

**WSR 11-15-004**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 6, 2011, 1:19 p.m.]

Subject of Possible Rule Making: Chapter 246-305 WAC, Certification of independent review organizations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.235 Health care disputes—Certifying independent review organizations—Application—Restrictions—Maximum fee schedule for conducting reviews—Rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2010 Federal Patient Protection and Affordable Care Act (PPACA), Section 2719/Sec. 1001 Amendments to the Public Health Service Act, requires that health carriers comply with their state's independent review process if it includes the minimum consumer protections that are in the National Association of Insurance Commissioners (NAIC) Uniform External Review Model Act. The current process under chapter 246-305 WAC does not meet all of the new federal standards. The rules must be amended to meet the minimum federal requirements and continue to require that carriers use the state's process, which may benefit patients who request a review of a denied or reduced claim, and other minor housekeeping changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Department of Health and Human Services (HHS) and the Washington state office of the insurance commissioner. These agencies will receive notice of the rule making and be invited to participate in the stakeholder and rule-drafting processes.

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 contact Sherry Thomas, Program Manager, IRO Certification Program, Washington State Department of Health, P.O. Box 47850, Olympia, WA 98504-7850.

July 6, 2011  
 Mary C. Selecky  
 Secretary

**WSR 11-15-014**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed July 8, 2011, 7:48 a.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 11-05-084 (chapters 388-408, 388-436, 388-450, and 388-470 WAC) filed on February 15, 2011.

Katherine I. Vasquez  
 Rules Coordinator

**WSR 11-15-015**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medicaid Purchasing Administration)

[Filed July 8, 2011, 8:33 a.m.]

The medicaid purchasing administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 10-15-039 (chapters 388-530 and 388-531 WAC) filed on July 13, 2010.

Katherine I. Vasquez  
 Rules Coordinator

**WSR 11-15-016**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medicaid Purchasing Administration)

[Filed July 8, 2011, 8:34 a.m.]

The medicaid purchasing administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 09-12-089 (WAC 388-475-1000, 388-475-1150, 388-475-1200, and 388-475-1250) filed on June 1, 2009.

Katherine I. Vasquez  
 Rules Coordinator

**WSR 11-15-017**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medicaid Purchasing Administration)

[Filed July 8, 2011, 8:35 a.m.]

The medicaid purchasing administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 10-01-166 (chapter 388-540 WAC) filed on December 22, 2009.

Katherine I. Vasquez  
 Rules Coordinator

**WSR 11-15-018**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medicaid Purchasing Administration)

[Filed July 8, 2011, 8:36 a.m.]

The medicaid purchasing administration requests the withdrawal of the preproposal statement of inquiry filed as

WSR 09-10-015 (WAC 388-546-0001 through 388-546-4000) filed on April 24, 2009.

Katherine I. Vasquez  
Rules Coordinator

WA 98504-2560, phone (360) 902-2053, fax (360) 902-2094, e-mail ahalpern@agr.wa.gov.

July 11, 2011  
Alison Halpern  
Executive Secretary

### WSR 11-15-028

#### PREPROPOSAL STATEMENT OF INQUIRY

#### NOXIOUS WEED CONTROL BOARD

[Filed July 11, 2011, 11:59 a.m.]

Subject of Possible Rule Making: WAC 16-750-004, 16-750-005, 16-750-011, 16-750-015, and 16-750-030.

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 suggestions 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 the suggestions. These suggestions are sent out for public comment before the noxious weed committee drafts its final recommendation to the board. A press release and information is prepared about the recommended changes, and a public hearing is scheduled. The board makes its final decision after considering public input 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 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,

### WSR 11-15-032

#### PREPROPOSAL STATEMENT OF INQUIRY

#### BUILDING CODE COUNCIL

[Filed July 12, 2011, 1:47 p.m.]

Subject of Possible Rule Making: Amendment of WAC 51-11-1200, Washington State Energy Code Energy Metering.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.025, 19.27A.045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council has adopted an emergency rule suspending the requirements for energy metering while considering amendments to the chapter and conducting an economic review of the requirements.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAG, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 41011, Olympia, WA 98504-1011, (360) 902-7293, fax (360) 586-0493, e-mail sbcc@ga.wa.gov.

July 12, 2011  
Kristyn Clayton  
Council Chair

### WSR 11-15-040

#### PREPROPOSAL STATEMENT OF INQUIRY

#### BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

[Filed July 13, 2011, 11:31 a.m.]

Subject of Possible Rule Making: Chapter 196-34 WAC, Continuing education of licensed professional on-site wastewater treatment system designers and certified inspectors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.210 and 18.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This existing rule needs to be revised to reflect passage of HB 1061, signed by the governor, May 5, 2011. The implementation plan calls for adoption of the revised requirements for continuing education that will become effective on or after January 1, 2012.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1565, fax (360) 664-2551, e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov). Comments may be submitted through regular mail, fax or e-mail. Draft language of rule amendments will be distributed to the board's list of interested persons (listserv).

July 13, 2011

George A Twiss  
Executive Director

### WSR 11-15-059

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed July 18, 2011, 11:45 a.m.]

Subject of Possible Rule Making: WAC 308-104-075 Prohibited practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.20.119, and 46.20.291.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has experienced a recent increase in incidences of fraudulent application from individuals who have falsely used a Washington state residence address in an attempt to obtain an initial Washington state driver's license or identicard. The department is proposing to amend WAC 308-104-075 to include administrative sanctions imposed for committing a prohibited practice in applying for an identicard, and to increase potential denial period following fraudulent application for a driver's license or identicard. It is anticipated that such amendments will deter fraudulent application.

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

Process for Developing New Rule: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, phone (360) 902-3846, e-mail [cholloway@dol.wa.gov](mailto:cholloway@dol.wa.gov), fax (360) 586-8351.

July 18, 2011

Ben T. Shomshor  
Rules Coordinator

### WSR 11-15-062

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF NATURAL RESOURCES

[Filed July 19, 2011, 8:29 a.m.]

Subject of Possible Rule Making: WAC 332-24-221 Specific rules for burning that requires a written burning permit. The purpose of this rule making is to implement 2ESHB 1087 as it relates to burning permit fees on lands protected by the department of natural resources (DNR).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.04.205 and 70.94.6534.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Burning permit fees will be increased to cover more of the expenses required to administer the program, consistent with the directives in 2ESHB 1087 approved by the 2011 legislature.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: RCW 76.04.205 and 70.94.6534 direct the department to regulate burning on forestlands where DNR has fire protection responsibility. No other federal or state agencies regulate burning on lands protected by DNR.

Process for Developing New Rule: DNR will contact stakeholders, and affected parties and entities to solicit their participation in the rule development process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Darrel Johnston, Department of Natural Resources, P.O. Box 47037, Olympia, WA 98504-7037, (360) 902-2112, e-mail [darrel.johnston@dnr.wa.gov](mailto:darrel.johnston@dnr.wa.gov).

July 15, 2011

Randy Acker  
Deputy Supervisor

### WSR 11-15-063

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 19, 2011, 8:55 a.m.]

Subject of Possible Rule Making: Chapter 296-900 WAC, Administrative rules (abatement).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 91, Laws of 2011 (ESSB 5068).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2011 session, the legislature updated state law regarding abatement of serious safety and health violations during appeal of a WISHA citation. ESSB 5068 directs the department to write rules establishing that an appeal of any violation classified and cited as serious, willful, repeated serious violation or failure to abate a serious violation does not stay abatement dates and requirements. The rule will allow an employer to request a stay of abatement through submission of a notice of appeal.

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

cies: No other state or federal agencies other than Occupational Safety and Health Administration are known to regulate worker safety and health for this subject.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process. RCW 34.05.328 (5)(b)(v) exempts this rule making from the requirements for significant legislative rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Devin Proctor, Administrative Rules Analyst, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, (360) 902-5541, fax (360) 902-5529, e-mail devin.proctor@lni.wa.gov.

July 19, 2011  
Judy Schurke  
Director

#### WSR 11-15-064

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 19, 2011, 8:56 a.m.]

Subject of Possible Rule Making: Chapter 296-62 WAC, General occupational health standards (hazardous drugs).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 39, Laws of 2011 (ESSB 5594).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2011 legislature passed ESSB 5594 which requires the department to adopt rules implementing the 2004 National Institute for Occupational Safety and Health (NIOSH) alert on safe handling of hazardous drugs. The legislation requires the rules be consistent with the recommendations set forth in NIOSH's alert and states that the rules may not exceed these recommendations. The department may incorporate Centers for Disease Control and Prevention updates and changes to the alert.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies other than the Occupational Safety and Health Administration are known to regulate worker safety and health for this subject.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beverly Clark, Administrative Regulations Analyst, Department of Labor and Industries, Division

of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, e-mail clah235@lni.wa.gov, phone (360) 902-5516, fax (360) 902-5619.

July 19, 2011  
Judy Schurke  
Director

#### WSR 11-15-065

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 19, 2011, 8:57 a.m.]

Subject of Possible Rule Making: Chapter 296-200A WAC, Contractor certificate of registration renewals—Security—Insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.27 RCW, chapter 15, Laws of 2011 (ESHB 1055), and chapter 301, Laws of 2011 (SSB 5067).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The contractor registration program is initiating rule making in response to:

- Chapter 15, Laws of 2011 (ESHB 1055), which changes the time period for a contractor to appeal an infraction from twenty to thirty days.
- Chapter 301, Laws of 2011 (SSB 5067), which allows the program to send certified mail by other methods that can be tracked or the delivery can be confirmed.

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 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.

July 19, 2011  
Judy Schurke  
Director

#### WSR 11-15-066

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 19, 2011, 8:58 a.m.]

Subject of Possible Rule Making: Chapter 296-400A WAC, Plumber certification rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.106 RCW and 2011 2ESHB 1087.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The plumber certification program's budget and projected revenue indicate a fee increase is necessary to help cover the cost of ongoing services of the program. The plumber certification program was given the authority by 2ESHB 1087, which passed the 2011 legislature, to increase fees to cover the program's expenditures.

The plumber certification program ensures that qualified workers will install plumbing systems in a safe and healthy manner. The program is responsible for setting the appropriate experience and educational levels, testing applicants, and certifying qualified plumbers. The program administers exams, reviews trainee hours, processes new certifications, and renews ongoing certifications. In addition, the program monitors compliance with the certification laws and rules by conducting on-site enforcement in the field.

These activities help protect the people of the state from damage to life or health and from economic loss caused by unsafe and unsanitary conditions in residential and commercial structures.

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. 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 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](mailto:yous235@lni.wa.gov).

July 19, 2011  
Judy Schurke  
Director

**WSR 11-15-067**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 19, 2011, 9:01 a.m.]

Subject of Possible Rule Making: Title 296 WAC, the department of labor and industries is creating new chapter 296-18 WAC, Washington stay at work program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.32.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 51.32.090 authorizes the department to reimburse employers for qualifying expenses through the Washington stay at work program when providing light duty or transitional work to an eligible injured

worker. As this is a new program, new rules are required to implement it and clarify its administration.

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: The public will have an opportunity to provide input for new rules the department proposes for the Washington stay at work program. Public hearings will be held for any proposal filed. Interested parties will be invited to provide comments prior to and at the hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments can be submitted to Richard Bredeson, P.O. Box 44140, Olympia, WA 98504-4140, e-mail [bred235@lni.wa.gov](mailto:bred235@lni.wa.gov), phone (360) 902-4985, fax (360) 902-4988.

July 19, 2011  
Judy Schurke  
Director

**WSR 11-15-068**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 19, 2011, 9:02 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance and chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations—Claim resolution structured settlement agreements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, and chapter 37, Laws of 2011 (EHB 2123).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making will assist in the implementation of claim resolution structured settlement agreements, allowed by EHB 2123 (chapter 37, Laws of 2011). These agreements will be available for claims for injured workers age fifty-five and older effective January 1, 2012, fifty-three and older effective January 1, 2015, and fifty and older effective January 1, 2016. Proposed rule making will include new rules to clarify requirements and the process for these agreements.

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

Process for Developing New Rule: When labor and industries (L&I) begins the rule development process, L&I will share any draft proposal with stakeholders and other interested parties. Public hearings will be held throughout the state 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 by contacting Department of Labor and Industries, Nancy James, P.O. Box 44208, Olympia, WA 98504-4208,

phone (360) 902-4379, fax (360) 902-4960, e-mail jamn235@lni.wa.gov.

July 19, 2011  
Judy Schurke  
Director

**WSR 11-15-070**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE UNIVERSITY**

[Filed July 19, 2011, 9:31 a.m.]

Subject of Possible Rule Making: The university is updating the standards of conduct for students, chapter 504-26 WAC.

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: To update, edit, and clarify the standards of conduct for students. Recent guidance from the federal Department of Education encourages institutions to review and update standards related to Title IX and sexual violence.

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.

June 19, 2011  
Ralph T. Jenks, Director  
Office of Procedures, Records, and Forms  
and the University Rules Coordinator

**WSR 11-15-076**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed July 19, 2011, 12:46 p.m.]

Subject of Possible Rule Making: WAC 363-116-0751 Qualifications for pilot applicants taking examinations on or after July 1, 2008, 363-116-076 Examination for pilot applicants, 363-116-077 Simulator evaluation for pilot applicants, 363-116-078 Training program, 363-116-080 Licensing of pilots, 363-116-083 Written examination protest and appeal procedures, and 363-116-084 Simulator evaluation review and appeal procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board will be considering amendments to these rules in anticipation of administer-

ing a state pilot exam in 2012 to qualify applicants for entrance into a training program.

The purpose of modifying these rules is to update the examination process based on feedback from experts who assisted in the development of previous examinations; past examination participants; and other stakeholders.

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 board's exam committee together with the legislative/WAC committee and the trainee evaluation committee will be drafting revisions to these sections of chapter 363-116 WAC as they relate to the pilot examination and training processes. Upon presentation and consideration of recommended revisions to the board, a public hearing will be scheduled to consider the proposed new rules pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Larson, Administrator, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, LarsonP@wsdot.wa.gov, www.pilotage.wa.gov.

July 18, 2011  
Peggy Larson  
Administrator

**WSR 11-15-080**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed July 19, 2011, 4:22 p.m.]

Subject of Possible Rule Making: Chapter 16-149 WAC, Cottage food operations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 69.07 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On May 5, 2011, the governor signed ESSB 5748, an act relating to cottage food operations. The act requires the department to adopt, by rule, requirements for cottage food operations. Therefore, these rules are necessary to implement the new legislation and establish the program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of health and local health jurisdictions.

Process for Developing New Rule: The agency is developing the rule in coordination with stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Claudia Coles, Compliance and Regulatory Affairs Manager, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, ccoles@agr.wa.gov, (360) 902-1905, fax (360) 902-2087.

July 19, 2011  
Kirk Robinson  
Assistant Director

**WSR 11-15-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed July 20, 2011, 9:56 a.m.]

Subject of Possible Rule Making: New sections and/or amendments in chapter 388-14A WAC, to implement E2SHB 1267 (chapter 283, Laws of 2011), effective date July 22, 2011.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 1267 (chapter 283, Laws of 2011), effective date July 22, 2011; RCW 34.05.220, 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20A.055, 74.20A.056, 74.20A.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of E2SHB 1267 (chapter 283, Laws of 2011), which makes changes to chapter 26.26 RCW, the Uniform Parentage Act.

Process for Developing New Rule: The division of child support (DCS) engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <http://www.dshs.wa.gov/dcs/>, or on the DSHS economic services administration's policy review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Nancy Koptur, DCS Rules Coordinator, DCS, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, e-mail [nkoptur@dshs.wa.gov](mailto:nkoptur@dshs.wa.gov) or [nancy.koptur@dshs.wa.gov](mailto:nancy.koptur@dshs.wa.gov), phone (360) 664-5065, Toll-free 1-800-457-6202, fax (360) 664-5342, TTY/TDD (360) 664-5011.

July 20, 2011

Katherine I. Vasquez

Rules Coordinator

Rules and Policies Assistance Unit

**WSR 11-15-094**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed July 20, 2011, 9:58 a.m.]

Subject of Possible Rule Making: The department will be proposing changes and additions to chapter 388-310 WAC, WorkFirst; chapter 388-400 WAC, Program summary; chapter 388-412 WAC, Benefits issuances; chapter 388-450 WAC, Income; chapter 388-460 WAC, Payees on benefit issuances; and any other related WACs necessary to

comply with ESSB 5921, signed by the governor on June 15, 2011, as it relates to the temporary assistance for needy families (TANF)/WorkFirst program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.08.090, 74.08.025, 74.08.580, chapters 74.08A and 74.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing the above rules changes in accordance with the following ESSB 5921 provisions:

- Temporarily suspend WorkFirst participation requirements for families with a child under age of two, or two or more children under six (section 2).
- Establish income eligibility criteria for TANF benefits for a child, other than a foster child, who lives with caregiver other than his or her parents (section 4).
- Implement TANF permanent disqualification for adults who are terminated due to WorkFirst noncompliance sanctions three or more times since March 1, 2007 (section 7(4)).
- Allow TANF recipients' "work activities" to include voluntary service at a child care or preschool facility licensed under chapter 43.215 RCW, or elementary school in which his or her child is enrolled (section 8(6)).
- Include parent education services or programs that support development of appropriate parenting skills, life skills, and employment-related competencies (section 8(16)).
- Assign protective payees to persons violating EBT card use restrictions so EBT cards will be used for benefit program purpose (section 14).

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 Aurea Figueroa-Rogers, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4623, fax (360) 725-4904, e-mail [Aurea.Figueroa-Rogers@dshs.wa.gov](mailto:Aurea.Figueroa-Rogers@dshs.wa.gov).

July 20, 2011

Katherine I. Vasquez

Rules Coordinator

**WSR 11-15-095**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed July 20, 2011, 10:43 a.m.]

Subject of Possible Rule Making: Chapter 16-662 WAC, Weights and measures—National handbooks. The department is considering adopting, in whole or in part, the:

(1) 2011 edition of NIST Handbook 44 (Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices) as required by RCW 19.94.195;

(2) 2011 edition of NIST Handbook 130 (Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality); and

(3) 2011 edition of NIST Handbook 133 (Checking the Net Contents of Packaged Goods).

The department may amend or modify the existing language in the rule and may propose modifications to the NIST handbooks to increase rule clarity and readability, to update the language and format, and to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 19.94, 19.112, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 19.94.195 requires that the most current version of NIST Handbook 44 be adopted, in whole or in part. The department also adopts the current version of NIST Handbook 130 and NIST Handbook 133 in order to maintain uniformity 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: 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](mailto:mtoohey@agr.wa.gov); or Jerry Buendel, Weights and Measures Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1856, fax (360) 902-2094, e-mail [jbuendel@agr.wa.gov](mailto:jbuendel@agr.wa.gov).

July 20, 2011

Mary A. Martin Toohey  
Assistant Director

### WSR 11-15-102

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed July 20, 2011, 11:47 a.m.]

Subject of Possible Rule Making: Card rooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Robert Saucier, representing Galaxy Gaming. The proposed amendment would permit an envy

bonus to be used on one or more tables of *different* approved card games in commercial gaming establishments.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail [Susan.Arland@wsgc.wa.gov](mailto:Susan.Arland@wsgc.wa.gov), fax (360) 486-3625. [Meetings on] September 8 and 9, at Grand Mound, Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-7718, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on September 1 to confirm meeting location and start time; on October 13 and 14, at Spokane, Washington, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on October 1 to confirm meeting location and start time; and on November 17 and 18, Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on November 1 to confirm meeting location and start.

July 20, 2011

Susan Arland  
Rules Coordinator

### WSR 11-15-104

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Economic Services Administration)

[Filed July 20, 2011, 11:55 a.m.]

Subject of Possible Rule Making: The department is considering to propose adopting new rules and amending the following rules to implement ESHB 2082, Laws of 2011: WAC 388-273-0020, 388-400-0025, 388-404-0010, 388-406-0055, 388-408-0005, 388-408-0010, 388-416-0010, 388-424-0015, 388-424-0016, 388-448-0001, 388-448-0010, 388-448-0020, 388-448-0030, 388-448-0035, 388-448-0040, 388-448-0050, 388-448-0060, 388-448-0070, 388-448-0080, 388-448-0090, 388-448-0100, 388-448-0110, 388-448-0120, 388-448-0130, 388-448-0140, 388-448-0150, 388-448-0160, 388-448-0180, 388-448-0200, 388-448-0210, 388-448-0220, 388-448-0250, 388-450-0095, 388-450-0100, 388-450-0110, 388-450-0115, 388-450-0120, 388-450-0135, 388-450-0156, 388-450-0175, 388-455-0015, 388-460-0035, 388-462-0011, 388-473-0010, 388-474-0010, 388-474-0020, 388-478-0030, and any other related WACs as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.100, 74.04.0052, 74.04.655, 74.04.770, 74.08.043, 74.08.335.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The community services division is proposing changes and additions to the WAC sections listed above, plus any other additional relevant WACs, in order to comply with the changes outlined in E2SHB 2082, Laws of 2011, as signed by the governor on June 15, 2011, as



it relates to the repeal of the disability lifeline program and creation of the aged, blind, or disabled assistance program; and pregnant women assistance program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The health care authority and aging and disability services administration.

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 Melissa Mathson, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4563, fax (360) 725-4905, e-mail [Melissa.Mathson@dshs.wa.gov](mailto:Melissa.Mathson@dshs.wa.gov).

July 20, 2011  
Katherine I. Vasquez  
Rules Coordinator

specifying the safety training requirements (those requirements were part of the home care quality authority rules). Due to the elimination of funding for the home care quality authority, the home care referral registry was moved to the aging and disability services administration, home and community services division effective July 1, 2010. The department is proposing moving requirements for safety training (chapter 257-05 WAC) into chapter 388-71 WAC, and aligning the timeline for completion of this training at fourteen days from the begin date of working with DSHS consumers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health will be included in the rule development process and will have the opportunity to review and comment on the WACs before they are finalized.

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 Nancy Brubaker, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, e-mail [nancy.brubaker@dshs.wa.gov](mailto:nancy.brubaker@dshs.wa.gov).

July 20, 2011  
Katherine I. Vasquez  
Rules Coordinator

**WSR 11-15-105**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)  
[Filed July 20, 2011, 11:59 a.m.]

Subject of Possible Rule Making: Chapter 388-71 WAC, Home and community services and programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20A.710, 74.08.090, chapter 43.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to recent legislation signed by the governor (which delays implementation of the Initiative 1029 long-term care worker training requirements until January 1, 2014), the department must revert to the long-term care worker training requirements that were in effect on December 31, 2010. The department is submitting two changes to these rules:

(1) Adding that, effective January 1, 2012, individual providers and home care agency providers who must take continuing education, must complete the training by the individual's birth date. Previously the rules specified that the continuing education courses must be completed by December 31 - this created a significant demand for continuing education courses by the end of each calendar year. By revising this requirement to say that the training must be completed by the individual's birth date, the demand for continuing education will be interspersed throughout the year rather than at the end of each calendar year. Thus, workers will more easily be able to complete their continuing education credits.

(2) Adding rules to chapter 388-71 WAC regarding safety training requirements for long-term care workers. Chapter 388-71 WAC refers to chapter 257-05 WAC for