

WSR 08-10-003**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed April 23, 2008, 2:57 p.m.]

Subject of Possible Rule Making: Amendments to WAC 390-24-010 Forms for statement of financial affairs and 390-24-020 Forms for amending statement of financial affairs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The personal financial affairs forms need to be amended to reflect legislative changes found in 2SHB 3104 and to provide clarification to filers concerning asset reporting, F-1 supplemental reports and e-mail addresses.

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

Process for Developing New Rule: The commission is expected to adopt draft language at the June 26, 2008, meeting. A formal rule-making hearing for permanent adopting will be scheduled for August 28, 2008.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Assistant Director Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll-free 1-877-601-2828, e-mail delis@pdc.wa.gov.

April 23, 2008
Vicki Rippie
Executive Director

WSR 08-10-004**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed April 23, 2008, 2:57 p.m.]

Subject of Possible Rule Making: Possible amendment to WAC 390-05-515 Member. This rule describes when a communication to a "member" as that term is used in chapter 42.17 RCW, the public disclosure commission statutes, including but not limited to RCW 42.17.020 and 42.17.100, is an internal political communication.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission will update the rule to clarify that commercial entities that describe their customers as "members" are not membership organizations under chapter 42.17 RCW, and to address voting rights of members as a factor indicating a membership organization.

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

Process for Developing New Rule: The commission is expected to discuss draft language for hearing and possible emergency adoption at the May 22, 2008, meeting given the

time limits in RCW 42.17.370(1), and will also approve draft language for possible permanent adoption at the June 26, 2008, meeting. A formal rule-making hearing for permanent adoption will [be] scheduled for August 28, 2008.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Assistant Director Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll-free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

April 23, 2008
Vicki Rippie
Executive Director

WSR 08-10-057**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF
FISH AND WILDLIFE**

[Filed May 2, 2008, 4:12 p.m.]

Subject of Possible Rule Making: WAC 220-69-300 Commercial food fish and shellfish transportation tickets.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Many commercial vessels are loaded onto trailers after leaving the fishery, with the product still onboard. The department seeks to clarify that in such instances, a transportation ticket is required. The department also expands the transportation-ticket requirement to persons beyond commercial fishers, because sometimes transport is done by other than the commercial fishers. The tickets will allow officers to identify harvesters and the legality of harvests.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Oregon department of fish and wildlife and the Washington department of fish and wildlife have developed reciprocal rules for fishers on the concurrent waters of the Columbia River. This rule proposal will mirror Oregon's for transport tickets.

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 preusslmp@dfw.wa.gov. Contact by June 23, 2008. Expected proposal filing on or after July 2, 2008.

May 2, 2008
Loreva M. Preuss
Rules Coordinator

WSR 08-10-058
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 2, 2008, 4:14 p.m.]

Subject of Possible Rule Making: WAC 220-20-019 Requirement to provide sales documents.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Of the two sectors that handle commercial fish - wholesale fish dealers/buyers, and secondary receivers - RCW 77.15.568 adequately addresses the record-keeping requirements of the latter. This proposal will address the former and allow fish and wildlife officers to have continued access to wholesale dealers'/buyers' catch-accounting reports.

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 preuslmp@dfw.wa.gov. Contact by June 23, 2008. Expected proposal filing on or after July 2, 2008.

May 2, 2008
 Loreva M. Preuss
 Rules Coordinator

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

- Washington state long-term care ombudsman.
- Draft rules will be shared with the above entity and others for review and comment during the rule-making process.

Process for Developing New Rule: DSHS welcomes public participation in the rule-making process as outlined below. This document and a copy of the proposed rule making will be sent to everyone on the interested parties and stakeholders 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 Todd Henry, Boarding Home Program, Residential Care Services, Aging and Disability Services Administration, Department of Social and Health Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2580, fax (360) 438-7903, TTY 1-877-905-0454, e-mail henryte@dshs.wa.gov. Interested parties and stakeholders can participate by accessing and commenting on the draft proposed rule language through e-mail at henryte@dshs.wa.gov and/or through contacts with members of the statutorily established boarding home advisory board.

May 5, 2008
 Stephanie E. Schiller
 Rules Coordinator

WSR 08-10-061
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed May 5, 2008, 2:48 p.m.]

Subject of Possible Rule Making:

- The department is amending chapter 388-78A WAC to add new sections to implement E2SHB 2668 - chapter 146, Laws of 2008. Sections 2 and 3 of this bill address respite care in boarding homes. These sections become effective June 12, 2008.
- The department is considering amending WAC 388-78A-2730 Licensee's responsibilities, 388-78A-3150 Statements of deficiency regarding plans of correction, and 388-78A-3200 Progression of enforcement remedies and other related sections concerning plans of correction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.20 RCW, Boarding homes.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- To implement and clarify boarding home respite care requirements authorized by sections 2 and 3 of E2SHB 2668.
- To clarify plan of correction requirements.

WSR 08-10-062
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed May 5, 2008, 2:49 p.m.]

Subject of Possible Rule Making: The department is amending chapter 388-110 WAC to add new sections to implement SSB 6807, chapter 251, Laws of 2008. Sections 1 and 3 of this bill address a boarding home's voluntary withdrawal from the medicaid program. This law is currently effective.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.20 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- To implement section 1 of SSB 6807 concerning a boarding home's voluntary withdrawal from the medicaid program.
- To clarify to boarding home providers, residents and other stakeholders the new notice, transfer and discharge requirements established by this new law.

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

- Washington state long-term care ombudsman.

- Draft rules will be shared with the above entity and others for review and comment during the rule-making process.

Process for Developing New Rule: DSHS welcomes public participation in the rule-making process as outlined below. This document and a copy of the proposed rule making will be sent to everyone on the interested parties and stakeholders 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 Todd Henry, Boarding Home Program, Residential Care Services, Aging and Disability Services Administration, Department of Social and Health Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2580, fax (360) 438-7903, TTY 1-877-905-0454, e-mail henryte@dshs.wa.gov. Interested parties and stakeholders can participate by accessing and commenting on the draft proposed rule language through e-mail at henryte@dshs.wa.gov and/or through contacts with members of the statutorily established boarding home advisory board.

May 5, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-10-063
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed May 5, 2008, 2:50 p.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 2687, chapter 329, Laws of 2008 (Washington state supplemental operating budget).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2687 directs the department to amend rules in chapter 388-106 WAC to phase in full implementation of a new seventeen level CARE assessment payment system by July 1, 2008.

Currently, the department assigns a home and community residential client to one of twelve CARE classifications. The development of seventeen CARE classifications for home and community residential clients will allow the department to more accurately assess residential clients' level of need. After the department develops the seventeen levels of CARE classifications for home and community residential care, then it will assign a payment rate to each of the classification levels.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other agencies that regulate this subject.

Process for Developing New Rule: Negotiated rule making, 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 pro-

posed 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 Susan Engels, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2353, fax (360) 438-8633, TTY (360) 493-2637, e-mail EngelSS@dshs.wa.gov.

May 5, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-10-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
[Filed May 5, 2008, 2:53 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-526-2610 and adding new sections to chapter 388-526 WAC relating to the administrative hearings and review processes pertaining to medical care programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.020, 34.05.060, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending WAC 388-526-2610 and adding new sections to the chapter that are specific to the health and recovery services administration (HRSA) medical care programs in order to expand on and better define administrative hearing rules. In addition, the rules will provide improved clarification of authority, structure, coordination, and consistency in the administrative hearings and review processes pertaining to medical care programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of administrative hearings (OAH).

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed 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 Kathy Sayre, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

May 5, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-10-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed May 6, 2008, 9:56 a.m.]

Subject of Possible Rule Making: Industrial insurance, chapter 296-23 WAC, sections pertaining to independent medical examinations.

Purpose: The department is implementing several changes to improve the IME process. This includes clarification and changes affecting IME examiner credentialing, approval, removal, and regulation of IME provider.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, 51.32.055, 51.32.112, 51.32.114, 51.36.060, and 51.36.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: External stakeholders have expressed concerns, including proposed legislation, about the independent medical examination process and criteria for examiners. Labor and industries worked with business and labor stakeholder groups to validate issues and develop an action plan. This rule making is in direct response to those discussions.

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

Process for Developing New Rule: Labor and industries will begin the rule development process and will share the draft proposal with stakeholders and other interested parties, including the workers' compensation advisory committee. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A notification will be mailed to all IME providers alerting them to the rule making and encouraging them to sign up for the IME ListServ. Updates will be published at the ListServ site. Providers who wish to be added to the ListServ can do so through <http://www.lni.wa.gov/Main/List-servs/IME.asp>.

Meetings will be held with business and labor representatives and small groups representing IME firms and providers. Feedback from providers is encouraged through the ListServ or by contacting Anita L. Austin, Health Services Analysis, Department of Labor and Industries, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6825, fax (360) 902-4249, e-mail sund235@lni.wa.gov.

May 6, 2008
 Judy Schurke
 Director

WSR 08-10-074
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed May 6, 2008, 10:01 a.m.]

Subject of Possible Rule Making: Chapter 296-128 WAC, Minimum wages.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.22.270 and 49.46.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule making is in response to *Bostain v. Food Express, Inc.*, 159 Wn.2d 700, 153 P.3d 846 (2007). In that case, the court concluded that RCW 49.46.130(1) requires overtime compensation for hours worked over forty per week for interstate driving, including hours spent working out of state. Current rules require overtime pay for truck drivers only for their hours worked within Washington. These rules are not consistent with the statute and need to be amended.

The court's ruling directly affects two regulations with corresponding policies and enforcement practices. The court's decision has invalidated portions of WAC 296-128-011 and 296-129-012 where the rules define hours for purposes of overtime provisions as hours worked only within Washington state. Language will also be added that allows employers to submit their compensation systems to the department for review and approval.

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 and the public may also participate by providing written comments or giving oral 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 Sally Elliott, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail yous235@lni.wa.gov.

May 6, 2008
 Judy Schurke
 Director

WSR 08-10-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed May 6, 2008, 5:04 p.m.]

Subject of Possible Rule Making: Establishing penalties for infractions in chapter 232-13 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Some rules in chapter 232-13 WAC provide for infractions punishable under RCW 77.15.020 and 77.15.160, but no penalty has been established for these infractions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington's administrative office of the courts (AOC) may list the penalties for these infractions in the court rules. The department is working closely with the AOC to determine the feasibility and benefit of listing the penalties.

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 Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail preuslmp@dfw.wa.gov. Contact by June 25, 2008. Expected proposal filing on or after July 2, 2008.

May 6, 2008
Loreva M. Preuss
Rules Coordinator

WSR 08-10-090

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed May 6, 2008, 6:30 p.m.]

Subject of Possible Rule Making: Chapter 246-XXX WAC, establishes a new WAC chapter for new licensing requirements along with fee schedule for ambulatory surgical facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.230 RCW, ESHB 1414, Laws of 2007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2007 legislature passed ESHB 1414, which requires ambulatory surgical facilities to obtain a license from the secretary of health in order to operate in Washington state. Ambulatory surgical facilities are defined as entities that provide specialty or multispecialty outpatient surgical services in which patients are admitted to and discharged by the facility within twenty-hour hours and do not require inpatient hospitalization. These requirements must be established in rule to be enforceable.

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 parties can participate in the formulation of the new rule and the decision to adopt the new rule before publication by contacting John Hilger, Rules Coordinator, Facilities and Services Licensing, 310 Israel Road S.E., Tumwater, WA 98501-7852, e-mail john.hilger@doh.wa.gov, phone (360) 236-2929, fax (360) 236-2901. We will notify all licensees and organizations who have expressed an interest in rule-making activities. Interested parties may also submit written comments for consideration.

May 5, 2008
Mary C. Selecky
Secretary

WSR 08-10-093

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed May 7, 2008, 8:29 a.m.]

Subject of Possible Rule Making: Migratory waterfowl seasons.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provides clarification and recreational opportunity.

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 Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515.

May 7, 2008
Loreva M. Preuss
Rules Coordinator

WSR 08-10-094

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Filed May 7, 2008, 8:54 a.m.]

Subject of Possible Rule Making: This rule making will accomplish two goals. (1) Review, amend, and add definitions for solid waste contained in chapter 480-70 WAC that include: All definitions contained in WAC 480-70-041, 480-70-196, and 480-70-226 pertaining to the commission's regulation of solid waste collection companies; add other definitions, as necessary, to clarify issues facing the solid waste industry; and combine all definitions into one rule. (2) The rule making will discuss whether entities transporting materials under various circumstances are subject to regulation under chapter 81.77 RCW, as solid waste collection companies, or under chapter 81.80 RCW, as common carriers of property. The following rules are included in the review: WAC 480-70-011 Exempt operations and 480-70-016 Determination of authority required to transport specific commodities or provide specific services. New rule(s) may be necessary to add clarity to this issue. The rule making is assigned Docket TG-080591.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 81.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To resolve disagreement among regulated solid waste collection companies, commercial recycling companies, waste/recycling generators, and the department of ecology as to what activities the commission should regulate as solid waste collection under chapter 81.77

RCW and what the commission should regulate as common carriage of property under chapter 81.80 RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Environmental Protection Agency (EPA) and the Washington state department of ecology (DOE). The commission will provide each agency an opportunity to participate actively in the rule making.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will conduct a workshop. The commission will provide the opportunity for additional written comments and/or for participation in additional workshops, if needed.

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 Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1234, fax (360) 586-1150, referencing Docket TG-080591.

Interested persons may file written comments on the CR-101 by **5:00 p.m., Monday, June 9, 2008.**

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 **Monday, June 9, 2008, for consideration at the July 1, 2008, 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 (www.utc.wa.gov/e-filing) or by electronic mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (TG-080591).
- 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/080591>. 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, or (3) mail written comments to the address above to the attention of Carole J. Washburn, executive secretary. When contacting the commission, please refer to Docket TG-080591 to ensure that you are placed on the appropriate service list. Questions may be

addressed to Penny Ingram, (360) 664-1242 or e-mail at pingram@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 TG-080591, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket TG-080591, 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/080591>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

May 7, 2008

Carole J. Washburn
Executive Secretary

WSR 08-10-096

**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2008-14—Filed May 7, 2008, 9:27 a.m.]

Subject of Possible Rule Making: Standards for safeguarding customer information.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Gramm-Leach-Bliley Act (GLBA) requires state insurance regulators to implement standards for the safeguarding of customer financial information. In addition, the Health Insurance Portability and Accountability Act (HIPAA) requires that health plans implement security standards to safeguard customer health information. These rules will establish standards that insurance companies and health carriers must implement to safeguard customer financial and health information.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Health and Human Services rules will be reviewed and compared with any proposed rules so that they are not in conflict.

Process for Developing New Rule: Submit written comments by June 26, 2008, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

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 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

May 7, 2008
Mike Kreidler
Insurance Commissioner

WSR 08-10-099

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 08-04—Filed May 7, 2008, 10:14 a.m.]

Subject of Possible Rule Making: Creating a new section(s) in chapter 508-12 WAC, delineating a water code and permit exemption storage threshold for *de minimus* rainwater harvesting and use, and specifying conditions for the permit exemption. Providing standards for regional and individual permits for rainwater harvesting projects that exceed the permit exemption threshold, and amending chapter 173-152 WAC to specifically authorize priority permit processing for rainwater harvesting systems.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.03.010, 43.21A.064(9), 43.21A.080, 43.27A.020, and 43.27A.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: An acceptable level of rainwater harvesting without requiring a water right has never been defined in law or rule. This lack of clarity has created a public perception that even tiny amounts of rainwater harvesting and use is subject to the water code and/or permit process. Starting in 2003 and every year thereafter the legislature has attempted to clarify this legal ambiguity. All such efforts have failed. Stormwater management is a major problem, particularly in urban settings. The legal ambiguity concerning rainwater harvesting is hindering efforts to utilize rainwater harvesting as a stormwater management tool. If ecology does not move forward with the rule, the crippling uncertainty will remain.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies currently regulate rainwater although other entities are interested in developing guidance. Such entities include the department of health, the building code council, and the plumber's council. These entities will be invited to the stakeholder meetings that precede the open house sessions describe below.

Process for Developing New Rule: Develop rule following stakeholder meetings and public workshops. We will also look at rainwater harvesting that has been implemented in King County and San Juan County, and an ecology rainwater harvesting web site will be developed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Three open house sessions will be held: Everett - June 17 (Everett Community College, 6:00-9:00 p.m.); Lacey - June 18 (Department of Ecology Headquarters, 6:00-9:00

p.m.); and Wenatchee - June 19 (Coast Wenatchee Center Hotel 6:00-9:00 p.m.). News releases and newspaper advertisements will go out prior to public events. It is anticipated that the public hearings will follow in the same locations as the open house sessions. Prior to the open house sessions, Kurt Unger, kung461@ecy.wa.gov, (360) 407-7262, will be convening three stakeholder meetings starting the week of May 26. Please contact Kurt if you wish to attend these meetings.

May 6, 2008
Kenneth O. Slattery
Program Manager

WSR 08-10-101

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 7, 2008, 10:15 a.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-436-0050 Financial need and benefit amount.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08-090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend WAC 388-436-0050 to revise the payment standards and maximum earned income limits for consolidated emergency assistance program (CEAP) to match the 3% increase for temporary assistance for needy families/state family assistance (TANF/SFA) and refugee cash assistance (RCA).

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 Ian Horlor, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail Horloit@DSHS.WA.GOV.

May 7, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-10-105
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 7, 2008, 11:01 a.m.]

Subject of Possible Rule Making: Establishing penalties for infractions and permitting fish and wildlife infractions and other department infractions to be included in the infraction rules of courts of limited jurisdiction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department and the administrative office of the courts (AOC) are contemplating including fish and wildlife infractions and other department infractions in AOC's infraction rules for courts of limited jurisdiction. Penalties will need to be established for these infractions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington's AOC and the department are working closely to determine the feasibility and benefit of listing the department's infractions, including fish and wildlife infractions, in the infraction rules for courts of limited jurisdiction.

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 Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail preuslmp@dfw.wa.gov. Contact by June 25, 2008. Expected proposal filing on or after July 2, 2008.

May 7, 2008
 Loreva M. Preuss
 Rules Coordinator

WSR 08-10-107
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY

[Filed May 7, 2008, 11:04 a.m.]

Subject of Possible Rule Making: The university's facilities use rules are being updated, including the following changes: Amending WAC 504-28-030; repeal chapter 504-32 WAC and create new chapter 504-33 WAC, repeal all sections of chapter 504-34 WAC except WAC 504-34-140; rename chapter 504-34 WAC and rename and amend WAC 504-34-140; create new chapter 504-35 WAC; and amend WAC 504-36-020.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The university's facilities use rules are being updated to accommodate the multicampus system, changes in laws, and changes in the university's administrative structure.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, and e-mail jenks@wsu.edu.

A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

May 7, 2008
 Ralph T. Jenks, Director
 Office of Procedures,
 Records, and Forms and the
 University Rules Coordinator

WSR 08-10-108
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 7, 2008, 11:19 a.m.]

Subject of Possible Rule Making: Correcting inaccurate rule and statute references in rules, and adding references where none exists but is needed. Correcting misleading or false information in rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Some of the department's WACs contain incorrect references to other WACs and to statutes. Other WACs do not contain references but would benefit from having them. A few rules are written in such a way as to provide misleading or false information. This proposal would make the department's rules clearer and easier to understand.

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 Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail preuslmp@dfw.wa.gov. Contact by June 25, 2008. Expected proposal filing on or after July 2, 2008.

May 7, 2008
 Loreva M. Preuss
 Rules Coordinator

WSR 08-10-109**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed May 7, 2008, 11:34 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-530 WAC, Prescription drugs (outpatient).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, chapter 245, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HRSA is updating the prescription drugs (outpatient) rules to:

- Expand the smoking cessation benefit.
- Correct typographical and grammatical errors.
- Reinstate and clarify rules for vitamin and mineral coverage which were inadvertently omitted from the previous WAC revision.
- Reinstate and clarify rules for over-the-counter (OTC) coverage, which were inadvertently omitted from the previous WAC revision.
- Clarify (broaden) fluoride coverage, including age of children receiving fluoride.
- Remove reference to the prior authorization requirements for the number of brand name drugs filled in a calendar month because the therapeutic consultation service has been eliminated.
- Include combination drugs in the Washington PDL that have been studied by the evidence-based practice center and have been reviewed by the P&T committee.
- Clarify that some preferred drugs may require prior authorization or have specific limitations and still be subject to the therapeutic interchange program.

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 Jonell O. Blatt, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1571, fax (360) 586-9727, TTY 1-800-848-5429, e-mail blattj@dshs.wa.gov.

May 7, 2008

Stephanie E. Schiller
Rules Coordinator**WSR 08-10-110****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed May 7, 2008, 11:31 a.m.]

Subject of Possible Rule Making: Taxidermists, meat cutters, and fur dealers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department's WACs regarding taxidermists, meat cutters, and fur dealers needs to be updated to facilitate enforcement and compliance.

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 Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail preuslmp@dfw.wa.gov. Contact by June 25, 2008. Expected proposal filing on or after July 2, 2008.

May 7, 2008

Loreva M. Preuss
Rules Coordinator**WSR 08-10-111****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed May 7, 2008, 11:36 a.m.]

Subject of Possible Rule Making: Tideland ownership.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department needs a WAC that will exempt private tideland owners and lessees and members of their immediate family from license requirements when taking clams, oysters, and mussels harvested for their own personal use from their own tidelands.

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 Contact Lori Preuss, WDFW Enforcement Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail preuslmp@dfw.wa.gov. Contact by June 25, 2008. Expected proposal filing on or after July 2, 2008.

May 7, 2008

Loreva M. Preuss
Rules Coordinator