WSR 09-06-007 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed February 19, 2009, 8:16 a.m.]

Subject of Possible Rule Making: Pilot/escort vehicle requirements exclusively for manufactured homes, revision of WAC 468-38-120.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revising the pilot escort vehicle requirements for manufactured homes will make these types of movements more efficient and reduce the number of vehicles required when moving a manufactured home.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Highway Administration (FHWA) and the Washington state patrol (WSP).

FHWA is used as a compliance resource during rule development. WSP has a primary review an [and] document role during rule development.

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 Jim Wright, Commercial Vehicle Services, Department of Transportation, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 704-6345, fax (360) 704-6350, e-mail wrightji@wsdot.wa.gov.

February 19, 2009 Stephen T. Reinmuth Chief of Staff

WSR 09-06-025 PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed February 23, 2009, 4:52 p.m.]

Subject of Possible Rule Making: Pull-tab games.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change requesting changes to rules relating to progressive pull-tab games.

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] March 13 and April 10, 2009, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on May 15, 2009, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701.

February 23, 2009 Susan Arland Rules Coordinator

WSR 09-06-039 PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed February 25, 2009, 9:32 a.m.]

Subject of Possible Rule Making: Definition of enrolled student, WAC 392-121-106.

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: There has come into question conflicts between WAC 392-121-108(1) allowing for twenty days of absence and WAC 392-121-106(4) which states that a student cannot be counted if they haven't attended within the first four days of the current school term. The conflict arises within the second school term where the student may not have been absent for twenty days, but WAC 392-121-106(4) prohibits the district from counting the student. This simply changes the wording to say current school year rather than current school term which would then allow for the district to exercise the twenty day absence rule.

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, (360) 725-6306.

February 5, 2009 Randy I. Dorn Superintendent of Public Instruction

WSR 09-06-044 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed February 25, 2009, 11:51 a.m.]

Subject of Possible Rule Making: Cougar hunting seasons; recreational license dealer fees; game reserves and waterfowl closure areas; falconry regulations.

[1] Preproposal

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.040, 77.12.010.

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: The United States Fish and Wildlife Service (USFWS) have regulating authority for falconry under the Migratory Bird Treaty Act. They are delegating some of this authority to the states. Hence, the need for change in state regulations.

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.

> February 25, 2009 Loreva M. Preuss Rules Coordinator

WSR 09-06-056 PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed February 26, 2009, 1:57 p.m.]

Subject of Possible Rule Making: The university's rules regarding the small works roster are being updated, including the following changes, amending WAC 504-50-050, 504-50-060, 504-50-070, and 504-50-080.

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 small works roster are being updated to comply with RCW 39.04.155 and chapter 236-28 WAC.

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

Process for Developing New Rule: 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.

February 26, 2009 Ralph T. Jenks, Director Office of Procedures, Records, and Forms and the University Rules Coordinator

WSR 09-06-065 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed March 2, 2009, 9:04 a.m.]

Subject of Possible Rule Making: Update to chapter 130-20 WAC, Motion picture competitiveness program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.365 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update chapter 130-20 WAC to conform to legislative changes being considered during the 2009 session.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Trimarco, Managing Director, Community, Trade and Economic Development, Washington State Film Office, 2001 Sixth Avenue, Suite 2600, Seattle, WA 98121-2895, office (206) 256-6146, fax (206) 256-6158, maryt@cted.wa.gov.

September 16, 2008
Marie Sullivan
Director of
Government Relations

WSR 09-06-067 WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed March 2, 2009, 3:28 p.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the department of retirement systems requests to withdraw the following four preproposal statements of inquiry (CR-101): WSR 02-05-037 filed on February 13, 2002; WSR 03-07-062 filed on March 14, 2003; WSR 04-01-009 filed on December 4, 2004; and WSR 06-02-064 filed on January 3, 2006.

Sarah White Rules Coordinator

WSR 09-06-074 PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Order 09-01—Filed March 3, 2009, 9:06 a.m.]

Subject of Possible Rule Making: Amending WAC 182-25-090 (7)(a)(v) to clarify the process of disenrollment from the basic health program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the process by which an enrollee in the basic health program may be disenrolled from the program upon failure to comply with the

Preproposal [2]

recertification process. The process is provided in WAC 182-25-090 (7)(a)(v).

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

Process for Developing New Rule: Meetings with stakeholders, stakeholder mailings, collection and review of stakeholder comments, and public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alyson Chase, Basic Health Communications Manager, P.O. Box 42683, Olympia, WA 98504-2683, phone (360) 923-2765, e-mail alyson.chase@hca. wa.gov. Information regarding this rule making will be posted on the agency web site at http://www.hca.wa.gov/laws/.

March 3, 2009 Jason Siems Rules Coordinator

WSR 09-06-075 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed March 3, 2009, 10:25 a.m.]

Subject of Possible Rule Making: Chapter 220-52 WAC, Commercial crab gear and other fishing gear.

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 may implement a program to recover and administer the disposition of abandoned commercial crab gear and other fishing gear. New rules would be needed for this, and other rules may have to be amended to reflect the program.

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 Lori.preuss@dfw. wa.gov. Contact by April 1, 2009. Expected proposal filing on or after April 22, 2009.

March 3, 2009 Loreva M. Preuss Rules Coordinator

WSR 09-06-076 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed March 3, 2009, 10:46 a.m.]

Subject of Possible Rule Making: Chapter 220-16 WAC, Definitions.

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: Commercial fisheries in the Columbia River are primarily conducted under emergency rules and adopted by the Columbia River compact. The proposal defines a type of net that has been used in managing the fishery under emergency rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Oregon and Washington departments of fish and wildlife have developed reciprocal rules for fishers on the concurrent waters of the Columbia River. This rule proposal will mirror Oregon's for definition of unslackened net and slackers

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 preusImp@dfw. wa.gov. Contact by June 23, 2008 [2009]. Expected proposal filing on or after July 2, 2008 [2009].

May 2, 2008 [2009] Loreva M. Preuss Rules Coordinator

WSR 09-06-077 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed March 3, 2009, 10:47 a.m.]

Subject of Possible Rule Making: WAC 220-32-057 Seasons—Sturgeon and 220-20-020(1) General provisions—Lawful and unlawful acts—Food fish other than salmon.

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 Columbia River compact adopted new measurement criteria for white sturgeon, based on fork length versus total length. The size limits in the WAC need to reflect the new criteria.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Oregon and Washington departments of fish and wildlife have developed reciprocal rules for fishers on the concurrent waters of the Columbia River. This rule proposal will mirror Oregon's for the definition of the legal size limit for white sturgeon in the Columbia River.

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 Lori.preuss@dfw.wa.

[3] Preproposal

gov. Contact by April 1, 2009. Expected proposal filing on or after April 22, 2009.

March 3, 2009 Loreva M. Preuss Rules Coordinator

WSR 09-06-078 PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 3, 2009, 11:06 a.m.]

Subject of Possible Rule Making: Amending WAC 180-51-066 Minimum requirements for high school graduation—Students entering the ninth grade on or after July 1, 2009, to provide for the required mathematic courses a student must take to graduate from high school in the circumstance where a student has completed high school equivalent mathematic courses prior to high school meeting the criteria in RCW 28A.230.090(4) but does not request high school credit for the course.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It has been brought to the attention of the Washington state board of education that a student may take a mathematics course before attending high school meeting the criteria set forth in RCW 28A.230.090(4) but elect not to be given high school credit for the course as authorized in the statute. The current version of WAC 180-51-066 requires a student in this situation to repeat the course for credit in high school. Amending WAC 180-51-066 to allow for such a student to take another prescribed mathematics course would eliminate this requirement.

Process for Developing New Rule: The state board of education will hold a public hearing as required by chapter 34.05 RCW soliciting input from stakeholders and other members of the public regarding revisions to the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad Burnham, Washington State Board of Education, Old Capitol Building, P.O. Box 47206, Olympia, WA 98504, e-mail sbe@k12.wa.us, phone (360) 725-6029, fax (360) 586-2357.

March 3, 2009 Edith W. Harding Executive Director

WSR 09-06-080 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)
[Filed March 3, 2009, 11:15 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-554 WAC, Enteral nutrition program.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to the enteral nutrition program are required due to shortfalls in anticipated budget revenues.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY (800) 848-5429, e-mail boediwl@dshs.wa.gov.

February 25, 2009 Stephanie E. Schiller Rules Coordinator

WSR 09-06-081 WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration) [Filed March 3, 2009, 11:17 a.m.]

The aging and disabilities services administration requests the withdrawal of the preproposal statements of inquiry filed as WSR 06-24-112 on December 6, 2006 (chapter 388-96 WAC); WSR 07-05-024 on February 13, 2007 (chapter 388-96 WAC); WSR 08-03-072 on January 14, 2008 (chapter 388-97 WAC); and WSR 06-16-124 on August 1, 2006 (chapter 388-96 WAC).

Stephanie E. Schiller Rules Coordinator

WSR 09-06-082 WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration) [Filed March 3, 2009, 11:19 a.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 07-14-099 filed on June 30, 2007 (WAC 388-450-0162).

Stephanie E. Schiller Rules Coordinator

Preproposal [4]

WSR 09-06-084 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration) [Filed March 3, 2009, 2:34 p.m.]

Subject of Possible Rule Making: The department plans to amend WAC 388-410-0025, 388-412-0015, 388-444-0030, 388-478-0060 and related rules to reflect federal requirements for the supplemental nutrition assistance program (SNAP) related to eligibility and benefit level for the Basic Food and WASHCAP programs and implement provisions of the American Recovery and Reinvestment Act of 2009.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120, and 74.08A.903.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department intends to amend rules related to countable income, excluded income, and allowable income deductions for the purpose of determining eligibility and benefit level for the Washington state combined application program (WASHCAP), the Washington Basic Food program (Basic Food), and other assistance programs.

The amendments will implement requirements under the American Recovery and Reinvestment Act of 2009 and will be consistent with the requirements of the Food and Nutrition Act of 2008, regulations under Title 7 of the Code of Federal Regulations, and administrative notices published by the United States Department of Agriculture, Food and Nutrition Service related to the supplemental nutrition assistance program (SNAP) or food stamp program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Congress authorized the SNAP under the Food and Nutrition Act of 2008. Prior to October 1, 2008, SNAP was known as the food stamp program. On February 17, 2009, the American Recovery and Reinvestment Act of 2009 was signed into law. This law makes changes to SNAP eligibility and benefit level for households in Washington receiving benefits under the Basic Food and WASHCAP programs.

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

The state legislature authorizes the department to administer the food stamp program and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.04.510.

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

proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Camp, Lead Policy Analyst, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4616, fax (360) 725-4905, e-mail campix@dshs.wa.gov.

March 3, 2009 Stephanie E. Schiller Rules Coordinator

WSR 09-06-085 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)
[Filed March 3, 2009, 2:34 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits? and 388-492-0070 How are my WASHCAP food benefits calculated?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to amend rules in chapter 388-492 WAC to implement changes necessary to meet cost neutrality requirements between the Washington state combined application project (WASHCAP) and the supplemental nutrition assistance program as specified in the approved WASHCAP demonstration project waiver.

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 2008 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-

[5] Preproposal

5470, phone (360) 725-4580, fax (360) 725-4905, e-mail winsldg@dshs.wa.gov.

March 3, 2009 Stephanie E. Schiller Rules Coordinator

WSR 09-06-087 WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration) [Filed March 3, 2009, 2:49 p.m.]

The health and recovery services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 08-13-003 on June 5, 2008 (chapter 388-541 WAC).

Stephanie E. Schiller Rules Coordinator

WSR 09-06-091 PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed March 4, 2009, 11:18 a.m.]

Subject of Possible Rule Making: The board has adopted rules regarding violations and penalties. This rule making is to clarify language in WAC 314-29-010.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current language needs to be clarified to eliminate licensee confusion, increased administrative costs, and a lack of adherence to due process timelines.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

March 4, 2009 Lorraine Lee Chairman

Preproposal [6]