

**WSR 08-03-016****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD FOR COMMUNITY  
AND TECHNICAL COLLEGES**

[Filed January 4, 2008, 4:22 p.m.]

Subject of Possible Rule Making: Chapter 131-49 WAC, Regulations for the administration of the displaced homemaker program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.04 RCW.

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, clarifying 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: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting DelRae Oderman, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, phone (360) 704-4309, fax (360) 704-4415, e-mail [doderman@sbctc.edu](mailto:doderman@sbctc.edu).

January 2, 2008  
DelRae Oderman  
Executive Assistant  
Agency Rules Coordinator

**WSR 08-03-027****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed January 8, 2008, 2:21 p.m.]

The economic services administration requests the withdrawal of:

- Preproposal statement of inquiry filed as WSR 07-06-052 on March 2, 2007 (chapter 388-412 WAC).
- Preproposal statement of inquiry filed as WSR 04-08-036 on March 3, 2004 (WAC 388-414-0001).
- Preproposal statement of inquiry filed as WSR 06-07-147 on March 21, 2006 (WAC 388-450-0015, 388-450-0035, 388-450-0045, and 388-450-0055).
- Preproposal statement of inquiry filed as WSR 07-10-114 on May 2, 2007 (WAC 388-492-0070).
- Preproposal statement of inquiry filed as WSR 02-11-065 on May 10, 2002 (chapter 388-450 WAC).
- Preproposal statement of inquiry filed as WSR 06-14-044 on June 28, 2006 (WAC 388-492-0040).

Stephanie E. Schiller  
Rules Coordinator

**WSR 08-03-028****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed January 8, 2008, 2:25 p.m.]

The department of social and health services, health and recovery services administration, requests the withdrawal of the following preproposal statements of inquiry:

- Preproposal statement of inquiry filed as WSR 03-08-077 on April 1, 2003 (WAC 388-865-0100 to 388-865-0484).
- Preproposal statement of inquiry filed as WSR 04-23-100 on November 17, 2004 (WAC 388-502-0150).
- Preproposal statement of inquiry filed as WSR 04-16-087 on August 2, 2004 (WAC 388-502-0160).

Stephanie E. Schiller  
Rules Coordinator

**WSR 08-03-029****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Office of Risk Management)

[Filed January 8, 2008, 2:26 p.m.]

The department of social and health services, office of risk management, requests the withdrawal of preproposal statement of inquiry filed as WSR 02-01-007 on December 7, 2001 (chapter 388-01 WAC).

Stephanie E. Schiller  
Rules Coordinator

**WSR 08-03-030****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed January 8, 2008, 2:26 p.m.]

The department of social and health services, aging and disabilities services administration, requests the withdrawal of the following preproposal statements of inquiry:

- Preproposal statement of inquiry filed as WSR 05-13-131 on June 20, 2005 (WAC 388-513-1360).
- Preproposal statement of inquiry filed as WSR 01-03-059 on January 11, 2001 (WAC 388-825-020 and 388-825-205).
- Preproposal statement of inquiry filed as WSR 04-20-100 on October 5, 2004 (chapter 388-105 WAC).

Stephanie E. Schiller  
Rules Coordinator

**WSR 08-03-031**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed January 8, 2008, 2:31 p.m.]

Subject of Possible Rule Making: The division of employment and assistance programs is proposing to amend WAC 388-412-0040 Can I get my benefits replaced?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.-510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change is needed to correct a typographical error in subsection (4).

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 Jenny Grayum, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4583, fax (360) 413-3293, e-mail grayuje@dshs.wa.gov.

January 8, 2008  
Stephanie E. Schiller  
Rules Coordinator

**WSR 08-03-049**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed January 11, 2008, 1:12 p.m.]

Subject of Possible Rule Making: No fee poker games.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change requesting that rules be established for promotional contests of chance similar to poker - no fee poker.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

dinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] February 15, 2008, at the Best Western, 2611 East E Street, Tacoma, WA 98421, (253) 272-7737; on March 14 and April 11, 2008, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000.

January 11, 2008  
Susan Arland  
Rules Coordinator

**WSR 08-03-050**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed January 11, 2008, 1:13 p.m.]

Subject of Possible Rule Making: Amusement games.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change requesting that rules be established to allow amusement games at a sports complex.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] February 15, 2008, at the Best Western, 2611 East E Street, Tacoma, WA 98421, (253) 272-7737; on March 14 and April 11, 2008, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000.

January 11, 2008  
Susan Arland  
Rules Coordinator

**WSR 08-03-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed January 11, 2008, 1:14 p.m.]

Subject of Possible Rule Making: Amusement games.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change requesting that wager limits for amusement games be increased.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail [Susana@wsgc.wa.gov](mailto:Susana@wsgc.wa.gov).

[Meetings on] February 15, 2008, at the Best Western, 2611 East E Street, Tacoma, WA 98421, (253) 272-7737; on March 14 and April 11, 2008, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000.

January 11, 2008

Susan Arland

Rules Coordinator

### WSR 08-03-064

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 14, 2008, 1:31 p.m.]

Subject of Possible Rule Making: WAC 246-824-075 Continuing education requirements for dispensing opticians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.34.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Opticians Association of Washington submitted a petition to the department requesting WAC 246-824-075 be amended to add the Joint Commission of Allied Health Personnel in Ophthalmology and the Council on Optometric Practitioner Education to the list of organization[s] presumed to qualify as providers of continuing education courses. Adding these organizations to the current list would eliminate having to approve individual courses offered by these providers. The request does not intend to change the existing hourly requirements.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by attending rule-making workshops and providing comments on proposed language which will be sent to interested persons through Listserv and by regular mail. Request to join the Listserv or send written comments to Judy Haenke, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947, or e-mail to [judy.haenke@doh.wa.gov](mailto:judy.haenke@doh.wa.gov).

January 14, 2008

Mary C. Selecky

Secretary

### WSR 08-03-065

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 14, 2008, 1:31 p.m.]

Subject of Possible Rule Making: Chapter 246-272B WAC, Large on-site sewage system (LOSS) regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.118B.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature adopted ESSB 5894 (chapter 70.118B RCW) in 2007 expanding the department of health's (DOH) authority for permitting LOSS from an upper limit of 14,500 gallons per day (gpd) to 100,000 gpd and requiring all owners of large on-site sewage systems to have operating permits by July 1, 2009. Chapter 246-272B WAC needs to be revised to meet the requirements of this legislation. The revisions will include applicable siting, design, construction, and installation requirements as well as operating permit requirements. For systems over 14,500 gpd, the legislation also directs DOH to adopt rules for public notification about new permits and major modifications to existing systems.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Prior to the passage of ESSB 5894, department of ecology was responsible to permit LOSS 14,500 gpd and larger. DOH will work closely with the department of ecology during this rule-making process to ensure a smooth transfer of authority.

Process for Developing New Rule: DOH is developing a rule advisory committee to provide input on the rules. Opportunities to provide comments on developing drafts will also be available through the DOH web site. Please contact Denise Lahmann, below, for more information.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Denise Lahmann, e-mail [denise.lahmann@doh.wa.gov](mailto:denise.lahmann@doh.wa.gov), phone (360) 236-3348, or P.O. Box 47824, Olympia, WA 98504-7824.

January 14, 2008

Mary C. Selecky

Secretary

### WSR 08-03-070

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed January 14, 2008, 3:51 p.m.]

Subject of Possible Rule Making: WAC 246-933-300 Veterinary specialty licensure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030, 18.92.135.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The veterinary board of governors recently approved the program for assessment of veterinary education equivalence (PAVE). The board also approves the education commission for foreign veterinary

graduates (ECFVG) program. Both programs assess the educational equivalence of graduates from nonaccredited program. The board currently has statutory authority to issue a specialty license and is now considering adding the PAVE program as an option for specialty licensure under WAC 246-033-300 [246-933-300].

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by providing comments on proposed language which will be sent to interested person[s] through Listserv and by regular mail. Send written comments to Jeanette Benham, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, (360) 236-4947, fax (360) 586-4359 or e-mail [jeanette.benham@doh.wa.gov](mailto:jeanette.benham@doh.wa.gov).

January 14, 2008

Judy Haenke

Acting Executive Director

#### WSR 08-03-072

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed January 14, 2008, 3:20 p.m.]

Subject of Possible Rule Making: The department is amending chapter 388-97 WAC, Nursing homes, WAC 388-97-550 and 388-97-555.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.51 RCW, RCW 18.51.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To increase the nursing home bed license fee to comply with RCW 18.51.050 requiring the department to establish license fees at an amount adequate to reimburse the department in full for all costs of its licensing activities for nursing homes.

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

Process for Developing New Rule: By publishing in the Washington state register: CR-101 Preproposal statement of inquiry; CR-102 Proposed rule making; and CR-103 Rule-making order including a concise explanatory statement. ADSA welcomes the public participation in developing its rule(s). Anyone interested in participating should contact the staff person indicated below. After the rule(s) is drafted, ADSA will file a copy with the office of the code reviser with a notice of proposed rule making, and send a copy to everyone currently on the nursing home mailing list and 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 Patricia Hague, Office of Rates Management, P.O. Box 45600, Olympia, WA 98504-5600, phone

(360) 725-2447, fax (360) 725-2641, e-mail [haguepe@dshs.wa.gov](mailto:haguepe@dshs.wa.gov).

January 14, 2008

Stephanie E. Schiller

Rules Coordinator

#### WSR 08-03-073

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed January 14, 2008, 3:26 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-501-0100 Subrogation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 42 U.S.C. §§ 1396a, 1396k, 1396p; chapter 43.20B RCW, RCW 74.09.180, 74.09.185, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department extended the effective date to December 1, 2008, for recently amended rule, WAC 388-501-0100, adopted under WSR 07-23-080 and initially scheduled to take effect December 20, 2007 (see WSR 08-01-041).

The department will adopt new subrogation rules. The new rules will be consistent with 42 U.S.C. §§ 1396a, 1396k, 1396p; chapter 43.20B RCW, RCW 74.09.180, 74.09.185, the decision of *Arkansas Department of Health and Human Services v. Ahlborn*, 547 U.S. 268, 126 S.Ct. 1752, 164 L.Ed.2d 459, and will respond to concerns raised by the Washington State Trial Lawyers Association as well as 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 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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, 626 8th Avenue S.E., Mailstop 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail [boediwl@dshs.wa.gov](mailto:boediwl@dshs.wa.gov).

January 14, 2008

Stephanie E. Schiller

Rules Coordinator

**WSR 08-03-090**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed January 16, 2008, 1:59 p.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the health care authority (HCA) hereby withdraws its CR-101 Preproposal statement of inquiry, filed July 10, 2007, WSR 07-15-017.

The reason underlying this withdrawal is that the HCA has determined that the health care literacy program will be most effectively administered through a contact with a third-party vendor rather than by creating a new administrative process requiring administrative rules.

If you have any questions, Jason Siems can be reached at (360) 923-2720.

Jason Siems  
 Rules Coordinator

**WSR 08-03-091**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Health and Recovery Services Administration)

[Filed January 16, 2008, 3:30 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-531-1400 Psychiatric physician-related services, 388-556-0600 Mental health services, and possibly other HRSA WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.521.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 359, Laws of 2007 (2SHB 1088) requires the department to improve access to mental health services for children who do not meet regional support network access to care standards. Specifically, the department is revising its rules effective July 1, 2008, to allow children up to twenty hours of outpatient therapy per year, including family therapy visits. In addition, licensed mental health professionals will be allowed to provide the therapy. Currently, children are allowed up to twelve hours of outpatient therapy per year provided by a psychiatrist.

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 Kevin Sullivan, HRSA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, phone

(360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail [sullikm@dshs.wa.gov](mailto:sullikm@dshs.wa.gov).

January 16, 2008  
 Stephanie E. Schiller  
 Rules Coordinator

**WSR 08-03-092**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Health and Recovery Services Administration)

[Filed January 16, 2008, 3:41 p.m.]

Subject of Possible Rule Making: The department is creating new WAC 388-502-0270 Dispute decision review by the health and recovery services administration's deputy assistant secretary.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current department rules permit providers to dispute certain department actions. These rules contain varying dispute procedures. The purpose of this rule is to provide a single process for those disputes reviewed by the DSHS/HRSA deputy assistant secretary. This single process should reduce complexity for providers and the department and streamline the dispute process.

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](mailto:boediwl@dshs.wa.gov).

January 16, 2008  
 Stephanie E. Schiller  
 Rules Coordinator

**WSR 08-03-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Health and Recovery Services Administration)  
 [Filed January 16, 2008, 3:44 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-475-0300 SSI-related medical—Resources eligibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.-500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is updating this WAC to comply with federal rules which govern how the department considers retroactive lump sum payments from any Title II or Title XVI payment, and to clarify that these resources are now excluded for nine months, not six. DSHS is also correcting WAC references which are no longer correct.

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 Catherine Fisher, Office of Medicare, Medicaid, Eligibility and Policy, Division of Eligibility and Service Delivery, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1357, fax (360) 664-0910, TTY 1-800-848-5429, e-mail [fishcecl@dshs.wa.gov](mailto:fishcecl@dshs.wa.gov).

January 16, 2008  
 Stephanie E. Schiller  
 Rules Coordinator

**WSR 08-03-095**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed January 17, 2008, 10:44 a.m.]

Subject of Possible Rule Making: The department will amend rules in Title 388 WAC to implement required changes in the federal food stamp program administered in the state of Washington under the Washington Basic Food program (Basic Food) and Washington combined application program (WASHCAP).

Rules under this filing will amend rules impacting eligibility and benefit level for WASHCAP and Basic Food by adopting mandatory food stamp provisions of the 2007 farm bill.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.515, 74.08.090, 74.08A.903.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The nutrition title of the 2007 farm bill, also known as the "Farm, Nutrition, and Bioenergy Act of 2007" (HR 2419) and the "Food and Energy Security Act of 2007" (HR 2419 Engrossed Amendment as Agreed to by the Senate), reauthorizes the food stamp program and amends the Food Stamp Act of 1977 related to eligibility, benefit levels, and state operations of the food stamp program.

The department administers food assistance in Washington under the Washington Basic Food program and Washington combined application project. The department must modify current rules related [to] eligibility and benefits for food assistance program to meet the new requirements of the 2007 farm bill.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Congress is reauthorizing the food stamp program under the nutrition title of the 2007 farm bill.

The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the food stamp program in the Federal Register. Rules published in the federal register are incorporated into the U.S. Code of Federal Regulations. FNS also issues administrative notices and interim guidance to inform states of new program requirements that are not yet in the U.S. Code of Federal Regulations.

DSHS incorporates regulations from the federal agencies and exercises state options by adopting administrative rules for the food assistance program administered WASHCAP and Washington Basic Food 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 John Camp, Policy Analyst, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4616, fax (360) 493-3493, e-mail [campjx@dshs.wa.gov](mailto:campjx@dshs.wa.gov).

January 17, 2008  
 Stephanie E. Schiller  
 Rules Coordinator

**WSR 08-03-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed January 21, 2008, 12:46 p.m.]

Subject of Possible Rule Making: Changes to the Washington department of fish and wildlife's (WDFW) recreational sport fishing rules, Columbia River commercial fishing rules, coastal commercial fishing rules, and Puget Sound

commercial fishing rules, resulting from North of Falcon recommendations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047 and 77.04.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules based on North of Falcon recommendations change from year-to-year to reflect resource availability and to achieve conservation goals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA Fisheries and the National Marine Fisheries Service. These agencies, as well as WDFW, Pacific Fisheries Management Council, and the Pacific Salmon Commission, all provide input and/or take part in the North of Falcon meetings and recommendations.

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 John Long, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2733, fax (360) 902-2158, e-mail longjal@dfw.wa.gov.

Contact by March 10, 2008. Expected proposal filing on or after March 19, 2008.

January 21, 2008  
Loreva M. Preuss  
Rules Coordinator

#### WSR 08-03-107

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

[Filed January 22, 2008, 12:00 p.m.]

Subject of Possible Rule Making: Chapter 296-150M WAC, Manufactured homes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.22 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to amend the manufactured home rules to make sure they are consistent with the statute. The amendments will outline the information needed on the "notice of correction" as outlined in the statute and will continue to correct terminology for consistency between the statute and rules. The factory assembled structures program has already filed an expedited rule-making package to correct terminology in WAC 296-150M-0815, which amends "notice of infraction" to "notice of correction."

Additionally, the rule making will repeal sections of chapter 296-150M WAC that will be moved into the new mobile and manufactured home installation program, chapter 296-150L WAC.

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 com-

ments 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.

January 22, 2008  
Judy Schurke  
Director

#### WSR 08-03-113

##### PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed January 22, 2008, 12:48 p.m.]

Subject of Possible Rule Making: Amending sections of chapter 434-120 WAC regarding charitable solicitations, including establishing new rules for financial reporting requirements, the establishment of an educational program, and an increase in fees as authorized in chapter 19.09 RCW by the 2007 legislature.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.09.315, [19.09.]540.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New and amended sections of chapter 19.09 RCW require additional financial reporting for certain charitable organizations. New sections also create an advisory board, an education program, and provide for a fee increase.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Attorney general's office.

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. Public hearings to be noted on web site at [www.secstate.wa.gov/charities](http://www.secstate.wa.gov/charities); for more information contact Rebecca Sherrell, 801 Capitol Way South, P.O. Box 40234, Olympia, WA 98504-0234, phone (360) 664-0742, fax (360) 664-4250, [charities@secstate.wa.gov](mailto:charities@secstate.wa.gov).

January 22, 2008  
Steve Excell  
Assistant Secretary of State

#### WSR 08-03-114

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed January 22, 2008, 1:24 p.m.]

Subject of Possible Rule Making: Cougar general and permit seasons.

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: To establish 2008 cougar seasons with dogs, pending 2008 legislative session. Changes in dog seasons would require changes in general seasons.

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.

January 22, 2008  
Loreva M. Preuss  
Rules Coordinator

### WSR 08-03-122

#### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-04—Filed January 23, 2008, 7:29 a.m.]

Subject of Possible Rule Making: (1) Amending testing requirements for surplus line brokers licenses, (2) adding a requirement that a surplus line broker have a property-casualty license as a precondition for applying for a surplus line broker's license (with exceptions for current surplus line brokers), (3) eliminating the experience requirement as a precondition for applying for a surplus line broker's license, and (4) repealing the limited surplus line broker license category.

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 amendments will simplify requirements for surplus line brokers and more closely align this state's requirements for holding a surplus line broker's license with national standards. National standards for uniformity and reciprocity in personal qualification, education, training and experience of licensed insurance agents were enacted as part of the Gramm-Leach-Bliley Act at Sections 321 and 322 (P.L. 106-102).

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 March 6, 2008.

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.

January 23, 2008  
Mike Kreidler  
Insurance Commissioner

### WSR 08-03-123

#### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-03—Filed January 23, 2008, 7:30 a.m.]

Subject of Possible Rule Making: Amendments to chapter 284-17 WAC to enable electronic filing for applications and renewals of agent licenses, establish reciprocity for non-resident "personal lines" licensees, based on their states of residence, clarify and facilitate on-line licensing of insurance agents and brokers (producers), and clarify this state's "affiliation" rules. Amendments may be adopted to WAC 284-17-515 related to professional designations that the office of insurance commissioner will recognize for purposes of waiving prelicensing education requirements.

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: These amendments will help streamline insurance agent/broker (producer) licensing and renewals. The amendments will help align this state's requirements with national standards. National standards for uniformity and reciprocity in personal qualification, education, training and experience of licensed insurance agents were enacted as part of the Gramm-Leach-Bliley Act at Sections 321 and 322 (P.L. 106-102).

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 March 6, 2008.

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.

January 23, 2008  
Mike Kreidler  
Insurance Commissioner



**WSR 08-03-130**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Board of Boiler Rules)

[Filed January 23, 2008, 8:11 a.m.]

Subject of Possible Rule Making: Board of boiler rules—Substantive (chapter 296-104 WAC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to make clarification and technical changes to the Board of boiler rules—Substantive (chapter 296-104 WAC) based on actions and requests of the board of boiler rules. The changes include removing the board's responsibilities for NB exams and allowing the boiler chief to accept applications for board approved criteria, extending the periods between boiler internal inspections to companies with owner/user inspection programs, revisions to lower pressure boiler and pool heaters, and a 5.53% fee increase, which is the office of financial management's maximum allowable fiscal growth rate factor for fiscal year 2008. The fee increase will help cover the cost of the ongoing services for the boiler program.

Process for Developing New Rule: The board of boiler rules will review and approve all rule changes. Other interested parties and the public may also participate 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 Sally Elliott, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, (360) 902-6411, fax (360) 902-5292, [yous235@lni.wa.gov](mailto:yous235@lni.wa.gov).

January 22, 2008

Steven E. Bacon, Chair  
Board of Boiler Rules

fixed guideway system owners for the reimbursement of direct costs incurred by WSDOT for its management of the Washington state rail safety oversight program. The formula is in two parts: (1) 50% of the administrative costs equally reimbursed to WSDOT by all the owners of the rail fixed guideway systems in Washington state, and (2) 50% [of] the administrative costs reimbursed based on the proportional share of each fixed guideway system owner's track miles in Washington state. Costs associated with incident investigations are reimbursed by the affected rail fixed guideway system owner to WSDOT at full cost.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: System safety program plans and security and emergency preparedness plans are documents developed and implemented for each rail fixed guideway system which describes safety and security policies, objectives, responsibilities. The requirements for these plans are established by the Federal Transit Administration in C.F.R. 49 Part 659 and further by the Washington state rail safety oversight program standard.

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. WSDOT staff Michael Flood, Rail Transit Safety and Security Officer, (206) 464-1291, [floodm@wsdot.wa.gov](mailto:floodm@wsdot.wa.gov) and Ron Sheck, Urban Rail Program Manager, (206) 464-1202, [sheckr@wsdot.wa.gov](mailto:sheckr@wsdot.wa.gov) have continued communications with the following representatives of the rail fixed guideway systems in the Puget Sound area: Curtis Robinson, Director of Operations, Seattle Monorail Services, phone (206) 905-2615, [curtisr@seattlemonorail.com](mailto:curtisr@seattlemonorail.com); Ethan Melone, Project Manager-Seattle Streetcar, City of Seattle, phone (206) 684-8066, [ethan.melone@seattle.gov](mailto:ethan.melone@seattle.gov); Hamid Qaasim, Director of Safety, Security, and Quality Assurance, Sound Transit, (206) 398-5129, [hamid.qaasim@soundtransit.org](mailto:hamid.qaasim@soundtransit.org).

January 11, 2008

Steve Reinmuth  
Chief of Staff

**WSR 08-03-133**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF TRANSPORTATION**

[Filed January 23, 2008, 9:14 a.m.]

Subject of Possible Rule Making: Reimbursement of direct costs incurred by the Washington state department of transportation (WSDOT) for its management of the Washington state rail safety oversight program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 81.104.115 requires WSDOT to "set by rule an annual fee for owners and operators of rail fixed guideway systems to defray the department's direct costs associated only with the system safety program plans, system security and emergency preparedness plans, and incident investigations."

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This WAC establishes, by rule, a formula for determining the amount charged to rail

**WSR 08-03-134**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF TRANSPORTATION**

[Filed January 23, 2008, 9:16 a.m.]

Subject of Possible Rule Making: Toll rate setting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030 Powers and duties regarding toll facilities and 47.56.240 Fixing of toll rates.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state transportation commission is charged with the setting of toll rates to include recommendations from the Tacoma Narrows Bridge Citizen Advisory Committee.

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 Ms. Heather Beresheim, Secretary Senior, Tolling Operations, Washington State Department of Transportation, Tolling Operations, 3214 50th Street Court N.W., Suite 302, Gig Harbor, WA 98335-8583, e-mail [Bereshh@wsdot.wa.gov](mailto:Bereshh@wsdot.wa.gov), phone (253) 534-4654 or toll free at (877) 762-7769, fax (253) 534-4679.

January 23, 2008  
Reema Griffith  
Executive Director

### WSR 08-03-146

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed January 23, 2008, 11:28 a.m.]

Subject of Possible Rule Making: Chapter 16-324 WAC, Rules for the certification of seed potatoes, the department is proposing to revise the current seed potato certification rule by repealing the requirement for PVY testing for Generation 1 lots.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.14 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to revise the current seed potato certification rule by repealing the requirement for PVY testing for Generation 1 lots because of changes in the US-Canada necrotic virus management plan. The PVY testing for Generation 1 seed potato lots was required in the US-Canada necrotic virus management plan. The management plan was recently revised to repeal this requirement because of changes in the genetic make-up of PVY. This testing is now an unnecessary expense for growers enrolled in the voluntary certification program.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

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

January 23, 2008  
Mary A. Martin Toohey  
Assistant Director

### WSR 08-03-147

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed January 23, 2008, 11:30 a.m.]

Subject of Possible Rule Making: Chapter 16-752 WAC, Noxious weed control, the department is considering adding additional species to the wetland and aquatic weed quarantine and the noxious weed seed and plant quarantine, revising the special permit language, and making the rule more clear and readable.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 17.10, 17.24, and 34.05 RCW.

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

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

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

January 23, 2008  
Mary A. Martin Toohey  
Assistant Director