

WSR 09-10-009
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed April 23, 2009, 4:09 p.m.]

Subject of Possible Rule Making: Chapter 170-151 WAC, School age child care center minimum licensing requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.200 directs the department of early learning (DEL) to adopt rules setting the minimum requirements for child care agencies licensed by DEL. RCW 43.215.200 and 43.215.502 direct DEL to review its child care licensing regulations in consultation with affected groups.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DEL plans to complete a comprehensive revision of the school age child care licensing WAC chapter. Chapter 388-151 WAC was transferred from the department of social and health services (DSHS) to DEL chapter 170-151 WAC in 2006 under chapter 265, Laws of 2006. The last thorough revision of this chapter was done in 1997. In 2008 DEL made technical updates to chapter 170-151 WAC and revised sections related to background checks. This WAC chapter needs a thorough review to make school age child care rules consistent with current child care regulatory standards. DEL may create a new WAC chapter to replace chapter 170-151 WAC in this process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As appropriate, DEL will coordinate rule development with the state department of health, office of the superintendent of public instruction, DSHS, school districts, tribes and other state or local agencies that may have an interest in these rules.

Process for Developing New Rule: DEL plans to contract with a nongovernmental organization to review the current rules; gather stakeholder input on suggested changes; research other states' child care laws, rules, literature and best practice; discuss alternative requirements, and deliver to DEL a comprehensive set of recommendations for revising chapter 170-151 WAC. Meetings to take input or deliberate recommendations will be open to the public. The contractor's process is projected to be finished by autumn of 2010. DEL will use the contractor's recommendations and other public input when writing the preliminary draft and formally proposed rules. DEL will circulate the draft and proposed rules for public input. When the formal proposal is filed, DEL will hold public hearings and take written comments before adopting final revisions to chapter 170-151 WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. During the rule review stage, the contracted - School's Out Washington (SOWA) - will be responsible for making information available about the rule review process. For questions or to join SOWA's e-mail or postal mail lists, please e-mail sginn@schoolsoutwashington.org, phone (206) 323-2396, or mail to SOWA, 801 23rd Avenue South, Suite A, Seattle, WA 98144.

DEL is responsible for distributing rule-making notices as well as official draft, proposed and permanent rules. To get more information about the rule-making process, or to join DEL's rules mailing lists, e-mail Rules@del.wa.gov, phone (360) 725-4397, write to the DEL Rules Coordinator, P.O. Box 40970, Olympia, WA 98504-0970. Information about this rule process will be posted on the DEL web site at <http://www.del.wa.gov/>.

April 23, 2009
 Elizabeth M. Hyde
 Director

WSR 09-10-014
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed April 24, 2009, 11:17 a.m.]

Subject of Possible Rule Making: WAC 16-470-300 through 16-470-340, onion white rot disease. The department is proposing to revise the current onion white rot disease rule by adding Benton County to the existing pest-free area. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to revise the current onion white rot rule by adding Benton County to the existing pest-free area. Onion white rot is a potentially devastating disease of onions and closely related species. It can cause greatly decreased yields and reduced storage quality. Once a field is infested the disease remains indefinitely in the soil. A quarantine was established in the 1980's to prevent the introduction and spread of the disease within the production areas of Washington state where onion white rot does not occur. The affected growers have requested amending the rule to add Benton County to the existing pest-free area to protect onion and seed garlic production in that county.

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

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

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

ment of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

April 24, 2009
Mary A. Martin Toohey
Assistant Director

WSR 09-10-015
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
[Filed April 24, 2009, 11:29 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-546-0001 through 388-546-4000, emergency transportation services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.057, 74.08.090, and 74.09.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Establish new rules to inform and educate providers regarding ambulance program policies not currently addressed or sufficiently explained in chapter 388-546 WAC and billing instructions (e.g., use of ambulance transportation for mental health services). Modify policy and/or clarify ambiguities in existing rule. Correct an RCW citation in WAC 388-546-0450.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, Health and Recovery Services Administration, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

April 24, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-10-018
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed April 27, 2009, 2:39 p.m.]

The department wishes to withdraw preproposal statement of inquiry WSR 09-07-097 filed March 18, 2009. The department does not intend to amend the rules in this chapter at this time.

Deborah Bortner, Director
Division of Consumer Services

WSR 09-10-025
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed April 28, 2009, 1:46 p.m.]

Subject of Possible Rule Making: Updating and creating new WACs to reflect 2009 legislation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.020 and chapter 77.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2009 legislature passed SHB 1778 and other bills relating to fish and wildlife. The Washington department of fish and wildlife (WDFW) needs to amend many WACs and create new WACs to reflect the substance of these bills.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The list of WACs that need amending is extensive. WDFW also must create new WACs. It is difficult to determine at this time the specific agencies with whom WDFW will coordinate to complete this project, but they may include the Oregon department of fish and wildlife, National Marine Fisheries Service, Bureau of Indian Affairs, Washington department of health, Washington department of natural resources, Washington department of agriculture, and Washington department of ecology.

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 June 23, 2009. Expected proposal filing on or after July 1, 2009.

April 28, 2009
Lori Preuss
Rules Coordinator

WSR 09-10-034**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed April 29, 2009, 4:18 p.m.]

Subject of Possible Rule Making: Chapter 16-752 WAC, Noxious weed control, the department is considering adding additional species to the wetland and aquatic weed quarantine and the noxious weed seed and plant quarantine, revising permit requirements for educational or training materials, and adding language regarding botanical synonyms. In addition, the department may amend the existing language to increase its clarity and readability, remove obsolete definitions, and update the language to conform to current industry and regulatory standards.

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

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

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

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

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

April 29, 2009

Mary A. Martin Toohey
Assistant Director**WSR 09-10-037****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed April 30, 2009, 9:05 a.m.]

Subject of Possible Rule Making: Chapter 16-662 WAC, Weights and measures—National handbooks. The department is considering adopting:

(1) Modifications to the multi-tier pricing requirements specified in the National Institute of Standards and Technology (NIST) Handbook 44 relative to motor fuels;

(2) Modifications to the retail dispenser labeling requirements relative to lower blends of biodiesel specified in NIST Handbook 130;

(3) 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; and

(4) The 2009 edition of NIST Handbook 130 (Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 19.94, 19.112, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Multi-tier pricing of motor fuels means the fuel is offered for sale at more than one unit price, depending on the payment method the consumer uses. The requirements for multi-tier pricing of motor fuels are outlined in NIST Handbook 44. These requirements no longer meet the needs of retail fuel establishments in this state. The department is considering adopting new modifications to NIST Handbook 44 that would allow fuel retailers and customers more flexibility in method of payment.

RCW 19.112.020 requires fuel pumps offering biodiesel to be labeled with the blend percentage. The department adopts the requirements outlined in NIST Handbook 130 regarding labeling. The department is considering adopting new modifications to NIST Handbook 130, in order for the rule to comply with state law relative to lower percentage blends of biodiesel.

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 Handbooks 130 and 133 in order to maintain uniformity with other states. The currently adopted edition (January 2005) of NIST Handbook 133 (Checking the Net Contents of Packaged Goods) remains the most current.

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

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

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

April 29, 2009
Mary A. Martin Toohey
Assistant Director

mail nkoptur@dshs.wa.gov, Toll-free 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

May 1, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-10-046

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed May 1, 2009, 8:51 a.m.]

Subject of Possible Rule Making: New sections and/or amendments in chapter 388-14A WAC, to implement chapter 84, Laws of 2009 (ESHB 1794), with an effective date of October 1, 2009. ESHB 1794 makes changes to chapter 26.19 RCW, the Washington state child support schedule based on recommendations of the 2007 child support schedule workgroup which was convened under chapter 313, Laws of 2007 (2SHB 1009).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 5, chapter 84, Laws of 2009 (ESHB 1794) and RCW 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 84, Laws of 2009 (ESHB 1794), with an effective date of October 1, 2009, makes changes to the Washington state child support schedule, in chapter 26.19 RCW. These changes affect the calculation of child support obligations. DCS must amend existing sections or adopt new sections in chapter 388-14A WAC to conform with the new statutory requirements.

Process for Developing New Rule: Division of child support (DCS) engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS/DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <http://www.dshs.wa.gov/dcs/>, or on the DSHS economic services administration's policy review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy. It is possible, though not definite, that DCS might be required to adopt emergency rules in order to meet the effective date of October 1, 2009. In that case, the regular rule-making process will continue so that DCS may adopt final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-

WSR 09-10-048

**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY**

[Filed May 1, 2009, 10:12 a.m.]

Subject of Possible Rule Making: The university's rules regarding the small works roster are being updated, including the following changes, amending WAC 504-50-010 and 504-50-020.

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.

May 1, 2009
Ralph T. Jenks, Director
Office of Procedures, Records, and Forms
and the University Rules Coordinator

WSR 09-10-053

**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)**

[Order 09-02—Filed May 4, 2009, 8:32 a.m.]

Subject of Possible Rule Making: The public employee's benefits board (PEBB) rules related to enrollment in chapter 182-08 WAC; eligibility in chapter 182-12 WAC; and appeals in chapter 182-16 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The main purpose of this rule making is to amend PEBB rules in Title 182 WAC and adopt new rules to:

1. Implement provisions of ESHB 2245 affecting employee eligibility.
2. Implement PEBB policy clarifying dependent eligibility and enrollment requirements.
3. Amend rules to align with federal laws, including Michelle's law and the various economic stimulus bills.
4. Implement state legislation.
5. Allow members a maximum of twelve months following the birth or adoption of a child to provide information necessary for the health care authority (HCA) to provide health care coverage to newborn and newly adopted children back to the date of birth.
6. Define eligibility criteria for domestic partners.
7. Clarify language regarding special open enrollment events.
8. Clarify options for continuing coverage for employees when they are no longer eligible for PEBB insurance coverage paid for by their employer.

In addition to these specific subject areas, HCA will conduct a full review of PEBB rules in these chapters, make necessary technical corrections, and make necessary amendments that effectuate legislative action and PEBB policy.

Process for Developing New Rule: Stakeholder mailing and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals wishing to receive PEBB rule-making notices are encouraged to join our LISTSERV, PEBB-RULE-MAKING-NOTICE, via this link <http://listserv.wa.gov/archives/pebb-rule-making-notice.html> or by logging on to listserv.wa.gov and selecting our LISTSERV from the Public E-mail List.

If you have questions about this rule making, contact Barbara Scott at (360) 923-2642 or Matthew Albright at (360) 923-2629 or the Health Care Authority, P.O. Box 42684, Olympia, WA 98504-2684, Barbara.scott@hca.wa.gov, Matthew.Albright@hca.wa.gov.

May 4, 2009
Jason Siems
Rules Coordinator

WSR 09-10-055
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed May 4, 2009, 8:50 a.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-406-0005 Can I apply for cash, medical or Basic Food?, 388-406-0035 How long does the department have to process my application?, and 388-406-0045 Is there a good reason my application for cash or medical assistance has not been processed?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.060, 74.04.050, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will propose

amendments in order to comply with the statutory changes made to RCW 74.08.060 by the enactment of SSB 6024 (chapter 198, Laws of 2009). The effective date of the legislation is November 1, 2009.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The community services division will be coordinating and reviewing proposed drafts with the health and recovery services administration (HRSA).

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 Melissa Mathson, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4563, fax (360) 725-4905, e-mail mathsmc@dshs.wa.gov.

May 4, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-10-056
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed May 4, 2009, 8:57 a.m.]

Subject of Possible Rule Making: The department will amend all necessary sections in Title 388 WAC to implement annual adjustments to standards for the Washington combined application program (WASHCAP) and the Washington Basic Food program. Changes include updates to the following standards for federal fiscal year 2009: Income standard, maximum allotment, maximum shelter deduction standard, standard deduction, standard utility allowances, WASHCAP shelter cost standard, and WASHCAP opt-out standard.

These changes include amendments to WAC 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food?, 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food?, 388-450-0195 Utility allowances for Basic Food programs, 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food? and 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?; and any related rules.

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: These standards are required by federal regulations and approved department waivers. These standards must be adjusted annually in order to deter-

mine a client's eligibility and benefit level for WASHCAP or the Washington Basic Food program.

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) annually adjust income and payment standards, the standard deduction, and maximum shelter deductions for the upcoming federal fiscal year. FNS also requires that the department adjust the food stamp utility allowance and WASHCAP standards on an annual basis. DSHS adopts the new FNS standards into administrative rule. The department adjusts WASHCAP standards as required under the department's approved waiver based on changes to the consumer price index.

The department will develop a proposed standard utility allowance for Basic Food using a survey of utility expenses in the state, information on heating costs for low-income households, and submitting proposed standards to FNS for approval. The standards approved by FNS will be adopted by the department for use in determining monthly benefits for Basic Food and WASHCAP.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Camp, Policy Analyst, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4616, fax (360) 493-3493, e-mail campjx@dshs.wa.gov.

May 4, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-10-057

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed May 4, 2009, 9:49 a.m.]

Subject of Possible Rule Making: Chapter 16-662 WAC, Weights and measures—National Handbooks, the department is considering adopting standards for entrained water in motor fuels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 19.112 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Water entrained in gasoline-alcohol blend motor fuels poses serious problems for engines. Entrained water in motor fuels means water that is suspended within the motor fuel. Different types of motor fuels react differently to contact with water. Gasoline-alcohol blends absorb more water than conventional gasoline and the water becomes suspended throughout the fuel. With conventional gasoline the water normally remains in the bottom of fuel

storage tanks. In order to respond to higher entrained water levels in gasoline-alcohol blends, the department may adopt standards that motor fuels must meet for levels of entrained water.

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

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

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

May 4, 2009

Mary A. Martin Toohey
Assistant Director

WSR 09-10-060

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 4, 2009, 11:41 a.m.]

Subject of Possible Rule Making: Chapter 392-143 WAC, Transportation—Specifications for school buses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Modifying the definition of a school bus to allow multi-function school activity buses (and related changes) and clarification of the definition of additional school district specifications.

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 Allan J. Jones, Director, Pupil Transportation and Traffic Safety Education, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, fax (360) 586-6124.

May 4, 2009

Randy I. Dorn
Superintendent of
Public Instruction

WSR 09-10-061
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Division of Consumer Services)

[Filed May 4, 2009, 11:40 a.m.]

Subject of Possible Rule Making: Amending the rules (chapter 208-660 WAC) under the Mortgage Broker Practices Act (MBPA) (chapter 19.146 RCW).

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: It is anticipated that the rules will have to be amended to implement SHB 1749 as passed by the legislature. The rules would implement those amendments to the act necessary to comply with the federal SAFE act and would otherwise amend the rules generally for clarity and consistency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal SAFE act is regulated by HUD. HUD has not promulgated rules to implement the act but has coordinated the amendments to the various acts in the states through the Conference of State Bank Supervisors (CSBS). If HUD promulgates rules implementing the SAFE act, the rules under the MBPA will be amended if necessary.

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, web site www.dfi.wa.gov, ListServ subscription.

May 4, 2009
 Deborah Bortner, Director
 Division of Consumer Services

WSR 09-10-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Division of Consumer Services)

[Filed May 4, 2009, 4:46 p.m.]

Subject of Possible Rule Making: Amending the rules (chapter 208-620 WAC) under the Consumer Loan Act (CLA) (chapter 31.04 RCW).

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: It is anticipated that the rules will have to be amended to implement chapters 120 and 149, Laws of 2009, and SSB 5468 as passed by the legislature. The rules would implement those amendments to the act necessary to comply with the federal SAFE act and would otherwise amend the rules to implement other amendments to the act, and generally amend the rules for clarity and consistency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal SAFE act is regulated by HUD. HUD has not promulgated rules to implement the act but has coordinated the amendments to the various acts in the states through the Conference of State Bank Supervisors (CSBS). If HUD promulgates rules implementing the SAFE act, the rules under the CLA will be amended if necessary.

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, web site www.dfi.wa.gov, ListServ subscription.

May 4, 2009
 Deborah Bortner, Director
 Division of Consumer Services

WSR 09-10-066
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Division of Consumer Services)

[Filed May 4, 2009, 4:51 p.m.]

Subject of Possible Rule Making: Amending the rules (chapter 208-630 WAC) under the Check Cashers and Sellers Act (chapter 31.45 RCW).

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: It is anticipated that the rules will have to be amended to implement chapter 13, Laws of 2009, ESHB 1709, or other Laws of 2009. The rules would implement the amendments to the act, and generally amend the rules for clarity and consistency.

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, web site www.dfi.wa.gov, ListServ subscription.

May 4, 2009
 Deborah Bortner, Director
 Division of Consumer Services

WSR 09-10-068
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed May 5, 2009, 9:11 a.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs—Higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 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: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meetings are open to the public and regularly scheduled. The calendar of meetings is announced on the web site at www.PESB.wa.gov.

May 5, 2009

David Brenna

Legislative and Policy Coordinator

WSR 09-10-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 5, 2009, 9:29 a.m.]

Subject of Possible Rule Making: Waterfowl seasons and regulations; game reserves and closure areas; hunting area restrictions.

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: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Wildlife Program Assis-

tant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515.

May 5, 2009

Lori Preuss

Rules Coordinator

WSR 09-10-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed May 5, 2009, 2:53 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-15-013 Who may receive child protective services?, to match requirements as to in loco parentis in RCW 74.13.031 and children's administration (CA) policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.13.031 (as amended by chapter 235, Laws of 2009), 74.04.050, and chapter 26.44 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is adding the definition for in loco parentis as an entity that can receive child protective services. These changes are to match requirements in RCW 74.13.031 Duties of department—Child welfare services—Children's services advisory committee and CA policy.

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 Tina Stern, Division of Program and Practice Improvement, P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-0860, fax (360) 902-7903, e-mail tist300@dshs.wa.gov.

May 5, 2009

Stephanie E. Schiller

Rules Coordinator

WSR 09-10-081
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 5, 2009, 4:36 p.m.]

Subject of Possible Rule Making: The subject of this rule making is the implementation of two health technology clinical committee (HTCC) coverage determinations. This rule would establish a definition and criteria for a structured intensive multidisciplinary pain program (SIMP) and establish who is eligible for certain lumbar fusions or implantation

of an artificial disc. In addition, this rule making will clarify that the lumbar Charite artificial disc is a covered device by deleting current language in WAC 296-20-03002 that lists it as a noncovered device.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.14.120, 51.04.020, and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are necessary to implement the lumbar fusion and artificial disc determinations made by the statutory HTCC committee. According to RCW 70.14.120, the department must comply with HTCC coverage decisions. The rule will specify the HTCC coverage determinations by defining the SIMP and what requirements need to be fulfilled for a "successful SIMP," and establish who is eligible for certain lumbar fusions or an artificial disc.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Three state agency programs must comply with the HTCC determination: The health care authority's uniform medical plan, department of social and health services' health and recovery services administration, and the department of labor and industries' workers' compensation program under Title 51 RCW. To the extent possible, these agencies are making their coverage policies similar; however, Washington workers' compensation benefits are governed by Title 51 RCW, Washington's Industrial Insurance Act. The specifics of the coverage decision will be limited by what is covered under Title 51 RCW. No other state or federal agencies are responsible for interpreting and enforcing the provisions of this act.

Process for Developing New Rule: The rule will be developed in consultation with major stakeholders and other interested parties: The workers' compensation advisory committee, health technology clinical committee, industrial insurance medical advisory committee, and the state's agency medical director's group.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka, Department of Labor and Industries, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, phone (360) 902-4941 or fax (360) 902-6315.

May 5, 2009
Judy Schurke
Director

WSR 09-10-092

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed May 6, 2009, 10:34 a.m.]

Subject of Possible Rule Making: WAC 458-20-12401
Special stadium sales and use tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-20-12401 (Rule

12401) explains the special stadium sales and use taxes imposed in RCW 82.14.360, which is currently assessed only in King County. The department is anticipating an amendment to update Rule 12401 by:

- Removing language from the opening paragraph identifying the 1995 legislation imposing the tax. This information is being removed because it is no longer needed;
- Adding "movie theaters" to the list of facilities that often sell food and beverages for immediate consumption. The term is added to the examples of facilities provided in subsection (2)(a) definition of "restaurant." This addition does not reflect a change in the department's interpretation of the law. It incorporates information now provided in Det. 98-098E, 17 WTD 55 (1998); and
- Updating language in subsection (4)(a), which is an example pertaining to bakery sales, to incorporate terminology consistent with Washington law that adopted provisions of the streamlined sales and use tax agreement. This update does not change the tax consequences of the example.

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

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of possible rule changes is available for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>. Written comments on and/or requests for copies of the draft may be directed to Gayle Carlson, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail GayleC@dor.wa.gov, phone (360) 570-6126, fax (360) 586-0127.

Public Meeting Location: Capital Plaza Building, 4th Floor, L&P Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 9, 2009, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Martha Thomas no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7497.

May 6, 2009
Alan R. Lynn
Rules Coordinator

WSR 09-10-094
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed May 6, 2009, 11:06 a.m.]

Subject of Possible Rule Making: Penalty guidelines, WAC 314-29-015, 314-29-020, 314-29-025, 314-29-030, and 314-29-035.

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: The proposed rules will create consistency in standard penalties as applied to licensees for all public safety violations. They will add proposed penalty guidelines for commonly violated rules that are not currently covered in the guidelines of chapter 314-29 WAC. It will further clarify the progression of penalties for repeat violations of a like nature.

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, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

May 6, 2009
Lorraine Lee
Chairman