

**WSR 10-01-002**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed December 2, 2009, 12:09 p.m.]

Subject of Possible Rule Making: The state parks and recreation commission is considering amending WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.065 Park passes—Eligibility.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: An ADA complaint (DJ# 204-82-256) was filed with the United States Department of Justice (DOJ) alleges that state parks "verification of residency" documents outlined in WAC 352-32-251 fall short of those documents deemed acceptable as proof of residence for securing disability passes according to the Americans with Disabilities Act of 1990. This change in verification of residency documents to subsection (5) of the WAC broadens the scope of acceptable documents to align with the requirements of the ADA of 1990.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The DOJ, Civil Rights Division, Disability Rights Section advised state parks director in a letter dated October 21, 2009, of the complaint. The DOJ advised state parks director of their ruling in a letter dated November 16, 2009. Parks staff held telephone conversations with the DOJ investigator and provided documentation as requested concerning the occurrence.

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 Alan Wolslegel, Operations Support Manager, Washington State Parks, 1111 Israel Road, Olympia, WA 98504-4265, (360) 902-8659, al.wolslegel@parks.wa.gov.

November 30, 2009

Judy Johnson  
Deputy Director

**WSR 10-01-003**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

(Securities Division)

[Filed December 2, 2009, 2:29 p.m.]

Subject of Possible Rule Making: The securities division is soliciting comments on the possible amendment of the franchise broker rules set forth in chapter 460-82 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.100.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 1991 the securities division issued two policy statements concerning franchise broker registration. The division is now considering amending

chapter 460-82 WAC to incorporate the subject matter of those policy statements into codified rules. The division is also considering other possible updates, amendments, and additions to chapter 460-82 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Trade Commission (FTC) regulates the sale of franchises as do some other states. The FTC does not, however, require the registration of franchise brokers. States may seek to coordinate their franchise rules through the adoption of the model franchise rules promulgated by the North American Securities Administrators Association, Inc. in the 2008 Franchise Registration and Disclosure Guidelines available at [http://www.nasaa.org/industry\\_regulatory\\_resources/uniform\\_forms/3697.cfm](http://www.nasaa.org/industry_regulatory_resources/uniform_forms/3697.cfm). These rules do not, however, address franchise broker registration.

Process for Developing New Rule: The division is soliciting comments from interested persons and will adopt rules only after the consideration of public comments.

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](mailto:fanderson@dfi.wa.gov).

December 2, 2009

Michael E. Stevenson  
Director of Securities

**WSR 10-01-004**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed December 2, 2009, 4:17 p.m.]

Subject of Possible Rule Making: WAC 16-302-080 and 16-302-560, the department is considering amending seed certification rules to provide clarity as to when a seed field is to be rejected in regards to prohibited noxious weeds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, 15.49.370 (3), (4), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has been requested by the Washington State Crop Improvement Association (WSCIA) to amend seed certification standards to provide clarity in regards to prohibited noxious weeds encountered during the field inspection process. These amendments will provide for uniformity in application of certification standards during the field inspection process. These amendments will also communicate clearly to industry under which circumstance a field will be rejected for prohibited noxious weeds.

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

Process for Developing New Rule: The Washington state department of agriculture staff will develop the specific rule proposal. The proposed language and rule amendments

will be presented to the WSCIA, state seed organizations and individual seed company representatives to solicit input and ensure broad based notification.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Fawad Shah, WSDA, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 249-6950, e-mail [Fshah@agr.wa.gov](mailto:Fshah@agr.wa.gov).

December 2, 2009  
Kennith R. Harden  
Acting Assistant Director

### WSR 10-01-005

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 2, 2009, 4:18 p.m.]

Subject of Possible Rule Making: WAC 16-302-170, 16-302-560 and 16-302-685, for seed that contains traits such as herbicide resistance, the department is considering the verification of traits as criteria of seed certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, 15.49.370 (1), (3), (4), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has been requested by the Washington State Crop Improvement Association (WSCIA) to amend seed certification standards to allow for trait verification as criteria for seed certification. This will allow for seed lots to only be certified if the seed is proven to contain the trait as described in the variety description.

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

Process for Developing New Rule: The Washington state department of agriculture staff will develop the specific rule proposal. The proposed language and rule amendments will be presented to the WSCIA, BASF Chemical Company, the wheat seed industry, and WSU wheat seed breeders. The combination of input will formulate the process and final language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Fawad Shah, WSDA, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 249-6950, e-mail [Fshah@agr.wa.gov](mailto:Fshah@agr.wa.gov).

December 2, 2009  
Kennith R. Harden  
Acting Assistant Director

### WSR 10-01-006

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 2, 2009, 4:19 p.m.]

Subject of Possible Rule Making: WAC 16-302-070, the department is considering amending seed certification rules to provide clarity as to what constitutes a unit of certification in regards to the borders of a seed field. Additionally the proposed amendments will address the inclusion of areas surrounding a field into inspection for certification according to specific crop standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, 15.49.370 (3), (4), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has been requested by the Washington State Crop Improvement Association (WSCIA) to amend seed certification standards to provide clarity in regards to the definition of a field. Additionally the department is amending the seed certification rules to include areas of surveillance that surround a seed field as part of the inspection area.

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

Process for Developing New Rule: The Washington department of agriculture staff will develop the specific rule proposal. The proposed language and rule amendments will be presented to the WSCIA, state seed organizations and individual seed company representatives to solicit input and ensure broad based notification.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Fawad Shah, WSDA, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 249-6950, e-mail [Fshah@agr.wa.gov](mailto:Fshah@agr.wa.gov).

December 2, 2009  
Kennith R. Harden  
Acting Assistant Director

### WSR 10-01-034

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed December 7, 2009, 11:01 a.m.]

Subject of Possible Rule Making: The department is considering rule making regarding wildlife conflict/damage.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 77.36, 77.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Public safety and protection of property from damage caused by wildlife.

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 January 27, 2010. Expected proposal filing on or after February 17, 2010.

December 7, 2009

Lori Preuss  
Rules Coordinator

### WSR 10-01-035

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed December 7, 2009, 12:00 p.m.]

Subject of Possible Rule Making: Body art, body piercing and tattoo rule development.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.300.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 18.300 RCW the law relating to body art, body piercing, and tattooing was passed by legislature during the 2009 legislative session. The department will need to develop rules to carry out this new law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health determines the safety and sanitation requirements of chapter 18.300 RCW. The department of health's representative has been in attendance and actively involved with the department of licensing body art, body piercing and tattoo advisory committee meetings and rule development process.

Process for Developing New Rule: Negotiated rule making. Direct notice will be made to a compiled stakeholders list. Communication with the public in general will be made through the department of licensing (DOL) tattoo, body art, body piercing web site and tattoo, body art, body piercing listserv.

DOL welcomes the public to take part in developing the rules. Anyone interested should attend the body art, body piercing and tattoo advisory committee meetings posted on the DOL web site. At a later date, DOL will file a proposal with the office of the code reviser with a notice of proposed rule making.

To receive information by e-mail, please sign up on the TATTOOBODYARTPIERCERS listserv at <http://listserv.wa.gov>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Benjamin Rogers, Department of Licensing, Business and Professions Division, Tattoo Program, P.O. Box 9026, Olympia, WA 98507, phone (360) 664-1380, e-mail [berogers@dol.wa.gov](mailto:berogers@dol.wa.gov), fax (360) 664-2550. Interested parties may send in their comments by mail, phone, facsimile, or e-mail. Additional information will be

posted on the tattoo, body art, body piercing internet web site as it becomes available at <http://dol.wa.gov/business/tattoo>.

December 7, 2009

Walt Fahrer  
Rules Coordinator

### WSR 10-01-041

#### WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 8, 2009, 9:24 a.m.]

The aging and disability services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 08-21-151 on October 21, 2008 (WAC 388-561-0300).

Stephanie E. Vaughn  
Rules Coordinator

### WSR 10-01-067

#### PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed December 11, 2009, 11:18 a.m.]

Subject of Possible Rule Making: WAC 260-12-010.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add updated definitions to reflect current language.

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 Douglas L. Moore, Deputy Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, [dmoore@whrc.state.wa.us](mailto:dmoore@whrc.state.wa.us).

December 11, 2009

Douglas L. Moore  
Deputy Executive Secretary

**WSR 10-01-073**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed December 14, 2009, 4:38 p.m.]

The health and recovery services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 07-21-106 on October 19, 2007 (chapter 388-533 WAC).

Stephanie E. Vaughn  
 Rules Coordinator

**WSR 10-01-075**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed December 15, 2009, 7:32 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., specifically WAC 308-56A-420 Delivery of vehicle on dealer temporary permit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is required to make the rule clearer.

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

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 Dale R. Brown, Management Analyst, Vehicle Services, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-7821 or 902-7822, TTY (360) 664-8885, e-mail [DBROWN@dol.wa.gov](mailto:DBROWN@dol.wa.gov).

December 15, 2009  
 Walt Fahrer  
 Rules Coordinator

**WSR 10-01-083**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed December 15, 2009, 3:52 p.m.]

Subject of Possible Rule Making: WAC 296-15-360 Qualifications of personnel, chapter 296-15 WAC governs

employers who are permitted to self-insure their workers' compensation obligation pursuant to Title 51 RCW. This filing includes modifications to WAC 296-15-360. The modifications will simplify the continuing education requirements for department-approved claims administrators who choose to recertify via continuing education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.20 [51.04.020], 51.14.020, 51.32.190, 51.14.090, and 51.14.095.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to a petition for rule making, the department has agreed to modify WAC 296-15-360. The rule currently requires that a department-approved claims administrator who chooses to recertify via continuing education earn seventy-five continuing education credits, with a minimum number of credits in five different categories. The modified rule will still require seventy-five credits, but will no longer include category requirements.

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: Labor and industries will work with representatives of the labor and self-insured employer communities on all changes to WAC 296-15-360. A public hearing will be held in Tumwater 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 Margaret Conley, Department of Labor and Industries Self Insurance Section, P.O. Box 44890, Olympia, WA 98504-4890, phone (360) 902-6723, fax (360) 902-6977, e-mail [Mcgm235@Lni.wa.gov](mailto:Mcgm235@Lni.wa.gov).

December 15, 2009  
 Judy Schurke  
 Director

**WSR 10-01-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**YAKIMA VALLEY**  
**COMMUNITY COLLEGE**

[Filed December 17, 2009, 8:53 a.m.]

Subject of Possible Rule Making: First amendment activities at Yakima Valley Community College.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is appropriate for the college to create time, place and manner regulations to establish procedures and reasonable controls for the use of college facilities for both noncollege and college groups who wish to exercise their freedom of speech rights. The intent is to balance the college's responsibility to fulfill its mission as a state educational institution of Washington with the interests of noncollege groups or college groups who are interested in using college space for purposes of constitutionally protected speech, assembly or expression.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: First amendment to the United States Constitution. We will coordinate any language we propose for adoption with the state of Washington attorney general's office to make sure it complies with constitution protections.

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 Nicole Hopkins, Community Regulations, (509) 574-6870, nhopkins@yvcc.edu or Suzy West, President's Office, (509) 574-4637, swest@yvcc.edu, Yakima Valley Community College, P.O. Box 22520, Yakima, WA 98907-2520.

December 17, 2009

Suzanne West

Rules Coordinator

### WSR 10-01-103

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 17, 2009, 11:52 a.m.]

Subject of Possible Rule Making: Chapter 16-54 WAC, Animal importation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend chapter 16-54 WAC to update import requirements to be consistent with other states. Other proposed amendments include changes to the poultry, swine and virgin bull definitions and to amend the current laboratory testing requirements.

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

Process for Developing New Rule: The Washington state department of agriculture staff will develop the rule proposal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail lbriscoe@agr.wa.gov.

December 17, 2009

Leonard E. Eldridge, DVM

Assistant Director

### WSR 10-01-105

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 17, 2009, 11:53 a.m.]

Subject of Possible Rule Making: Chapter 16-604 WAC, Public livestock markets—Health, brands and weights and measures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend chapter 16-604 WAC to correct incorrect references to the Code of Federal Regulation. The proposed amendments will correct those references and will make the rules easier to understand and interpret.

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

Process for Developing New Rule: The Washington state department of agriculture staff will develop the rule proposal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail lbriscoe@agr.wa.gov.

December 17, 2009

Leonard E. Eldridge, DVM

Assistant Director

### WSR 10-01-106

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 17, 2009, 11:54 a.m.]

Subject of Possible Rule Making: Chapter 16-71 WAC, Equine infectious anemia.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend chapter 16-71 WAC to add five new sections regarding equine diseases. The five new sections include the following diseases: Equine viral arteritis, equine herpes virus, equine piroplasmiasis, strangles and vesicular stomatitis. The department also proposes to change the name of this WAC to Equine diseases in Washington state. These amendments are necessary to safeguard the health of the equine industry as the listed diseases have become a threat to the equine in Washington 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: The Washington state department of agriculture staff will develop the rule pro-

posal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail lbriscoe@agr.wa.gov.

December 17, 2009

Leonard E. Eldridge, DVM  
Assistant Director

### WSR 10-01-107

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 17, 2009, 11:54 a.m.]

Subject of Possible Rule Making: Chapter 16-80 WAC, Pseudorabies in swine.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend chapter 16-80 WAC to create a definition for feral swine and to bring the current language up-to-date with current standards as well as make it clear and usable. The department also proposes to change the name of this WAC to Swine diseases regulated in Washington state. These changes are necessary to ensure consistency among the animal health regulations and to safeguard the health, safety, and welfare of the swine industry and citizens of 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: The Washington state department of agriculture staff will develop the rule proposal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail lbriscoe@agr.wa.gov.

December 17, 2009

Leonard E. Eldridge, DVM  
Assistant Director

### WSR 10-01-108

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 17, 2009, 11:54 a.m.]

Subject of Possible Rule Making: Chapter 16-70 WAC, Animal diseases—Reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend chapter 16-70 WAC to help clarify the process on reporting diseases from the OIE (World Organization of Animal Health) reportable disease list. Proposed amendments include adding caseous lymphadenitis and malignant catarrhal fever (all forms) to the Washington state department of agriculture (WSDA) reportable disease list.

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

Process for Developing New Rule: WSDA staff will develop the rule proposal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail lbriscoe@agr.wa.gov.

December 17, 2009

Leonard E. Eldridge, DVM  
Assistant Director

### WSR 10-01-125

#### PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed December 18, 2009, 12:07 p.m.]

Subject of Possible Rule Making: Title 390 WAC, to consider providing amendatory language addressing political advertising, including but not limited to telephone and internet communications and public opinion polls; and to consider amendatory language addressing disclosure of "top five contributors." Rules that may be under consideration for possible rule making include but are not limited to WAC 390-05-290 Definition—Political advertising, 390-18-010 Advertising, political advertising, electioneering communications, and independent expenditures, and 390-18-025 Advertising—Identification of "top five contributors."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A petition for rule making dated October 12, 2009, was submitted under RCW 34.05.-330 to the public disclosure commission. The commission considered the petition at its December 3, 2009, meeting. The petition concerned the subjects of possible rule making listed above and the three above-referenced rules in Title 390

WAC. The petition requested the commission to initiate rule making to adopt rule language under Title 390 WAC for the purpose of requiring additional disclosure under chapter 42.17 RCW of information concerning political advertising and concerning "top five contributors."

At the December meeting the petitioner's representative explained that while the petition included suggestions for possible amendatory language for WAC 390-05-290, 390-18-010 and 390-18-025, the suggestions were primarily designed to initiate a rule-making process. The CR-101 process was noted as the first step in a typical rule-making process. The commission also noted that a bill pending in the state legislature (SHB 2016) also concerns a subject in the petition ("top five contributors.")

Following consideration of the materials and presentations from the petitioner's representative and agency staff, and considering one written comment from the public, the commission determined to address the concerns raised in the petition by initiating the rule-making process and filing a CR-101.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None. The commission is aware that there is currently a discussion at the Federal Election Commission (FEC) concerning states' abilities to regulate automated campaign telephone calls ("robocalls") and the commission will be watching the outcome of that process, to the extent it may affect any of the subjects raised in the petition.

Process for Developing New Rule: The commission is currently taking additional public comment on the petition. A copy of the petition is located at [www.pdc.wa.gov](http://www.pdc.wa.gov) under "Laws and Rules" (*Rulemaking Activity 2009*) and with the October 22, 2009, and December 3, 2009, meeting agendas under "Commission Meetings" (*Commission Meetings Agendas and Materials*). The rules referenced in the petition are also listed in a news release available on the PDC web site under "PDC News."

The agency will also schedule a stakeholder meeting on January 13, 2010, to seek public comment on the subjects raised in the petition. Because the commission will consider the possible impact of bills considered or enacted in the 2010 legislative session on the rule-making subjects in the petition, the commission will likely not decide if it will propose any amendatory language to Title 390 WAC through filing a CR-102 or proceed with other rule-making steps until after the 2010 session adjourns.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Assistant Director Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll-free 1-877-601-2828, e-mail [dellis@pdc.wa.gov](mailto:dellis@pdc.wa.gov).

December 18, 2009  
Vicki Rippie  
Executive Director

### WSR 10-01-134

#### PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed December 21, 2009, 11:23 a.m.]

Subject of Possible Rule Making: WAC 392-121-264 Finance—General apportionment—Definition—Certificated years of experience.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions will allow teaching experience at Seattle Children's Hospital to be included in calculating a teacher's certificated years of experience for purposes of salary allocations.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Bunda, (360) 725-6308.

December 21, 2009  
Randy I. Dorn  
Superintendent of  
Public Instruction

### WSR 10-01-136

#### PREPROPOSAL STATEMENT OF INQUIRY BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

[Filed December 21, 2009, 10:50 a.m.]

Subject of Possible Rule Making: Chapter 196-25 WAC, Business practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is currently looking at the definitions that are currently contained in rule.

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 George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1565, fax (360) 664-2551. Comments may be submitted through regular mail, fax or e-mail. Draft language of

rule amendments will be distributed to the board's list of interested persons (listserv).

December 21, 2009  
George A. Twiss  
Executive Director

**WSR 10-01-137**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF REGISTRATION**  
**FOR PROFESSIONAL ENGINEERS**  
**AND LAND SURVEYORS**

[Filed December 21, 2009, 10:50 a.m.]

Subject of Possible Rule Making: New chapter 196-13 WAC, PE licensure by comity from non-U.S. jurisdictions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is currently looking at the evaluation of equivalency between the licensure process common to Canadian associations and those common in the United States. This new section will be created to address issues to applicants that are seeking licensure in Washington that are currently licensed in non-U.S. jurisdictions.

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 George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1565, fax (360) 664-2551. Comments may be submitted through regular mail, fax or e-mail. Draft language of rule amendments will be distributed to the board's list of interested persons (listserv).

December 21, 2009  
George A. Twiss  
Executive Director

**WSR 10-01-149**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed December 22, 2009, 8:48 a.m.]

Subject of Possible Rule Making: Chapter 196-26A WAC, Registered professional engineers and land surveyors fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.080 and 43.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to chapter 196-

26A WAC are necessary to make a reduction in fees charged to licensees. These adjustments are being made to assure revenue collections are consistent with expenditures and do not result in an over-collection.

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 George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1565, fax (360) 664-2551. Comments may be submitted through regular mail, fax or e-mail. Draft language of rule amendments will be distributed to the board's list of interested persons (listserv).

December 22, 2009  
Walt Fahrer  
Rules Coordinator

**WSR 10-01-150**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed December 22, 2009, 8:49 a.m.]

Subject of Possible Rule Making: Chapter 196-30 WAC, Fees for on-site wastewater treatment designers and inspectors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086, 18.43.035, and 18.210.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is a statutory requirement under RCW 43.24.086 that licensing and regulatory groups such as this board be self-supporting through fees. The department of licensing and the engineer/surveyor board are reviewing the fee structure to determine if any adjustments to fees must be made, as well as determining if any updates to the language in the rule are necessary.

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 George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1565, fax (360) 664-2551. Comments may be submitted through regular mail, fax or e-mail. Draft language of rule amendments will be distributed to the board's list of interested persons (listserv).

December 22, 2009  
Walt Fahrer  
Rules Coordinator



**WSR 10-01-159**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed December 22, 2009, 11:52 a.m.]

Subject of Possible Rule Making: The department plans to propose amendments to WAC 388-310-1600 WorkFirst—Sanctions, and other related rules, to tighten program requirements and prioritize services for WorkFirst clients.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and chapters 74.08A and 74.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to modify rules to tighten program requirements and prioritize services for WorkFirst clients in response to reduced funding.

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 Stephanie Nielsen, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4699, fax (360) 725-4905, e-mail Stephanie.nielsen@dshs.wa.gov.

December 22, 2009

Don Goldsby, Manager  
Rules and Policies Assistance Unit

**WSR 10-01-160**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed December 22, 2009, 11:54 a.m.]

Subject of Possible Rule Making: The department plans to propose amendments to WAC 388-310-2100 Career services program and other related rules, to tighten program requirements and prioritize services for clients.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and chapters 74.08A and 74.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to modify rules to tighten program requirements and prioritize services for clients in response to reduced funding.

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 Olga Walker, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4641, fax (360) 725-4905, e-mail olga.walker@dshs.wa.gov.

December 22, 2009

Don Goldsby, Manager  
Rules and Policies Assistance Unit

**WSR 10-01-161**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed December 22, 2009, 11:58 a.m.]

Subject of Possible Rule Making: The department plans to propose amendments to TANF/SFA assistance program rules in chapter 388-484 WAC, and possible other related rules, to tighten program requirements and prioritize services for clients.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and chapters 74.08A and 74.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to modify rules to tighten program requirements and prioritize services for clients in response to reduced funding.

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 Stacey Bushaw, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4622, fax (360) 725-4905, e-mail stacey.bushaw@dshs.wa.gov.

December 22, 2009

Don Goldsby, Manager  
Rules and Policies Assistance Unit

**WSR 10-01-166**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Health and Recovery Services Administration)  
[Filed December 22, 2009, 12:13 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-540-101 Purpose and scope, 388-540-105 Definitions, 388-540-110 Eligibility, 388-540-120 Provider requirements, 388-540-130 Covered services, 388-540-140 Noncovered services, 388-540-150 Reimbursement—General, 388-540-160 Items and services included in the composite rate, 388-540-170 Items and services not included in the composite rate, 388-540-180 Laboratory services, 388-540-190 Blood products and services, 388-540-200 Epoetin alpha (EPO) therapy, and 388-540-210 Injectable drugs given in the kidney center; possible other sections pertaining to kidney disease centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.510, 74.09.520, 74.09.522, and 42 C.F.R. 405.2101.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is updating and clarifying policy for free-standing kidney centers that provide dialysis and end-stage renal disease services to department clients.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed 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 Kathy Sayre, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-45504 [98504-5504], phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

December 22, 2009  
Don Goldsby, Manager  
Rules and Policies Assistance Unit

**WSR 10-01-169**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed December 22, 2009, 12:21 p.m.]

Subject of Possible Rule Making: WAC 296-20-1103 Travel expense, to revise the payment methodology for injured workers currently reimbursed (with prior authorization) for travel expense.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule is intended to provide reasonable and fair reimbursement for injured workers traveling out of his/her immediate residential area to the nearest point of adequate treatment or other services.

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 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 by contacting Bob Mayer, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-5021, fax (360) 902-4249.

December 22, 2009  
Judy Schurke  
Director

**WSR 10-01-171**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed December 22, 2009, 12:26 p.m.]

Subject of Possible Rule Making: WAC 296-20-10 [296-20-010] (5), (6), general information. The purpose of the rule making is to clarify whether or not providers can charge patients for "no show" or "missed medical appointments" related to the industrial injury on an approved claim.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules will clarify current rules on when medical providers can or can't charge injured workers for missed appointments related to the industrial injury.

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

Process for Developing New Rule: The rule will be developed in consultation with major stakeholders and other interested parties:

1. Workers compensation advisory committee.
2. The industrial insurance medical advisory committee.
3. The state's agency medical directors group.
4. The Washington State Medical Association.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Aaron Huff, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-4259, fax (360) 902-4249.

December 22, 2009  
Judy Schurke  
Director

### WSR 10-01-179

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)  
[Filed December 22, 2009, 2:27 p.m.]

Subject of Possible Rule Making: Chapter 246-840 WAC creating a new section for the early remediation program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110, 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The nursing care quality assurance commission has a backlog of pending investigations. The early remediation program allows quick identification of complaints of a less serious nature. Resolution of these cases occurs with voluntary participation from the nurse in obtaining additional education, training and monitoring. Appropriate complaints include clinical practice deficiency, no patient harm but potential for harm and substandard care that is not willful misconduct. New rules will establish a process for the program, which is currently in 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: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry J. West, terry.west@doh.wa.gov, Department of Health, P.O. Box 47864, Olympia, WA 98504. Public rules writing sessions are planned using the list serve that will allow participation throughout Washington state.

December 21, 2009  
Paula R. Meyer, MSN, RN  
Executive Director

### WSR 10-01-191

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF CORRECTIONS

[Filed December 22, 2009, 3:58 p.m.]

Subject of Possible Rule Making: Adding registered domestic partner to rules affecting spousal rights, amending WAC 137-12A-020.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To follow the directive of the legislature to ensure registered domestic partners are extended the same rights as spouses.

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

Process for Developing New Rule: The department invites interested parties to review and provide input on the proposed rules. Comments may be sent to John Nispel, rules coordinator at the address shown below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Nispel, Rules Coordinator, Department of Corrections, Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, phone (360) 725-8365, fax (360) 664-2009.

December 22, 2009  
E. Vale  
Secretary

### WSR 10-01-198

#### PREPROPOSAL STATEMENT OF INQUIRY TRANSPORTATION COMMISSION

[Filed December 23, 2009, 8:35 a.m.]

Subject of Possible Rule Making: Proposed new WAC 468-300-050 Fuel surcharge.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030, 47.60.315.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of new WAC 468-300-050, is to provide flexibility in funding Washington state ferries' unstable fuel costs, pending legislative direction.

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 Reema Griffith, Executive Director, Transportation Commission, 2404 Chandler Court S.W., Suite 270, Olympia, WA 98501, e-mail griffir@wstc.wa.gov, phone (360) 705-7070, fax (360) 705-6802.

December 23, 2009  
Reema Griffith  
Executive Director