

WSR 08-12-011**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed May 27, 2008, 11:41 a.m.]

Subject of Possible Rule Making: Chapter 392-344 WAC, Process change for value engineering, constructability and commissioning reports.

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 chapter 392-344 WAC in order to enact several changes that will streamline and improve the school construction assistance program process by changing the requirements for school districts to submit value engineering, constructability review and building commissioning reports. Clarifying language changes will also be made to make the WACs easier to understand.

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.

May 6, 2008

Terry Bergeson
Superintendent of
Public Instruction

WSR 08-12-021**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed May 28, 2008, 4:11 p.m.]

Subject of Possible Rule Making: The sardine fishery.

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: We need a WAC to reference and incorporate into state regulations the federal rules governing sardine fisheries. This will allow the department to update state rules as federal rules change, and it will allow enforcement of the fishery under state law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service. We are coordinating with this branch of commerce to ensure we reference the appropriate federal

rules in our new WAC and model the WAC on federal guidelines.

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 Michele Culver, Policy Analyst, Director's Office, 48 Devonshire Road, Montesano, WA 98563, phone (360) 249-1211. Contact by July 18, 2008. Expected proposal filing on or after July 23, 2008.

May 28, 2008

Loreva M. Preuss
Rules Coordinator

WSR 08-12-022**PREPROPOSAL STATEMENT OF INQUIRY
INDETERMINATE SENTENCE
REVIEW BOARD**

[Filed May 29, 2008, 7:18 a.m.]

Subject of Possible Rule Making: Implementing the victims bill of rights.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220 (1)(b), 42.56.040.

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. The indeterminate sentence review board (ISRB) will compile a distribution list of advisory stakeholders and interested parties that will be contacted and requested to provide input at scheduled meetings or in written format. Information and status will be posted on the ISRB web site throughout the WAC drafting process. Contact person at ISRB is Ellen Hanegan-Cruse, Victim Liaison, phone (360) 493-9276, erhanegancruse@doc1.wa.gov, fax (360) 493-9287.

May 27, 2008

Margaret McKinney
Executive Director

WSR 08-12-024**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed May 29, 2008, 9:15 a.m.]

Subject of Possible Rule Making: Unclassified nongame animals.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department does not have a rule that allows us to cite for possession of unclassified wildlife under RCW 77.15.140. A rule is needed to prohibit possession of unclassified nongame animals and nongame birds, such as red tail hawks and turkey vultures.

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 Lori Preuss, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930. Contact by July 18, 2008. Expected proposal filing on or after July 23, 2008.

May 29, 2008
Loreva M. Preuss
Rules Coordinator

WSR 08-12-026

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 29, 2008, 12:13 p.m.]

Subject of Possible Rule Making: WAC 392-127-004 through 392-127-112, Finance—Certificated instructional staff ratio (46:1000) compliance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions will update the calculation of the K-12 staff ratio compliance for state funding purposes. These revisions will provide a more fair and appropriate methodology to calculate the K-12 staff-per-student ratio compliance for school districts that provide students instruction pursuant to a contract with a college or university.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Bunda, (360) 725-6308.

May 29, 2008
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 08-12-027

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 29, 2008, 12:15 p.m.]

Subject of Possible Rule Making: Chapter 392-139 WAC, Finance—Maintenance and operation levies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to rules are required to update rules for new revenue codes.

Process for Developing New Rule: Solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendation in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Steve Shish, (360) 725-6307, sshish@ospi.wednet.edu.

May 12, 2008
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 08-12-053

PREPROPOSAL STATEMENT OF INQUIRY FOREST PRACTICES BOARD

[Filed June 2, 2008, 8:12 a.m.]

Subject of Possible Rule Making: The forest practices board is considering rule making in Title 222 WAC, Forest practices, to allow for harvest of danger trees adjacent to residential home sites.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently the forest practices rules do not allow for the removal of trees that threaten public safety on "forest land" as that term is defined in chapter 222-16 WAC. The board intends to amend any rules necessary to ensure the safety of people and residential developments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The departments of ecology, fish and wildlife and revenue may have an interest in rule development. The board will contact those agencies for this purpose.

Process for Developing New Rule: The board will request input from interested stakeholders to develop rule language, including the state agencies listed above, and also the Washington state association of counties to ensure that the counties' jurisdictional responsibilities are appropriately considered.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by mailing, faxing, or e-mailing comments to Patricia Anderson, Forest Practices Board Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practicesboard@dnr.wa.gov.

May 30, 2008
Victoria Christiansen
Chair

WSR 08-12-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
 [Order 08-10—Filed June 3, 2008, 11:50 a.m.]

Subject of Possible Rule Making: Amendments to chapter 173-160 WAC, Minimum standards for construction and maintenance of water wells.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.104 RCW, Water Well Construction Act (1971).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology needs to make technical and typographical corrections to the current rule and add new provisions that require certification of certain drilling materials to protect ground water quality. Ecology has been meeting with the technical advisory committee who have assisted in make [making] these amendments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of health, through their wellhead protection program regulates well siting. The department of health's wellhead protection program manager is a member of the technical advisory group. The technical advisory group has been providing input on rule changes for the last two years and will continue to assist ecology in revising these rules.

Process for Developing New Rule: Standard rule making - a technical advisory group which was established by the legislature assisted the department of ecology in the development of these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate through public workshops and hearings to be held this summer and fall, through written inquiries to the department, and by attending the technical advisory group meetings. The public workshops will be held on June 25, 2008, at 10 a.m. at the La Quinta Inn, 1425 East 27th Street, Tacoma, WA 98421; and on June 26, 2008, at 10 a.m. at the Best Western Lake Inn, 3000 Marina Drive, Moses Lake, WA 98837. The contact person for ecology is Bill Lum, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-47600, phone (360) 407-0281, fax (360) 407-7162, e-mail blum461@ecy.wa.gov.

June 2, 2008

Kenneth O. Slattery
 Water Resource Program Manager

WSR 08-12-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Management Services Administration)
 [Filed June 3, 2008, 2:25 p.m.]

Subject of Possible Rule Making: The department is amending chapter 388-03 WAC, rules and regulations for the certification of DSHS spoken language interpreters and translators, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.025.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to update the chapter's references to units of DSHS (such as language interpreter services and translations, or LIST) that have been reorganized and renamed to change timeframes for DSHS mailing of letters notifying applications of their test dates, and to review the chapter for other necessary changes.

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 Hungling Fu or Katherine Vasquez, P.O. Box 45820, Blake Office Park, Lacey, WA 98504-5820, mailstop 45820, phone (360) 664-6035 or (360) 664-6113, fax (360) 664-6197, e-mail fuh@dsht.wa.gov.

June 3, 2008

Stephanie E. Schiller
 Rules Coordinator

WSR 08-12-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed June 3, 2008, 2:26 p.m.]

Subject of Possible Rule Making: The community services division proposes to amend WAC 388-492-0090 How often do my Washington combined application program (WASHCAP) food benefits need to be reviewed?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule needs to be amended to support having longer certification periods for WASHCAP recipients, eligible under chapter 388-492 WAC. The division has an approved waiver from the food and nutrition service (FNS) allowing the certification periods to be extended from twenty-four to thirty-six months for WASHCAP.

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 Rebecca Henrie, Project Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4615, fax (360) 725-4905, e-mail henrira@dshs.wa.gov.

June 3, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-12-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed June 3, 2008, 2:28 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-105-0005 The daily medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and boarding homes contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services; 388-105-0045 Bed or unit hold—Medicaid resident discharged for a hospital or nursing home stay from an adult family home (AFH) or a boarding home contracted to provide adult residential care (ARC), enhanced adult residential care (EARC), or assisted living services (AL); and other related WAC as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39.030 and 18.20.290, chapter 329, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature directed the department to implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008. This amendment will also clarify when a client currently receiving bed hold assistance returns to the facility, the client must be in residence for twenty-four hours before a departure will result in a new bed hold sequence. If the client leaves before the expiration of twenty-four hours, then the bed hold sequence on which the client's bed was held when the client returned will continue.

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 Patricia Hague, P.O. Box 45600, Mailstop 45600, Olympia, WA 98504-5600, phone (360) 725-2447, fax (360) 725-2641, e-mail haguepe@dshs.wa.gov.

June 3, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-12-071
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed June 3, 2008, 2:29 p.m.]

Subject of Possible Rule Making: A legislative enacted rate add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2006, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department is amending chapter 388-96 WAC to establish, in rule, reporting requirements and a settlement process to ensure that the funds are spent on increasing wages in accordance with the legislative enactment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 206(9), chapter 329, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature directed the department to increase compensation for low-wage workers in nursing homes beginning July 1, 2008. The department shall provide an add-on per resident day per facility based on the total funding divided by the total number of fiscal year 2009 medicaid patient days as forecasted by the caseload forecast council (CFC), not to exceed \$1.57. The department may reduce the level of add-on if necessary to fit within this appropriation if the caseload forecasted days increase from the February 2008 forecast. The department by rule shall implement reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

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 pub-

lication by contacting Patricia Hague, P.O. Box 45600, Mail-stop 45600, Olympia, WA 98504-5600, phone (360) 725-2447, fax (360) 725-2641, e-mail haguepe@dshs.wa.gov.

June 3, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-12-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed June 3, 2008, 2:30 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-106-0130 How does the department determine the number of hours I may receive for in-home care?, and other sections as necessary in chapter 388-106 WAC, Long-term care services.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending WAC 388-106-0130 to clarify that base hours are reduced for informal supports, or other paid services that meet some of an individual's need for personal care services, including adult day health. The department may adopt and amend other rules as part of this rule-making process as necessary.

Process for Developing New Rule: DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rules with the office of the code reviser with a notice of proposed rule making and send the proposal to everyone currently on the 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 Susan Engels, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2353, fax (360) 438-8633, TTY (360) 493-2637, e-mail Engelss@dshs.wa.gov.

May 30, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-12-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed June 3, 2008, 3:42 p.m.]

Subject of Possible Rule Making: WAC 16-470-300 through 16-470-340, onion white rot disease. The department is proposing to revise the current onion white rot disease rule by adding Benton County to the existing pest-free area. In addition, the department may amend the existing lan-

guage to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 17.24 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 onion white rot rule by adding Benton County to the existing pest-free area. Onion white rot is a potentially devastating disease of onions and closely related species. It can cause greatly decreased yields and reduced storage quality. The disease is caused by a fungus and once a field is infested the disease remains indefinitely in the soil. A quarantine was established in the 1980s to prevent the introduction and spread of the disease within the production areas of Washington state where onion white rot does not occur. The affected growers have requested amending the rule to add Benton County to the existing pest-free area to protect onion and seed garlic production in that county.

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; or Tom Wessels, 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.

June 3, 2008
Mary A. Martin Toohey
Assistant Director

WSR 08-12-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed June 3, 2008, 3:46 p.m.]

Subject of Possible Rule Making: WAC 16-390-230 What is the fee for an apple pest certification?, the department is proposing to remove a sunset provision in the rule establishing the current apple pest certification fee, so that the fee would remain at its current level. During the 2008 legislative session, the Washington state legislature authorized the Washington state department of agriculture (WSDA) to increase the apple pest certification fee (see chapter 329, Laws of 2008).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.17, 17.24, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The apple maggot is an invasive insect pest native to Eastern North America. Its hosts include apples, crabapple, and native hawthorn. In its larval development stage it can cause extensive damage to fruit. It is economically significant to the Washington apple crop not only due to its ability to cause physical crop damage, but also because fruit from apple-maggot free areas or locations has greater market access for international shipments.

The apple pest certification fee is used to fund annual surveys for apple maggot. The certification fee was increased to \$.015 per cwt. in the fall of 2006 in order to conduct expanded apple maggot surveys to comply with international standards. This increase has a sunset date - on January 1, 2009, the fee reverts back to \$.0075 per cwt. During the 2008 legislative session, the agency received the authority to "...increase the apple pest certification assessment by up to \$.015 per hundredweight of fruit" (see chapter 329, Laws of 2008). This proposal would allow the fee to remain at the current level of \$.015 per cwt.

Reverting back to the \$.0075 certification fee would not enable WSDA to conduct the level of survey needed to help manage and prevent the possible movement of apple maggot from infested areas into uninfested areas, secure continued access to international and interstate markets for Washington grown fruit, and protect the commercial tree fruit industry from an economically significant pest.

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; or Dr. Brad White, Pest Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2071, fax (360) 902-2094, e-mail bwhite@agr.wa.gov.

June 3, 2008

Mary A. Martin Toohey
Assistant Director

WSR 08-12-082

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed June 4, 2008, 7:44 a.m.]

Subject of Possible Rule Making: Deer and elk special permits and seasons.

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

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

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515.

June 4, 2008

Loreva M. Preuss
Rules Coordinator

WSR 08-12-085

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Filed June 4, 2008, 8:08 a.m.]

Subject of Possible Rule Making: Examine the need to revise WAC 480-31-080 Fees and annual report, the rule making has been assigned Docket TN-080875.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4) and 81.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington utilities and transportation commission (commission) is exploring the need to remove the annual vehicle fee for nonprofit transportation providers from rule and allow it to set the fee by order each year. This allows the commission more flexibility in adjusting the fee, either up or down, to meet the intent of RCW 81.66.030, which requires the commission to charge fees that approximate the cost of regulation.

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

Process for Developing New Rule: The commission will ask for initial written comments, and will provide the opportunity for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Executive Secretary, Washington Utilities and Transportation, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150. Interested per-

sons may file written comments on the CR-101 by **July 7, 2008**.

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **Monday, July 7, 2008**.

Electronic copies: The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (TN-080875).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/080875>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at records@utc.wa.gov, or (3) mail written comments to the address above to the attention of Carole J. Washburn, executive secretary. When contacting the commission, please refer to Docket TN-080875 to ensure that you are placed on the appropriate service list. Questions may be addressed to Betty Young, (360) 664-1202 or e-mail at byoung@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING —The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket TN-080875, and the words "Please keep me on the mailing list;" or (2) e-mail your name, address, telephone and fax numbers, referencing Docket TN-080875, and the words "Please keep me on the mailing list" to records@utc.wa.gov. Please note that all information in the mailings will be accessible through the commission's internet web site at

<<http://www.utc.wa.gov/080875>>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

June 4, 2008

Carole J. Washburn
Executive Secretary

WSR 08-12-097

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-18—Filed June 4, 2008, 9:11 a.m.]

Subject of Possible Rule Making: The commissioner will consider adopting rules to implement HB 3011 relating to the safeguarding of securities owned by insurers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.13.490 (as amended by chapter 234, Laws of 2008) provides the authority to adopt rules relating to safeguarding of insurer securities of domestic insurers.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner will consider rules to implement RCW 48.13.450 through 48.13.475 as amended by chapter 234, Laws of 2008, and section 7, chapter 234, Laws of 2008, that allows the commissioner to adopt rules governing the deposit by insurance companies of securities with clearing corporations, including establishing standards for national banks, state banks, trust companies, and broker/dealers to qualify as custodians for insurance company securities.

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

Process for Developing New Rule: Please submit written comments by July 18 to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

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, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

June 4, 2008

Mike Kreidler
Insurance Commissioner

WSR 08-12-098

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-19—Filed June 4, 2008, 9:13 a.m.]

Subject of Possible Rule Making: The commissioner will consider options to amend the accelerated benefits rules,

WAC 284-23-600 through 284-23-730, to bring them in line with recently enacted long-term care legislation, sections 12, 13, 14, 15, and 18, chapter 145, Laws of 2008.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 (3)(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The enactment of SHB 2666 (chapter 145, Laws of 2008) adds a new chapter to Title 48 RCW. This new chapter relates to long-term care insurance sold on and after January 1, 2009, including long-term care life insurance options which had previously not been permitted in this state. The newly enacted chapter creates conflicts with existing Washington accelerated life insurance benefit rules, specifically WAC 284-23-600 through 284-23-730. Amendments to these rules are necessary to bring WAC 284-23-600 through 284-23-730 into compliance with the provisions of sections 12, 13, 14, 15 and 18 of SHB 2666.

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 July 18, 2008, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

June 4, 2008
Mike Kreidler
Insurance Commissioner

WSR 08-12-099

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-20—Filed June 4, 2008, 9:14 a.m.]

Subject of Possible Rule Making: Amending chapter 284-51 WAC regulating standards for coordination of benefits (COB), including WAC 284-51-215 and 284-51-260 regulating the obligation of a secondary plan to make estimated plan payments to providers. The office of insurance commissioner is also considering whether to adopt additional requirements or incentives for prompt COB processing, and more effective consumer protections against inappropriate billings in COB situations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.21.200, 48.44.050, and 48.46.-200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Concerns have been raised that the requirement that a secondary plan make an estimated payment to a provider creates significant administrative complexity and workload for both plans and providers. The commissioner will consider whether the elimination of the esti-

mated payment requirement would be of benefit to providers, and would not harm consumers.

The commissioner will also consider whether other changes should be made to promote more timely and efficient coordination of benefits and to establish protections against inappropriate patient billings in COB situations.

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

Process for Developing New Rule: Input and suggestions will be requested from interested parties, including the Washington healthcare forum business and technology work group. Written comments should be submitted by July 18, 2008, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0258 [98504-0255], fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0258 [98504-0255], fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

June 4, 2008
Mike Kreidler
Insurance Commissioner

WSR 08-12-108

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed June 4, 2008, 10:54 a.m.]

This memo serves as notice that the department of health is withdrawing the notice of inquiry (CR-101) for WAC 246-319-990 filed on October 2, 2007, and published in WSR 07-20-094. The original proposal is authorized by SHB 2087 passed during the 2007 legislative session to address funding short falls for initial medicare certification surveys. With the passing of Initiative 960 requiring legislative approval of all fees, this fee was not approved during the 2008 legislative session. This fee chapter is not eligible for adoption at this time making the CR-101 no longer necessary.

Anyone requesting information on this rule should contact Byron Plan, office of health care survey, executive manager at (360) 236-2916.

Mary C. Selecky
Secretary

WSR 08-12-110

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 4, 2008, 11:06 a.m.]

Subject of Possible Rule Making: The department is considering implementing a quality Timothy seed program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, 15.49.370(3), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has been requested by the Organization of Kittitas County Timothy Hay Growers & Suppliers to provide voluntary certification services for Timothy hay seed. These rules would enable the department to conduct a voluntary, fee-for-service certification program for Timothy seed lots. No new fees will be established and there will not be an increase to existing fees. Ultimately this program will benefit Washington hay growers by increasing the number of Timothy seed lots that have been tested and have been found to be free from objectionable contaminants.

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 Washington state department of agriculture (WSDA) staff will develop the specific rule proposal. A special committee comprised of Timothy hay producers, exporters, and seed dealers will provide specific input on the proposed program.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Fawad Shah, WSDA, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 249-6950, e-mail Fshah@agr.wa.gov.

May 27, 2008
Dennis Hannapel
Assistant Director

internet web site as it becomes available at <http://dol.wa.gov/business/cosmetology/rulechange.html>.

June 4, 2008
Susan Colard
Assistant Administrator

WSR 08-12-111

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 4, 2008, 11:07 a.m.]

Subject of Possible Rule Making: Update to chapter 308-20 WAC, Cosmetologists, barbers, manicurists, and estheticians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.16.030 and 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In an effort to improve the application process for schools and to ensure schools are properly set up for operation the department will be reviewing the need for further licensing requirements and preinspection of the site prior to opening a school.

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 Lawna Knight, Department of Licensing, Business and Professions Division, Cosmetology Program, P.O. Box 9026, Olympia, WA 98507, phone (360) 664-6643, e-mail lknight@dol.wa.gov, fax (360) 664-2550. Additional information will be posted on the cosmetology