benton Clean Air Agency, Northwest Clean Air Agency, Olympic Region Clean Air Agency, Puget Sound Clean Air Agency, Southwest Clean Air Agency, Spokane Regional Clean Air Agency, and Yakima Regional Clean Air Agency. Ecology will include these agencies in the stakeholder rule development process.

Process for Developing New Rule: Ecology is amending existing rules. During the rule-development process ecology will ask for feedback from stakeholders on rule language and key issues related to this rule making. Ecology will post rule-making information on our rule-making web page and distribute it to our e-mail lists. Ecology will hold one public hearing on the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elena Guilfoil, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6855, e-mail elena.guilfoil@ecy.wa.gov. Interested parties can participate in the formulation of the proposed rules via stakeholder meetings, by contacting ecology staff directly, and by commenting on the proposed rule. To follow our rule-making process, click on [http://www.ecy.wa.gov/laws-rules/wac173400\\_455\\_491/1304.html](http://www.ecy.wa.gov/laws-rules/wac173400_455_491/1304.html).

July 1, 2013

Stu Clark

Air Quality

Program Manager

## WSR 13-14-110

### PREPROPOSAL STATEMENT OF INQUIRY

#### OFFICE OF

#### INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2013-15—Filed July 2, 2013, 4:01 p.m.]

Subject of Possible Rule Making: The insurance commissioner is considering amending existing title insurance rate filing rules and adopting new rules to implement chapter 65, Laws of 2013. The commissioner will consider rules that:

1. Identify the information that title insurers and title insurance agents must submit to the statistical reporting agent designated by the commissioner and the process for submitting the information;

2. Establish how the costs and expenses of the statistical reporting agent and any examination of the statistical reporting agent will be apportioned by and among the title insurers and title insurance agents;

3. Amend the existing rules regarding information required for the filing of rates for title insurance under RCW 48.29.147;

4. Amend the existing rules regarding the standards that title insurance rate filings must satisfy under RCW 48.29-147; and

5. Amend the existing rule establishing a date by which title insurers must file every manual of rules and rates, rating plan, rate schedule, minimum rate, class rate, and rating rule, and every modification of any of these filings, under RCW 48.29.143 and 48.29.147.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.29.005, 48.29.140, and section 1, chapter 65, Laws of 2013.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2013 legislature enacted



chapter 65, Laws of 2013 (HB 1035) which provides that title insurers and their agents must report financial information to a statistical reporting agent for the use in preparation of their title insurance rates filed with the commissioner. The statute also provides that the costs of the statistical reporting agent and any examination of the statistical reporting agent by the commissioner will be paid for by the title insurers and title insurance agents. The commissioner will consider adopting new rules and amending existing rules to implement this legislation.

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 September 1, 2013, to Jim Tompkins, 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 Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

July 2, 2013  
Mike Kreidler  
Insurance Commissioner

#### WSR 13-14-114

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 3, 2013, 9:21 a.m.]

Subject of Possible Rule Making: Chapter 246-310 WAC, Certificate of need, the department of health (department) is opening rules to consider revisions to address health care facility affiliations, corporate restructuring, mergers and other arrangements, and greater consumer transparency, per the directive of the governor 13-12.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.38.115 and 70.38.135.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is directed by a directive of the governor 13-12 to initiate rule making to consider how the structures of affiliations, corporate restructuring, mergers, and other arrangements between health care facilities result in outcomes similar to traditional methods of sales, purchasing and leasing of hospitals, particularly when control of part or all of an existing hospital changes from one party to another. The department is also directed to consider ways to improve transparency for consumer information and ease of use by ensuring hospitals provide their policies of nondiscrimination, end-of-life care, and reproductive health care services to the department for posting on its web site.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Centers for Medicare and Medicaid Services (CMS) certify certificate of need (CoN) hospitals. Department of social and health services (DSHS) and the health care authority (HCA) are also involved in medicaid

and medicare billing and reimbursement issues for CoN hospitals. The department will coordinate with DSHS, HCA, and CMS as appropriate.

Process for Developing New Rule: The department of health will use a collaborative rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may participate in the development of draft rules prior to a formal proposal by joining the department listserv, attending workshops, or providing input on draft materials. Interested parties can receive information on how to participate by contacting Janis Sigman, Program Manager, Department of Health, Health Systems Quality Assurance, Office of Health Professions and Facilities, P.O. Box 47852, 111 Israel Road S.E., Olympia, WA 98504-7853, or e-mail Janis.Sigman@doh.wa.gov, phone (360) 236-2956, or fax (360) 236-2321.

July 3, 2013  
John Wiesman, DrPH, MPH  
Secretary

#### WSR 13-14-115

##### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed July 3, 2013, 9:29 a.m.]

Subject of Possible Rule Making: WAC 182-557-0050 Health home—General.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, SSB 5394.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The language in WAC 182-557-0050(5) is not approved by the Centers for Medicare and Medicaid Services (CMS) in the agency's state plan. State receipt of federal funds could be jeopardized without immediate adoption of this rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: CMS.

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 Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 42716, Olympia, WA 98504-2716, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.boedigheimer@hca.wa.gov.

July 3, 2013  
Kevin M. Sullivan  
Rules Coordinator

**WSR 13-14-122**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket UT-131239—Filed July 3, 2013, 11:01 a.m.]

Subject of Possible Rule Making: The commission initiates this rule making to consider amending existing rules and adopting new rules in chapter 480-120 WAC, Telephone companies, and chapter 480-123 WAC, Universal service, to implement the provisions of E2SHB [2E2SHB] 1971, enacted in the 2013 second special legislative session. Part II of the bill requires the commission to establish rules to implement a state universal communications service program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB [2E2SHB] 1971, section 204, RCW 80.01-040(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under 2E2SHB 1971, section 203(2) provides that the commission will implement and administer the state universal communications service program. The bill authorizes the commission to adopt rules by July 1, 2014, concerning:

- Operation of the program;
- Criteria for eligibility for distributions from the account, use of distributed funds, identification of reports to be filed with the commission;
- Disbursements from the universal communications services account;
- Benchmarks and other criteria to calculate distributions from the account; and
- An advisory board to advise the commission on rules and policies governing the operation of the program.

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; and the commission will ask for initial written comments, schedule one or more workshops, and will provide the opportunity to provide additional written comments on draft rules and proposed CR-102 prior to adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail [records@utc.wa.gov](mailto:records@utc.wa.gov), or through the commission's web portal at [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing) by **5:00 p.m., Friday, August 2, 2013**.

**WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP:** The commission has scheduled stakeholder workshop[s] in this rule making for **Monday, July 15, 2013, beginning at 9:00 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 **5:00 p.m. on Friday, August 2, 2013**.

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 (UT-131239).
- 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 3 1/2 inch, IBM-formatted, high-density 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/131239>. 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, acting executive director and secretary. When contacting the commission, please refer to Docket UT-131239 to ensure that you are placed on the appropriate service list. Questions may be addressed to Brian Thomas, senior telecommunications policy advisor by phone (360) 359-1049, or e-mail [bthomas@utc.wa.gov](mailto:bthomas@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 telephone and fax numbers referencing Docket UT-131239, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket UT-131239 [UT-131239], and the words "Please keep me on the mailing list" to [records@utc.wa.gov](mailto: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/131239>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

July 3, 2013  
Steven V. King

Acting Executive Director  
and Secretary

**WSR 13-14-125**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed July 3, 2013, 11:50 a.m.]

Subject of Possible Rule Making: Amending recreational fishing rules for the 2014 season and to correct and clarify where needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, and 77.15.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must amend recreational fishing rules on an annual basis to respond to fish population changes, fish and wildlife commission assignments, housekeeping needs, and conservation issues. The department is considering changes to WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules, to allow a sixteen-fish daily limit for walleye on the San Poil River, and to prohibit fishing from boats equipped with an internal combustion motor on the Naselle River, year-round. The department may consider additional recreational fishing changes if necessary.

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 Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail [Lori.preuss@dfw.wa.gov](mailto:Lori.preuss@dfw.wa.gov). Contact by August 16, 2013. Expected proposal filing date is on or after August 21, 2013.

July 3, 2013  
Lori Preuss  
Rules Coordinator