

WSR 09-03-002
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Division of Consumer Services)

[Filed January 7, 2009, 2:01 p.m.]

Subject of Possible Rule Making: Amending the rules (chapter 208-660 WAC) under the Mortgage Broker Practices Act (chapter 19.146 RCW) to implement the brief adjudicative proceedings (BAP) process (chapter 34.05 RCW) for more categories of department actions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.320 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The BAP process is an alternative process under the Administrative Procedure Act (APA) for appealing agency actions. The BAP process is currently available to loan originators on licensing decisions. This rule making would allow the BAP process for more categories of agency actions.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elizabeth Stancil, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8786, estancil@dfi.wa.gov, DFI web site (www.dfi.wa.gov), ListServ subscription.

January 7, 2009
 Deborah Bortner, Director
 Division of Consumer Services

WSR 09-03-017
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed January 9, 2009, 12:45 p.m.]

Subject of Possible Rule Making: Amusement games.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Staff proposes allowing a nonprofit family sporting complex as an authorized location for amusement games. Currently, amusement games are allowed at commercial family sporting complexes and not charitable or nonprofit family sporting complexes.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] February 13, 2009, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-5165; and on March 13 and April 10, 2009, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000.

January 9, 2009
 Susan Arland
 Rules Coordinator

WSR 09-03-034
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 12, 2009, 2:22 p.m.]

Subject of Possible Rule Making: Changes to Washington department of fish and wildlife's (WDFW) recreational salmon sport fishing rules, Columbia River commercial salmon fishing rules, coastal commercial salmon fishing rules, and Puget Sound commercial salmon fishing rules, resulting from North of Falcon recommendations.

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

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

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Long, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2733, fax (360) 902-2158, e-mail at John.Long@dfw.wa.gov. Contact by March 1, 2009. Expected proposal filing on or after April 1, 2009.

January 12, 2009
 Loreva M. Preuss
 Rules Coordinator

WSR 09-03-037
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed January 12, 2009, 3:55 p.m.]

Subject of Possible Rule Making: Chapter 308-13 WAC, Board registration for landscape architects.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.96.060 Board—Rules—Quorum—Hearings.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing rules will be reviewed in accordance with the Governor's Executive Order 06-02 regarding regulatory improvement.

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 Sherri Lonsbery, Department of Licensing, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 664-1576, fax (360) 570-7098, e-mail landscape@dol.wa.gov. Persons may comment by mail, fax, phone, or e-mail. Draft language of any changes will be sent to persons on the board's listserv and mailing list.

January 6, 2009
Joe Vincent, Jr.
Administrator

WSR 09-03-044

PREPROPOSAL STATEMENT OF INQUIRY BOARD OF ACCOUNTANCY

[Filed January 13, 2009, 7:38 a.m.]

Subject of Possible Rule Making: WAC 4-25-530 Fees. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.105(3), 18.04.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Prometric provides the testing centers used to administer the computer based CPA exam. Prometric notified the board of a forthcoming fee increase to administer the exam. The board must therefore increase the fees it charges to exam applicants to adequately pay all examination costs.

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 Richard C. Sweeney, CPA, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 586-0163, fax (360) 664-9190, e-mail cheryls@cpaboard.wa.gov.

January 12, 2009
Richard C. Sweeney
Executive Director

WSR 09-03-051

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed January 13, 2009, 11:23 a.m.]

Subject of Possible Rule Making: Addition to chapter 392-122 WAC, Finance—Categorical apportionment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1), 28A.150.315, section 511 (14), chapter 329, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will outline the apportionment process for full-day kindergarten, provide rules for determining eligibility, the methodology for applying for funding, and a set of definitions for terms used in the full-day kindergarten program.

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 Mitch Thompson, OSPI Enrollment Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, main (360) 725-6306, fax (360) 664-3683.

January 13, 2009
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 09-03-064

PREPROPOSAL STATEMENT OF INQUIRY ENERGY FACILITY SITE EVALUATION COUNCIL

[Filed January 14, 2009, 2:12 p.m.]

Subject of Possible Rule Making: This rule making proposes to amend chapter 463-62 WAC, Construction and operation standards for energy facilities. The energy facility site evaluation council (EFSEC) proposes to develop construction and operation standards that would apply some, if not all alternative energy resources as defined in RCW 80.50.020 (18).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.50.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 463-62 WAC does not address certain subjects that pertain to some alternative energy resources. For wind power projects, EFSEC has needed to develop criteria for turbine placement (setbacks from property lines, residential building, and other structures); lighting; avian monitoring, and other issues on a case-by-case basis. Other alternative energy resources such as wave and tidal, solar, and geothermal may also have particular construction and operational issues that could also be addressed by rules. Developing standards for some or all of these subjects would help alleviate the case-by-case determinations by EFSEC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Energy Regulatory Commission, the Federal Aviation Administration (wind turbine lighting); the departments of ecology, fish and wildlife, archeology and historic preservation.

Process for Developing New Rule: The proposed rule will be drafted and reviewed by a stakeholder group and internally by EFSEC staff. The public will have the opportunity to comment on the proposed rule. At least one public hearing will be held and the proposed amendments will be posted on the agency web site and provided to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen Fiksdal, EFSEC, P.O. Box 43172, Olympia, WA 98504-3172, phone (360) 956-2152, fax (360) 956-2158, allenf@cted.wa.gov; or accessing the EFSEC web site <http://efsec.wa.gov/rulerev.shtml>.

January 14, 2009
Allen J. Fiksdal
Manager

WSR 09-03-067
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)

[Filed January 14, 2009, 3:55 p.m.]

The health and recovery services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 05-02-065 on January 4, 2005 (chapter 388-800 WAC, Chemical dependency assistance programs).

Stephanie E. Schiller
Rules Coordinator

WSR 09-03-075
PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION COMMISSION

[Filed January 15, 2009, 1:03 p.m.]

Subject of Possible Rule Making: Toll rate setting.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state transportation commission is charged with the setting of toll rates for the Tacoma Narrows Bridge. The commission will consider toll rate recommendations from the Tacoma Narrows Bridge Citizen Advisory Committee, along with public comments, in making a final determination on the need to adjust toll rates or to modify the current rule language to extend current toll rates beyond June 30, 2009.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Neff, Administrative Assistant Toll Operations, Washington State Department of Transportation, Tolling Operations, 3214 50th Street Court N.W., Suite 302, Gig Harbor, WA 98335-8583, e-mail Neffs@wsdot.wa.gov, phone (253) 534-4641, fax (253) 534-4679.

January 15, 2009
Reema Griffith
Executive Director

WSR 09-03-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)

[Filed January 21, 2009, 7:16 a.m.]

Subject of Possible Rule Making: WAC 388-865-0405 Competency requirements for staff, 388-865-0452 Emergency crisis intervention services—Additional standards, 388-865-0456 Case management services—Additional standards, 388-865-0466 Community support outpatient certification—Additional standards, 388-865-0468 Emergency crisis intervention services certification—Additional standards, and possibly other WAC sections related to this change.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.05.560, 71.05.700, 71.05.705, 71.05.710, 71.05.715, 71.05.720, and 71.24.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislation passed in 2007 established certain safety requirements for mental health professionals who conduct home visits to stabilize persons in crisis. The purpose of this rule-making action is to codify those requirements.

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

Process for Developing New Rule: 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.

January 20, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-03-099
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)

[Filed January 21, 2009, 7:31 a.m.]

Subject of Possible Rule Making: The department is repealing WAC 388-546-5500 Modifications of privately owned vehicles.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HRSA is undertaking this rule-making action to amend chapter 388-546 WAC. Due to budget constraints, the department is repealing WAC 388-546-5500 Modifications of privately owned vehicles.

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 Jonell O. Blatt, Rules Program Manager, Health and Recovery Services Administration, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1571, fax (360) 586-9727, TTY 1-800-848-5429, e-mail blattj@dshs.wa.gov.

January 20, 2009
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-03-105
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2009-02—Filed January 21, 2009,
 8:17 a.m.]

Subject of Possible Rule Making: Requirements for electronic signatures.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Many insurers transact business with insureds and the office of the commissioner electronically. The office of the insurance commissioner's current rules require that electronic or digital signatures use public key technology issued through the secretary of state and department of information systems as set forth in chapter 19.34 RCW et seq. The commissioner will consider options to permit additional types of electronic signatures that meet specified security performance criteria in compliance with a

federal law enacted in 2000 (15 U.S.C. 96) or with chapter 19.34 RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Electronic Signature Act establishes legal equivalence between pen and ink signatures, and contracts on paper and their electronic or digital counterparts, 15 U.S.C. 96, section 1006(5) defines electronic signature; 15 U.S.C. 96, section 7001(i) defines standards for an electronic signature to constitute consent in writing, including for purposes of insurance, and contains a preemption clause for state laws that conflict with the act. No coordination is necessary.

Process for Developing New Rule: Submit written comments by March 11, 2009, to Kacy Scott, P.O. Box 40260, Olympia, WA 98504-0269, 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 40260, Olympia, WA 98504-0269, e-mail kacys@oic.wa.gov, fax (360) 586-3109.

January 21, 2009
 Mike Kreidler
 Insurance Commissioner

WSR 09-03-108
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Dental Quality Assurance Commission)

[Filed January 21, 2009, 9:44 a.m.]

Subject of Possible Rule Making: WAC 246-817-XXX, creating a new section to establish an inactive dentist license status.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365 and 18.32.185.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 18.32.185 allows dentists to obtain an inactive license status. The commission must define how to obtain an inactive dentist license and establish renewal requirements of an inactive dentist license, and the requirements to return to active status. There has been a high volume of calls from practitioners asking for a licensing status alternative. The commission decided to write rules to allow for an inactive license status in response to practitioner concerns.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Santiago, Department of Health, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4893, fax (360) 664-9077. Notice will be e-mailed to the dental commission's interested parties list (listserv) and to Washing-

ton State Dental Association and Washington State Dental Hygienists™ Association. The commission has established a committee of commission members to draft proposed rules. Stakeholders will be invited to rules drafting workshops.

January 16, 2009

Jennifer Santiago

Program Manager

Dental Quality

Assurance Commission