

WSR 09-01-007

**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL**

[Filed December 3, 2008, 3:15 p.m.]

Subject of Possible Rule Making: Chapter 204-91A WAC, Towing businesses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005, 46.55.050, and 46.55.115.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating current language and ensuring that the Washington state tow standards are in line with national standards.

Process for Developing New Rule: Other [no further information supplied by agency].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington State Patrol, Sergeant Mike Eggleston, Mike.eggleston@wsp.wa.gov, 2715 Rudkin Road, Union Gap, WA 98903, (509) 249-6734.

December 1, 2008

John R. Batiste
Chief

WSR 09-01-024

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

[Filed December 8, 2008, 11:56 p.m.]

Subject of Possible Rule Making: WAC 232-12-071 Buying or selling game unlawful.

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 current rule does not make it illegal to buy and sell unlawfully taken wildlife. The proposed rule will prohibit the sale, purchase, and trade of fish, shellfish, and wildlife taken in violation of any law or regulation. It also will prohibit the sale, purchase, and trade of deer antlers and elk antlers (except those naturally shed), and all bear parts, unless authorized by a written permit issued by the director.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Fish and Wildlife and the United States Department of Agriculture. For this WAC, the Washington department of fish and wildlife (WDFW) is prohibiting activities that these federal agencies prohibit.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail at Lori.preuss@dfw.

wa.gov. Contact by February 1, 2009. Expected proposal filing on or after February 18, 2009.

December 8, 2008
Loreva M. Preuss
Rules Coordinator

WSR 09-01-036

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed December 8, 2008, 2:47 p.m.]

The Washington horse racing commission (WHRC) wishes to withdraw its preproposal statement of inquiry (CR-101) filed on September 23, 2008, as WSR 08-20-042.

Questions can be directed to WHRC staff at (360) 459-6462.

R. J. Lopez
Deputy Secretary

WSR 09-01-041

**PREPROPOSAL STATEMENT OF INQUIRY
YAKIMA VALLEY
COMMUNITY COLLEGE**

[Filed December 10, 2008, 8:35 a.m.]

Subject of Possible Rule Making: Repeal of chapter 132P-08 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Under RCW 28B.50.140 (7)(a) the board of trustees has rule-making authority for the college.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 132P-08 WAC was authorized by chapter 28B.19 RCW, which was repealed in 1989 and replaced with Washington administrative hearings rules and regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Rule changes will be coordinated with the assigned Washington state assistant attorney general's office.

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 Mark Rogstad, Director of Human Resource Services and Affirmative Action, South 16th Avenue and Nob Hill Boulevard, Yakima, WA 98902, phone (509) 574-4676, e-mail mrogstad@yvcc.edu or fax (509) 574-4675.

December 8, 2008
Mark L. Rogstad, Director
Human Resource Services
and Affirmative Action

WSR 09-01-047
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed December 10, 2008, 1:38 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-831-0030 Who are individuals with community protection issues?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of developmental disabilities is amending WAC 388-831-0030 to include individuals who have a history of violent behavior which demonstrates the likelihood to commit a violent act. This amendment reflects the legislation contained in RCW 71A.12.210.

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 welcomes the public to participate in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Steve Brink, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3416, fax (360) 407-0955, e-mail brinksc@dshs.wa.gov.

December 5, 2008
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-01-051
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE
 (Elections Division)
 [Filed December 10, 2008, 3:41 p.m.]

Subject of Possible Rule Making: The election division of the secretary of state's office is considering amending rules regarding voter registration, voting systems, jurisdiction questionnaires, sample ballots, absentee voting, recounts, certifications of elections and rules necessary to implement legislation passed in 2009.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Additional rules regarding a number of issues are needed for preparation and implementation of upcoming elections.

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 Joanie Deutsch, Policy Analyst for the Elections Division, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4182, jdeutsch@secstate.wa.gov.

December 10, 2008

Steve Excell

Assistant Secretary of State

WSR 09-01-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed December 11, 2008, 9:01 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-412-0040 Can I get my benefits replaced, and any other related rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule requires a signed affidavit from clients who report that their benefits were destroyed in a disaster in order for the benefits to be replaced. For Basic Food benefits, the Code of Federal Regulations imposes no such requirement on the states. Furthermore, the current process can be time consuming and frustrating for clients. We are proposing to streamline and expedite the benefits replacement process for clients, minimizing the amount of time they will be left without any food that is damaged by a disaster event.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal food stamp program as enacted in the 2002 farm bill and codified in the Code of Federal Regulations. The DSHS economic services administration, community services division (CSD) policy unit intends to coordinate communications of the change with the CSD service delivery unit and with CSD regional financial coordinators.

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 Don Winslow, Policy Analyst, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4580, fax (360) 725-4905, e-mail winsldg@dshs.wa.gov.

December 11, 2008

Stephanie E. Schiller

Rules Coordinator

WSR 09-01-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Juvenile Rehabilitation Administration)

[Filed December 15, 2008, 9:48 a.m.]

Subject of Possible Rule Making: Chapter 388-720 WAC, Collection of costs of support, treatment, and confinement of juveniles under RCW 13.40.220.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 13.40.220(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule has not been updated since 2004. It is necessary to revise this rule to more accurately reflect: (1) Current gross personal income levels used to calculate obligation to reimburse the department, and (2) current costs of institutional care for juveniles in legal custody of the department.

Other anticipated changes are intended to: (1) Clarify rule language, (2) allow use of additional information available to the department in establishing financial obligation, (3) revise percentage base of gross income to calculations of reimbursement obligation, (4) apply federal poverty guidelines to reimbursement calculations, and to (5) establish periodic recalculation of residential care cost, removing fixed cost of care from rule.

We may also propose to revise the title of the rule to reflect language of RCW 13.40.220.

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

Process for Developing New Rule: Agency study: 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 Lee Mosley, Juvenile Rehabilitation Administration, phone (360) 902-8092, fax (360) 902-8108, TTY 1-800-833-6388, e-mail moslele@dshs.wa.gov; or Pat Buker, Office of Financial Recovery, Financial Services Administration, phone (360) 664-5473, fax (360) 664-5701, TTY 1-800-833-6388, interpreter line 1-800-552-2334, e-mail BUKERP@dshs.wa.gov.

December 15, 2008
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-01-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
 [Filed December 15, 2008, 11:23 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to new

WAC 308-96A-570 Invalid or fraudulent DOT numbers—Cancellation of registrations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to enhance the administration of the DOT number information required in RCW 46.16.615 and 46.32.100.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state patrol, department of transportation, and utilities and transportation commission.

Process for Developing New Rule: The department of licensing (DOL) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL 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 Dale R. Brown, Management Analyst, Vehicle Services, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-7821 or 902-7822, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

December 15, 2008
 Mykel D. Gable
 Assistant Director
 Vehicle Services

WSR 09-01-112
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION
 [Filed December 18, 2008, 11:56 a.m.]

Subject of Possible Rule Making: House-banked card rooms.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Staff proposes a rule change to hold a card room licensee responsible for ensuring the card room employees have a valid license.

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] January 9, 2009, at the Holiday Inn, 1 South Grady Way, Renton, WA 98057, (425) 226-7700; on

February 13, 2009, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-5165; and on March 13, 2009, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000.
 December 18, 2008
 Susan Arland
 Rules Coordinator

WSR 09-01-122
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL

[Filed December 19, 2008, 1:44 p.m.]

Subject of Possible Rule Making: Chapter 204-36 WAC, Authorized emergency vehicle permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.194.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating current language for clarification to include the addition of definitions. The language changes will also include new standards for background checks and restrictions on signs, shield markings, accessories and insignia used on uniforms, clothing or equipment which may imply that the operator is a law enforcement officer.

Process for Developing New Rule: Agency initiated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melissa Van Gorkom, Melissa.vangorkom@wsp.wa.gov, P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-4017.

December 16, 2008
 John R. Batiste
 Chief

WSR 09-01-130
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed December 22, 2008, 5:46 a.m.]

Subject of Possible Rule Making: Chapter 388-845 WAC, DDD home and community based services waivers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend the requirements in chapter 388-845 WAC to comply with state budget appropriations. Other changes, clarifications and corrections that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department coordinates its rules with and receives

approval from the federal Centers for Medicare and Medicaid Services for the administration of waivers under Section 1915(c) of the Social Security Act.

Process for Developing New Rule: The department welcomes the public to participate in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

December 19, 2008
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-01-131
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed December 22, 2008, 5:46 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-837 WAC, the residential habilitation center ICF/MR program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 71A.20 RCW, RCW 71A.12.080, 71A.12.-140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend the requirements in chapter 388-837 WAC to comply with state budget appropriations.

Other changes, clarifications and corrections that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

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 Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Lacey, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

December 19, 2008
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-01-132
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed December 22, 2008, 5:46 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-850 WAC, County plan for developmental disabilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, chapters 71A.14, 70.195 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend the requirements in chapter 388-850 WAC to comply with state budget appropriations.

Other changes, clarifications and corrections that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

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 Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Lacey, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

December 19, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 09-01-133
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed December 22, 2008, 5:48 a.m.]

Subject of Possible Rule Making: Chapter 388-831 WAC, Community protection program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend the requirements in chapter 388-831 WAC to comply with state budget appropriations. Other changes, clarifications and corrections that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

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 welcomes the public to participate in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

December 19, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 09-01-134
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed December 22, 2008, 5:48 a.m.]

Subject of Possible Rule Making: Chapter 388-832 WAC, Individual and family services program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend the requirements in chapter 388-832 WAC to comply with state budget appropriations. Other changes, clarifications and corrections that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

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 welcomes the public to participate in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

December 19, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 09-01-135
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed December 22, 2008, 5:49 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-828 WAC, the division of developmental disabilities assessment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.010, 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend the requirements in chapter 388-828 WAC to comply with state budget appropriations.

Other changes, clarifications and corrections that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

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 Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Lacey, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

December 19, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 09-01-136
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed December 22, 2008, 5:50 a.m.]

Subject of Possible Rule Making: Chapter 388-825 WAC, Division of developmental disabilities service rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend the requirements in chapter 388-825 WAC to comply with state budget appropriations. Other changes, clarifications and corrections that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

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 welcomes the public to participate in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

December 19, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 09-01-137
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed December 22, 2008, 5:50 a.m.]

Subject of Possible Rule Making: Chapter 388-827 WAC, State supplementary payment program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend the requirements in chapter 388-827 WAC to comply with state budget appropriations. Other changes, clarifications and corrections that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

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 welcomes the public to participate in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

December 19, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 09-01-138
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed December 22, 2008, 5:51 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-823 WAC, the division of developmental disabilities intake and determination of developmental disabilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.010, 71A.12.030, 71A.10.020, 71A.16.020, 71A.16.040, 71A.12.050 and chapters 71A.10, 71A.12, and 71A.16 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend the requirements in chapter 388-823 WAC to comply with state budget appropriations.

Other changes, clarifications and corrections that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

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 Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Lacey, WA 98504, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

December 19, 2008
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-01-139
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed December 22, 2008, 5:52 a.m.]

Subject of Possible Rule Making: Chapter 388-515 WAC, Alternate living—Institutional medical.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend the requirements in chapter 388-515 WAC to comply with state budget appropriations.

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 welcomes the public to participate in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

December 19, 2008
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-01-140
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed December 22, 2008, 5:53 a.m.]

Subject of Possible Rule Making: Amending and repealing sections in chapter 388-71 WAC, Home and community services and programs and 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: DSHS is repealing rules and removing references to adult day health in chapters 388-71 and 388-106 WAC. The department is starting the rule-making process in preparation for elimination of adult day health, which will no longer be offered as a medicaid service due to budget restrictions.

Other policy changes that arise during this rule making may be incorporated. Other WAC chapters may need to be updated as a result of this rule making.

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 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 Tiffany Sevruck, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2538, fax (360) 438-8633, TTY (360) 493-2637, e-mail sevruta@dshs.wa.gov.

December 19, 2008
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-01-141
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed December 22, 2008, 5:54 a.m.]

Subject of Possible Rule Making: Adopting new WAC defining participant managed personal care and agency managed personal care; amending and repealing sections in chapter 388-71 WAC, Home and community services and programs, consistent with new rule; and chapter 388-106 WAC, Long-term care services, consistent with new rule.

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:

- In-home personal care services will be redefined to assure that clients receive personal care from the most appropriate, cost-effective service that can meet their needs. Clients who are able to manage and self-direct their personal care as determined by the department's assessment will be eligible to receive services from an individual provider.
- Clients who are not able to manage and self-direct their personal care as determined by the department's assessment will be eligible to receive services either from an individual provider, if there is an alternative monitoring plan in place, or an agency provider.

Other policy changes that arise during this rule making may be incorporated. Other WAC chapters may need to be updated as a result of this rule making.

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 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 Tiffany Sevruck, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2538, fax (360) 438-8633, TTY (360) 493-2637, e-mail sevruta@dshs.wa.gov.

December 19, 2008
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-01-142
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed December 22, 2008, 5:55 a.m.]

Subject of Possible Rule Making: Amending WAC 388-513-1340 Determining excluded income for long-term care (LTC) services; and 388-513-1345 Determining disregarded income for institutional or hospice services under the medically needy (MN) program.

The department may adopt and amend other rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, Social Security Act Section 1611, 1902, 42 C.F.R. § 435.725.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending WAC 388-513-1340 and 388-513-1345 as follows:

- Adding interest or dividend income as an exclusion, except for the community spouse of an institutionalized client.
- Adding current child support payments received from an absent parent for a minor child who is not institutionalized.
- Correcting language regarding department of veterans affairs (VA) benefits for those living in state VA facilities. This change is based on the state plan amendment as clarified by CMS.
- Removing exclusions based on federal rules.

Other policy changes on these subjects may be incorporated into this rule making. Other WAC chapters may need to be updated as a result of this rule making.

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 Lori Rolley, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-7582, e-mail rollej@dshs.wa.gov.

December 19, 2008
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-01-143**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed December 22, 2008, 5:56 a.m.]

Subject of Possible Rule Making: WAC 388-533-1000 First steps childcare program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.09.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health and recovery services administration (HRSA) is repealing this rule because the first steps childcare program is being eliminated due to shortfall in anticipated budget revenues.

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 Kevin Sullivan, 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.

December 19, 2008

Stephanie E. Schiller
Rules Coordinator**WSR 09-01-153****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed December 22, 2008, 2:39 p.m.]

Subject of Possible Rule Making: 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; and 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).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39.030 and 18.20.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may reduce rates for home and community residential providers.

Boarding home and adult family home contractors must notify the department within one working day whenever the resident is discharged for more than twenty-four hours on medical leave to a nursing home or hospital.

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, Mail-stop 45600, Olympia, WA 98504-5600, phone (360) 725-2447, fax (360) 725-2641, e-mail haguepe@dshs.wa.gov.

December 19, 2008

Stephanie E. Schiller
Rules Coordinator**WSR 09-01-157****PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed December 23, 2008, 10:00 a.m.]

Subject of Possible Rule Making: Amending sections or adding new sections to chapter 392-172A WAC to address: (1) Adoption of new federal rules effective December 31, 2008; (2) amending existing rules regarding disproportional; (3) amending rules addressing the use of federal proportional share of Part B funds on the site of religious schools; (4) amending sections relating to educational records consistent with federal changes governing the Family Educational Rights and Privacy Act, and (5) other sections will be amended to address housekeeping changes, including typographical errors and corrections to cross references. Possible sections for amendment include WAC 392-172A-01040, 392-172A-02090, 392-172A-03000, 392-172A-04015, 392-172A-04075, 392-172A-05095, 392-172A-05180 - 392-172A-05245; and subsections in 392-172A-06000 - 392-172A-07000 addressing district and state requirements for funding, technical assistance, monitoring and disproportionality.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.155.090(7); 20 U.S.C. 1400 et. seq. (the Individuals with Disabilities Education Act (IDEA)).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The United States Department of Education issued final federal rules implementing IDEA on December 1, 2008, effective December 31, 2008. Those rules address revocation of consent after the initial

provision of special education services; obligations to make positive efforts to employ qualified individuals with disabilities; state monitoring, technical assistance and reporting; district eligibility for funding; and nonattorney representation of parents and school districts in due process hearings. The state is seeking input on the rule addressing nonattorney representation in due process hearings, in response to the federal amendment requiring states to develop a rule; and input the rule regarding significant disproportionality, based on recent guidance and clarification from the United States Department of Education. The state is also seeking input on a possible amendment allowing the use of federal IDEA funds on site of private religious elementary and secondary schools. Currently, WAC 392-172A-04075 prohibits state or federal funds being used on site of religious schools. The United States Department of Education also released final regulations addressing the Family Educational Rights and Privacy Act, that are effective January 8, 2009. Rules addressing educational records may be amended, if necessary, to be consistent with those changes. Other amendments are required in order to be consistent with federal rules, or are housekeeping changes to correct typographical errors and correct cross-references.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education, Office of Special Education Programs (OSEP).

Process for Developing New Rule: The office of superintendent of public instruction (OSPI) is seeking written comment from stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by providing proposed language or comments to Dr. Doug Gill, Director of Special Education, OSPI, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6075, TTY (360) 586-0126, fax (360) 586-0247, or e-mail Doug.Gill@k12.wa.us, or speced@k12.wa.us. Please put the word "rulemaking" in the subject line.

December 22, 2008
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 09-01-163

PREPROPOSAL STATEMENT OF INQUIRY SENTENCING GUIDELINES COMMISSION

[Filed December 23, 2008, 10:37 a.m.]

Subject of Possible Rule Making: Repealing chapter 437-10 WAC, Bylaws, from the administrative code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.94A.850, commission's rule-making authority under chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change will allow the agency to adapt to and respond more quickly to changes.

Process for Developing New Rule: Agency initiated rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Jones, Rules Coordinator, Sentencing Guidelines Commission, P.O. Box 40927, Olympia, WA 98504-0927, phone (360) 407-1050, fax (360) 407-1043.

December 23, 2008
Jean Soliz Conklin
Executive Director

WSR 09-01-164

PREPROPOSAL STATEMENT OF INQUIRY SENTENCING GUIDELINES COMMISSION

[Filed December 23, 2008, 10:37 a.m.]

Subject of Possible Rule Making: Establishing community custody range for an offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate, pursuant to E2SHB 2712, as codified in RCW 9.94A.715.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 2712 (section 305, chapter 276, Laws of 2008) amending RCW 9.94A.715.

RCW 9.94A.850, commission's rule-making authority under chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is required by statute to propose a community custody range for an offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate.

Process for Developing New Rule: Agency initiated rule pursuant to E2SHB 2712.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Jones, Rules Coordinator, Sentencing Guidelines Commission, P.O. Box 40927, Olympia, WA 98504-0927, phone (360) 407-1050, fax (360) 407-1043.

December 23, 2008
Jean Soliz Conklin
Executive Director

WSR 09-01-165

PREPROPOSAL STATEMENT OF INQUIRY SENTENCING GUIDELINES COMMISSION

[Filed December 23, 2008, 10:37 a.m.]

Subject of Possible Rule Making: Updating and simplifying agency's public disclosure process, currently located within chapter 437-06 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.94A.850, commission's rule-making authority under chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules refer to nonex-

istent statutes, new rules will revise, update and simplify the agency's public disclosure process.

Process for Developing New Rule: Agency initiated rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Jones, Rules Coordinator, Sentencing Guidelines Commission, P.O. Box 40927, Olympia, WA 98504-0927, phone (360) 407-1050, fax (360) 407-1043.

December 23, 2008
Jean Soliz Conklin
Executive Director

WSR 09-01-184

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF EARLY LEARNING

[Filed December 24, 2008, 9:42 a.m.]

Subject of Possible Rule Making: Chapter 170-06 WAC, Department of early learning (DEL) background check rules and related chapters of Title 170 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.060, 43.215.200, 43.215.502, 43.43.-832.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DEL plans to review and may revise background check rules and related rules as appropriate to assure consistent application of requirements related to:

- (1) Crimes that disqualify a person from providing child care or having unsupervised access to children in care,
- (2) Processing of background check information,
- (3) Disqualification, reconsideration and due process,
- (4) Background checks for early learning programs contracted or regulated by DEL, and
- (5) Other revisions as needed to be consistent with current law or to clarify background check procedures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DEL plans to coordinate with the Washington state patrol and department of social and health services (DSHS) as appropriate during the rule development process.

Process for Developing New Rule: DEL will seek input from a variety of stakeholders during the rule development process, including parents, child care providers, preschools, early learning programs, the Service Employees International Union, other public and private organizations, the state patrol, DSHS and other agencies as appropriate. Preliminary rule drafts will be circulated for informal input, and the department will file proposed rules for formal public comment. Draft and proposed rules will be posted for public input at the DEL rules comment web site at <https://apps.del.wa.gov/PolicyProposalComment/Detail.aspx>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting DEL Rules Coordinator, P.O. Box

40970, Olympia, WA 98504-0970, fax (360) 413-3482, phone (360) 725-4397, e-mail Rules@del.wa.gov. Anyone interested in joining an e-mail or postal mailing list to get information and notices about these rules should contact the DEL rules coordinator at Rules@del.wa.gov or the phone number above.

December 3, 2008
Jone M. Bosworth, JD
Director

WSR 09-01-185

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF EARLY LEARNING

[Filed December 24, 2008, 9:42 a.m.]

Subject of Possible Rule Making: All chapters of Title 170 WAC, Department of early learning (DEL). Adopting a new chapter of Title 170 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.215 RCW authorizes DEL to adopt, review or revise rules: To set and administer minimum child care licensing requirement, to coordinate DEL requirements with federal law or rules, to administer the early childhood education and assistance program (ECEAP), and for other purposes.

RCW 43.43.832 requires DEL to adopt rules regarding background checks for persons authorized to work in child care and early learning programs, providers who receive state-paid child care subsidies, and for other persons associated with DEL-licensed or certified child care facilities.

RCW 34.05.220 authorizes state agencies to adopt rules regarding administrative appeal and hearing procedures.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is reviewing the law and chapters of Title 170 WAC for terms, definitions, or standards that may apply to more than one DEL program. Among the terms that DEL seeks to define are "character," "suitability," and "competence."

DEL plans to revise its rules as appropriate for clarity and consistent application. Options include amending existing DEL WAC sections, and/or adopting a new WAC chapter that includes terms, definitions or standards that may apply to more than one category of child care or early learning programs. DEL may file one or more proposed rule notices under RCW 34.05.320 to complete this rule-making process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As appropriate, the department plans to coordinate rule development with the state department of social and health services, office of the superintendent of public instruction, department of trade and economic development, department of health, and other agencies that may be identified during the rule development process. DEL will also coordinate its rules with the federal Health and Human Services Department regulations where required.

Process for Developing New Rule: DEL welcomes public participation in its rule making. The department plans to

convene a focus group representing parents, child care providers, preschool operators, Head Start programs, the Service Employees International Union, educators, other interested parties and DEL staff to gather input on definitions of "character," "suitability" and "competence," and other terms and standards that may apply across various types of child care and early learning programs. Preliminary draft rules will be circulated to interested parties for informal input and will be posted to the DEL rules comment web site. The department will file a formal proposal or proposals and take public comments before adopting final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970, phone (360) 725-4397, fax (360) 413-3482, e-mail Rules@del.wa.gov. Anyone interested in receiving notices or participating in the development of these rules may contact the DEL rules coordinator to join an e-mail or postal mailing list.

December 3, 2008

Jone M. Bosworth, JD
Director

WSR 09-01-187

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 24, 2008, 9:42 a.m.]

Subject of Possible Rule Making: Chapter 16-662 WAC, Weights and measures—National Handbooks. The department is considering adopting quality standards for vegetable oil used as motor fuel. In addition, the department is proposing to adopt the 2009 edition of NIST Handbook 44 (Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices) as required by RCW 19.94.195; the 2009 edition of NIST Handbook 130 (Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality); and the 2009 edition of NIST Handbook 133 (Checking the Net Contents of Packaged Goods).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 19.94.195 requires that the most current version of NIST Handbook 44 be adopted every year. The department also adopts the current version of NIST Handbook 130 and NIST Handbook 133 in order to maintain uniformity with other states. With the increased interest in the commercial use and potential sale of vegetable oils for use as a motor fuel it is important that the state has quality standards in place that provide guidance to manufacturers and safeguards to consumers of vegetable oils used as motor fuels.

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 stake-

holders. 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 Kirk Robinson, Weights and Measures Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1856, fax (360) 902-2094, e-mail krobinson@agr.wa.gov.

December 24, 2008

Mary A. Martin Toohey
Assistant Director

WSR 09-01-189

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed December 24, 2008, 10:04 a.m.]

Subject of Possible Rule Making: The university's parking rules for the WSU Vancouver campus are being updated, including the following change, amending WAC 504-19-930 Bicycles, skateboards, and roller blades/skates.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The university's rules regarding the riding and use of bicycles at the WSU Vancouver campus are being updated in accordance with RCW 46.61-755(2).

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, and e-mail jenks@wsu.edu. A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

December 22, 2008

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

