

WSR 09-18-002**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE**

[Filed August 19, 2009, 6:21 p.m.]

Subject of Possible Rule Making: Determination if a project meets the standard to be designated a project of state-wide significance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.157.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By legislative mandate, establish criteria to determine whether or not a development project will provide significant economic benefit to the local or state economy, or both, that the project is aligned with the state's comprehensive plan for economic development, and will not prevent equal consideration of all categories of proposals under RCW 43.157.010.

Process for Developing New Rule: Following regular rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Matthew Ojennus, P.O. Box 42525, Olympia, WA 98504-2525, matthew.ojennus@commerce.wa.gov, (360) 725-4047, fax (360) 586-0873. Commerce will host a public meeting seeking input. Likely participants include local governments and private business representatives, and the general public. Persons interested in providing input may attend the meeting; provide information via e-mail or other printed submission. Contact commerce to be added to interested party list.

July 22, 2009

Marie Sullivan
Director of
Government Relations

WSR 09-18-003**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed August 20, 2009, 8:19 a.m.]

Subject of Possible Rule Making: Distributors, gambling service suppliers, and their representatives.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Staff is researching the background of the limitation of a distributor representative only being allowed to represent one distributor and a gambling service supplier representative only being able to represent one service supplier. After reviewing the reasons behind the limitation and regulatory implications/impacts, staff will determine if the limitation should remain in place or be removed to allow distributor representatives and/or gambling service supplier representatives to represent more than one business.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by

attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

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

[Meetings on] October 9 and November 20, 2009, at the Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857.

August 20, 2009

Susan Arland
Rules Coordinator

WSR 09-18-007**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH**

[Filed August 20, 2009, 11:33 a.m.]

Subject of Possible Rule Making: WAC 246-491-039 Amendment to allow for access to confidential information on the state of Washington live birth certificate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.58.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1510 allows some of the information on the confidential section of the birth certificate to be shared with the person who is the subject of that record. They must confirm their identity in a manner approved by the state board of health. The information is limited to items about the child and not the mother or father. This rule must be amended to specify the manner in which a customer must confirm their identity and list what items will be provided to them.

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

Process for Developing New Rule: Collaborative, in addition to working with other interested parties, the board will work with the Washington state local health jurisdiction's vital records registrars through the existing e-mail list-serv.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Philip Freeman, Department of Health, P.O. Box 47814, Olympia, WA 98504, phone (360) 236-4330, fax (360) 753-4135, e-mail philip.freeman@doh.wa.gov.

August 20, 2009

Craig McLaughlin
Executive Director

WSR 09-18-008**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH**

[Filed August 20, 2009, 11:34 a.m.]

Subject of Possible Rule Making: Chapter 246-101 WAC, relating to reporting of communicable diseases and animal bites, excluding WAC 246-101-520 Special conditions—AIDS and HIV and 246-101-635 Special conditions—AIDS and HIV.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since the rule was last revised on January 11, 2005, there are a number of changes and developments in notifiable conditions reporting that should be addressed including: Identification of new conditions, national or international requirements, new laboratory methods, and improvements in reporting technologies. There is also a need to address current rule language that is unclear or incomplete. In addition, an emergency rule adopted on June 11, 2009, for the provisional reporting of novel influenza A (H1N1) for hospitalized patients or death will be reviewed for permanent notification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agency has rules that regulate this subject. However, the federal Centers for Disease Control and Prevention periodically issues recommendations and guidance for notifiable infectious disease reporting.

Process for Developing New Rule: Collaborative rule making. The state board of health and the department of health will work together and consult with interested public and private groups, associations, and others to develop the proposed rule. Stakeholder input will be solicited prior to the official rules hearing. The department of health will establish an ad hoc expert panel that will include internal/external stakeholders consisting of representatives from local health jurisdictions, health care providers, laboratories, and other interested parties to review and finalize the recommended changes to the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tracy Sandifer, Epidemiologist, Department of Health, Communicable Disease Epidemiology Section, 1610 N.E. 150th Street, Mailstop K17-9, Shoreline, WA 98155, phone (206) 418-5558, fax (206) 418-5515, e-mail tracy.sandifer@doh.wa.gov or Tara Wolff, Health Policy Analyst, Washington State Board of Health, 101 Israel Road S.E., Mailstop 47990, Tumwater, WA 98501, phone (360) 236-4101, fax (360) 236-4088, e-mail tara.wolff@doh.wa.gov.

August 20, 2009
Craig McLaughlin
Executive Director

WSR 09-18-012**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed August 20, 2009, 2:26 p.m.]

The department of health, board of pharmacy, would like to withdraw the CR-101 regarding faxing of schedule II prescriptions for patients in long-term care facilities, faxing of prescriptions for injectable schedule II substances that are to be compounded by the pharmacist, and repeal of the rule that requires a federal order form for schedule I or II controlled substances.

The CR-101 was filed as WSR 01-14-090 on July 5, 2001. The original intent of rule making was to update the rules relating to faxing schedule II prescriptions to match the restrictions in state law and changes in federal regulations.

In 2003, the department of health, board of pharmacy, adopted rules to regulate the electronic transmission of prescription information, chapter 246-870 WAC. This chapter also established standards for faxing schedule II prescriptions for patients in residential settings such as long-term care facilities, boarding homes, and hospice programs.

The program would like to withdraw the CR-101 because the intended changes to the rules were achieved through adoption of chapter 246-870 WAC.

If you have any questions, please contact Doreen E. Beebe, program manager, at (360) 236-4834.

Mary C. Selecky
Secretary

WSR 09-18-016**PREPROPOSAL STATEMENT OF INQUIRY
COUNTY ROAD
ADMINISTRATION BOARD**

[Filed August 21, 2009, 11:39 a.m.]

Subject of Possible Rule Making: WAC 136-161-080.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Setting a maximum RATA contribution to each N.E. region county for 2R projects.

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 sending comments to Randy Hart at randy@crab.wa.gov.

August 19, 2009
Jay P. Weber
Executive Director

WSR 09-18-024
PREPROPOSAL STATEMENT OF INQUIRY
OLYMPIC COLLEGE

[Filed August 24, 2009, 1:39 p.m.]

Subject of Possible Rule Making: Parking policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of the parking policy is to clarify and publicize parking rules for Olympic College campuses.

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

Process for Developing New Rule: Review by college council, president's cabinet and board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Thomas Oliver, Olympic College, rules coordinator, (360) 475-7502 or toliver@olympic.edu to provide comments on this rule.

August 24, 2009
 Thomas Oliver
 Rules Coordinator

WSR 09-18-029
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 25, 2009, 11:27 a.m.]

Subject of Possible Rule Making: Adopting rules to implement the office of superintendent of public instruction's (OSPI) responsibilities identified in RCW 28A.400.285 Contracts for services performed by classified employees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.400.285.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To formally codify the criteria and process used by OSPI for review and approval of decisions by school districts to contract for services that had been previously performed by classified school district employees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: OSPI will work in collaboration with the state board of education on the proposed rules for approval criteria and process for multidistrict online learning providers. None.

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 Martin Mueller, Assistant Superintendent, Student Support, OSPI, P.O. Box 47200, Olympia, WA 98504, phone (360) 725-6050, fax (360) 664-3575, e-mail Martin.Mueller@k12.wa.us. An informal workgroup will provide input as well as other OSPI-initiated meetings with

interested parties. At least one formal public hearing will be held to inform the rule adoption decision.

August 13, 2009
 Randy I. Dorn
 Superintendent

WSR 09-18-030
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY

[Filed August 25, 2009, 11:20 a.m.]

Subject of Possible Rule Making: WAC 4-25-530 Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.105(3), 18.04.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On August 11, 2009, the board awarded a contract to a private entity (CPA examination services (CPAES)) to administer the uniform CPA examination to Washington candidates. The competitively bid contract with CPAES contains a higher fee schedule than that contained in existing WAC 4-25-530. The board's legal counsel has previously opined that the board should amend its fee schedule to conform to the CPAES contract.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Richard C. Sweeney, CPA, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 586-0163, fax (360) 664-9190, e-mail cheryls@cpaboard.wa.gov.

August 25, 2009
 Richard C. Sweeney
 Executive Director

WSR 09-18-031
PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD

[Filed August 25, 2009, 11:39 a.m.]

Subject of Possible Rule Making: Amend chapter 222-23 WAC, Riparian open space program, that purchases land conservation easements in riparian areas from private landowners.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature passed SSB 5401 amending RCW 76.09.040 which established the riparian open space program. The statute was changed to purchase conservation easements for unconfined avulsing channels and required preservation of upland habitat of threatened or endangered species as designated by the forest practices

board. The rule making will be amendments of the current rules in chapter 222-23 WAC to reflect changes in the statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The departments of ecology, fish and wildlife, and revenue may have an interest in rule development. The board will contact those agencies for this purpose.

Process for Developing New Rule: The board will request input from interested stakeholders and seek to reach consensus on the terms of the proposed rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Mail, fax, or e-mail comments to Patricia Anderson, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washington Street S.E., 4th Floor, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practices-board@dnr.wa.gov.

August 12, 2009
Peter Goldmark
Chair

WSR 09-18-042
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
[Filed August 26, 2009, 2:08 p.m.]

The department of health is withdrawing the CR-101 for WAC 246-790-060 which was filed July 29, 2008, and published in WSR 08-16-036. The original proposal was filed to implement the United States Department of Agriculture, Food Nutrition Service (USDA-FNS) new interim food package rule for the women infants and children (WIC) nutrition program which takes effect October 1, 2009.

Since filing the WSR 08-16-036, the department has determined that immediate amendments to WAC 246-790-060 are not necessary and has decided to review and potentially amend all of chapter 246-790 WAC at a later date. For this reason, the CR-101 for WAC 246-790-060 is no longer needed.

Individuals requiring information on this rule should contact Janice Boden, retailer management unit manager, at (360) 236-3610.

B. White
for Mary C. Selecky
Secretary

WSR 09-18-043
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
[Filed August 26, 2009, 2:09 p.m.]

The department of health is withdrawing the CR-101 for WAC 246-790-010, 246-790-050, 246-790-070, 246-790-080, 246-790-090, 246-790-100, 246-790-120, and 246-790-

130 which was filed August 22, 2008, and published in WSR 08-18-014. The original proposal was filed to amend the requirements for retailers selected to participate in the women infants and children (WIC) nutrition program. Since filing the WSR 08-18-014, the department has decided to review and potentially amend all of chapter 246-790 WAC, so the CR-101 for WAC 246-790-010, 246-790-050, 246-790-070, 246-790-080, 246-790-090, 246-790-100, 246-790-120, and 246-790-130 is no longer needed.

Individuals requiring information on this rule should contact Janice Boden, retailer management unit manager, at (360) 236-3610.

B. White
for Mary C. Selecky
Secretary

WSR 09-18-046
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed August 26, 2009, 3:46 p.m.]

Subject of Possible Rule Making: WAC 232-12-051 Muzzleloading firearms and 232-12-054 Archery requirements—Archery special use permits.

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: RCW 9.41.060(8) allows people to carry pistols without a concealed-pistol license (CPL) if they are engaged in a lawful outdoor recreational activity such as hunting or fishing. Currently, WAC 232-12-051 requires hunters to have a CPL if they want to carry a modern handgun for personal protection during muzzleloader season. WAC 232-12-054 requires the same if hunters want to carry a modern handgun for personal protection during archery season. In light of RCW 9.41.060(8), the department recognizes the need to narrowly tailor its firearms-related hunting regulations so as to not infringe on hunters' rights to carry weapons for personal protection.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of the Interior. Once we have new rules in place, we will share them with the National Park Service and the United States Fish and Wildlife Service, since these agencies will model firearms regulations in national parks on the regulations of the state(s) in which a park is located.

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 October 15, 2009. Expected proposal filing on or after October 21, 2009.

August 26, 2009
Lori Preuss
Rules Coordinator

WSR 09-18-054
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 27, 2009, 3:23 p.m.]

Subject of Possible Rule Making: WAC 232-12-264 Baiting of game birds—Unlawful.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State laws and rules can be more restrictive than their federal counterparts, but not less restrictive. WAC 232-12-264 is less restrictive than the federal regulation prohibiting baiting waterfowl, 50 C.F.R. 20.21. The department wants to amend WAC 232-12-264 to mirror 50 C.F.R. 20.21, and in doing so, Washington department of fish and wildlife (WDFW) will have more efficient tools for identifying violations and enforcing the rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of the Interior, United States Fish and Wildlife Service (USFWS). WDFW is working with USFWS to ensure that we have common goals and will have the same language in our regulations prohibiting waterfowl-baiting.

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 October 15, 2009. Expected proposal filing on or after October 21, 2009.

August 27, 2009
Lori Preuss
Rules Coordinator

WSR 09-18-055
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed August 27, 2009, 3:54 p.m.]

Subject of Possible Rule Making: Public disclosure of department of early learning (DEL) records, and DEL organizational rules. Adopting a new chapter of Title 170 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040 and 42.56.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To adopt new public disclosure rules and related rules as they pertain to DEL, describe DEL's organization (as required by RCW 42.56.040) and help give the public information about requesting DEL records.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DEL will work closely with the office of the attorney general, as appropriate, in the development of this rule regarding records that may pertain to both agencies.

Process for Developing New Rule: DEL will circulate preliminary draft(s) of the rule for informal input from interested groups and individuals before filing a formal proposal. To get future rule notices and drafts, members of the public can join an e-mail or postal mail list by contacting the DEL rules coordinator at Rules@del.wa.gov, or by contacting the person noted below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To request a copy, or for more information, please contact C. Brandon Chapman, Department of Early Learning, Communications Specialist, P.O. Box 40970, Olympia, WA 98504, (360) 725-4385, brandon.chapman@del.wa.gov.

August 25, 2009
Elizabeth M. Hyde
Director

WSR 09-18-057
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)

[Filed August 28, 2009, 8:25 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-438-0110 The alien emergency medical (AEM) program, and adding new sections to this WAC chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.08.090, section 1109, chapter 564, Laws of 2009 (ESHB 1244, sections 201 and 209).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments are required to meet the 2009-2011 final legislative budget reductions in sections 201 and 209 of ESHB 1244. Specifically, the department will restrict alien medical services to a federal emergency services component and limit state-only coverage to end-stage renal dialysis, cancer treatment, and nursing facility care.

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

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sullikm@dshs.wa.gov.

August 28, 2009
Stephanie E. Vaughn
Rules Coordinator

WSR 09-18-058

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed August 28, 2009, 8:31 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-530-4100 Washington preferred drug list (PDL) and 388-530-4150 Therapeutic interchange program (TIP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.09.700, 74.08.090, and chapter 575, Laws of 2009 (ESSB 5892).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to these sections are required to implement ESSB 5892 which authorizes state purchasing health care programs to maximum appropriate prescription drug use in a cost-effective manner. During the course of this review, the department may identify additional changes that are required in order to improve clarity or update 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 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.

August 28, 2009
Stephanie E. Vaughn
Rules Coordinator

WSR 09-18-065

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed August 28, 2009, 3:17 p.m.]

Subject of Possible Rule Making: WAC 220-20-010 General provisions—Lawful and unlawful acts—Salmon, other fish and shellfish, 220-33-060 Columbia River—Commercial fisheries below Bonneville Dam, 220-36-03001 Grays Harbor—Seasons and lawful gear—Varieties other than salmon and sturgeon, 220-40-030 Willapa Bay—Seasons and lawful gear—Varieties other than salmon and sturgeon, 220-44-020 Coastal baitfish gear, and 220-69-240 Duties of commercial purchasers and receivers.

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: State laws and rules can be more restrictive than their federal counterparts, but not less restrictive. WAC 220-33-060, 220-40-030, 220-36-03001, and 220-44-020 are less restrictive than the federal regulation, 50 C.F.R. 660 Subpart I, limiting the incidental catch of sardines in other fisheries. The department wants to amend these aforementioned WACs to mirror 50 C.F.R. 660 Subpart I. In addition, the department wants to amend WAC 220-33-060, 220-40-030, 220-36-03001, and 220-44-020 to establish baitfish trips limits to ensure conservation of the resource and sustainability of baitfish fisheries. The department wants to amend WAC 220-20-010 to prohibit the use of anchovies for purposes other than human consumption or fishing bait, except as provided for in other rules. Lastly, the department wants to amend WAC 220-69-240 to require commercial purchasers to indicate on fish receiving tickets the quantity in pounds of anchovies purchased for purposes other than human consumption.

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.

August 28, 2009
Lori Preuss
Rules Coordinator

WSR 09-18-066

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed August 28, 2009, 3:17 p.m.]

Subject of Possible Rule Making: WAC 220-52-050 Ocean pink shrimp trawl fishery—Coastal waters.

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

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

rules to require Washington-licensed pink-shrimp trawl fishers to carry federal- or state-employed observers during commercial shrimp fishing trips. New rules are needed for this, and other rules may have to be amended to provide for observers onboard commercial vessels.

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.

August 28, 2009

Lori Preuss
Rules Coordinator

WSR 09-18-083

PREPROPOSAL STATEMENT OF INQUIRY

YAKIMA VALLEY COMMUNITY COLLEGE

[Filed August 31, 2009, 2:00 p.m.]

Subject of Possible Rule Making: Chapter 132P-136 WAC, Use of college facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(7) Boards of trustees—Powers and duties.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The college has promulgated rules regarding use of its facilities since 1972. These rules allow for appropriate and equitable access to use of the college's property and establish policies governing the same. The current rule was last amended in 1993 and changes in the college's organizational structure, technical capability, equipment and staffing necessitate updating the policy.

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

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. A public hearing will be advertised in the legal notice section of the *Yakima Herald-Republic* and held to allow community input. Contact for the rule changes is Nicole Hopkins, Community Relations, Yakima Valley Community College, P.O. Box 22520, Yakima, WA 98907, (509) 574-6870 (voice) or (509) 574-4945 (fax), nhopkins@yvcc.edu (e-mail).

August 31, 2009

Suzanne West
Rules Coordinator

WSR 09-18-090

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed September 1, 2009, 10:48 a.m.]

Subject of Possible Rule Making: The department is amending sections in chapter 388-71 WAC, Home and community services and programs, and 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, SHB 2361, chapter 571, Laws of 2009, Washington state 2009-11 budget (ESHB 1244).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending rules in chapters 388-71 and 388-106 WAC in accordance with SHB 2361, chapter 571, Laws of 2009. The law prohibits the department from paying a home care agency licensed under chapter 70.127 RCW for medicaid funded in-home personal care or respite services if the care is provided to a client by a family member. The department may authorize exceptions based on the client's health and safety. These rules will not affect the amount, duration, or scope of the personal care or respite services benefit to which the client may be entitled.

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, phone (360) 725-2538, fax (360) 438-8633, TTY (360) 493-2637, e-mail sevruta@dshs.wa.gov.

August 25, 2009

Stephanie E. Vaughn
Rules Coordinator

WSR 09-18-091

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed September 1, 2009, 12:05 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-551-2000 Home health services—General, 388-551-2010 Home health services—Definitions, 388-551-2020 Home health services—Eligible clients, 388-551-2030 Home health skilled services—Requirements, 388-551-

2100 Covered home health services—Nursing, 388-551-2110 Home health services—Specialized therapy, 388-551-2120 Home health aide services, 388-551-2130 Noncovered home health services, 388-551-2200 Home health services—Eligible providers, 388-551-2210 Home health services—Provider requirements, and 388-551-2220 Home health services—Provider payments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, chapter 74.09 RCW, and chapter 326, Laws of 2009 (SHB 1529).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to these sections are required to implement SHB 1529 which authorizes delivery of home health care services through telemedicine. During the course of this review, the department may identify additional changes that are required in order to improve clarity or update 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 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.

September 1, 2009
Stephanie E. Vaughn
for Don Goldsby, Manager
Rules and Policies Assistance Unit

WSR 09-18-092

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed September 1, 2009, 12:08 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-505-0110 Medical assistance coverage for adults not covered under family medical programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500, sections 201 and 209, chapter 564, Laws of 2009.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is clarifying language, updating WAC references and adding additional provisions to the WAC to comply with Washington state legislature SHB 1244 general assistance proviso, section 209 relating to the general assistance unemployable program.

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.

September 1, 2009
Don Goldsby, Manager
Rules and Policies Assistance Unit

WSR 09-18-101

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed September 1, 2009, 2:16 p.m.]

Subject of Possible Rule Making: Chapter 296-400A WAC, Plumber certification rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.106 RCW and chapter 36, Laws of 2009 (SHB 1055).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is a result [of] SHB 1055, which passed the 2009 legislature. The legislation amended the plumber certification laws by requiring certified plumbers to have their appropriate certifications and photo identification card in their possession while working. The rules need to be updated to reflect this change.

The rule making also includes a fee increase of 5.20%, which is the office of financial management's maximum allowable fiscal growth rate factor for fiscal year 2010. The program's budget and projected revenue was evaluated and determined that the fee increase is necessary to help cover the cost of ongoing services of the plumber certification program. This fee increase was further supported by the passage of the chapter 464, Laws of 2009 (ESHB 1244 - 2009 budget), which includes the authority to increase these fees.

The department will also:

- Expand an exemption for plumbing trainees that are not in an apprenticeship as defined by chapter 49.04 RCW to a plumber trainee.
- Make additional housekeeping changes for further clarify [clarity] to the rules. For example, add a definition for "course of study" so applicants know what training classes need to be taken in order to sit [in on] the written examination.

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 these rules may contact the individual listed below. The pub-

lic may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail yous235@lni.wa.gov.

September 1, 2009

Judy Schurke
Director

WSR 09-18-102

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed September 1, 2009, 2:26 p.m.]

Subject of Possible Rule Making: Clarification of reporting requirements when a worker performs work in multiple classifications.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is a need for clarity in the current reporting requirements for employees working in or performing work incidental to two risk classifications. This rule making is meant to distinguish between the two applications and include some situations not currently addressed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agency regulates this issue.

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information about this process is available at the web site www.lni.wa.gov/insuranceservices/employerservices. Comments can be submitted to Richard Bredeson, P.O. Box 44140, Olympia, WA 98504-4140, e-mail bred235@lni.wa.gov, phone (360) 902-4985, fax (360) 902-4988.

September 1, 2009

Judy Schurke
Director

WSR 09-18-106

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed September 2, 2009, 8:23 a.m.]

Subject of Possible Rule Making: WAC 458-20-273 Renewable energy system cost recovery (Rule 273), this rule explains the cost-recovery incentive program for renewable energy systems.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6170 (chapter 469, Laws of 2009) amended RCW 82.16.110, 82.16.120, and 82.16.130. The legislation (1) increases the annual payment limitations to customers, (2) increases the limitations on incentive payments made by participating light and power businesses, (3) changes the formula used to determine payment amounts based on "economic development kilowatt-hours," and (4) extends the incentive program to community solar projects.

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 rule may be directed to Mark E. Bohe, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail markbohe@dor.wa.gov, phone (360) 570-6133, fax (360) 586-0127.

Public Meeting Location: Washington State Criminal Justice Training Commission (WSCJTC), 19010 1st Avenue South, Burien, WA 98148, on September 22, 2009 [2009], at 10:00 a.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.

September 1, 2009

Alan R. Lynn
Rules Coordinator

WSR 09-18-111
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed September 2, 2009, 8:50 a.m.]

Subject of Possible Rule Making: Big game and wild turkey auction, raffle, and special incentive permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240.

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 Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515. Contact by October 12, 2009. Expected proposal filing on or after October 21, 2009.

September 2, 2009

Lori Preuss
 Rules Coordinator

Suite 300, P.O. Box 40919, Olympia, WA 98504-4919, (360) 570-7320; or Dario de la Rosa, 112 North Henry Street, Suite 300, P.O. Box 40919, Olympia, WA 98504-4919, (360) 570-7328.

September 2, 2009
 Dario de la Rosa
 Appeals Administrator

WSR 09-18-122
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC EMPLOYMENT
RELATIONS COMMISSION

[Filed September 2, 2009, 10:48 a.m.]

Subject of Possible Rule Making: Revision of rules that govern agency practice and procedures in all types of cases, including representation cases, unit clarification cases, unfair labor practice cases, impasse resolution cases, grievance arbitration rules, and union security disputes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.58.050, 28B.52.065, 41.56.090, 41.59.-110, 41.76.060, 41.80.080, 41.80.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Agency rules need revision to streamline agency procedure and to reflect changes of agency practice based upon recent agency case law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agency regulates this subject with respect to Washington public employees.

Process for Developing New Rule: Agency staff intend to bring representatives from both labor and management together in a series of focus groups to discuss possible amendments to agency rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathleen Callahan, 112 North Henry Street, Suite 300, P.O. Box 40919, Olympia, WA 98504-4919, (360) 570-7312; Ken Latsch, 112 North Henry Street,