

WSR 13-22-014**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed October 28, 2013, 10:11 a.m.]

Subject of Possible Rule Making: Chapter 246-358 WAC, Temporary worker housing (TWH); chapter 246-359 WAC, Temporary worker housing construction standard; and chapter 246-361 WAC, Cherry harvest camps. Opening rules to consider amending TWH, cherry harvest camps, and TWH construction standard operation regulations and processes, and inspection processes. The department will also consider reformatting and incorporating technical housekeeping updates to these rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.335, [43.70.]337, [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 (DOH) is considering amending rules per 3ESHB 2127, (section 219(32), chapter 7, Laws of 2012 2nd sp. sess.) that required the department to evaluate TWH rules, and operational and inspection processes for TWH construction program and operational program (TWH regular and cherry harvest camps rules). As a result of evaluation results and stakeholder recommendations cited in a 2013 department report to the legislature, rule revisions will be considered to administer the TWH program more efficiently and effectively. Rule revisions will also be considered for housekeeping changes and possible reformatting.

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 the United States Department of Labor - coordination with these agencies will occur, as these agencies also regulate TWH conditions.

Process for Developing New Rule: DOH 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 will use electronic communication strategies (listserv, DOH 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 will take public testimony during the official public rules hearing. For more information, please contact Debra Fisher, Program Manager, DOH, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2942, fax (360) 236-4626, e-mail Debra.Fisher@DOH.WA.GOV.

October 28, 2013
John Wiesman, DrPH, MPH
Secretary

WSR 13-22-032**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed October 30, 2013, 1:55 p.m.]

Subject of Possible Rule Making: Total instructional hour requirement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 180-16-200 provides for a total instructional hour requirement in grades 1-12 of a district-wide annual average one thousand hours. Chapter 548, Laws of 2009, amended the instructional hours requirement in RCW 28A.150.220 to one thousand hours in each of grades 1-6 and one thousand eighty hours in each of grades 7-12 according to an implementation schedule adopted by the legislature. Chapter 4, Laws of 2013 2nd sp. sess. implements this requirement beginning with the 2014-15 school year as an enhancement to the program of basic education. WAC 180-16-200 is not consistent with the statutory requirement. The statutory reference in subsection (2) of the WAC also no longer applies. The state board of education (SBE) can amend this WAC to make it consistent with the statutory requirement or repeal it as unnecessary.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of superintendent of public instruction (OSPI), which is responsible for basic education allocations to school districts. The SBE will consult with OSPI on this rule during the rule-making process.

Process for Developing New Rule: SBE will solicit comment on proposed rules from school district boards of directors, OSPI, education organizations, and other interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Archer, SBE, Old Capitol Building, P.O. Box 47206, 600 Washington Street S.E., Olympia, WA 98504, (360) 725-6035, sbe@sbe.wa.gov.

October 30, 2013
Ben Rarick
Executive Director

WSR 13-22-033**PREPROPOSAL STATEMENT OF INQUIRY
CHARTER SCHOOL COMMISSION**

[Filed October 30, 2013, 2:38 p.m.]

Subject of Possible Rule Making: Corrective action procedures, renewal, nonrenewal and revocation procedures, termination protocol, dissolution and contract transfer.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.710.180, 28A.710.190, 28A.710.200, 28A.710.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission proposes to adopt rules to implement the provisions of the Charter Schools Act relating to: Corrective action; charter school

contract renewal, nonrenewal and revocation; and charter school termination, dissolution and/or contract transfer [to] another.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Both the state board of education and the office of the superintendent of public instruction regulate areas that may be impacted by these rules. The commission will solicit input from these agencies.

Process for Developing New Rule: Follow the rules outlined for new agency regulations. We are filing a CR-101 and will follow it with the filing of a CR-102. We will schedule public hearings and solicit feedback from the public in order to improve our proposed rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joshua Halsey, Insurance Building, Suite 100, P.O. Box 43113, Olympia, WA 98504-3113, (360) 902-9818, Joshua.halsey@charterschool.wa.gov.

October 30, 2013
Joshua Halsey
Executive Director

WSR 13-22-034

PREPROPOSAL STATEMENT OF INQUIRY CHARTER SCHOOL COMMISSION

[Filed October 30, 2013, 2:38 p.m.]

Subject of Possible Rule Making: Public disclosure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Outline the public disclosure process for the public. The commission is a transparent agency and we want the public to know how to request documents and receive a response in a timely fashion.

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

Process for Developing New Rule: Follow the rules outlined for new agency regulations. We are filing a CR-101 and will follow it with the filing of a CR-102. We will schedule public hearings and solicit feedback from the public in order to improve our proposed rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joshua Halsey, Insurance Building, Suite 100, P.O. Box 43113, Olympia, WA 98504-3113, (360) 902-9818, Joshua.halsey@charterschool.wa.gov.

October 30, 2013
Joshua Halsey
Executive Director

WSR 13-22-053

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed November 1, 2013, 2:40 p.m.]

Subject of Possible Rule Making: Chapter 390-20 WAC, Forms for lobbying reports, elected officials and legislators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110, 42.17A.125 (2) and (3), 42.17A.615, and 42.17A.630 - [42.17A].640.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering rule making to adjust lobbying related disclosure dollar threshold and other matters pertaining to lobbyist disclosure, including but not limited to the definition of "entertainment" as it relates to disclosure of lobbying expenditures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The public disclosure commission (PDC) has sole authority to enforce disclosure of lobbying related expenditures. There is a nexus, however, between the disclosure laws and gifts and food/beverages that may be accepted under the State Ethics Act at chapter 42.52 RCW, enforced by the commission on judicial conduct and executive and legislative ethics boards. Those bodies will be invited to participate in the commission's formal stakeholder outreach and they will be informed of any rule making.

Process for Developing New Rule: A stakeholder meeting is planned for 1:00 p.m., Wednesday, November 20, 2013, at the PDC office. This commission will provide notice directly to stakeholders and advertise the meeting on its web site and Facebook page. Comments received at that meeting will likely guide whether and how the commission proceeds. The commission will consider stakeholder comments and discuss how to proceed when it meets Thursday, December 5, 2013.

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

1. Attend the November 20, 2013, stakeholder meeting at 711 Capitol Way, Room 206, Olympia, WA, at 1:00 p.m.

2. Submit comments, no later than Monday, December 2013, to Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112 or e-mail lori.anderson@pdc.wa.gov.

3. Attend commission meetings where this topic is scheduled for discussion. Next meeting: December 5, 2013, at 711 Capitol Way, Room 206, Olympia, WA, meeting agendas are posted online at www.pdc.wa.gov.

November 1, 2013
Lori Anderson
Communications and
Training Officer

WSR 13-22-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Naturopathy)

[Filed November 4, 2013, 2:09 p.m.]

Subject of Possible Rule Making: Chapter 246-836 WAC, Naturopathic physicians, to consider rule making regarding the practice of nonsurgical cosmetic procedures in naturopathic practice.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of naturopathy (board) will consider writing rules regarding nonsurgical cosmetic procedures in naturopathic practice. If the board determines there are procedures within the scope of naturopathic practice, education and training requirements would also need to be determined. The board may also consider potential practice restrictions or requirements (such as delegation restrictions or specific patient follow-up requirements).

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. Interested persons can participate in the rule process through meetings and by submitting written comments, and are encouraged to join the listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=NATUROPATHY-PROGRAM>.

Please address questions and/or comments to Susan Gragg, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4941, fax (360) 236-2406, e-mail susan.gragg@doh.wa.gov.

November 4, 2013
 Chris Humberson, R.Ph.
 Executive Director

WSR 13-22-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Naturopathy)

[Filed November 4, 2013, 2:09 p.m.]

Subject of Possible Rule Making: WAC 246-836-020 Eligibility for licensure examination, 246-836-030 Licensure examination, 246-836-040 Release of examination results, 246-836-050 Reexaminations, 246-836-110 Licensing by endorsement, and 246-836-120 Reciprocity or waiver of examination requirements, amending and repealing sections regarding acceptable naturopathic medicine examinations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.160 and 18.36A.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of naturopathy is considering amending rules regarding the acceptable naturo-

pathic physician licensure examination in order to be consistent with current practice.

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. Interested persons can participate in the rule process through meetings and by submitting written comments, and are encouraged to join the listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=NATUROPATHY-PROGRAM>.

Please address questions and/or comments to Susan Gragg, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4941, fax (360) 236-2406, e-mail susan.gragg@doh.wa.gov.

November 4, 2013
 Chris Humberson, R.Ph.
 Executive Director

WSR 13-22-065
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2013-26—Filed November 5, 2013, 8:00 a.m.]

Subject of Possible Rule Making: Amendment of WAC 284-23-550.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.30.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 284-23-550 provides that for life insurance policies where the minimum death benefit is less than twenty-five thousand dollars, the minimum benefit payable at death must equal or exceed the cumulative premiums paid plus interest at the rate of five percent per annum. The commissioner will consider amending WAC 284-23-550 to reduce the minimum death benefit of the insurance policies to which the rule applies and/or the interest rate.

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 20, 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.

November 5, 2013
 Mike Kreidler
 Insurance Commissioner

WSR 13-22-068**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed November 5, 2013, 11:04 a.m.]

Subject of Possible Rule Making: WAC 246-840-202 through 246-840-207, nurse continuing competency (generally). Modify existing standards and create exemptions for those seeking advanced nursing degrees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.010 and 18.79.110; SB 5092 (chapter 229, Laws of 2013).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 5092 (chapter 229, Laws of 2013) required that the nursing care quality assurance commission (NCQAC) adopt rules on continuing competency. Registered nurses seeking advanced nursing degrees must be exempt from continuing competency requirements, and the NCQAC may also allow additional exemptions for nurses enrolled in advanced education programs. In order to accomplish this, rule making may include clarifying definitions, discussing audit cycle requirements, developing a monitoring process and establishing educational program requirements related to continuing competency standards for nurses.

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. Public workshops will be held at locations across the state. Stakeholders will be informed about workshops and the public hearing via the NCQAC listserv and web site. Interested parties may sign up for the listserv at <http://www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission.aspx> or contact Anne Schuchmann, MSN, RN, Department of Health, NCQAC, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4712, Nursing@doh.wa.gov.

November 5, 2013

Paula R. Meyer, MSN, RN
Executive Director, NCQAC**WSR 13-22-069****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed November 5, 2013, 11:18 a.m.]

Subject of Possible Rule Making: WAC 458-57-105 Nature of estate tax, definitions, 458-57-115 Valuation of property, property subject to estate tax, and how to calculate the tax and 458-57-125 Apportionment of tax when there are out-of-state assets; and new section WAC 458-57-175 Qualified family-owned business interests.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EHB 2075 passed this last legislative session, chapter 2, Laws of 2013 2nd sp. sess., 63rd Legislature, captioned: *Education Legacy Trust Account – Estate and Transfer Tax*. This rule-making process is to amend three existing regulation sections and add a new regulation section to address this new 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: 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 Mark E. Bohe, e-mail markbohe@dor.wa.gov, or mailing address: Mark Bohe, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453.

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

Public Meeting Location: Capital Plaza Building, Fourth Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on December 16, 2013, at 10:00 a.m. *Call-in option can be provided upon request.*

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.

November 5, 2013

Alan R. Lynn
Assistant Director**WSR 13-22-071****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed November 5, 2013, 11:34 a.m.]

Subject of Possible Rule Making: Chapter 296-17B WAC, retrospective rating for workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.18.005, 51.04.020, and 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Two petitions for rule making were received from members of the retrospective rating (retro) advisory committee. One petition addresses extending certain requirements currently in rule for group retro participants to businesses that enroll in individual retro plans. The second addresses retro enrollment requirements for businesses under common majority ownership.

This rule making is intended to open the dialog with the broader retro community and other stakeholders on these and other potential areas of the retro rules in order to ensure appropriate public input.

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 this issue.

Process for Developing New Rule: Labor and industries will solicit public input by way of direct mailings, the retro web page, listserv, formal and informal meetings, including the retro advisory committee meetings.

We will reach out individually to and solicit input from retro group sponsors, members of association sponsored groups and to those employers who choose to enroll in individual retro plans and their representatives.

Labor and industries will use this input to formulate proposed changes to the existing rules. We will advise customers of future rule making by direct mailing, meetings and/or the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries will initiate communication through individual contact with enrolled parties; both groups and individually enrolled firms. We will also provide updates and status through the retrospective rating advisory committee and will post notices on the retro web page and listserv. Interested parties may request information on our rules process at <http://www.lni.wa.gov/LawRule/ruleProcess.asp> and may submit comments electronically to Tim.Smolen@Lni.wa.gov, by fax to (360) 902-4258 or by calling (360) 902-4851.

November 5, 2013
Joel Sacks
Director

WSR 13-22-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed November 5, 2013, 11:34 a.m.]

Subject of Possible Rule Making: Chapter 296-17B WAC, Retrospective rating for workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.18.005, 51.04.020, and 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Slight modifications to current rules are necessary to ensure that retro and nonretro employers continue to fund the same percentage of their claim costs and that retro refunds are distributed fairly among employers in retro.

This rule making is intended to open the dialog with the broader retro community and other stakeholders in order to ensure appropriate public input.

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 this issue.

Process for Developing New Rule: Labor and industries will solicit public input by way of direct mailings, the retro web page, listserv, formal and informal meetings, including the retro advisory committee meetings. Labor and industries will use this input to formulate proposed changes to the existing rules. We will advise customers of future rule making by direct mailing, meetings and/or the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries will initiate communication through the retrospective rating advisory committee and will post notices on the retro web page and listserv. Interested parties may request information on our rules process at <http://www.lni.wa.gov/LawRule/ruleProcess.asp> and may submit comments electronically to Tim.Smolen@Lni.wa.gov, by fax to (360) 902-4258 or by calling (360) 902-4851.

November 5, 2013
Joel Sacks
Director

WSR 13-22-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Order 13-08—Filed November 5, 2013, 12:15 p.m.]

Subject of Possible Rule Making: Ecology is proposing to amend the solid waste handling standards, chapter 173-350 WAC, except for WAC 173-350-220, 173-350-225, and 173-350-250. Those three sections address organic waste management, and were recently amended. The agency does not plan further revisions to them at this time.

In late 2010 then Governor Gregoire issued an executive order limiting rule development by state agencies. Ecology suspended rule making on this chapter except for amendments concerning the management of organic wastes. This rule making will pick up where the previous effort left off. Prior to the rule moratorium, through internal and external consultations, ecology had identified aspects of the rule that needed to be addressed. Ecology will revisit issue papers and summaries developed following previous stakeholder work, and revive the effort for a comprehensive update. Issues previously identified as priorities include updating definitions, clarifying criteria for inert waste classification and when earthen material/soil is a solid waste, and streamlining recordkeeping and reporting requirements. In this general update ecology will address other issues that may result in substantive changes, as well as clarifications and corrections to language in the chapter not expected to change the overall effect of the rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.95.060, 70.95.215, 70.95.218, 70.95.255, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440, and 70.95.670.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology has received feedback from regulated entities, staff, and other interested parties.

ties on areas of the rule that need to be updated or clarified. Based on this feedback ecology determined that a comprehensive review and update of the solid waste handling standards is needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Local health authorities (LHA) adopt ordinances that meet or exceed state program requirements, and have the lead for implementing the requirements of state solid waste rules through local permitting processes. Solid waste management is largely a partnership between public agencies and the private sector. Operators are a mixture of public (mainly public works departments) and private (haulers, recyclers, disposers) interests. Ecology will involve these stakeholders by keeping them informed using various communications tools with a heavy emphasis on a listserv established for this purpose. Ecology will also use e-mail, newspaper notices, notices to related trade journals, a web site with rule update information, publishing notice on the agency public events calendar, issuing notices through the WACTrack listserv, and holding informal and formal stakeholder meetings and hearings. We will periodically brief the W2R advisory committee and statewide environmental health directors. Stakeholder groups (including LHAs) will be formed to address specific subject areas or sections of the rule as needed.

Process for Developing New Rule: Ecology will solicit and evaluate recommendations of ad hoc committees comprised of internal staff and stakeholder representatives, and will solicit feedback from stakeholders through both informal and formal public processes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kyle Dorsey, Rules and Policy Coordinator, Waste 2 Resources Program, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6559, or kyle.dorsey@ecy.wa.gov. Join our listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=ECY-SW-HANDLING-STANDARDS&A=1>. Visit our web page at <http://www.ecy.wa.gov/programs/swfa/rules/ruleDev.html>.

November 4, 2013
Laurie G. Davies
Waste 2 Resources
Program Manager

WSR 13-22-078

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed November 6, 2013, 6:54 a.m.]

Subject of Possible Rule Making: The department is proposing to amend most sections of chapter 388-823 WAC, Division of developmental disabilities intake and determination of developmental disabilities.

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: Amendments to this chapter may change eligibility requirements for some individuals applying for services from the developmental disabilities administration (DDA). Other changes will correct inconsistencies with RCW language. In addition, housekeeping changes will be made such as WAC and RCW references and division of developmental disabilities to DDA.

Proposed amendments to this chapter are necessary to clarify rules which determine whether an individual meets the requirements for DDA eligibility. Overall changes in organization and language are needed to reduce confusion for DDA applicants. Amendments will also align eligibility requirements for autism with the Diagnostic and Statistical Manual - Fifth Edition (DSM-5). Furthermore, combining the categories of "another neurological" and "other condition" will eliminate the inconsistency between the WAC and RCW language.

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 Alan McMullen, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

November 5, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-22-081

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed November 6, 2013, 7:14 a.m.]

Subject of Possible Rule Making: Chapter 16-610 WAC, Livestock brand inspection.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.57 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend WAC 16-610-020 to eliminate the livestock inspection exemption for private sales of unbranded, female, dairy breed cattle involving fifteen head or less.

Animal disease traceability in Washington relies on data collected mainly from two existing department of agriculture programs – Our livestock inspection and animal health programs. While the livestock inspection program was historically created to verify ownership and protect assets, the information gathered by the program has become crucial for tracking in-state animal movement, something that is key for traceability. Any exemption undermines the integrity of animal disease traceability and the exemption knowingly leaves

a big gap in traceability efforts. This gap in the system places all cattle, beef and dairy, at risk unnecessarily.

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

Process for Developing New Rule: Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail jjones@agr.wa.gov.

November 6, 2013
Mark Johnson
Acting Assistant Director

WSR 13-22-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed November 6, 2013, 7:19 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-826 WAC, Voluntary placement program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.10.020, 71A.12.030, 74.13.021, 74.13.350, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to revise chapter 388-826 WAC. The proposed amendments will change the name of the chapter to Children's residential services—Voluntary placement services. Updates to the rules throughout the chapter will provide more consistent state-wide administration, continuity, delivery, and monitoring of services which impact children, their families, advocates, and contracted providers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Settings, in which children's residential services are provided, operate under rules established through the division of licensed resources (DLR) under children's administration. DLR is currently in the processing [process of] amending chapter 388-148 WAC as well.

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 Alan McMullen, Program Manager, Developmental Disabilities Administration, P.O. Box 45310,

Olympia, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

November 6, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-22-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Division of Credit Unions)
[Filed November 6, 2013, 9:04 a.m.]

Subject of Possible Rule Making: Credit Union Act, chapter 31.12 RCW. Propose and adopt rules to implement chapter 34, Laws of 2013 (SB 5302) regarding frequency of board meetings.

Chapter 208-444 WAC or [a] new chapter will be created under Title 208 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 31.12.516 and 31.12.225 (as passed legislature in 2013, section 6, chapter 34, Laws of 2013). These rules are proposed in compliance with OFM Guidance 3(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of financial institutions wants to adopt rules to implement SB 5302 (chapter 34, Laws of 2013), addressing credit unions corporate governance. These new rules will address the frequency of board meetings.

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. Interested parties may participate in this rule making by attending public meetings and hearings. Interested parties may also make comments in writing to P.O. Box 41200, Olympia, WA 98504-1200, or phone (360) 902-8701, or e-mail dcu@dfi.wa.gov.

The rule-making web site is <http://www.dfi.wa.gov/cu/rulemaking.htm> [<http://www.dfi.wa.gov/cu/rulemaking.htm>].

November 6, 2013
Linda Jekel
Division Director
Division of Credit Unions

WSR 13-22-088
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Order 13-09—Filed November 6, 2013, 10:15 a.m.]

Subject of Possible Rule Making: Ecology plans to amend chapter 173-322 WAC, Remedial action grants and loans, to:

1. Implement changes to the Model Toxics Control Act, chapter 70.105D RCW, passed by the Washington state leg-

islature in 2013 affecting the remedial action grant and loan program. The legislation establishes new funding priorities for the program and directs ecology to make several changes to the program, including:

- Enter into extended grant agreements with local governments for remedial action projects exceeding \$20 million and occurring over multiple budget cycles. Such projects would receive priority for grant funds.
- Provide integrated planning grants to local governments for studies that facilitate the cleanup and reuse of contaminated sites.
- Provide area-wide groundwater remedial action grants without requiring local governments to be a potentially liable person or seek reimbursement of grant funds from such persons.
- Enter into grant agreements with local governments before they acquire or secure access to a property, provided they include a schedule.
- Provide periodic reimbursement of the costs of independent remedial actions.

2. Make other appropriate changes to the requirements governing remedial action grants and loans (such as grant match requirements).

3. Streamline existing requirements, improve rule clarity, and improve consistency with other requirements in this chapter or with other state and federal laws and rules (such as coordinating with agency-wide efforts to streamline and standardize grant processes).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.105D RCW, Model Toxics Control Act, as amended by chapters 1 and 28, Laws of 2013.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to chapter 173-322 WAC, Remedial action grants and loans, are needed to:

1. Comply with changes to the Model Toxics Control Act, chapter 70.105D RCW, passed by the Washington state legislature in 2013, and continue to implement those changes after June 30, 2014.
2. Encourage and expedite the cleanup and reuse of contaminated sites by local governments.
3. Make the rule easier to use and understand.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of ecology is responsible for implementing the remedial action grant and loan program established by the Model Toxics Control Act, chapter 70.105D RCW. Other state and federal agencies also provide funding to local governments that can often be used to help leverage the cleanup of contaminated sites. For example, the department of commerce manages the brownfield revolving loan fund (BRLF), which provides low-interest loans to local governments for cleaning up brownfield properties. The BRLF is funded by the United States Environmental Protection Agency. Ecology will provide such agencies an opportunity to participate in the rule-making process.

Process for Developing New Rule: When developing the rule proposal, ecology plans to consult with local governments and other interested parties to help determine how to implement the legislative changes and whether any other

changes should be made to the existing rule. As part of those consultations, ecology may share draft rule language. Ecology will provide the public an opportunity to comment and at least one public hearing on the rule proposal. Ecology will respond to public comments on the rule proposal and make appropriate changes. During the rule-making process, ecology also plans to revise the associated remedial action grant guidelines and provide an opportunity to comment on the draft guidelines.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can access information on this rule making and public involvement opportunities by:

1. Accessing the following agency web page <http://www.ecy.wa.gov/programs/tcp/regs/wac173322/1309.html>.
2. Signing up to receive e-mail notices at <http://listserv.wa.gov/archives/ecy-remedial-action-grants.html>.
3. Contacting Adrienne Dorrah, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7195, fax (360) 407-7154, e-mail RAGrule@ecy.wa.gov.

November 5, 2013

James J. Pendowski

Toxics Cleanup Program Manager

WSR 13-22-089

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed November 6, 2013, 10:37 a.m.]

Subject of Possible Rule Making: Chapter 16-752 WAC, Noxious weed control. The agency is considering adding additional species to the noxious weed seed and plant quarantine as a result of a petition submitted by the Washington state noxious weed control board and revising the rule language to increase clarity and readability.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.10.074, 17.24.011, 17.24.041, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intrusion into this state of nonnative, invasive weed species continues to be a concern. The spread of these weeds presents a risk to the economic well-being of the agricultural, forest, horticultural, and floricultural industries, and the environmental quality and natural resources of the state. Initiating quarantines forbidding entry or distribution of weed species may be critical for their exclusion or control.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders 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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Brad White, Acting Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail bwhite@agr.wa.gov; or Tom Wessels, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

November 6, 2013
Brad White
Acting Assistant Director

WSR 13-22-090

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed November 6, 2013, 10:42 a.m.]

Subject of Possible Rule Making: WAC 314-24-070
Wine returned to Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is a result of a stakeholder petition for rule making. This rule making would allow wine that was originally produced at a Washington domestic winery and subsequently removed to an out-of-state regional distribution center to be returned to Washington for distribution without being physically trucked to the producing winery before being delivered to the appointed Washington wine distributor.

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.

November 6, 2013
Sharon Foster
Chairman

WSR 13-22-091

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed November 6, 2013, 10:43 a.m.]

Subject of Possible Rule Making: WAC 314-55-050
Reasons the board may seek denial, suspension, or cancellation of a marijuana license application or license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342 and 69.50.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board has learned that how the one thousand foot buffer is measured under the rules adopted by the board on October 16, 2013, differs from the way the federal government measures the one thousand foot buffer. The board needs to change the way the board will measure the one thousand foot buffer to be consistent with the federal government.

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.

November 6, 2013
Sharon Foster
Chairman

WSR 13-22-093

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed November 6, 2013, 10:47 a.m.]

Subject of Possible Rule Making:

- Amending WAC 16-228-1231 to exempt liquid formulations of ready-to-use phenoxy hormone-type herbicides from being declared state restricted use pesticides.
- Currently, salt formulations of phenoxy hormone-type herbicides distributed in quantities of one gallon or less, and dry formulations intended only for home and garden use or turf use, are exempt from being designated as state restricted use. The proposed amendment would add ready-to-use liquid formulations to the list of exempted products.
- Amend WAC 16-228-1010 by adding a definition of "ready-to-use."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.58.040, 17.21.030, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Justification/benefits of the rule:

Adopting rules exempting ready-to-use liquid formulations in quantities greater than one gallon would benefit human and environmental health. Ready-to-use liquid formulations are generally safer for the applicator since there is no mixing or loading involved and the percentage of active ingredient is generally much less than that found in a concentrate material. The potential for human exposure, and negative impacts from exposure if it should occur, are significantly reduced. It is also safer for the environment since it is less likely that product will be over-applied and less likely that there will be a need for disposal of unused product.

Finally, it complies with the intent of the rule by significantly reducing the amount of active ingredient being purchased by an unlicensed person.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None, no other state or federal agency regulate[(s)] this subject.

Process for Developing New Rule: Department staff will continue discussions with affected stakeholders. Affected stakeholders 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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cliff Weed, Policy Assistant, Pesticide Management Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2036, fax (360) 902-2093, e-mail cweed@agr.wa.gov.

November 6, 2013
Ted Maxwell
Assistant Director
Pesticide Management Division

725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail kevin.sullivan@hca.wa.gov.

November 6, 2013
Kevin M. Sullivan
Rules Coordinator

WSR 13-22-096

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed November 6, 2013, 11:31 a.m.]

Subject of Possible Rule Making: Client eligibility sections of chapters 182-531, 182-532, 182-533, 182-535, 182-535A, 182-537, 182-543, 182-544, 182-545, 182-546, 182-551, 182-552, 182-553, 182-554 and 182-557 WAC, and possibly other related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021; Patient Protection and Affordable Care Act (Public Law 111-148).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) will be updating the client eligibility sections of the health care services chapters to align with the changes resulting from the implementation of Washington apple health and medicaid expansion.

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

Process for Developing New Rule: 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 Kevin Sullivan, HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, phone (360)