

WSR 09-20-001
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed September 23, 2009, 12:58 p.m.]

Subject of Possible Rule Making: Chapter 308-66 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.70.023 and 46.70.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: One amendment will help ensure that temporary subagency licenses will be issued timely. Another amendment would require that the location of a sale be reflected in documents of sale.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the attorney general, consumer protection.

Process for Developing New Rule: The department of licensing (DOL) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL 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 Mary Morris, Administrative Assistant 3, Dealer/Manufacturer Services, Mailstop 48204, P.O. Box 9039, Olympia, WA 98507, phone (360) 664-6464, fax (360) 586-6703, e-mail MMorris@dol.wa.gov.

September 23, 2009
 Walt Fahrer
 Rules Coordinator

WSR 09-20-018
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed September 28, 2009, 7:53 a.m.]

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

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing rules will be reviewed and amended as necessary as a result of the passage of SSB 5273. Rules must be amended accordingly to implement the bill.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sherri Lonsbery, Department of Licensing, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 664-1576, fax (360) 570-7098, e-mail landscape@dol.wa.gov. Persons may comment by mail, fax, phone, or e-

mail. Draft language of any changes will be sent to persons on the board's Listserv and mailing list.

September 28, 2009
 Walt Fahrer
 Rules Coordinator

WSR 09-20-021
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed September 28, 2009, 1:55 p.m.]

Subject of Possible Rule Making: International student exchange program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.166.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: References to a federal agency that no longer exists, and updating standards to provide for consistency between state and federal standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Attorney general's office, Consumer Protection Act; reviewed by assistant attorney general.

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. Public hearings to be noted on web site at <http://www.secstate.wa.gov/corps/InternationalStudentExchangeAgency.aspx>; for more information contact Scott Murphy [Murphy], 801 Capitol Way South, P.O. Box 40234, Olympia, WA 98504-0234, phone (360) 725-0355, fax (360) 586-4974, smurphy@secstate.wa.gov.

September 28, 2009
 Steve Excell
 Assistant Secretary of State

WSR 09-20-022
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed September 28, 2009, 2:14 p.m.]

Subject of Possible Rule Making: Trademark registrations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.77.050, [19.77.]060, [19.77.]090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update references and service classifications and to set copy fees.

Process for Developing New Rule: In a review of federal goods and services classifications, we found that some of ours needed to be updated. We also discovered that while copy fees were in place for other documents filed in our office, no fee was set for trademarks.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication. Public hearings to be noted on web site at www.secstate.wa.gov/corps/Trademarks.aspx; for more information contact D Ann Peters, 801 Capitol Way South, P.O. Box 40234, Olympia, WA 98504-0234, phone (360) 725-0346, fax (360) 586-4989, corps@secstate.wa.gov.

September 28, 2009

Steve Excell

Assistant Secretary of State

WSR 09-20-034

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed September 30, 2009, 9:06 a.m.]

Subject of Possible Rule Making: WAC 220-52-068 Scallop fishery—Coastal waters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.04.020, and 77.12.045.

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 220-50-068 requires the use of scallop dredge gear to harvest scallops in the coastal fishery. This conflicts with National Marine Fisheries Service regulation, 50 C.F.R. Part 660.306, prohibiting the use of dredge gear in groundfish essential fish habitat (EFH). Specifically, dredge gear is prohibited from high tide out to two hundred miles, which coincides with where groundfish EFH occurs. The department wants to amend WAC 220-50-068 to make it consistent with federal rules.

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 November 23, 2009. Expected proposal filing on or after December 2, 2009.

September 30, 2009

Lori Preuss

Rules Coordinator

WSR 09-20-042

PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed September 30, 2009, 10:17 a.m.]

Subject of Possible Rule Making: To implement the Uniform Limited Partnership Act, chapter 188, Laws of 2009.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Sections 119, 1307, 1308, chapter 188, Laws of 2009, RCW 43.07.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will set fees, out-

line procedures, and set forth guidelines for implementation of new law regarding limited partnership, including the creation of a new entity, the limited liability limited partnership.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Attorney general's office and the department of licensing.

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. Public hearings to be noted on web site at www.secstate.wa.gov, for more information contact Tobi Snyder, 801 Capitol Way South, P.O. Box 40234, Olympia, WA 98504-0234, phone (360) 725-0331, fax (360) 586-4989, corps@secstate.wa.gov.

September 30, 2009

Steve Excell

Assistant Secretary of State

WSR 09-20-045

PREPROPOSAL STATEMENT OF INQUIRY TRANSPORTATION IMPROVEMENT BOARD

[Filed September 30, 2009, 3:21 p.m.]

Subject of Possible Rule Making: Amending chapters 479-10 and 479-12 WAC to add language regarding small city matching funds provided by the transportation improvement board for small city projects.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 47.26 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are necessary to define and provide criteria for small cities to receive matching funds from the transportation improvement board. Chapter 47.26 RCW finds that it is in the state's interest to support the economic vitality of all cities and towns, recognizing that those cities and towns with a population of less than five thousand are unable to fully maintain and preserve their street and sidewalk system.

The new language to chapters 479-10 and 479-12 WAC would establish the principles under which small cities would receive matching funds and provide rules for small cities to receive the necessary funding to repair and maintain their infrastructure.

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 Rhonda Reinke, Chief Administrative Officer, Transportation Improvement Board, P.O. Box 40901, Olympia, WA 98504-0901, e-mail rhondar@tib.wa.gov, or fax (360) 586-1165.

September 30, 2009

Stevan Gorcester

Executive Director

WSR 09-20-075
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Medical Quality Assurance Commission)
 [Filed October 5, 2009, 3:09 p.m.]

Subject of Possible Rule Making: WAC 246-919-480 Retired active credential.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2009 2SHB 1899 (section 4(1), chapter 403, Laws of 2009) directs the commission to consider amending the retired active physician rules in a manner that improves access to health care services for the citizens of this state without compromising public safety. Some of the amendments the commission is considering are: Physicians should not be limited to primary care and physicians should not be limited to practicing in community clinics.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Kitten, Program Manager, Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-2757, fax (360) 236-2795, julie.kitten@doh.wa.gov. The commission will use a collaborative rule-making process that will include public meetings and sharing drafts with interested parties. Notifications about the rule development will be sent through ListServes.

October 5, 2009
 Julie Kitten
 Program Manager

WSR 09-20-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed October 5, 2009, 3:58 p.m.]

Subject of Possible Rule Making: WAC 220-33-030 Shad.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Columbia River compact adopted a permanent shad commercial fishery at the July 29, 2009, hearing. Recent commercial shad fisheries have had consistent seasons, stable participation, and fairly predictable landings, but have been adopted annually as an emergency regulation. This proposal will make the rule permanent.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of fish and wildlife and the

Oregon department of fish and wildlife have developed reciprocal rules for fishers on the concurrent waters of the Columbia River. This rule proposal will mirror Oregon's for the commercial shad fishery in the Columbia River.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail at Lori.preuss@dfw.wa.gov. Contact by November 23, 2009. Expected proposal filing on or after December 2, 2009.

October 5, 2009
 Lori Preuss
 Rules Coordinator

WSR 09-20-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed October 6, 2009, 12:03 p.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-406-0055 When do my benefits start? and any other related WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.090, and 74.08A.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule states that if the department is unable to process an application for Basic Food within thirty days due to a delay on the part of the client, we approve benefits starting the first day of the month following the month of application, provided the household submits the required verification by the end of the second thirty-day period. In order to comply with the conditions of USDA FNS waiver 2010182, the department proposes to amend WAC 388-406-0055, and any other related WACs, to state that if the household does not provide missing verification until the second thirty days after filing an application, the department will approve benefits starting on the date the household furnishes the missing verification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the supplemental nutrition assistance program in the federal register. Rules published in the federal register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices and interim guidance to inform states of new program requirements that are not yet in the United States Code of Federal Regulations.

The state legislature authorizes the department to administer the food stamp program and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.-08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the

Washington state combined application program (WASH-CAP) and Washington Basic Food program.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Don Winslow, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4580, fax (360) 725-4905, e-mail donald.winslow@dshs.wa.gov.

October 6, 2009
Stephanie E. Vaughn
Rules Coordinator

WSR 09-20-080

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

[Filed October 6, 2009, 12:07 p.m.]

Subject of Possible Rule Making: The community services division, economic services administration, is proposing to revise WAC 388-418-0005 How will I know what changes I must report?, to clarify that nonneedy relative or in loco parentis caregivers must report any changes to income that belongs to the child(ren) in their care.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing WAC language can be confusing. WAC 388-410-0005 (3)(a) states that overpayments cannot be collected from nonneedy caregivers who receive no financial benefit from the grant. The department needs to clarify that even though such caregivers receive no financial benefit for themselves, they must still report any changes to the child's income.

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 Tom Berry, Policy Analyst/Program

Manager, Community Services Division, ESA, 712 Pear Street S.E., Olympia, WA 98504-5470, phone (360) 725-4617, fax (360) 725-4905, e-mail berrytj@dshs.wa.gov.

October 6, 2009
Stephanie E. Vaughn
Rules Coordinator

WSR 09-20-085

**PREPROPOSAL STATEMENT OF INQUIRY
WHATCOM COMMUNITY COLLEGE**

[Filed October 6, 2009, 2:16 p.m.]

Subject of Possible Rule Making: Amending WAC 132U-120-260 through 132U-120-330, to separate the policy for student complaints from the specific procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The student rights and responsibilities (WAC 132U-120-260) policy assures that a student complaint procedure exists and this amendment separates the specific procedural steps from the policy to provide for timely, minor revisions as necessary due to instructional changes.

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 Laurel Denison, 237 West Kellogg Road, Bellingham, WA 98226, phone (360) 383-3077, fax (360) 383-4000, ldenison@whatcom.ctc.edu.

October 6, 2009
Patricia Onion
Vice-President of
Educational Services

WSR 09-20-089

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed October 6, 2009, 4:33 p.m.]

Subject of Possible Rule Making: New licensed card rooms and existing card rooms that make changes or renovations to their card room or sell their card room.

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: The purpose of the rule is to make sure a licensed card room does not appear to exceed the fifteen table limit by locating multiple licensed card rooms in a location where each establishment shares a common wall, floor or structure.

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 Michelle M. Pardee, Acting Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3465, fax (360) 486-3625; Rick Day, Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446, fax (360) 486-3625; or Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579, fax (360) 486-3625.

[Meetings on] November 20, 2009, at the Lacey Community Center, Woodland Creek Community Park, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857; and on January 15, 2010, at the DoubleTree Guest Suites-South-Center, 16500 Southcenter Parkway, Tukwila, WA 98188, (206) 575-8220.

October 6, 2009
Michelle M. Pardee
Acting Rules Coordinator

WSR 09-20-090

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed October 6, 2009, 4:38 p.m.]

Subject of Possible Rule Making: Chapter 246-320 WAC, Hospital licensing regulations (construction standards only), updating WAC 246-320-500 Applicability of WAC 246-320-500 through 246-320-600, 246-320-505 Design, construction review, and approval of plans, and 246-320-600 Washington state amendments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.41.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The construction standards portion of the hospital licensing rules adheres to the 2006 edition of the Guidelines for Design and Construction of Health Care Facilities, published by the American Institute of Architects, as do the Washington amendments in WAC 246-320-600. The guidelines are updated every four years. The newest edition will be published in January 2010. The department is considering using the updated guidelines. In order to do so, the 2010 edition must be incorporated into the construction standards sections of the hospital licensing rules. The Washington amendments in WAC 246-320-600 may also need to be updated to correlate with the 2010 guidelines.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Hilger, Rules Coordinator, Health Professions and Facilities, 310 Israel Road S.E., Tumwater, WA 98501-7852, e-mail john.hilger@doh.wa.gov, phone (360) 236-2929, fax (360) 236-2901. The department will

notify all licensees and organizations who have expressed an interest in rule-making activities. Interested parties may also submit written comments for consideration.

October 6, 2009
B. White
for Mary C. Selecky
Secretary

WSR 09-20-092

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed October 6, 2009, 5:01 p.m.]

Subject of Possible Rule Making: WAC 246-869-100 Prescription record requirements, amending to extend prescription refill period and retain the initial ('serial') prescription number.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005 and 69.41.240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board received a petition for rule making requesting that the expiration date of prescriptions for legend drugs be extended to two years from the one year noted in WAC 246-863-100 (2)(d), and to maintain the same prescription number across all unchanged refills and renewals of the initial prescription (e.g., prescriptions expiring after two years that are renewed for another two years would keep the original prescription number). The board has agreed to consider amending the rule. Such a rule could be an advantage for select patients with verifiable stable chronic conditions for which chronic medication use is medically indicated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Drug Enforcement Agency regulates controlled substances, which are not part of the proposed rule making. State agencies that administer health insurance plans, such as the Department of Health and Human Services and the health care authority, could apply limitations on prescription expiration dates and prescription numbering that are more restrictive, but they do not "regulate" them.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathy Williams, Pharmacist Consultant, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, phone (360) 236-4875, fax (360) 236-2901, or cathleen.williams@doh.wa.gov/.

October 6, 2009
Susan Teil Boyer
Executive Director
Board of Pharmacy