

WSR 10-10-012
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed April 22, 2010, 4:34 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs—Higher education programs standards for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 WAC.

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

April 22, 2010
 David Brenna
 Legislative and
 Policy Coordinator

WSR 10-10-018
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC EMPLOYMENT
RELATIONS COMMISSION

[Filed April 26, 2010, 8:40 a.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.58.050, 28B.52.065, 41.56.090, 41.59.110, 41.76.060, 41.80.080, 41.80.120, section 7, chapter 6, Laws of 2010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Agency rules need revision to streamline agency procedure and to reflect changes of agency practice based upon recent agency case law. Rule making also needed to implement certain provisions of chapter 6, Laws of 2010 (SB 5046), chapter 296, Laws of 2010 (SB 6726), and chapter 283, Laws of 2010 (SB 6696).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:

No other state or federal agency regulates this subject with respect to Washington public employees.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathleen Callahan, 112 North Henry Street, Suite 300, P.O. Box 40919, Olympia, WA 98504-4919, (360) 570-7312; or Dario de la Rosa, 112 North Henry Street, Suite 300, P.O. Box 40919, Olympia, WA 98504-4919, (360) 570-7328.

April 26, 2009 [2010]
 Dario de la Rosa
 Appeals Administrator

WSR 10-10-020
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed April 26, 2010, 9:29 a.m.]

Subject of Possible Rule Making: Rules relating to craft distillery licenses are impacted by 2010 legislative action. Current rules may need amending and new rules are needed to implement SSB 6485.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of legislation passed in 2010 may require changes in current rule or adoption of new rules to clarify and provide further guidance to licensees who are impacted by the new regulations.

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

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

April 26, 2010
 Sharon Foster
 Chairman

WSR 10-10-021
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

(Elections Division)

[Filed April 26, 2010, 10:58 a.m.]

Subject of Possible Rule Making: Elections, voter registration, ballots, services and overseas voters, and initiatives and referenda.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of the new Military and Overseas Voter Empowerment Act, clarification on what information must be provided when county canvassing boards certifying each gubernatorial election, clarification for initiative and referendum sponsors on what is required to appear on the petitions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal voting assistance program and the federal Department of Justice.

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 Katie Blinn, Assistant Director of Elections, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4168.

April 26, 2010

Steve Excell

Assistant Secretary of State

WSR 10-10-023

PREPROPOSAL STATEMENT OF INQUIRY

LIQUOR CONTROL BOARD

[Filed April 26, 2010, 12:37 p.m.]

Subject of Possible Rule Making: WAC 314-12-210 Chronic public inebriation (CPI) and alcohol impact areas (AIA)—Definitions—Purpose and 314-12-215 Alcohol impact areas—Definitions—Guidelines.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is intended to clarify the process and criteria for local governments to petition for creation of an alcohol impact area.

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.

April 26, 2010

Sharon Foster

Chairman

WSR 10-10-036

PREPROPOSAL STATEMENT OF INQUIRY SHORELINE COMMUNITY COLLEGE

[Filed April 27, 2010, 9:51 a.m.]

Subject of Possible Rule Making: Replace all college rules Title 132G WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140 (13) and (14).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clear and contemporary WAC rules adopted from a peer community college will provide our college with a more efficient means of managing the institution, mitigating potential liabilities, and fulfilling the mission of our institution and the state community college system.

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

Process for Developing New Rule: Negotiated rule making; and shared governance process (college council).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stephen Smith, Vice-President for Human Resources and Legal Affairs, Shoreline Community College, 16101 Greenwood Avenue North, Shoreline, WA 98133, phone (206) 546-4694, fax (206) 546-5850, e-mail spsmith@shoreline.edu.

Comments, questions, or concerns may be made in writing to the contact person indicated, or through the shared governance process at college council which meets on the first and third Tuesday of each month in the college board room from 2 to 4:30 p.m.

April 16, 2010

Stephen P. Smith

Vice-President for Human
Resources and Legal Affairs

WSR 10-10-045

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed April 28, 2010, 1:15 p.m.]

Subject of Possible Rule Making: WAC 260-52-040 Post to finish.

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 amend language on multiple disqualifications to allow a disqualified horse to regain its original position as long [as] it is not placed ahead of the horse that it interfered with.

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 pub-

lication 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.

April 28, 2010
Douglas L. Moore
Deputy Executive Secretary

WSR 10-10-046

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed April 28, 2010, 3:43 p.m.]

Subject of Possible Rule Making: WAC 260-36-015 Age requirement for license.

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 commission is contemplating changing the minimum age for an individual to apply for an exercise license from fourteen to sixteen years of age.

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.

April 28, 2010
Douglas L. Moore
Deputy Executive Secretary

WSR 10-10-050

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed April 29, 2010, 9:59 a.m.]

Subject of Possible Rule Making: SHB 2935, which was signed by the governor to take effect on July 1, 2010, revises the manner in which appeals of hydraulic project approval (HPA) decisions and orders imposing civil penalties are handled. The Washington department of fish and wildlife (WDFW) needs to update its rules consistent with SHB 2935. In addition, the department will modify the methods of filing informal appeals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.55.021 as amended by SHB 2935, and 77.55.181.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 2935 eliminates the hydraulic appeals board and replaces it with the pollution control hearings board created in chapter 43.21B RCW. All formal appeals of HPA decisions and orders that impose civil penalties and were formerly heard by the hydraulic appeals board or an administrative law judge through the office of administrative hearings will now be heard by the pollution control hearings board. SHB 2935 also allows appeals for denied, issued, conditioned, or modified HPAs, and impositions of civil penalties for chapter 77.55 RCW violations, to be informally made to WDFW or formally taken to the pollution control hearings board. WDFW must amend its HPA rules to be consistent with SHB 2935.

In addition, technological advances allow requests for appeals to be submitted in ways not currently allowed by rule. WDFW anticipates modifying the rules to allow additional methods of submitting appeal requests.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The environmental and land use hearings office of the state of Washington, which houses the pollution control hearings board. WDFW will send its rule proposals to the environmental and land use hearings office for review and comment.

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 Lisa Wood, WDFW Habitat Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2260, e-mail Lisa.wood@dfw.wa.gov. Contact by June 9, 2010. Expected proposal filing on or after June 23, 2010.

April 29, 2010
Lori Preuss
Rules Coordinator

WSR 10-10-065

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed April 30, 2010, 12:18 p.m.]

Subject of Possible Rule Making: Chapter 314-42 WAC, Liquor control board administration.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to authorize the utilization of brief adjudicatory proceedings (BAP) in accordance with RCW 34.05.482 (1)(c).

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordi-

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

April 26, 2010
Sharon Foster
Chairman

vices Division, P.O. Box 45440, Olympia, WA 98504-5440, phone (360) 725-4634, fax (360) 725-4905.

April 29, 2010
Katherine I. Vasquez
Rules Coordinator

WSR 10-10-074

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

[Filed May 3, 2010, 8:40 a.m.]

Subject of Possible Rule Making: The department plans to amend rules in chapter 388-444 WAC and related rules on food stamp employment and training (FSET or E&T).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.120, 74.08A.903, 74.04.500, and 74.04.515.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend rules under chapter 388-444 WAC, Food stamp employment and training, to:

- Change the program name from "food stamp employment and training" to "Basic Food employment and training" or BFET;
- Define which Basic Food recipients are mandatory BFET participants;
- Define which Basic Food recipients can volunteer for BFET activities; and
- Align rules with federal regulations on E&T requirements and conform with Washington's employment and training state plan for federal fiscal year 2011.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal supplemental nutrition assistance program as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop amendments to Basic Food employment and training rules that are consistent with the act, federal regulations, and our approved Basic Food employment and training plan.

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 Robert L. Thibodeau, Community Ser-

WSR 10-10-075

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

[Filed May 3, 2010, 8:52 a.m.]

Subject of Possible Rule Making: The department is amending the rules of chapter 388-825 WAC to include information on the early and periodic screening diagnosis and treatment (EPSDT) program eligibility. The division's WAC does not currently include eligibility requirements for this program. The department is also making general housekeeping and clarification of eligibility for the division's services that will be easier for our clients to understand.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of developmental disabilities is opening chapter 388-825 WAC in order to add clarifying language regarding voluntary services available to clients of the division. The division is also adding language regarding the availability of the EPSDT process program to our clients. The division also plans to make some general housekeeping changes to this chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The EPSDT program is a federal preventive health care benefit. Access to and services for EPSDT are governed by federal rules at 42 C.F.R., Part 441, Subpart B.

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 Meredith Kelly by mail at 640 Woodland Square Loop S.E., Olympia, WA 98504, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail kellymj@dshs.wa.gov.

April 26, 2010
Katherine I. Vasquez
Rules Coordinator

WSR 10-10-076**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed May 3, 2010, 8:55 a.m.]

Subject of Possible Rule Making: The department proposes to amend WAC 388-476-0005 Social Security number requirements, to better align with requirements under Title 7 C.F.R. 273.6 for Basic Food and to update text related to all programs for clarity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 388-476-0005 Social Security number requirements, to better align with requirements under Title 7 C.F.R. 273.6 for Basic Food and to update text related to all programs for clarity. Current WAC states that "a newborn may receive benefits for up to six months from the date of birth if the household is unable to provide proof of application for a SSN at the time of birth." The department's proposed language will clarify that the household may provide proof at the "next recertification or within six months following the month the baby is born, whichever is later."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS incorporates regulations from federal agencies, exercises state options, and implements approved waivers and demonstration projects by adopting administrative rules for food assistance administered as the Washington Basic Food program, the Washington combined application program (WASHCAP), and transitional food assistance. Proposals made under this filing will be consistent with requirements for SNAP under the Food and Nutrition Act of 2008 and Title 7 C.F.R., 273.4.

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 Holly St. John, SNAP Program Manager, Community Services Division, phone (360) 725-4895, fax (360) 725-4904, e-mail stjohhc@dshs.wa.gov.

May 3, 2010

Katherine I. Vasquez
Rules Coordinator**WSR 10-10-081****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 3, 2010, 10:11 a.m.]

Subject of Possible Rule Making: Chapter 308-12 WAC, Architects.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.08.340 Board of registration—Rules—Executive secretary.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing rules will be reviewed and amended as necessary as a result of the passage of ESSB 5529. Rules must be amended accordingly to implement the bill.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kezia Prater, Department of Licensing, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 664-6652, fax (360) 570-7098, e-mail architects@dol.wa.gov. Persons may comment by mail, fax, phone or e-mail. Draft language of any changes will be sent to persons on the board's listserv and mailing lists.

May 3, 2010

Walt Fahrer
Rules Coordinator**WSR 10-10-082****WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER**

[Filed May 3, 2010, 10:45 a.m.]

The insurance commissioner is withdrawing the CR-101 Preproposal statement of intent for R 2009-16 *Disability Insurance Loss Ratios*, published by the code reviser in WSR 09-19-104.

We will contact individuals that provided comments during the CR-101 comment period as soon as we resume this rule making.

Mike Kreidler

WSR 10-10-083**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER**

[Filed May 3, 2010, 10:46 a.m.]

The insurance commissioner is withdrawing the CR-101 Preproposal statement of intent for R 2009-17 *Unfair Dis-*

crimination in P&C Rating, published by the code reviser in WSR 09-19-104 [09-19-105].

We will contact individuals that provided comments during the CR-101 comment period as soon as we resume this rule making.

Mike Kreidler

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Trooper Steve Luce, Impaired Driving Section, 811 East Roanoke Street, Seattle, WA 98100, (206) 720-3018, steve.luca@wsp.wa.gov.

April 30, 2010

John R. Batiste

Chief

WSR 10-10-084

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed May 3, 2010, 10:53 a.m.]

Subject of Possible Rule Making: Chapter 314-02 WAC, Requirements for retail liquor licensees, rules relating to retail liquor licenses are impacted by 2010 legislative action. Current rules may need amending and new rules are needed to implement SSB 6329.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, chapter 141, Laws of 2010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of legislation passed in 2010 may require changes in current rule or adoption of new rules to clarify and provide further guidance to licensees who are impacted by the new regulations.

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

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

May 3, 2010

Sharon Foster

Chairman

WSR 10-10-091

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed May 3, 2010, 3:37 p.m.]

Subject of Possible Rule Making: Chapter 448-16 WAC, Administration of breath test program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.506.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating current language to coincide with amendments made to RCW 46.61.506. The language changes will include the approval of new evidentiary breath test instrument (Alcotest 9510) and amendments to the current "definitions," "test defined," and "solution changers" sections under chapter 448-16 WAC to allow for the use of either certified dry gas or simulator solutions.

Process for Developing New Rule: Agency initiated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Fiona J. Couper, Washington State Toxicologist, 2203 Airport Way South, Suite 360, Seattle, WA 98100, (206) 262-6000, or Fiona.couper@wsp.wa.gov.

May 3, 2010

John R. Batiste

Chief

WSR 10-10-090

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed May 3, 2010, 3:36 p.m.]

Subject of Possible Rule Making: Chapter 204-50 WAC, Ignition interlock breath alcohol devices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.04.215.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating current language to coincide with new sections (2 and 3) added to RCW 46.04.215. The language changes will include new standards for the certification of ignition interlock installers and vendor/ignition interlock installation cites [sites]. Amendments to the anticircumvention and tampering requirements of a certified device. Requirements of ignition interlock manufacturers during the suspension of a vendor or installation site.

Process for Developing New Rule: Agency initiated.

WSR 10-10-092

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed May 3, 2010, 3:38 p.m.]

Subject of Possible Rule Making: Chapter 204-24 WAC, Traction tires.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.37.420.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received information for an alternative traction tire device company requesting [request] which would require changes to the traction tire WAC in order to allow for this product to be used in the state of Washington.

Current WAC 204-24-070 outlines that a device must be "certified for compliance by any recognized organization such as but not limited to..." There are no United States standards that we are aware of regarding alternative traction tire

devices. This particular company has provided certification from ONORM and DIN.

In review of the standards and state laws it was determined that the WAC pertaining to traction tires would need to be amended so that it more clearly outlined the process for alternative traction devices.

Process for Developing New Rule: Agency initiated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melissa Van Gorkom, Washington State Patrol, P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-4017, or melissa.vangorkom@wsp.wa.gov.

May 3, 2010

John R. Batiste
Chief

WSR 10-10-093

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed May 3, 2010, 3:39 p.m.]

Subject of Possible Rule Making: Chapter 204-21 WAC, Flashing warning lamps.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.37.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In review of WAC 204-21-140, it was determined that the term service vehicle which is used in the table for vehicle types, is not defined under chapter 204-21 WAC. This has caused confusion as nowhere under statute id [is] a "service vehicle" authorized to use flashing warning lamps.

The vehicles that are authorized are outlined under WAC 204-21-130 and defined under WAC 204-21-020. Therefore it was determined that the portion of the table under WAC 204-21-140 which outlines the requirements for emergency maintenance, volunteer firefighter [firefighter] and service vehicle flashing warning lamps is not necessary and should be removed.

In addition, it was also determined that agricultural equipment and industrial equipment were not defined. Therefore, this request also proposes that we amend WAC 204-21-020 to add definitions for these.

Process for Developing New Rule: Agency initiated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melissa Van Gorkom, Washington State Patrol, P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-4017, or melissa.vangorkom@wsp.wa.gov.

May 3, 2010

John R. Batiste
Chief

WSR 10-10-104

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 4, 2010, 12:37 p.m.]

In accordance with RCW 34.05.335(1), the department of labor and industries withdraws the preproposal rule making filed as WSR 07-04-094 on February 6, 2007. The WAC related to this rule filing is chapter 296-817 WAC, Hearing loss prevention (noise).

Naomi Goodman
Acting Legislative
and Rules Manager

WSR 10-10-105

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 4, 2010, 12:41 p.m.]

Subject of Possible Rule Making: Chapter 296-46B WAC, Electrical safety standards, administration, and installation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1244, which passed the 2009 legislature, gave the department the authority to raise fees for the electrical program in order to cover the program's operating expenses. The purpose of this rule making is to increase the electrical permit fees in order to cover the costs for ongoing services for the electrical program.

The licensing fees have been supplementing the loss of revenue from electrical inspection; therefore the program is proposing a fee increase over the fiscal growth factor for electrical permits.

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

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The 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 Sally Elliott, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail yous235@lni.wa.gov

May 4, 2010
Judy Schurke
Director

WSR 10-10-106
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 4, 2010, 12:45 p.m.]

Subject of Possible Rule Making: WAC 296-15-225 Self-insurance second injury fund assessment, chapter 296-15 WAC governs employers who are permitted to self-insure their workers' compensation obligation pursuant to Title 51 RCW. The department is considering a change to WAC 296-15-225, which provides the calculations used to determine an individual self-insured employer's second injury fund experience rating and assessment rate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.44.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington Self-Insurers Association (WSIA) submitted a petition for rule making. The WSIA requests that WAC 296-15-225 be repealed because they believe that the WAC conflicts with the plain meaning of RCW 51.44.040. The petition states that the formula that directs the calculation of each self-insured employer's second injury fund assessment is inconsistent with the calculation authorized in RCW 51.44.040 (3)(a)(ii).

The current rule indicates that a self-insured employer's experience rating is applied to fifty percent of their second injury fund assessment rate. The WSIA believes the intent of the statute is that the department experience rate one hundred percent of each self-insurers assessment rate.

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 self-insured employer community on all changes to WAC 296-15-225. A public hearing will be held in Tumwater after the proposed language 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.

May 4, 2010
 Judy Schurke
 Director

WSR 10-10-114
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 4, 2010, 4:26 p.m.]

Subject of Possible Rule Making: WAC 246-310-290 Hospice services—Standards and need forecasting method.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.127 and 70.38 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The hospice standards and forecasting methods for providers applying for a certificate of need were adopted into rule in 2003. Since then, experience has shown that applicants do not always clearly understand the rules. Additionally, data sources, mandatory survey reporting and capacity issues may need to be addressed. Potential benefits will be (1) better informed decisions; (2) increased consistency and predictability; and (3) increased survey responses.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department will convene a series of rule workshops and set up a dedicated listserv. Interested parties can receive information on how to participate in updating the rule by contacting John Hilger, Rules Coordinator, Health Professions and Facilities, 310 Israel Road S.E., Tumwater, WA 98501-7852, P.O. Box 47868, Olympia, WA 98604-7868 [98504-7868], e-mail john.hilger@doh.wa.gov, phone (360) 236-2929, fax (360) 236-2901. We will notify all licensees and organizations who have expressed an interest in rule-making activities.

May 4, 2010
 Mary C. Selecky
 Secretary

WSR 10-10-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed May 5, 2010, 8:03 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-96A-560 Special license plates—Criteria for creation or continued issuance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 46.16 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to comply with E2SHB 2617 of the 61st legislature 2010 special session which eliminated the special license plate review board.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state patrol, legislative transportation committee.

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 Debra K. Then, Research Analyst, Vehicle Services, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4094, fax (360) 902-7821 or 902-7822, TTY (360) 664-8885, e-mail dthen@dol.wa.gov.

May 5, 2010
Walt Fahrer
Rules Coordinator

WSR 10-10-117

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 5, 2010, 8:22 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., may include but not limited to WAC 308-56A-460 Destroyed or wrecked vehicle—Reporting—Rebuilt.

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 modify verbiage in current 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: 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 Debra K. Then, Research Analyst, Vehicle Services, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4094, fax (360) 902-7821 or 902-7822, TTY (360) 664-8885, e-mail dthen@dol.wa.gov.

May 5, 2010
Walt Fahrer
Rules Coordinator

WSR 10-10-122

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 5, 2010, 9:23 a.m.]

Subject of Possible Rule Making: Chapter 296-17A WAC, Classifications for workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035 and 51.16.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is being proposed in response to SSB 6349 (chapter 160, Laws of 2010) for the farm internship program. The purpose of this pilot program is to allow small farms to provide a program for interns to learn about farming practices and farm enterprise. Three new farm intern risk classifications will be created. Each classification will have a different composite rate depending on the type of farm. Farms must have a valid labor and industries certification to be qualified to participate in the 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: The 2010 legislature passed SSB 6349 for the pilot farm internship program.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments can be submitted to Julee Gronley, P.O. Box 44148, Olympia, WA 98504-4148, e-mail GRON235@LNI.WA.GOV, phone (360) 902-4726, fax (360) 902-4729. Information about this process is available at the web site www.lni.wa.gov/insuranceservices/employerservices.

May 5, 2010
Judy Schurke
Director

WSR 10-10-123

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMERCE

[Filed May 5, 2010, 9:51 a.m.]

Subject of Possible Rule Making: Chapter 365-196 WAC, Procedural criteria for adopting comprehensive plans and development regulations; and chapter 365-190 WAC, Minimum guidelines to classify agricultural, forest and mineral lands and critical areas.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70A.050 and 36.70A.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring the rules into conformance with legislative changes occurring in 2009 and 2010.

To adopt rules guiding implementation of RCW 36.70A.540 Affordable housing incentive programs.

To address a petition to the agency requesting modifications to WAC 365-190-050 Agricultural resource lands, 365-196-425 Rural element, and 365-196-405 Land use element.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of ecology adopts rules governing the State Environmental Policy Act (SEPA) and the Shoreline Management Act (SMA). Department of commerce (commerce) will involve the department of ecology in the rule-making process to ensure that the commerce rules integrate and harmonize with ecology rules.

Commerce will use the interagency work group (IAWG) on growth management for on-going coordination with agencies that work with local governments on Growth Management Act (GMA) issues. The IAWG is a group of state agency representatives that meet regularly to coordinate state agency participation in local government GMA planning. It includes representatives from the department of ecology, the department of transportation, the department of fish and wildlife, commerce, the department of health, the department of natural resources, the department of agriculture, the department of social and health services, and other state agency representatives as needed.

Process for Developing New Rule: The public is encouraged to provide comments and recommendations on the scope of work and the draft rules to be posted on the agency web site at www.commerce.wa.gov/wacupdate and distributed to the listserv mailing list. If needed, commerce will facilitate focus groups for additional discussion with stakeholders. After the amendments are proposed, the public may also participate 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. For more information, contact Dave Andersen, AICP, plan review and technical assistance manager, growth management services unit, (360) 725-3052 or dave.andersen@commerce.wa.gov.

The public can participate by submitting written comments by e-mail to WACupdate@commerce.wa.gov, or standard mail to WAC Update, Growth Management Services, Washington Department of Commerce, P.O. Box 42525, Olympia, WA 98504-2525. For additional information and opportunity to participate, a project web page has been created at www.commerce.wa.gov/wacupdate. Commerce also maintains a listserv e-mail distribution list for those interested in receiving on-going information about this process. Instructions to register for the listserv are available on the project web page.

May 5, 2010
Cheryl L. Smith
Senior Policy Advisor

WSR 10-10-128

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed May 5, 2010, 10:58 a.m.]

Subject of Possible Rule Making: Waterfowl regulations, licensed trapper requirements, and importation and retention of dead nonresident wildlife.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.620, and 77.32.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provides clarification and recreational opportunity.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Britnell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515. Contact by June 7, 2010. Expected proposal filing on or after June 23, 2010.

May 5, 2010
Lori Preuss
Rules Coordinator

WSR 10-10-129

PREPROPOSAL STATEMENT OF INQUIRY

OLYMPIC COLLEGE

[Filed May 5, 2010, 11:29 a.m.]

Subject of Possible Rule Making: Nondiscrimination policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B50 [chapter 28B.50 RCW].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Antidiscrimination policies are required for all colleges under the state board for community and technical colleges. This is an update of the existing policy providing modern language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This policy will meet federal and state laws as follows: Titles VII and IX of the Civil Rights Act of 1964, the Age Discrimination and Employment Act, Section 504 of the Rehabilitation Act of 1974, the Americans with Disabilities Act of 1990, and the state law against discrimination, chapter 49.60 RCW.

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

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

May 5, 2008 [2010]
Thomas Oliver
Rules Coordinator

WSR 10-10-130

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed May 5, 2010, 11:53 a.m.]

Subject of Possible Rule Making: Toll collection and adjudication in Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 47.46 and 47.56 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend existing toll collection rules to implement the new statewide customer service center operations, photo toll collection, and adjudication.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington transportation commission will review these rules.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Washington state department of transportation (WSDOT) will hold a public hearing on these rules in the Seattle area in summer/fall 2010. Comments may be submitted to Lucinda Broussard, WSDOT toll operations manager, (206) 716-1156, or by fax (206) 464-1189. Comments may also be submitted to tollrulecomments@wsdot.wa.gov.

May 5, 2010

Stephen T. Reinmuth
Chief of Staff