

WSR 12-16-003
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 18, 2012, 3:57 p.m.]

The department is withdrawing the CR-101 for chapter 246-562 WAC, filed June 26, 2008, and published in WSR 08-14-077. The original intent was to amend the rules to meet federal requirements and to provide more flexibility with J1 physician visa waiver program requirements.

The department now intends to only make the changes necessary to meet federal requirements. These changes will be accomplished through the expedited rule-making process. For this reason, the CR-101 filed under WSR 08-14-077 is no longer needed.

Individuals requiring information on this rule should contact Kristina Sparks, Director, Department of Health, Community Health Systems, Rural Health Program, (360) 236-2800.

Mary C. Selecky
Secretary

WSR 12-16-004
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 18, 2012, 4:15 p.m.]

Subject of Possible Rule Making: Independent dealer education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.70.079.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule will clarify RCW 46.70.079, effective July 2001, where currently no rule exists. The agency must establish minimum requirements [requirements] in areas such as, but not limited to, education provider experience, the department's authority over development, maintenance and monitoring of curriculum [curriculum] and testing, the management of multiple education providers and defining a vehicle industry organization. The need for rule[s] now exists as two organizations wish to provide independent dealer training.

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 development between the department of licensing and vehicle industry organizations wishing to develop and present independent dealer education and testing. The two Independent Automobile Dealer Associations will be invited to develop rules collaboratively with the department and will be representing the associations and interests of the Independent Automobile Dealers. They are the Washington State Independent Automobile Dealers Association and the Washington Automobile Consulting Services Association.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Heidi Graham, Business and Profes-

sions Division, Dealers and Manufacturers, Department of Licensing, P.O. Box 9039, Olympia, WA 98507, phone (360) 664-6455, e-mail hgraham@dol.wa.gov, fax (360) 586-6703. Interested parties may send in their comments by mail, phone, fax, or e-mail. Additional information will be posted on the martial arts and boxing [vehicle dealers and manufacturers] web site as it becomes available at <http://www.dol.wa.gov/business/vehiclevesseldealer/>.

July 18, 2012
Damon Monroe
Rules Coordinator

WSR 12-16-007
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed July 19, 2012, 4:58 p.m.]

Subject of Possible Rule Making: WAC 458-20-273 Renewable energy system cost recovery (Rule 273), this rule explains the cost-recovery incentive program for renewable energy systems.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of revenue is considering an amendment to Rule 273 to identify the Administrative Procedure Act appeals rights to a determination by the department regarding a revocation or denial of approval to:

(1) Certify a renewable energy system for eligibility in the incentive payment program; or

(2) Certify a module, inverter, or blade as manufactured in Washington for purposes of increased factors in calculating the amount of incentive payments.

The department is also considering:

- Incorporating additional updates and clarifications in the rule; and
- Recognizing SB 5526 (chapter 179, Laws of 2011), which amended RCW 82.16.110 through 82.16.120 to add solar stirling converters manufactured in Washington to the list of qualified renewable energy devices or components that receive enhance[d] incentive payments for a system's production of "customer-generated electricity."

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. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of possible rule changes is expected to be available by July 27 for viewing

and printing on our web site <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>. Written comments on and/or requests for copies of the rule may be directed to Mark E. Bohe, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail markbohe@dor.wa.gov, phone (360) 534-1574.

Public Meeting Location: Capital Plaza Building, Fourth Floor, Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA 98501, on August 30, 2012, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Martha Thomas, no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7497.

July 19, 2012
Alan R. Lynn
Rules Coordinator

WSR 12-16-013
PREPROPOSAL STATEMENT OF INQUIRY
NOXIOUS WEED
CONTROL BOARD

[Filed July 24, 2012, 8:36 a.m.]

Subject of Possible Rule Making: WAC 16-750-004, 16-750-005, 16-750-011, 16-750-015, and 16-750-020.

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.

- 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.

July 24, 2012
Alison Halpern
Executive Secretary

WSR 12-16-028
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 25, 2012, 9:12 a.m.]

The department of licensing would like to withdraw WSR 12-16-004. The CR-101 was filed on July 18, 2012. This document serves as the official notification that we want to withdraw WSR 12-16-004.

Damon G. Monroe
Rules Coordinator

WSR 12-16-029
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 25, 2012, 9:15 a.m.]

Subject of Possible Rule Making: Independent vehicle dealer education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.70.079.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule will clarify RCW 46.70.079, effective July 2001, where currently no rule exists. The agency must establish minimum requirements [requirements] in areas such as, but not limited to, education provider experience, the department's authority over development, maintenance and monitoring of curriculum [curriculum] and testing, the management of multiple education providers and defining a vehicle industry organization. The need for rule[s] now exists as two organizations wish to provide independent dealer training.

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 development between the department of licensing and vehicle industry organizations wishing to develop and present independent dealer education and testing. The two Independent Automobile Dealer Associations will be invited to develop rules collaboratively with the department and will be representing the associations and interests of the Independent

Automobile Dealers. They are the Washington State Independent Automobile Dealers Association and the Washington Automobile Consulting Services Association.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Heidi Graham, Business and Professions Division, Dealers and Manufacturers, Department of Licensing, P.O. Box 9039, Olympia, WA 98507, phone (360) 664-6455, e-mail hgraham@dol.wa.gov, fax (360) 586-6703. Interested parties may send in their comments by mail, phone, fax, or e-mail. Additional information will be posted on the vehicle dealers and manufacturers web site as it becomes available at <http://www.dol.wa.gov/business/vehiclevesseldealer/>.

July 25, 2012
Damon Monroe
Rules Coordinator

WSR 12-16-038
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket UG-121207—Filed July 26, 2012, 1:53 p.m.]

Subject of Possible Rule Making: The Washington utilities and transportation commission (commission) commences this inquiry to examine whether it should adopt new or modified regulations to address issues related to the avoided cost of natural gas, which affects natural gas conservation program planning and implementation. In addition to exploring the possible adoption of rules, the commission will examine other means of policy expression on this general subject, including a possible interpretative and policy statement under RCW 34.05.230(1). The rule making has been assigned Docket UG-121207.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, 34.05.220, 34.05.230.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: One natural gas company subject to the commission's jurisdiction has filed a tariff cancelling its natural gas conservation programs. In its filing, the company states that the avoided cost of natural gas has fallen so low that there are no cost-effective natural gas conservation measures. Discussions in integrated resource planning meetings with other companies indicate that they are concerned about the viability of natural gas conservation programs.

A policy statement or rules may be needed to provide guidance on issues related to these developments, including, but not necessarily limited to: 1. What are the appropriate assumptions or factors to include in natural gas avoided cost calculations? 2. Should companies use a combination of cost tests in evaluating the cost-effectiveness of natural gas conservation programs? Additional, related questions that should be addressed may be identified during the course of this investigation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

cies: Natural gas conservation programs are not directly regulated by any other agency. The federal Clean Air Act may eventually affect these programs. The commission will coordinate with the department of ecology and the department of commerce as needed during this process.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments and invite interested persons to identify additional related issues, provide an opportunity for replies to initial comments and responses to statements of proposed issues, and will provide interested persons an opportunity to participate in a stakeholder workshop.

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, by 5:00 p.m., Friday, August 31, 2012.

WRITTEN COMMENTS AND STAKEHOLDER WORK SESSION: Written comments on the appropriate assumptions or factors to include in natural gas avoided cost calculations, and whether companies should use a combination of cost tests in evaluating the cost-effectiveness of natural gas conservation programs, as well as suggestions of other related issues the commission should consider, may be submitted to the commission at the address given above and should be filed with the commission no later than **August 31, 2012**. Reply comments may be filed no later than **October 5, 2012**. There also will be opportunity to participate in at least one work session, on **October 19, 2012**, related to this inquiry. A proposed "statement of issues" may be submitted by **August 31, 2012**, by interested parties for the commission to consider during the work session. Notice of the work session, and other opportunities to participate, will be distributed by notice to persons wishing to be included on the service list and posted on the commission's web site.

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 or by e-mail to the commission's records center at records@wutc.wa.gov. You must include:

- The docket number of this proceeding (UG-121207).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments is 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 www.utc.wa.gov/121207. If you are unable to file your comments electronically or to

submit them on a disk, the commission will accept a paper document.

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>, or (3) mail written comments to the address above to the attention of David W. Danner, executive director and secretary. When contacting the commission, please refer to Docket UG-121207 to ensure that you are placed on the appropriate service list. Questions may be addressed to Deborah Reynolds, (360) 664-1255 or e-mail at dreynold@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 UG-121207, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket UG-121207, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <<http://www.utc.wa.gov/121207>>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

July 26, 2012

David W. Danner
Executive Director
and Secretary

WSR 12-16-044
PREPROPOSAL STATEMENT OF INQUIRY
TREE FRUIT RESEARCH COMMISSION

[Filed July 27, 2012, 10:02 a.m.]

Subject of Possible Rule Making: Establishment of an additional assessment for special projects on all commercial cherry and stone fruit produced in the state, pursuant to RCW 15.26.150. Establishment of the assessment requires approval by a majority of the cherry and stone fruit producers voting and will be conducted by the Washington state department of agriculture.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW, RCW 15.26.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The assessment for special projects would provide funding for the establishment of contractual endowments with Washington State University to

permanently expand and enhance the institution's capability to conduct research of specific interest to cherry and stone fruit producers in Washington state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington tree fruit research commission will coordinate with the Washington state fruit commission to collect the additional assessment if approved by referendum.

Process for Developing New Rule: The Washington tree fruit research commission will develop the rule proposal and will communicate with stakeholders regarding the proposal. Interested parties can participate in the public hearing/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 James R. McFerson, Manager, Washington Tree Fruit Research Commission, 1719 Springwater Avenue, Wenatchee, WA 98801, phone (509) 665-8271 ext. 1, fax (509) 663-5827, e-mail mcferson@treefruitresearch.com.

July 26, 2012

James R. McFerson
Manager

WSR 12-16-054
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed July 30, 2012, 12:14 p.m.]

The department of financial institutions wishes to withdraw preproposal statement of inquiry WSR 12-13-094 filed June 19, 2012.

Joseph M. Vincent
General Counsel

WSR 12-16-055
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed July 30, 2012, 12:24 p.m.]

Subject of Possible Rule Making: Possible amendment of chapter 208-512 WAC to include, but not be limited to: (1) Complying with Section 611 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act); (2) clarifying or amending language in "lending limits" and/or "investment limits" to apply certain standards of the Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (FRB), and Federal Deposit Insurance Corporation (FDIC); (3) clarifying or amending language to conform to Section 939(a) of the Dodd-Frank Act; and (4) other technical amendments, including, without limitation, clarifying or amending "aggregation rules" and specifying "exceptions to lending limits"

and treatment of "nonconforming loans" under statutory provisions permitting *conditional* parity with federally chartered and out-of-state state-chartered banks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040, 30.04.030, 30.04.111, 30.04.215, 30.08.140, and 32.08.157.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to Section 611 of the Dodd-Frank Act, a bank under Title 30 or 32 RCW will no longer be able to engage in "derivatives transactions" on or after January 21, 2013, unless the state "lending limits" laws or rules applicable to them contain provisions addressing "credit exposure" to "derivatives transactions." Section 610 of the Dodd-Frank Act imposes the same requirements upon national banks; and the OCC has implemented additional rules on credit limits for derivatives and securities financings which the FDIC and/or FRB are likely to urge or impose upon state insured banks and member state banks. Titles 30 and 32 RCW banks regularly invest in derivatives and securities financings as part of their overall investment portfolio and for purposes of liquidity and risk management instrumental in safety and soundness. Titles 30 and 32 RCW banks must continue to engage in "derivatives transactions" after January 21, 2013. Consistent with statutes permitting banks to *conditionally* invoke the powers of federal bank and thrift charters and out-of-state banks with branches in Washington, the department may be proposing exceptions to the "lending limit" in RCW 30.04.111 based upon special or emergency circumstances, and also make provision[s] for "nonconforming loans." In addition, the department may amend other "lending limits" provisions of existing rules concerning "aggregation rules" and other technical matters. Section 939A of the Dodd-Frank Act requires federal agencies to remove references or requirements of reliance on credit ratings and to substitute an alternative standard of creditworthiness. To be consistent with the rule making of federal agencies, the department may possibly further amend chapter 208-512 WAC to remove references or requirements of reliance on credit ratings and to substitute an alternative standard of creditworthiness.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Reserve Board and the FDIC regulate this subject at the federal level in regard to member state banks and state insured banks. The OCC published just published rules on this subject (see above). RCW 30.04.111(5) provides that OCC rule making concerning "lending limits" applies to Washington state-chartered banks if the department has not adopted its own rules on the subject. Many of these new OCC rules are in the best interest of Titles 30 and 32 RCW banks; but Washington rule making is necessary to clarify what will be adopted and what will not apply to Titles 30 and 32 RCW banks, while allowing for contingencies concerning prospective Federal Reserve Board and FDIC requirements. The department coordinates with the Fed and the FDIC (and monitors the rule-making activities of the OCC for parity under RCW 30.04.111(5)) in order to achieve state "lending limits" requirements that are optimum for the Washington state banking charter.

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 Joseph M. Vincent, General Counsel, Department of Financial Institutions, P.O. Box 41200, Olympia, WA 98504-1200, fax (360) 586-5068, e-mail joseph.vincent@dfi.wa.gov, phone (360) 902-0516. There has already been a stakeholder meeting with industry governmental relations representatives from which this revised CR-101 is the result. There will be additional meetings with and informal comments from these stakeholder representatives, banking attorneys and stakeholder banks prior to filing the CR-102 (which will be announced).

July 30, 2012
Joseph M. Vincent
General Counsel

WSR 12-16-058

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 30, 2012, 2:28 p.m.]

Subject of Possible Rule Making: Chapter 246-809 WAC, Mental health counselors, marriage and family therapists, and social workers; chapter 246-811 WAC, Chemical dependency professionals; and chapter 246-810 WAC, Certified counselors and certified advisers; amending existing rules to implement the requirements for suicide assessment, treatment and management described in ESHB 2366.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.70 RCW as amended by ESHB 2366 (chapter 181, Laws of 2012).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2366 (chapter 181, Laws of 2012) directs the department of health to implement continuing education requirements for the listed professions. The rules will describe the timelines and the continuing education/education topics that may be used to meet the requirements identified in the bill.

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

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. Stakeholders will be notified of open public workshops and may submit written comments for consideration. Notifications will be sent through the professions listserv mailings, committee meetings, stakeholder meetings, and postings to each profession's web site. Betty Moe, Program Manager, Department of Health, Health Professions and Facilities, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4912, e-mail Betty.Moe@doh.wa.gov.

July 30, 2012
Mary C. Selecky
Secretary

WSR 12-16-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 31, 2012, 9:11 a.m.]

Subject of Possible Rule Making: Chapter 296-46B WAC, Electrical safety standards, administration, and installation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will review the electrical rules for additions and revisions. The electrical rules will be reviewed to ensure the rules are consistent with the national consensus standards and industry practice. It is critical the program conducts rule making to adopt the 2014 national electrical consensus standards, such as the National Electrical Code and current versions of the National Electrical Safety Code, national telecommunications standards, railroad standards, emergency power standards, and fire pump standards, so that Washington is current with other states.

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 these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-4281, fax (360) 902-5292, e-mail alicia.curry@lni.wa.gov.

July 31, 2012

Judy Schurke

Director

WSR 12-16-090
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-23—Filed July 31, 2012, 3:52 p.m.]

Subject of Possible Rule Making: Electronic submission of fingerprints to Washington state patrol.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.17.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 48.17.090 and 48.17.380 require the submission of fingerprints for background check as part of the application process for resident licensees. The commissioner is considering automating that process by requiring electronic submission to the Washington state patrol instead of the current manual process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This rule making will be coordinated with the Washington state patrol.

Process for Developing New Rule: Submit written comments by September 10, 2012.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 9504-0258 [98504-0258], kacys@oic.wa.gov.

July 31, 2012

Mike Kreidler

Insurance Commissioner

WSR 12-16-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
ENTERPRISE SERVICES

[Filed August 1, 2012, 8:19 a.m.]

Subject of Possible Rule Making: These rules will establish the debarment process for vendors who may be subject to contract debarment under the procurement reform legislation (chapter 224, Laws of 2012).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Procurement reform legislation enacted during the 2012 legislative session, specifically section 22, chapter 224, Laws of 2012.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under procurement reform, the director of the department of enterprise services (DES) was granted the authority to debar a vendor from future state contracting opportunities if the director found cause, provided notice to the vendor and an opportunity to be heard. The criteria for debarment, and the notice and opportunity to be heard (due process procedures) must, pursuant to section 22, be enacted in rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Constitution and the Washington State Constitution both provide for due process rights. Due process applies when the state seeks to debar a vendor.

Process for Developing New Rule: Workgroups have been formed to implement procurement reform. A separate workgroup was formed to implement section 22, Authority to Debar. This workgroup is made up of representatives from state agencies and vendors. The rules recommended by the workgroup will be reviewed by an advisory committee, a robust list of government and private sector people who signed up to be reviewers, and will be posted on the DES web site for additional review and comment. All these steps will take place before publishing draft rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information is posted on the DES web site and interested parties can also sign up for the listserv, link located on the procurement reform webpage. Interested parties can also

contact John Scott Blonien, Scott.Blonien@des.wa.gov,
(360) 407-8568.

August 1, 2012
Martin D. Casey
Assistant Director
Policy, Planning and
Performance Division

WSR 12-16-100
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Medicaid Program)

[Filed August 1, 2012, 8:31 a.m.]

Subject of Possible Rule Making: Amending chapter 182-532 WAC, Reproductive health/family planning only/TAKE CHARGE.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend TAKE CHARGE rule sections (WAC 182-532-700 through 182-532-790) so they comply with the new federal waiver for the TAKE CHARGE medicaid program, and reflect the discontinuation of payment for application assistance related to budgetary decisions. To update related rule sections in chapter 182-532 WAC, including changes from the health care authority (HCA) merger, updating cross references, and clarifying language, and possibly amending other related WAC sections, as appropriate.

Process for Developing New Rule: HCA welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, HCA will file a notice of proposed rule making (CR-102) with the office of the code reviser. 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 Katey Simetra, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1842, fax (360) 586-9727, TTY 1-800-848-5429, e-mail @hca.wa.gov [katey.simetra@hca.wa.gov].

August 1, 2012
Kevin M. Sullivan
Rules Coordinator

WSR 12-16-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed August 1, 2012, 9:44 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests, the department is considering increasing the fees for requested services performed under authority of chapter 17.24 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.131, chapter 34.05 RCW, and chapter 7, Laws of 2012 (3ESHB 2127).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposal will increase fees for requested services authorized under chapter 17.24 RCW. Similar services performed for nursery facilities licensed under chapter 15.13 RCW will continue under the existing fee schedule outlined in chapter 16-401 WAC. Requested services affected by this increase include: Phyto-sanitary certification of exports, witnessing fumigations, postentry quarantine inspections, other field inspections, plant disease diagnostic testing, and associated document fees. The fee increases will offset increasing expenses and allow the program to balance the costs of providing requested services relative to its other activities. The increase in revenue is necessary for the financial stability 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: 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 Mary A. Martin Toohey, 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 mtoohey@agr.wa.gov; and 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.

August 1, 2012
Mary A. Martin Toohey
Assistant Director

WSR 12-16-108
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed August 1, 2012, 10:13 a.m.]

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

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending rules to better enable children to challenge the department's authorization of personal care hours.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

August 1, 2012
Katherine I. Vasquez
Rules Coordinator

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 Bob Thibodeau, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail thiborl@dshs.wa.gov.

July 31, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-16-109
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed August 1, 2012, 10:14 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-450-0200 Will the medical expenses of elderly persons or individuals with disabilities in my assistance unit be used as an income deduction for Basic Food? and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.04.500, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The community services division is proposing to amend WAC 388-450-0200 to implement a new standard medical expenses income deduction for elderly persons and individuals with disabilities who are eligible for Basic Food benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal supplemental nutrition assistance program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop rules that are consistent with the act, federal regulations, FNS administrative notices, and interim guidance.

The state legislature authorizes the department to administer the food stamp program (SNAP) and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington Basic Food program.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested

WSR 12-16-110
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services)
[Filed August 1, 2012, 10:15 a.m.]

Subject of Possible Rule Making: The department is considering adding new sections and amending the following sections in chapter 388-97 WAC, Nursing homes: WAC 388-97-0001 Definitions, 388-97-0040 Discrimination prohibited, 388-97-0640 Prevention of abuse, 388-97-1000 Resident assessment, 388-97-1160 Dietary personnel, 388-97-1620 General administration, 388-97-1640 Required notification and reporting, 388-97-1720 Clinical records, 388-97-2020 Intermediate care facilities for mentally retarded, 388-97-2180 ICF/MR exceptions to physical plan requirements, 388-97-3660 Offices in new construction, 388-97-4160 Initial nursing home license, 388-97-4220 Reasons for denial, suspension, modification, revocation or refusal to renew nursing home license, 388-97-4260 Management agreements, 388-97-4660 Temporary managers and receivership—Application, and 388-97-4700 Duties and powers of temporary manager and receiver and other related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.51 and 74.42 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to comply with and be consistent with federal regulations and newly passed state laws: SHB 2056 relating to assisted living facilities; SHB [SSB] 5708 relating to reshaping the delivery of long-term care services; 20 United States Code 1140 (Rosa's Law); 42 Code of Federal Regulations 483.20(d); and Social Security Act section 1128I(h), Affordable Care Act section 6113.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services, department of health, health care authority.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. 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 Scott Bird, Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2581, fax (360) 438-7903, e-mail birds@dsos.wa.gov. Draft section language will be posted on the aging and disability services administration professional internet web page for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the program manager listed above via phone, e-mail or fax.

July 31, 2012
Katherine I. Vasquez
Rules Coordinator