

WSR 09-12-014
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed May 21, 2009, 3:19 p.m.]

Subject of Possible Rule Making: Increase real estate appraiser application, certification, licensure, registration, duplicate certificate, certification history, and reciprocal licensing fees to defray costs of administering the real estate appraiser program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.140.050, 42.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under the provisions of RCW 43.24.086, the cost of each professional licensing program shall be borne by the members of the profession. The director of the department of licensing is charged with setting fees at a level sufficient to defray the costs of administering the program. Projected revenue from licensing fees is not sufficient to cover projected operating costs for the real estate appraiser program. Projections of new entrants into the profession have not been realized and licensees have opted not to renew due to market conditions and new restrictions within the industry. There has also been an increase in consumer complaints which will increase the need for staff training, investigation and legal support.

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 Ralph C. Birkedahl, Real Estate Appraiser Program, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 664-6504, fax (360) 570-4981.

May 21, 2009
 Ralph Birkedahl
 Program Manager

WSR 09-12-019
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed May 22, 2009, 10:11 a.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, 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.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teachers seeking professional certification who have been laid off or are unemployed.

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. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

May 22, 2009
 David Brenna
 Legislative and
 Policy Coordinator

WSR 09-12-026
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL

[Filed May 26, 2009, 10:28 a.m.]

Subject of Possible Rule Making: Assistance vans.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005, 46.52.120, and 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. In addition, the application process will be updated to include a requirement for authorization by local jurisdictions prior to the issuance of a letter appointment.

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, P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-4017, Melissa.vangorkom@wsp.wa.gov.

May 19, 2009
 John R. Batiste
 Chief

WSR 09-12-031
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed May 27, 2009, 9:17 a.m.]

Subject of Possible Rule Making: Those sections of the following rules related to the nozzle requirements for air and ground may be amended, chapters 16-230, 16-231, and 16-232 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.58 and 17.21 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since the adoption date of the current rules there has been significant advances in nozzles for both aerial and ground apparatus. The current nozzle requirements are significantly outdated and do not reflect the newer technology. The new nozzle technology allows for

greater drift protection and ease of selection by users. Present rules allow a user to apply for a permit to use the newer technology nozzles, but creates additional work by the pesticide applicator and Washington state department of agriculture (WSDA) to obtain a permit.

Amending the rules will aid in the reduction of drift, reduce the need for a permit and allow easier nozzle selection by pesticide users.

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

Process for Developing New Rule: WSDA has already develop[ed] an advisory committee from key stakeholders. This committee consisted of ground applicators, cooperative extension, aerial industry, grape industry, nozzle manufacturers, and wheat growers from both dryland and irrigated production as well as others. WSDA has worked with these stakeholders to gain ideas on exactly what new nozzle language might be appropriate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Send written comments to Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, e-mail lmauerman@agr.wa.gov.

May 27, 2009
Bob Arrington
Assistant Director

WSR 09-12-032

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed May 27, 2009, 9:19 a.m.]

Subject of Possible Rule Making: The following rule related to the application of vertebrate control pesticides, WAC 16-228-1380.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.58 and 17.21 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since the adoption of the current rule, the Environmental Protection Agency (EPA) has significantly changed the distribution and use requirements for rodenticides. The pest control industry has also changed their practices due to new pests and EPA requirements. The current vertebrate control pesticide rule does not adequately address these changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: EPA is the federal agency regulating the production, distribution and labeling of vertebrate control pesticides. The Washington state department of agriculture (WSDA) is the state lead agency for pesticides. WSDA will review these changes with EPA prior to adoption.

Process for Developing New Rule: WSDA will develop an advisory committee from key stakeholders. WSDA will work with these stakeholders to discuss the pros and cons

associated with possible changes to these rules. At the conclusion of the stakeholder meetings, WSDA will make a final decision to proceed or not proceed further in the rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Send written comments to Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, e-mail lmauerman@agr.wa.gov.

May 27, 2009
Bob Arrington
Assistant Director

WSR 09-12-035

PREPROPOSAL STATEMENT OF INQUIRY COUNTY ROAD ADMINISTRATION BOARD

[Filed May 27, 2009, 10:36 a.m.]

Subject of Possible Rule Making: Chapter 136-28 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 36.78 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending and adding new sections to current chapter 136-28 WAC, Standards of good practice—Cooperative procedures for processing of county road accident reports.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Please send comments to Bob Moorhead at bobm@crab.wa.gov.

May 26, 2009
Jay P. Weber
Executive Director

WSR 09-12-036

PREPROPOSAL STATEMENT OF INQUIRY COUNTY ROAD ADMINISTRATION BOARD

[Filed May 27, 2009, 10:36 a.m.]

Subject of Possible Rule Making: Chapters 136-16 and 136-18 WAC, WAC 136-12-060, 136-165-020, 136-167-040, 136-170-040, 136-170-050, and 136-170-060.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 36.78 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5228 adopted by the state legislature during the 2009 legislative session will become effective July 26, 2009.

The term "day labor" is removed from the language and replaced with "county forces" as adopted by the state legislature and signed into law.

For the purpose of calculating the amount of road construction that a county may do using county forces, counties are separated into four groups based on population and provided with a formula to determine the maximum amount (Note: These dollar amounts change in 2012 as stated in RCW 36.77.065):

- Counties with less than 30,000 people may have no more than \$700,000, plus \$700,000 multiplied by the previous year's motor vehicle fuel tax distribution factor in construction programs completed by county forces.
- Counties with between 30,000 and 150,000 people may have no more than \$1.15 million, plus \$1.15 million multiplied by the previous year's motor vehicle fuel tax distribution factor in construction programs completed by county forces.
- Counties with between 150,000 and 400,000 people may have no more than \$1.75 million, plus \$1.75 million multiplied by the previous year's motor vehicle fuel tax distribution factor in construction programs completed by county forces.
- Counties with more than 400,000 people may have no more than \$3.25 million, plus \$3.25 million multiplied by the previous year's motor vehicle fuel tax distribution factor in construction programs completed using county forces.

Process for Developing New Rule: Adoption of ESSS [ESSB] 5228.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. E-mail comments to Bob Moorhead at bobm@crab.wa.gov.

May 26, 2009
Jay P. Weber
Executive Director

WSR 09-12-037

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed May 27, 2009, 10:42 a.m.]

Subject of Possible Rule Making: Chapter 314-17 WAC, Mandatory alcohol server training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.20.330.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The review of rules dealing with mandatory alcohol server training (MAST) is part of the liquor control board's on-going review of rules. The rules will be reviewed for relevance, clarity, and plain talk. Rules will also be created to implement an online MAST certification program.

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 Coordi-

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

May 27, 2009

Lorraine Lee
Chairman

WSR 09-12-042

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Aging and Disability Services Administration)

[Filed May 27, 2009, 2:49 p.m.]

Subject of Possible Rule Making: The department is amending and repealing sections in chapter 388-71 WAC, Home and community services and programs; and amending and repealing sections in chapter 388-106 WAC, Long-term care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520; Washington state 2009-11 budget (ESHB 1244).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes are needed based on state budget and federal requirements regarding adult day health, in addition to updating references and other policies as needed.

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 the code reviser with a notice of proposed rule making and send the proposal to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting 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.

May 27, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-12-043

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Health and Recovery Services Administration)

[Filed May 27, 2009, 2:51 p.m.]

Subject of Possible Rule Making: The department is amending chapter 388-543 WAC, Durable medical equip-

ment and related supplies, prosthetics, orthotics, medical supplies and related services.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending this chapter to improve clarity and update policy regarding durable medical equipment, and related supplies, prosthetics, orthotics, medical supplies and related services and reorganizing the sections to be consistent with other recently filed medical assistance chapters.

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.

May 27, 2009

Stephanie E. Schiller
Rules Coordinator

WSR 09-12-044

PREPROPOSAL STATEMENT OF INQUIRY CRIMINAL JUSTICE TRAINING COMMISSION

[Filed May 28, 2009, 8:04 a.m.]

Subject of Possible Rule Making: New WAC 139-05-225 Psychological examination requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Those who will be affected are persons seeking employment as a fully commissioned peace officer or a fully commissioned reserve law enforcement officer as required under RCW 43.101.080(19); peace officers and reserve law enforcement officers hired after July 24, 2005; and peace officers whose certification has lapsed as a result of a break in service in excess of twenty-four consecutive months as a fully commissioned peace officer under RCW 43.101.125 as required by RCW 43.101.105(2).

This rule is the result of legislation passed in the form of HB 1324 and SB 5157 requiring the criminal justice training commission to set the standard for conducting preemployment psychological examinations for peace officers and reserve law enforcement officers. Setting this standard in WAC will provide a minimum standard for psychological examinations. This standard does not currently exist [exist] in this state.

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 by contacting Sonja Hirsch, Rules Coordinator, WSCJTC, 19010 1st Avenue South, Burien, WA 98148, e-mail shirsch@cjtc.state.wa.us, phone (206) 835-7372. Commissioners, board members, and stakeholders were advised of the proposed rule changes via e-mail. Proposed changes were also listed on the agency web site.

May 28, 2009

Sonja Hirsch
Executive Assistant
Hearing and
Rules Coordinator

WSR 09-12-045

PREPROPOSAL STATEMENT OF INQUIRY CRIMINAL JUSTICE TRAINING COMMISSION

[Filed May 28, 2009, 8:04 a.m.]

Subject of Possible Rule Making: New WAC 139-05-825 Basic reserve law enforcement academy certificate of equivalency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Establish a process to grant a basic reserve law enforcement officer a certificate of equivalency for persons who have incurred a break in service as a Washington reserve law enforcement officer and desire to return to service as a reserve law enforcement officer.

Persons who have elected to serve as volunteer reserve law enforcement officers may have a break in service as a reserve law enforcement officer. If a reserve law enforcement officer incurs a break in service in excess of twelve consecutive months, the officer's recognition as a reserve law enforcement officer is considered to have lapsed. This WAC establishes a process of certain conditions that must be met for a person who has been a reserve law enforcement officer and incurred a break in service to have that person's status and recognition as a reserve law enforcement officer reinstated.

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; and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sonja Hirsch, Rules Coordinator, WSCJTC, 19010 1st Avenue South, Burien, WA 98148, e-mail shirsch@cjtc.state.wa.us, phone (206) 835-7372. Commissioners, board members, and stakeholders were advised

of the proposed rule changes via e-mail. Proposed changes were also listed on the agency web site.

May 28, 2009
Sonja Hirsch
Executive Assistant
Hearing and
Rules Coordinator

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tana Cochran, Manager Driver Training Schools, Department of Licensing, P.O. Box 9030, Olympia, WA 98507-9030, (360) 902-4001, tcochran@dol.wa.gov.

May 28, 2009
Clark J. Holloway
Legislative Liaison

WSR 09-12-053
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 28, 2009, 10:53 a.m.]

Subject of Possible Rule Making: Trespassing while hunting.

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: Hunters sometimes trespass on private property to kill and/or harvest animals. The department will be able to thwart such behavior more effectively if there is a rule prohibiting trespassing while hunting. A violation of such a rule will be penalized under RCW 77.15.400, 77.15.410, and 77.15.430, depending on the animal taken.

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 July 24, 2009. Expected proposal filing on or after August 5, 2009.

May 28, 2009
Lori Preuss
Rules Coordinator

WSR 09-12-066
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed May 29, 2009, 8:38 a.m.]

Subject of Possible Rule Making: Driver training school program—Administration and enforcement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.82.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update driver training school program rules to account for recent legislation and make administrative enhancements.

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

Process for Developing New Rule: Work with advisory committee and interested stakeholders.

WSR 09-12-076
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 29, 2009, 1:43 p.m.]

The aging and disabilities services administration requests the withdrawal of the following preproposal statements of inquiry filed as WSR 09-01-133 on December 22, 2008, (chapter 388-831 WAC); WSR 09-01-138 on December 22, 2008, (chapter 388-823 WAC); WSR 09-01-137 on December 22, 2008, (chapter 388-827 WAC); and WSR 09-01-131 on December 22, 2008, (chapter 388-837 WAC).

Stephanie E. Schiller
Rules Coordinator

WSR 09-12-089
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed June 1, 2009, 12:41 p.m.]

Subject of Possible Rule Making: WAC 388-475-1000 Healthcare for workers with disabilities (HWD)—Program description, 388-475-1150 Healthcare for workers with disabilities (HWD)—Disability requirements, 388-475-1200 Healthcare for workers with disabilities (HWD)—Employment requirements, and 388-475-1250 Healthcare for workers with disabilities (HWD)—Premium payments, and possible other sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.08.090, 74.09.500, 74.09.510 and 74.09.540, Section 1902 (a)(10)(A)(ii)(XV) and (XVI) of the Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This adoption is necessary to comply with federal requirements regarding premium amounts to ensure continued federal financial participation and to reflect such policy contained in our medicaid state plan; to reflect the addition of HWD as an eligibility group for the home and community based services (HCBS) programs described; to incorporate the definition of the "medical

improvement group"; and to update and clarify program policy and practice.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health and recovery services administration (HRSA) will coordinate this effort with all other affected agencies, including but not limited to aging and disability services administration, economic services administration, division of vocational rehabilitation, division of disability determination services, and the Washington department of veteran[s] affairs. They will be furnished copies of all materials drafted during the process for their review, input, and comments; and will be invited to participate in meetings regarding the amendment of these rules. Whenever possible, announcements of opportunities to collaborate will be published in the Washington state register and posted on agency internet pages.

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, HRSA Rules Coordinator, 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.

June 1, 2009

Stephanie E. Schiller
Rules Coordinator

WSR 09-12-090

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed June 1, 2009, 12:42 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-517-0310, Eligibility for federal medicare savings and state-funded medicare buy-in program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Public Law 110-275, Section 113 (Medicare Improvements for Patients and Providers Act), RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Per federal law, effective January 1, 2010, the resource standards for medicare savings programs change to match the resource standards for the medicare Part D low-income subsidy. The resource standards will be adjusted yearly after that.

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, HRSA Rules Coordinator, 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.

June 1, 2009

Stephanie E. Schiller
Rules Coordinator

WSR 09-12-094

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

(Securities Division)

[Filed June 1, 2009, 3:47 p.m.]

Subject of Possible Rule Making: The securities division is considering amending and/or supplementing the rules set forth in chapter 460-33A WAC, which provide an optional method of registration for "mortgage paper securities" as defined in WAC 460-33A-015(4).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.060, [21.20].070, [21.20].090, [21.20].100, [21.20].180, [21.20].210, [21.20].250, [21.20].270, and [21.20].450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It has been several years since the securities division evaluated the rules set forth in chapter 460-33A WAC. The division is considering amending and/or supplementing these rules to enhance their effectiveness in providing protection to the investing public and to take into consideration current practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Offerings of mortgage paper securities registered under the rules set forth in chapter 460-33A WAC are ordinarily offered and sold in reliance upon an exemption from federal registration with the Securities and Exchange Commission (SEC). The SEC does, however, maintain authority to enforce anti-fraud laws in exempt securities offerings. None of the broker-dealers registered to sell mortgage paper securities under the rules set forth in chapter 460-33A WAC are registered with the SEC or the Financial Industry Regulatory Authority (FINRA). Thus, the securities division is the primary regulator of these types of offerings and broker-dealers in this state and there is no necessity to coordinate our rules with either the SEC or FINRA.

Process for Developing New Rule: The division is soliciting comments from interested persons and those already

registered to sell mortgage paper securities under the rules set forth in chapter 460-33A WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Faith L. Anderson, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, phone (360) 725-7825, fax (360) 704-6480, e-mail fanderson@dfi.wa.gov.

June 1, 2009

Michael E. Stevenson
Director of Securities

WSR 09-12-097

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 09-06—Filed June 2, 2009, 10:23 a.m.]

Subject of Possible Rule Making: Rule amendment for chapter 173-224 WAC, Wastewater discharge permit fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.465 Water pollution control.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To increase fees for wastewater and stormwater general permit holders by 4.61% (the fiscal growth factor projection) for state fiscal year 2010 as authorized by the state legislature. Ecology is also proposing to increase fees to the fiscal growth factor limits for all domestic wastewater permit holders by 5.20% for FY2010 and 4.61% for FY2011. Moneys received fund ecology's management of the wastewater and stormwater permit program. Ecology is also proposing to eliminate prorating fees to the fiscal quarter for permits terminated during the fiscal year.

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

Process for Developing New Rule: Amend an existing rule. Hold public workshops/hearings around the state. Direct mailings to those impacted by the rule change. Information will be posted on the ecology wastewater and stormwater permit fee web page http://www.ecy.wa.gov/programs/wq/permits/permit_fees/index.htm.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bev Poston, Fee Administrator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail Bpos461@ecy.wa.gov, phone (360) 407-6425, or fax (360) 407-7151.

June 1, 2009

Kelly Susewind, P.E., P.G.
Water Quality Program Manager

WSR 09-12-104

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 2, 2009, 11:43 a.m.]

Subject of Possible Rule Making: Rules implementing the collection of evidence (COE) an alternative assessment to the Washington assessment of student learning (WASL). The rules may also include eligibility criteria to access the process for students to appeal the score they receive on the COE, chapter 392-501 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.655.061 and 28A.655.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The superintendent of public instruction (OSPI) is required to implement objective alternative assessment methods for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school WASL. The COE may require a student to comply with eligibility criteria in addition to that set forth in statute. Additionally, the superintendent is required to develop a process for students to appeal the score they receive on the WASL and may provide for an appeals process for the COE implemented by OSPI. A student may use the COE to demonstrate that the student successfully meets the state standards for that content area if the student has taken the WASL at least once. If the student successfully meets the state standards on the COE (and/or other options) then the student shall earn a certificate of academic achievement.

Process for Developing New Rule: The process for developing the COE has included consultation with state and national experts in the content areas of reading and writing. A pilot project was implemented evaluating the COE. The collection of work samples alternative assessment method was approved by the state board of education using a process that included consultation with district superintendents, school principals, other educators and the public.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To participate in the process relating to the adoption of these rules or for information regarding this proposed rule making contact Amanda Mount, COE Operations, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6037, TDD (360) 664-3631, fax (360) 725-6332, e-mail amanda.mount@k12.wa.us, www.k12.wa.us/assessment/CAAoptions.

June 2, 2009

Randy I. Dorn
Superintendent of
Public Instruction

WSR 09-12-105

PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
FINANCIAL MANAGEMENT

[Filed June 2, 2009, 11:50 a.m.]

Subject of Possible Rule Making: Rule making related to requirements of and governing the management and operation of the program pursuant to chapter 314, Laws of 2009 (SSB 5665), the affordable housing entity property and liability joint self-insurance programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 6, Chapter 314, Laws of 2009 (SSB 5665).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5665, enacted in the 2009 legislative session (chapter 314, Laws of 2009), provides authority for affordable housing entities to jointly self-insure property and liability risks in a multiple state risk-sharing program regulated by the state risk manager. SSB 5665, section 6 requires the state risk manager to adopt rules which include standards for management, operations, and solvency, including frequency of actuarial analyses and claims audits. The rules are to include standards for claims management procedures. The rules must also include standards for contracts between joint self-insurance programs and private business, including standards for contracts between third party administrators and joint self-insurance programs.

One of the outcomes of this rule-making process will be to create a new chapter under office of financial management (OFM) Title 82 WAC, where all the rules related to self-insurance programs are found.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: OFM will communicate and coordinate with the office of insurance commissioner, which has an interest in the rules governing joint self-insurance programs, as necessary.

Process for Developing New Rule: OFM will engage in early solicitation of comments and recommendations from stakeholders and affected parties. Draft rules will be presented for discussion at stakeholder meetings. OFM will provide draft rules to all joint property and liability self-insurance programs currently regulated by the state risk manager and solicit comments and recommendations prior to publication of the rules for the rule-making hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. See above or for more information contact Shannon Stuber, Program Administrator, Local Government Self-Insurance Program, Office of Financial Management, P.O. Box 41027, Olympia, WA 98504-1027, phone (360) 902-7311, or e-mail shannon.stuber@ofm.wa.gov.

June 2, 2009

Roselyn Marcus
Director of Legal Affairs
Rules Coordinator

WSR 09-12-109

PREPROPOSAL STATEMENT OF INQUIRY
ATTORNEY GENERAL'S OFFICE

[Filed June 2, 2009, 2:13 p.m.]

Subject of Possible Rule Making: The attorney general has adopted rules regarding the New Motor Vehicle Warranties Act, chapter 19.118 RCW, generally known as the "Lemon Law," in 1987, 1988, 1989, 1990, 1992, 1996, 2000, and 2002.

The attorney general is considering amending chapter 44-10 WAC to reflect statutory changes enacted resulting from the passage of SHB 1215, chapter 351, Laws of 2009.

The attorney general will consider amending the following rules:

Arbitration procedures in the identified sections of chapter 19.118 RCW: WAC 44-10-031(1), update a citation to reflect chapter 19.118 RCW as amended; 44-10-040 (1), (2), (3), update to reflect new statutory mandates regarding review and acceptance or rejection of consumer requests for arbitration; 44-10-050 (1), (2), (3), (4), update to reflect new statutory mandates regarding assignment of requests for arbitration to the new motor vehicle arbitration board; 44-10-060 (1), (2), (3), update to reflect new statutory mandates regarding requests for special master arbitrator review of issues; 44-10-100(1), update to reflect new statutory mandates regarding requests for subpoenas; and 44-10-200 (1)(d), (3)(a), (b), (c), (e), (g), update to reflect new statutory mandates regarding issuance of arbitration decisions; updating motor home manufacturer distribution of liability.

New requirement for manufacturers to obtain title to certain reacquired defective new motor vehicles: WAC 44-10-223, amend to establish procedures and provide directions for notification of compliance with title requirements for manufacturers reacquiring certain defective vehicles.

The rule-making process will include development of a rule regarding new mandates for disclosure imposed on new motor vehicle dealers engaging in the post-manufacturing modification of new motor vehicles at the request of a consumer at the time of sale or lease of a new motor vehicle.

The attorney general will evaluate all sections to consider necessary program updates, which may include the proposal of new rules modifying the arbitration process and procedures for consumer and manufacturer disputes submitted to the attorney general pursuant to chapter 19.118 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.118.080(2), 19.118.061.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 44-10 WAC must be amended to reflect changes to certain statutory provisions effective July 23, 2009, relating to: (1) Arbitration procedures; (2) establishment of new procedures and directions for disclosures for dealer modifications to new motor vehicles; and (3) title requirements imposed on manufacturers upon reacquiring certain new motor vehicles.

Amended rules will assist:

- The attorney general, new motor vehicle arbitration board, consumers, manufacturers, and other persons involved in arbitrations by establishing simplified

arbitration processes and procedures consistent with chapter 19.118 RCW as amended.

- Manufacturers by establishing clear directions and a process by which the attorney general can be notified of compliance with new requirements to obtain title to certain manufacturer reacquired defective vehicles consistent with chapter 19.118 RCW as amended.
- Manufacturers and post-manufacturing modifiers of new motor vehicles, including new motor vehicle dealers, by establishing directions and procedures applying new statutory provisions relating to warranty obligations and disclosures consistent with chapter 19.118 RCW as amended.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The attorney general's office has sole enforcement and administrative authority under the statute. However, the department of licensing collects and processes the arbitration fees and creates the procedures for manufacturers to apply for and obtain title to certain reacquired defective vehicles.

The collection of arbitration fees and regulation of title procedures by the department of licensing will not be the subject of this rule making.

All proposed rules relating in any way to a manufacturer's compliance with requirement to obtain title to certain reacquired defective vehicles will be coordinated with the department of licensing, including requesting a review and comments.

Process for Developing New Rule: The attorney general's office will have discussions and exchange drafts of proposed rules with impacted stakeholders including new motor vehicle manufacturers and new motor vehicle dealers through their respective industry associations, consumers, and private attorneys participating in the arbitration process in the last twenty-four months.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending comments or suggestions to Paul N. Corning, Lemon Law Administrator, 800 Fifth Avenue, Suite 2000, Seattle, WA 98104, phone/voicemail (206) 464-6372, fax Attn: Paul N. Corning at (206) 464-6451, e-mail at lemon@atg.wa.gov. Requests for invitations to a webinar to be scheduled during the CR-101 comment period should be sent to lemon@atg.wa.gov.

June 1, 2009
Rob McKenna
Attorney General

WSR 09-12-123
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed June 3, 2009, 11:04 a.m.]

Subject of Possible Rule Making: Regulations relating to retail liquor licenses are impacted by 2009 legislative action. Rules may need amending or repealing and new rules may need to be adopted as part of implementing SSB 5367,

creating a nightclub liquor license, ESH [ESHB] 2358, increases to most retail liquor licenses, and part of SSB 5834, allowing beer/wine specialty shops to sell kegs, allowing private clubs to sell bottled wine for off-premises consumption, allowing retail-to-retail product transfers, and changing the process of electronic fund transfers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, chapters 373 and 271, Laws of 2009.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of legislation passed in 2009 may require changes in current rule or adoption of new rules to clarify and provide further guidance to licensees who are impacted by the new regulations.

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.

June 3, 2009
Lorraine Lee
Chairman

WSR 09-12-124
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed June 3, 2009, 11:04 a.m.]

Subject of Possible Rule Making: Regulations relating to manufacturers, distributors, importers and retailers are impacted by the 2009 legislative action. Rules need amending or repealing and new rules may need to be adopted as part of implementing EHB 2040, changing beer and wine regulation (tied house), SHB 1812, conditions for wine labels, ESHB 1441, process for terminating or cancelling contracts, and parts of SSB 5834, changes to authorized reps, creates a winery warehouse, allows exceptions to tied house restrictions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, chapters 506 and 373, Laws of 2009.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of legislation passed in 2009 requires changes in current rules and adoption of new rules to clarify and provide further guidance to licensees who are impacted by the new regulations.

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 Coordi-

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

June 3, 2009
Lorraine Lee
Chairman

WSR 09-12-125

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed June 3, 2009, 11:05 a.m.]

Subject of Possible Rule Making: Recent legislation, SHB 1435, grants the liquor control board administrative authority, previously vested in the department of revenue, to approve, deny, suspend, or revoke retail, wholesale, or distributor cigarette and tobacco products licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 82.24.510, 82.24.550, 82.26.150, 82.26.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement SHB 1435, passed in the 2009 legislative session, new rules are required to clarify and provide guidance to licensees who want to apply for these licenses.

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.

June 3, 2009
Lorraine Lee
Chairman

WSR 09-12-126

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

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

Subject of Possible Rule Making: Delegation of authority, chapter 314-07 WAC, How to apply for a liquor license, chapter 314-09 WAC, Contested liquor license applications and renewals and chapter 314-42 WAC, Liquor control board operation will be reviewed and amended as needed to implement the delegation of authority board policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to implement current board policy on delegation of authority. Current rules on contested liquor license applications and renewals need to be reviewed for clarity and plain talk.

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.

June 3, 2009
Lorraine Lee
Chairman

WSR 09-12-127

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 3, 2009, 11:30 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020, and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering rules relating to how occupational disease claim costs are used in the calculation of retrospective rating refunds. The rules will include how the department calculates the performance adjustment factor (PAF), which is used to compare the relative performance between retro and nonretro employers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: Letters will be sent to all current retrospective rating participants. In addition, labor and industries will work with the workers' compensation advisory committee (WCAC), retrospective rating advisory committee, and retrospective rating proviso study group as changes are developed. The public can participate in these discussions by attending meetings of any of these groups. Meeting schedules are found at www.lni.wa.gov/ClaimsIns/Insurance/Learn/Wcac/WcacMtgMin/Default.asp, for the WCAC, or www.lni.wa.gov/ClaimsIns/Insurance/Reduce/Qualify/AdvComm/default.asp for the retrospective rating advisory committee. Information will also be shared through the retrospective rating program list serve. Interested parties may register at <http://www.lni.wa.gov/Main/Listservs/ClaimsIns/Retro.asp>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department will be holding public hearing(s) on this rule making and inquiries can be directed to Diane Doherty, P.O. Box 44180, Olympia, WA 98504-4180, phone

(360) 902-4835, fax (360) 902-4258, e-mail dohr235@lni.
wa.gov.

June 3, 2009
Judy Schurke
Director

