

WSR 10-07-033**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed March 10, 2010, 8:37 a.m.]

Subject of Possible Rule Making: Title 260 WAC.

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: The Washington horse racing commission is contemplation [contemplating] changing how owners obtain a license.

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, doug.moore@whrc.state.wa.us.

March 10, 2010

Douglas L. Moore

Deputy Executive Secretary

WSR 10-07-034**PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD**

[Filed March 10, 2010, 11:25 a.m.]

Subject of Possible Rule Making: Chapter 314-40 WAC, Clubs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the liquor control board's ongoing rules review process, chapter 314-40 WAC is being reviewed for relevance, clarity, and accuracy. Rules to implement Interim Board Policy #01-2010 will also be part of this rule making.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

March 10, 2010

Sharon Foster

Chairman

WSR 10-07-042**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

[Filed March 11, 2010, 8:45 a.m.]

Subject of Possible Rule Making: Charities program fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.09.075(9), 19.09.079(8), 19.09.097(4), 19.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules implement law that was passed in 2007, creating the charities education program, and authorizing the increase of fees to fund the program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the 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 by contacting Rebecca Sherrell, P.O. Box 40234, Olympia, WA 98504, (360) 725-0380, Rebecca.sherrell@sos.wa.gov; Linda Shea, P.O. Box 40234, Olympia, WA 98504, (360) 725-0311, linda.shea@sos.wa.gov; or Pamela Floyd, P.O. Box 40234, Olympia, WA 98504, (360) 725-0310, pam.floyd@sos.wa.gov.

March 11, 2010

Steve Excell

Assistant Secretary of State

WSR 10-07-043**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

[Filed March 11, 2010, 8:50 a.m.]

Subject of Possible Rule Making: Corporations procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Some state laws regarding these rules have changed, new technology is available, and a move towards "plain talk" are all reasons for updating and simplifying the existing rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of revenue, department of licensing, employment security, labor and industries, and attorney general.

These rules will be published on our web site for these agencies as well as the public. The office of the attorney general will be asked for direct input on these rules, as well as the other four agencies.

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 Pamela Floyd, P.O. Box 40234, Olympia, WA 98504, 360-725-0310, fax (360) 586-4989, pam.floyd@sos.wa.gov.

Meetings: Public hearings will be scheduled and posted on our web site; e-mail notices will go to identified stakeholders.

Other exchanges of information: Monthly meetings with other UBI agencies; corps@sos.wa.gov will also accept comments.

February 00, 2010 [March 11, 2010]

Steve Excell

Assistant Secretary of State

WSR 10-07-052

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed March 12, 2010, 8:16 a.m.]

Subject of Possible Rule Making: Chapter 260-16 WAC, Washington-bred horses.

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: The Washington horse racing commission is contemplation [contemplating] changing how thoroughbreds in Washington are certified.

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, doug.moore@whrc.state.wa.us.

March 12, 2010

Douglas L. Moore

Deputy Executive Secretary

WSR 10-07-058

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 15, 2010, 10:52 a.m.]

Subject of Possible Rule Making: The department plans to amend WAC 388-412-0020 When do I get my benefits?, 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, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 388-412-0020 currently does not inform eligible food assistance households when they will receive their initial issuance of food benefits. The department is proposing to amend WAC 388-412-0020 to inform these households that their initial food benefits will be issued within thirty days from the date of application, as required by food and nutrition service (FNS) program regulations under 7 C.F.R. 273.2 (g)(1) and 7 C.R.F. [C.F.R.] 274.2(b), and FNS Administrative Notice 10-11.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, 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 (C.F.R.). FNS also issues administrative notices and interim guidance to inform states of new program requirements that are not yet in the United States C.F.R.

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 [74.08A.120].

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administration rules for food assistance programs administered under the Washington state combined application program (WASHCAP) and the 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 Kim Chea, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4653, fax (360) 725-4905, e-mail kimberly.chea@dshs.wa.gov.

March 15, 2010

Don Goldsby, Manager

Rules and Policies Assistance Unit

WSR 10-07-059**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

(Special Commitment Center)

[Filed March 15, 2010, 10:53 a.m.]

Subject of Possible Rule Making: WAC 388-885-005 Purpose, 388-885-010 Definitions, 388-885-013 Limitations on reimbursement costs related to expert evaluations, 388-885-015 Limitations of funds, 388-885-020 Maximum allowable reimbursement for civil commitment costs, 388-885-025 Billing procedures, 388-885-030 Exceptions, 388-885-035 Effective date and 388-885-040 Audits, and related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 71.09 RCW and RCW 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These existing rules require updating to better reflect current practices as they relate to the reimbursement of local agencies for their costs associated with the civil commitment process of sexually violent predators.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no federal or state agencies other than the special commitment center that regulate the subject of these WACs.

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 Mark Davis, Performance and Accountability Officer, DSHS Special Commitment Center W27-22, P.O. Box 88450, Steilacoom, WA 98388-0646, phone (253) 617-6283, fax (253) 589-6228, TTY 1-800-848-5429, e-mail DavisMF@dshs.wa.gov.

March 9, 2010

Katherine I. Vasquez

Rules Coordinator

WSR 10-07-060**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed March 15, 2010, 12:08 p.m.]

Subject of Possible Rule Making: Medicaid and CHIP eligibility for Native Americans WAC 388-450-0040, 388-450-0080, 388-455-0005, 388-455-0015, 388-470-0045, 388-475-0350, 388-475-0550, and 388-475-0600.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, ARRA of 2009 (Recovery Act), Public Law 111-5, Section 5006(b); 42 C.F.R. 435.601, EEOICPA of 2000, Public Law 106-398, Sec. 1, app., Title XXXVI (October 30, 2000) (section 1 adopting as Appendix H.R. 5408), Section 3646 of the Appendix.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement necessary language regarding:

(1) Exemption of certain property from resources for medicaid and children's health insurance program (CHIP) eligibility for Native Americans, as required under the American Recovery and Reinvestment Act (ARRA) of 2009 (Recovery Act); and

(2) Payments or interest accrued on payments made under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) listed as excluded resources for SSI-related medical programs.

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, e-mail boediwl@dshs.wa.gov, fax (360) 586-9727, TTY (800) 848-5429.

March 15, 2010

Katherine I. Vasquez

Rules Coordinator

WSR 10-07-061**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed March 15, 2010, 1:13 p.m.]

Subject of Possible Rule Making: The department plans to amend WAC 388-450-0015 What types of income does the department not use to figure out my benefits?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.510, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing changes to WAC 388-450-0015 to exclude the federal \$25 supplemental weekly unemployment compensation payment authorized by the American Recovery and Reinvestment Act of 2009 for cash programs. This proposed amendment will exclude the payments for cash programs in order to provide consistent treatment of the payment across program lines. The department is going through the permanent rule-making process to adopt the amendment made to this WAC by an

emergency rule filed as WSR 10-02-038, effective January 1, 2010.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: November 6, 2009, the president signed the Worker, Homeownership, and Business Assistance Act of 2009. Section 8 of the act requires that the \$25 federal supplemental unemployment compensation benefit be excluded as income or a resource when determining eligibility and benefits for the Supplemental Nutrition Assistance Program or SNAP. SNAP is administered under the Washington Basic Food program in Washington.

As federal regulations require these funds to be excluded for medicaid and SNAP, the department will exclude the payments for cash in order to provide consistent treatment of the payment across program lines.

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 Aurea Figueroa-Rogers, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4623, fax (360) 725-4905, e-mail aurea.figueroa-rogers@dshs.wa.gov.

March 15, 2010
Katherine I. Vasquez
Rules Coordinator

WSR 10-07-073

PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed March 16, 2010, 2:04 p.m.]

Subject of Possible Rule Making: Limited liability companies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 25.15.007, 25.15.805, 25.15.810.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recent changes to state law (both 2009 and 2010 legislative sessions) cause these rules to need updating.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the attorney general, department of licensing, department of revenue, and Internal Revenue Service. All rules will be posted on the secretary's web site, as well as brought to the attention of the above agencies through specific contacts, as well as a public hearing.

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 Pamela Floyd, P.O. Box 40234, Olym-

pia, WA 98504-0234, (360) 725-0310, fax (360) 586-4989, pam.floyd@sos.wa.gov or Linda Shea, P.O. Box 40234, Olympia, WA 98504-0234, (360) 725-0311, fax (360) 586-4989, linda.shea@sos.wa.gov.

March 16, 2010
Steve Excell
Assistant Secretary of State

WSR 10-07-074

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 16, 2010, 2:16 p.m.]

Subject of Possible Rule Making: WAC 392-137-115 Student residence—Definition.

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: The office of superintendent of public instruction (OSPI) has always instructed districts what a student residence means, but we have not put parameters on when residence is established.

To align with WAC 392-121-108(1), which instructs districts to not count a student who is absent for more than twenty days, we are proposing to set the standard of residency to be if the student is expected to stay within the district for more than twenty days, they may be determined to be a resident.

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 Becky McLean, OSPI Enrollment Reporting Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

February 18, 2010
Randy Dorn
Superintendent of
Public Instruction

WSR 10-07-075

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 16, 2010, 2:20 p.m.]

Subject of Possible Rule Making: Running Start program, chapter 392-169 WAC.

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: RCW 28A.600.300 was revised to include public tribal college and Evergreen State

College as institutions of higher education that may offer Running Start. Chapter 392-169 WAC which governs Running Start institutions of higher education should be updated to reflect this change.

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 Becky McLean, OSPI Enrollment Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

March 10, 2010
Randy Dorn
Superintendent of
Public Instruction

WSR 10-07-088

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed March 18, 2010, 1:21 p.m.]

Subject of Possible Rule Making: WAC 314-13-030 What method of payment can a retailer use to purchase spirituous liquor from the board?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.16.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 324-13-030 needs to be revised to reflect current law and practice.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

March 18, 2010
Sharon Foster
Chairman

WSR 10-07-089

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

(Securities Division)

[Filed March 18, 2010, 1:26 p.m.]

Subject of Possible Rule Making: The securities division is soliciting comments on the possible amendment of the investment adviser rules set forth in chapter 460-24A WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.005, 21.20.020, 21.20.030, 21.20.040,

21.20.050, 21.20.060, 21.20.070, 21.20.080, 21.20.090, 21.20.100, 21.20.330, 21.20.340, 21.20.450, 21.20.702.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division is considering possible updates, amendments, and additions to chapter 460-24A WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Securities and Exchange Commission (SEC) regulates investment advisers and requires registration of investment advisers that have \$30 million or more under management. An investment adviser with at least \$25 million but no more than \$30 million of assets under management may choose to register federally with the SEC or the state in which it maintains its principal office and place of business. The division regulates investment advisers under the Securities Act of Washington, chapter 21.20 RCW, and requires registration of those that do business in our state with less than \$25 million under management or that have more than \$25 million, but less than \$30 million under management and choose to be registered at the state level as an alternative to federal 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.

March 17, 2010
Scott Jarvis
Director

WSR 10-07-091

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed March 18, 2010, 3:50 p.m.]

Subject of Possible Rule Making: Chapter 415-108 WAC, Public employees' retirement system (PERS) and chapter 415-110 WAC, School employees' retirement system (SERS).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to the department of retirement systems (DRS) rules are needed to incorporate provisions of SB 5303 (2009), the transfer of PERS plan 2 members to SERS plan 2.

Process for Developing New Rule: DRS will develop the draft rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

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

lication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Ken Goolsby, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-5397, e-mail rules@drs.wa.gov.

March 17, 2010
Ken Goolsby
Rules Coordinator

WSR 10-07-098

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

(Division of Consumer Services)

[Filed March 19, 2010, 10:21 a.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.320 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules must be amended to implement chapter 35, Laws of 2010. The rules may also be amended to achieve consistency with the federal rules implementing the SAFE Act. The final version of those rules is expected in the coming months. Finally, the rules must also be amended generally for clarity and consistency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal SAFE Act is regulated by HUD. If HUD promulgates the final rules implementing the SAFE Act in the coming months, the rules under the MBPA will be amended for consistency.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elizabeth Stancil, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8786, elizabeth.hampton@dfi.wa.gov, DFI web site www.dfi.wa.gov, listserv subscription.

March 19, 2010
Deborah Bortner, Director
Division of Consumer Services

WSR 10-07-099

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

(Division of Consumer Services)

[Filed March 19, 2010, 10:52 a.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040, 31.04.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules must be amended to implement chapter 35, Laws of 2010; to make permanent an emergency rule amending RCW 31.04.115; to achieve consistency with the federal rules implementing the SAFE Act (final rules are expected in the coming months; and amended generally for clarity and consistency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal SAFE Act is regulated by HUD. If HUD promulgates the final rules implementing the SAFE Act in the coming months, the rules under the CLA will be amended for consistency.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elizabeth Stancil, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8786, elizabeth.hampton@dfi.wa.gov, DFI web site www.dfi.wa.gov, listserv subscription.

March 19, 2010
Deborah Bortner, Director
Division of Consumer Services

WSR 10-07-100

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

(Division of Consumer Services)

[Filed March 19, 2010, 11:10 a.m.]

Subject of Possible Rule Making: Amending the rules in chapter 208-690 WAC under the Uniform Money Services Act, chapter 19.230 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 43.320, 19.230 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules must be amended to implement chapter 73, Laws of 2010, and generally for clarity and consistency.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elizabeth Hampton, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200,

(360) 902-8786, elizabeth.hampton@dfi.wa.gov, DFI web site www.dfi.wa.gov, listserv subscription.

March 19, 2010

Deborah Bortner, Director
Division of Consumer Services

WSR 10-07-101

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

FINANCIAL INSTITUTIONS

(Division of Consumer Services)

[Filed March 19, 2010, 11:19 a.m.]

Subject of Possible Rule Making: Amending the rules in chapter 208-680A - 208-680G WAC, implementing the Escrow Agent Registration Act, chapter 18.44 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 43.320, 18.44 RCW, and chapter 34, Laws of 2010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules must be amended to implement the Laws of 2010, to generally increase clarity and consistency, and to reorganize the chapter to consolidate existing chapters 208-680A - 208-680G WAC into a single chapter to allow ease of use and on-line searching.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elizabeth Hampton, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8786, elizabeth.hampton@dfi.wa.gov, DFI web site www.dfi.wa.gov, listserv subscription.

March 19, 2010

Deborah Bortner, Director
Division of Consumer Services

WSR 10-07-127

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed March 23, 2010, 10:35 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance. Revisions to retrospective rating rules. Changes contemplated include changes to retrospective rating plans and tables, including the addition of hazard groups.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are being considered as part of the work done under the retrospective rating proviso study which directed the department to contract with

outside experts to evaluate and recommend improvements to the retrospective rating program.

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 be working with retrospective rating association and group sponsors to explain and model the changes to be made. Labor and industries will also work with the retrospective rating advisory committee and retrospective rating proviso study group as changes are developed. The public can participate in these discussions by attending meetings of any of these groups. Meeting schedules are found at www.lni.wa.gov/ClaimsIns/Insurance/Reduce/Qualify/AdvComm/default.asp or the retrospective rating advisory committee. Information will also be shared through the retrospective rating program listserv. Interested parties may register at <http://www.lni.wa.gov/Main/Listservs/ClaimsIns/Retro.asp>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department will be holding public hearing(s) on this rule making and inquiries can be directed to Diane Doherty, P.O. Box 44180, Olympia, WA 98504-4180, phone (360) 902-4835, fax (360) 902-4258, e-mail Diane.Doherty@LNI.wa.gov.

March 23, 2010

Judy Schurke
Director

WSR 10-07-144

PREPROPOSAL STATEMENT OF INQUIRY

EMPLOYMENT SECURITY DEPARTMENT

[Filed March 23, 2010, 4:28 p.m.]

Subject of Possible Rule Making: WAC 192-04-040, 192-04-060 and 192-04-175, the department is clarifying the rules related to the commissioner's review of decisions issued by the office of administrative hearings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment to WAC 192-04-175 will establish the circumstances under which an individual designated by the commissioner may, as an interested party, direct the commissioner's review office to take a decision issued by the office of administrative hearings under advisement. Other changes to rules are made for purposes of clarity and ease of administration. WAC 192-04-063 will be repealed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity

is maintained. The proposed regulations will be shared with USDOL prior to adoption.

The office of administrative hearings (OAH) issues initial orders for unemployment insurance appeals and petitions for hearing filed by claimants and employers. The OAH will be provided the opportunity for comment prior to adoption of these rules.

Process for Developing New Rule: The employment security department (ESD) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, ESD 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 distribution 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 Juanita Myers, Unemployment Insurance Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jmyers@esd.wa.gov.

March 17, 2010

Paul Trause
Deputy Commissioner

WSR 10-07-151

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed March 24, 2010, 8:43 a.m.]

Subject of Possible Rule Making: Hunter reporting.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provides clarification and consistency with current proposed changes to the special permit drawing categories.

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 April 26, 2010. Expected proposal filing on May 7, 2010.

March 24, 2010

Lori Preuss
Rules Coordinator

WSR 10-07-152

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed March 24, 2010, 8:52 a.m.]

Subject of Possible Rule Making: Chapters 415-02, 415-103, and 415-111 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), 43.43.278, and chapter 41.45 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of the state actuary (OSA) has provided the department with new actuarial projections. The department will amend its rules to update administrative factors for the law enforcement officers' and firefighters' retirement system (LEOFF), public employees' retirement system (PERS), public safety employees' retirement system (PSERS), school employees' retirement system (SERS), teachers' retirement system (TRS), Washington state patrol retirement system (WSPRS), and judicial retirement system (JRS).

Process for Developing New Rule: The department of retirement systems (DRS) will develop the draft rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Ken Goolsby, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY 360-586-5450, fax (360) 753-5397, e-mail rules@drs.wa.gov.

March 24, 2010

Ken Goolsby
Rules Coordinator

WSR 10-07-156

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed March 24, 2010, 10:08 a.m.]

Subject of Possible Rule Making: Commercial driver's license—Disqualification for out-of-service order violation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.25.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recent changes in federal regulations require an adjustment of the periods of time for which a commercial motor vehicle operator must be disqualified for violating out-of-service orders.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will be adopting the rules in accordance with regulations promulgated by the Federal Motor Carrier Safety Administration.

Process for Developing New Rule: Rule will be based on federal requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

March 24, 2010
Walt Fahrer
Rules Coordinator

WSR 10-07-157

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed March 24, 2010, 10:08 a.m.]

Subject of Possible Rule Making: Renewal of driver's license by electronic commerce—Eligibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.110 and 46.20.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to adjust the maximum age for a driver eligible to renew a driver's license over the internet from age sixty-five to age seventy.

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

Process for Developing New Rule: Request input from stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

March 24, 2010
Walt Fahrer
Rules Coordinator

WSR 10-07-164

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed March 24, 2010, 10:47 a.m.]

Subject of Possible Rule Making: Vocational rehabilitation, chapter 296-19A WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, 51.32.095, 51.32.099, 51.36.100, 51.36.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to consider input on amendments of WAC 296-19A-210 (1)(b) and (4)(c) which relate to the deadline by which vocational rehabilitation counselors must be certified in order to continue to provide services to Washington injured workers.

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

Process for Developing New Rule: L&I will share the proposal with stakeholders and other interested parties, including the workers' compensation advisory committee members and affected vocational providers. Parties interested in receiving a copy of the proposal may contact the person listed below. The public may also participate by providing written comments during the comment period or giving oral testimony at a public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Department of Labor and Industries, Keith Klinger, Administrative Regulations Analyst, P.O. Box 44329, Olympia, WA 98504-4329, (360) 902-6362, (360) 902-6706, klin235@lni.wa.gov.

March 24, 2010
Judy Schurke
Director