

WSR 08-01-020
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)

[Filed December 7, 2007, 4:01 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-450-0085 Does the department count all of my self-employment income to determine if I am eligible for benefits?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to remove barriers for medical assistance clients with self-employment income, which should result in more efficient program administration by department staff.

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 Colleen Clifford, HRSA Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-2075, fax (360) 664-0910, TTY 1-800-848-5429, e-mail cliffcj@dshs.wa.gov.

December 7, 2007
 Stephanie E. Schiller
 Rules Coordinator

WSR 08-01-021
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)

[Filed December 7, 2007, 4:03 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-502-0160 Billing a client.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 42 C.F.R. 447.15.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to this rule are necessary to clarify when a provider can and cannot bill a client for medical services.

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 Wendy Boedigheimer, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov

December 7, 2007
 Stephanie E. Schiller
 Rules Coordinator

WSR 08-01-022
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Special Commitment Center)

[Filed December 7, 2007, 4:04 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-885-005 Purpose, 388-885-010 Definitions, 388-885-015 Limitations of funds, 388-885-020 Maximum allowable reimbursement for civil commitment costs, 388-885-025 Billing procedures, 388-885-030 Exceptions, and 388-885-035 Effective date and related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 71.09 RCW and RCW 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These existing rules require updating to better reflect current practices as they relate to the reimbursement of local agencies for their costs associated with the civil commitment process of sexually violent predators.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no federal or state agencies other than the special commitment center that regulate the subject of these WACs.

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 Mark Davis, Policy and Performance Administrator, DSHS Special Commitment Center W27-22, P.O. Box 88450, Steilacoom, WA 98388-0646, phone (253) 617-6283, fax (253) 589-6228, e-mail DavisMF@dshs.wa.gov.

December 7, 2007
 Stephanie E. Schiller
 Rules Coordinator

WSR 08-01-024
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2007-15—Filed December 10, 2007, 9:03 a.m.]

Subject of Possible Rule Making: Amending WAC 284-30-570, to require life, disability, and property/casualty insurers to identify the medical professional or other source of information regarding a company's action when insurers provide the actual reason for canceling, denying, or refusing to renew insurance.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A private citizen petitioned the office of the insurance commissioner to amend WAC 284-30-570 to require insurers to provide contact information to identify the medical professional or other source of information the company relied on when canceling, denying, or refusing to renew insurance if the reason for that action relates to medical information of the applicant or insured. The petition stated that an insurer's statement "refer to doctor" is insufficient information and that the applicant or insured ought to be able to identify what medical professional or source to contact for more information. The office of insurance commissioner also will take into account the need to protect personal health information. (Petition #P.41)

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

Process for Developing New Rule: Submit written comments by February 29, 2008.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by submitting written comments by February 29, 2008, to Kacy Scott, P.O. Box 40260, Olympia, WA 98504-0260, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

December 10, 2007
Mike Kreidler
Insurance Commissioner

WSR 08-01-048
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 13, 2007, 9:02 a.m.]

Subject of Possible Rule Making: Emerging commercial fishing rules for ocean spot shrimp.

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: Adjusting the catch level and distribution of fishing effort to match yield levels projected by geographical area.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by March 3, 2008. Expected proposal filing on or after March 5, 2008.

December 12, 2007
Loreva M. Preuss
Rules Coordinator

WSR 08-01-051
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed December 13, 2007, 11:45 a.m.]

Subject of Possible Rule Making: WAC 392-347-023 State assistance in post 1992 facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020 Duties of superintendent of public instruction.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend WAC 392-347-023, to delay the start of the required maintenance spending demonstration period of all school districts seeking state funding for modernization of post 1992 buildings from January 2008 until January 2009.

Process for Developing New Rule: The office of superintendent of public instruction (OSPI) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, OSPI will file a proposal with the office of the code reviser with a notice of proposed rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Black, Program Development Manager, P.O. Box 47200, 600 Washington Street S.E., Olympia, WA 98504-7200, fax (360) 586-3946, e-mail scott.black@k12.wa.us, phone (360) 725-6268.

November 30, 2007
Terry Bergeson
Superintendent of
Public Instruction
by Scott Black

WSR 08-01-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed December 17, 2007, 10:42 a.m.]

Subject of Possible Rule Making: Sections in chapter 388-538 WAC regarding the department's managed care delivery system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.522.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending the rule to update and clarify existing sections, clarify/add criteria regarding the department's patient review and coordination (PRC) program; add language regarding the monthly capitated premiums the department pays to managed care organizations (MCOs); remove language regarding information on the original agreement when the provider may bill the client for noncovered services; add language regarding MCO coverage of emergency services. (42 C.F.R. 438.114 (d)(1) (ii)); and add language to clarify the department pays MCOs a delivery case rate separate from the capitation payment when an enrollee delivers a child(ren) and the MCO pays for any part of labor and delivery.

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 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, the department of social and health services 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 98504-45504 [98504-5504], phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

December 17, 2007
 Stephanie E. Schiller
 Rules Coordinator

WSR 08-01-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed December 17, 2007, 11:03 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-531-2000 Increased payments for physician-related services for qualified trauma cases.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is intended to clarify, update, and ensure consistent policies for the trauma program. The proposed rule changes will: (1) Make clear that the department determines the appropriate payment enhancement percentage for physician trauma services, and (2) make the deadline for adjusting qualified trauma claims submitted to the health and recovery services administration by physicians and other clinical providers consistent with the deadline for trauma claims submitted by hospitals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health (DOH) provides trauma grants to designated trauma services centers, rehabilitation facilities, prehospital providers, and trauma medical directors, but not to trauma physicians/clinics. Enhanced payments to physicians for trauma services are available only through the department of social and health services (DSHS) on a per-claim basis. DSHS and DOH have an interagency workgroup to keep each other informed and to coordinate necessary changes to their trauma programs. DSHS solicits DOH's help in informing and educating stakeholders about applicable program rules and policies.

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, the 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.

December 17, 2007
 Stephanie E. Schiller
 Rules Coordinator

WSR 08-01-087
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed December 17, 2007, 11:43 a.m.]

Subject of Possible Rule Making: WAC 392-343-080 Value engineering studies, constructability reviews, and building commissioning—Requirements and definition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020 Duties of superintendent of public instruction.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed change would align the requirements of chapter 39.35 RCW, High-perfor-

mance public buildings, with the funding eligibility in state basic support statutes in WAC 392-343-080.

Process for Developing New Rule: The office of the superintendent of public instruction (OSPI) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, OSPI will file a proposal with the office of the code reviser with a notice of proposed rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Black, Program Development Manager, P.O. Box 47200, 600 Washington Street S.E., Olympia, WA 98504-7200, fax (360) 586-3946, e-mail scott.black@k12.wa.us, phone (360) 725-6268.

November 15, 2007

Terry Bergeson
Superintendent of
Public Instruction
by Scott Black

WSR 08-01-107

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

(Mental Health Division)

[Filed December 18, 2007, 11:26 a.m.]

Subject of Possible Rule Making: Chapter 388-865 WAC, Community mental health.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.05.560, 71.024.035 [71.24.035], 71.34.-380, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The mental health division is codifying its policy on how it administers community mental health services in the event of a nonparticipating regional support network.

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 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, the department of social and health services 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 Kevin Sullivan, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 902-0836, fax (360)

586-9727, TTY 1-800-848-5429, e-mail sullikm@dshs.wa.gov.

December 17, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 08-01-108

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 18, 2007, 12:46 p.m.]

Subject of Possible Rule Making: Chapter 16-108 WAC, Washington state egg seals and assessments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 69.25 RCW, Washington wholesome eggs and Egg Products Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule change is to make adjustments to the assessment fee charged to egg handlers and dealers so that an adequate fund balance can be maintained. To achieve this the department is considering either a long-term or a short-term reduction or suspension of the egg assessment. This change has been recommended by industry.

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 agency is developing the proposal 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 Julie Carlson, Division Coordinator, Washington State Department of Agriculture, Food Safety and Consumer Services Division, P.O. Box 42560, Olympia, WA 98504-2560, jcarlson@agr.wa.gov, (360) 902-1880, fax (360) 902-2087, TTY 1-800-833-6388.

December 18, 2007
Jerry Buendel
Assistant Director

WSR 08-01-111

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed December 18, 2007, 1:53 p.m.]

Subject of Possible Rule Making: WAC 296-23-250 Massage therapy rules, this is a medical aid rules update regarding rate setting for massage therapy services for injured workers. These updates may also impact rates for massage therapy services provided to crime victims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The affected rule describes a change in the methodology for determining the maximum

daily allowable payment for massage therapy services. The proposed rule change will set the daily limit for massage therapy services as a percentage of the maximum daily payment levels for physical and occupational therapy services contained in WAC 296-23-220 and 296-23-230. The effect of this rule change will be a reduction in the maximum daily allowable payment for massage therapy to a level that is more consistent with other payers.

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 department works with external stakeholders through its anesthesia and reimbursement technical advisory groups on updates to maximum daily reimbursement levels. The department coordinates these updates with the health care authority, the health and recovery services administration and the centers for medicare and medicaid services to insure consistent health care purchasing policies when possible. The proposed change will be presented to the advisory groups and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Davis, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6687, fax (360) 902-4249.

December 18, 2007
Judy Schurke
Director

updated to correspond to changes in the medical procedure codes, the relative value units, and anesthesia base units. These changes will enable the department to continue a reimbursement methodology consistent with other state agencies. cost-of-living increases may be incorporated into the changes in the conversion factors.

2. WAC 296-23-220 and 296-23-230: Update the maximum daily reimbursement level for physical and occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.

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 department is working with external stakeholders through its anesthesia and reimbursement technical advisory groups on updates to conversion factors and to the physical and occupational therapy maximum daily reimbursement level. The department coordinates these updates with the health care authority, the health and recovery services administration and the centers for medicare and medicaid services to insure consistent health care purchasing policies when possible. The proposed changes will be presented to the advisory groups and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Davis, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6687, fax (360) 902-4249.

December 18, 2007
Judy Schurke
Director

WSR 08-01-112

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed December 18, 2007, 1:55 p.m.]

Subject of Possible Rule Making: WAC 296-20-135 Conversion factors, 296-23-220 Physical therapy rules, and 296-23-230 Occupational therapy rules. Medical aid rules updates regarding rate setting for most professional health care services for injured workers. These updates may also impact rates for health care services provided to crime victims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The affected rules describe elements used in the process of updating the maximum allowable payments for most professional health care services. These elements are set in rule in order to follow the established methodologies of labor and industries and maintain consistency with the health care authority and health and recovery services administration. Specifically, the proposed rule changes will do the following: 1. WAC 296-23-135: Update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services. The conversion factors will be

WSR 08-01-114

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed December 18, 2007, 2:11 p.m.]

Subject of Possible Rule Making: WAC 468-300-010, 468-300-020, 468-300-040, and 468-300-220.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030, 47.60.326.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Some of Washington state ferries' tariffs currently expire on April 30, 2008 (e.g., tariffs for in-need organization discounts, bundled single fare media, and oversized vehicle transfers in the San Juan Islands). The proposed WAC rule revisions extend such expiration dates to the fall of 2009; and update the hourly operating costs for purposes of vessel charters.

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 pub-

lication by contacting Mr. Ray Deardorf, Planning Director, Washington State Ferries, 2901 Third Avenue, Suite 500, Seattle, WA 98121-3014, phone (206) 515-3491, fax (206) 515-3499.

Reema Griffith
Executive Director
Transportation Commission

WSR 08-01-117

PREPROPOSAL STATEMENT OF INQUIRY CONSERVATION COMMISSION

[Filed December 18, 2007, 2:33 p.m.]

Subject of Possible Rule Making: Procedures and requirements for entering and exiting the office of conservation district supervisor, including, but not limited to, election and appointment of conservation district supervisors, for the purpose of populating and maintaining conservation district governing boards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 89.08.040, 89.08.160, 89.08.190, 89.08.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The conservation commission is proposing rules on this subject to establish procedures pertaining to entering and exiting the office of conservation district supervisor, to clarify statutory language, and to provide statewide consistency in these procedures as implemented by conservation districts. The conservation commission expects rules to provide clarity, consistency, and transparency for all affected parties, including, but not limited to: Candidates, voters, conservation district officials, other local governments, and state agencies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Regulating conservation district elections and appointments, and other processes relating to entering and exiting the office of conservation district supervisors, is governed by chapter 89.08 RCW. Because the conservation commission is the only agency authorized under chapter 89.08 RCW to adopt rules on this subject, there are no other state or federal agencies with which to coordinate.

Process for Developing New Rule: The conservation commission will work with stakeholders to develop proposed rules. After the rule proposal publishes in the state register, the commission will hold public hearings and provide a comment period to receive feedback on the proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Anderson, Washington Conservation Commission, P.O. Box 47721, Olympia, WA 98504-7721, (360) 407-6200, mara461@ecy.wa.gov.

December 19 [18], 2007

Mark A. Clark
Executive Director

WSR 08-01-124

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed December 19, 2007, 8:56 a.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Approval standards for performance-based preparation programs for teachers, administrators, and education staff associates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (360) 586-4548, nasue.nishida@k12.wa.us or pesb@k12.wa.us. Rule changes are conducted at regular board meetings of the professional educator standards board (PESB). Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

December 19, 2007

Nasue Nishida
Policy and Research Analyst

WSR 08-01-125

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed December 19, 2007, 8:57 a.m.]

Subject of Possible Rule Making: Chapter 181-82A WAC, Performance-based teacher certificate endorsements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Stan-

dards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (360) 586-4548, nasue.nishida@k12.wa.us or pesb@k12.wa.us. Rule changes are conducted at regular board meetings of the professional educator standards board (PESB). Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

December 19, 2007
Nasue Nishida
Policy and Research Analyst

WSR 08-01-126
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed December 19, 2007, 8:57 a.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (360) 586-4548, nasue.nishida@k12.wa.us or pesb@k12.wa.us. Rule changes are conducted at regular board meetings of the professional educator standards board (PESB). Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

December 19, 2007
Nasue Nishida
Policy and Research Analyst

WSR 08-01-128
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)

[Filed December 19, 2007, 9:24 a.m.]

Subject of Possible Rule Making: Creation of rules to administer the securities prosecution fund authorized by RCW 43.320.115.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.115.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The securities prosecution fund was created by RCW 43.320.115. Fines collected by the Washington securities division are placed in a fund known as the securities prosecution fund which is under the custody of the state treasurer. Funds may be made available to reimburse expenses related to securities fraud investigations and prosecutions. The proposed rule making would codify the application procedure to be followed by prosecutors who seek reimbursement funds.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The securities prosecution fund is not regulated by any other state or federal agencies. The fund is held under the custody of the state treasurer.

Process for Developing New Rule: The proposed rule will codify the procedures the securities division has developed for administering the securities prosecution fund.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jill M. Vallye, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, voice (360) 902-8801, fax (360) 704-7035, e-mail jvallye@dfi.wa.gov.

December 17, 2007
Michael E. Stevenson
Director
Securities Division

WSR 08-01-130
PREPROPOSAL STATEMENT OF INQUIRY
THE EVERGREEN STATE COLLEGE

[Filed December 19, 2007, 9:55 a.m.]

Subject of Possible Rule Making: Chapter 174-168 WAC, Library circulation policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.40.120 and 28B.10.528.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A revision of the library circulation policy would eliminate obsolete sections and improve the clarity of library rules.

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 Lee Lyttle, Dean of Library Services, The Evergreen State College, Library 2309, Olympia, WA 98505, phone (360) 867-6678, fax (360) 867-6790, e-mail lyttle@evergreen.edu.

December 7, 2007
J. P. Carmichael
Rules Coordinator

WSR 08-01-138
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed December 19, 2007, 11:34 a.m.]

Subject of Possible Rule Making: Repeal chapter 392-165 WAC, Special service programs—Title VI—Innovative Education Program Strategies of the Education Consolidation and Improving America's Schools Act of 1994, financial assistance to local school districts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.070 Receipt of federal funds for school purposes—Superintendent of public instruction to administer.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Repeal chapter 392-165 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No Child Left Behind Title V promoting informed parental choice and innovative programs, section 501 Innovative Programs and Parental Choice Provisions, sections 5101 through 5146.

Coordination is through the consolidated program review monitoring process of the office of superintendent of public instruction.

Process for Developing New Rule: Repeal chapter 392-165 WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gayle Pauley, Director, Title I/LAP and Title V, 600 Washington Street S.E., Olympia, WA 98504-7200, phone (360) 725-6100, fax (360) 586-3305, e-mail gayle.pauley@k12.wa.us.

December 13, 2007
Terry Bergeson
Superintendent of
Public Instruction