

WSR 10-11-010
PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION COMMISSION

[Filed May 7, 2010, 8:11 a.m.]

Subject of Possible Rule Making: WAC 468-300-010, 468-300-020, 468-300-040, and 468-300-220.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030, 47.60.326.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As required by law, the transportation commission is reviewing the need to adjust ferry fares for 2010-2011.

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 Mr. Ray Deardorf, Planning Director, Washington State Ferries, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3491, fax (206) 515-3499.

May 7, 2010
 Reema Griffith
 Executive Director

WSR 10-11-020
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 7, 2010, 3:08 p.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the department of retirement systems requests to withdraw its preproposal statement of inquiry (CR-101) filed on October 28, 2002, as WSR 02-22-021.

For assistance, please contact Ken Goolsby at (360) 664-7291 or rules@drs.wa.gov.

Ken Goolsby
 Rules and
 Contracts Coordinator

WSR 10-11-023
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed May 10, 2010, 10:15 a.m.]

Subject of Possible Rule Making: Chapter 246-873 WAC, Pharmacy—Hospital standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005, 18.64A.030, and 18.64A.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 246-873 WAC,

Pharmacy—Hospital standards, have not been revised since 1992. Hospital pharmacy practice during this time period has changed dramatically. The department has identified references, definitions and terms in the rules that are outdated. Key portions of the rules may be revised in order to accurately reflect: (1) Current clinical practices; (2) new national requirements for sterile compounding; (3) electronic medication ordering practices; (4) use of electronic records; (5) emergency outpatient pharmacy practices; and (6) new technologies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Food and Drug Administration and the Drug Enforcement Administration are the primary federal agencies that regulate the practice of pharmacy. Most hospitals and their pharmacies undergo voluntary regulation by the Joint Commission. The United States Pharmacopeia (USP) sets many standards for medications and their storage. In 2004 the USP issued its first enforceable standard, USP 797 Sterile Compounding. The board of pharmacy utilizes requirements and procedures from all of these organizations. When federal requirements vary from state requirements, the board follows the strictest rule. Areas of less clarity are resolved through collaboration.

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 the updating of the rule by contacting Tim Fuller, Pharmacist Consultant, Health Professions and Facilities, 310 Israel Road S.E., Tumwater, WA 98501-7852, e-mail tim.fuller@doh.wa.gov, phone (360) 236-4827, fax (360) 236-2901. The department will also notify all licensees and organizations who have expressed an interest in rule-making activities.

May 10, 2010
 Susan Teil Boyer
 Executive Director

WSR 10-11-049
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 12, 2010, 2:29 p.m.]

Subject of Possible Rule Making: Deferred compensation plan.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5) and 41.50.780(9).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will amend WACs associated with the deferred compensation plan as part of a general review. Changes will include, but are not limited to, updating of deferral tables with current limits.

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.

May 12, 2010
Ken Goolsby
Rules Coordinator

WSR 10-11-055

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed May 12, 2010, 4:42 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.

May 12, 2010
David Brenna
Legislative and
Policy Coordinator

WSR 10-11-064

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF EARLY LEARNING

[Filed May 13, 2010, 3:07 p.m.]

Subject of Possible Rule Making: WAC 170-100-080 Early childhood education and assistance program (ECEAP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.020 directs the department of early learning (DEL) to adopt rules for the administration of the program of early learning.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 2731 was signed into law on March 29, 2010. This bill amends RCW 43.215.405 to include a child eligible for special education due to disability in the definition for "eligible child." The eligibility criteria are in WAC 170-100-080, which needs to be revised to align with the new definition. Other related parts of WAC 170-100-080 may be revised as appropriate.

Process for Developing New Rule: DEL plans to work with interested stakeholders during the development of draft and proposed rules. Draft materials, if any, and proposed rules will be posted on the DEL web site at www.del.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Heike Syben, ECEAP Coordinator, P.O. Box 40970, Olympia, WA 98504-0970, phone (360) 725-2839, e-mail heike.syben@del.wa.gov.

May 12, 2010
Andy Fernando
Rules Coordinator

WSR 10-11-077

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed May 14, 2010, 9:46 a.m.]

Subject of Possible Rule Making: Administrative hearings.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To specify by agency rule the procedure for requesting reconsideration of an initial order issued by an administrative law judge (ALJ) to the ALJ regarding clarification, technical changes and patent errors, without the need for a motion for review to the commission.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] July 8 or 9, 2010, at the John Cherberg Building, Capitol Campus, Olympia, Washington 98504; on

August 12 or 13, 2010, at the Vancouver Heathman Lodge, 7801 Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; and on September 9 or 10, 2010, at the State Investment Board, 2100 Evergreen Park Drive S.W., Olympia, WA 98504, (360) 956-4600.

May 14, 2010
Susan Arland
Rules Coordinator

WSR 10-11-090

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 18, 2010, 7:30 a.m.]

Subject of Possible Rule Making: The department of licensing will be proposing amendments to chapter 308-14 WAC that define continuing education requirements for court reporter licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.145.050, 18.145.100, 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 6450, chapter 49, Laws of 2010, was passed by the legislature and signed by the governor on March 12, 2010, giving the department of licensing (DOL) the authority to establish continuing education requirements in rule.

Continuing education requirements will ensure competent and qualified individuals are licensed on an ongoing basis for the profession of court reporting.

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. The department will work closely with an ad hoc committee comprised of licensed court reporters from Washington state to determine these requirements. Communication with the public in general will be made through the DOL Court Reporter web site and the COURT-REPORTER listserv. To receive information by e-mail, please sign up on the COURT-REPORTER 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. Interested parties may send in their comments by mail, phone, facsimile, or e-mail. The public is welcome to attend the ad hoc committee meetings. Details of the ad hoc committee meetings will be posted on our web site and distributed the COURT-REPORTER listserv. Additional information will be posted on the court reporter web site as it becomes available at <http://www.dol.wa.gov/business/court-reporters/crlaws.html>.

May 18, 2010
Walt Fahrer
Rules Coordinator

WSR 10-11-091

**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY**

[Filed May 18, 2010, 8:38 a.m.]

Subject of Possible Rule Making: The university is updating the health and safety regulations for university property, chapter 504-36 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To promote wildlife research, the university needs the ability to further control access by dogs and other animals to certain portions of university property.

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, and e-mail jenks@wsu.edu. A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

May 18, 2010
Ralph T. Jenks, Director
Office of Procedures, Records, and Forms
and the University Rules Coordinator

WSR 10-11-097

**PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed May 18, 2010, 8:53 a.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification. Addresses requirements for teachers.

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 professional educator standards board 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.

May 18, 2010
David Brenna
Legislative and
Policy Coordinator

WSR 10-11-098

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 10-08—Filed May 18, 2010, 9:00 a.m.]

Subject of Possible Rule Making: This rule making will propose to adopt a mandatory greenhouse gas reporting rule for persons operating:

1. A single facility, source, or site that emits at least 10,000 metric tons of greenhouse gases annually in the state; or

2. A supplier of liquid motor vehicle fuel, special fuel, or aircraft fuel that supplies products equivalent to at least 10,000 metric tons of carbon dioxide annually in the state.

This rule making will establish new chapter 173-441 WAC, Reporting of emissions of greenhouse gases.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 146, Laws of 2010 (SSB 6373), Greenhouse gas emissions; chapters 70.235 and 70.94 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state of Washington has taken several steps to begin responding to climate change. E2SHB 2815 passed by the 2008 legislature as part of the governor's climate change framework and is primarily codified in chapters 70.235 and 70.94 RCW. E2SHB 2815 requires the state to meet goals for the statewide reduction of emissions of greenhouse gases within Washington over the next several decades and includes additional actions to reduce emissions of greenhouse gases and build a clean energy economy. SSB 6373 was passed in 2010 to amend E2SHB 2815 to emphasize consistency with the Environmental Protection Agency's (EPA) greenhouse gas reporting program. One element of this legislation is a requirement for persons operating large stationary sources of greenhouse gases or supplying certain types of fuels to begin reporting emissions, beginning with 2009 emissions reported in 2010. Ecology is directed by statute to adopt rules to develop and implement a reporting system for those entities required to report. Establishing an inventory of greenhouse gas emissions will support future policy initiatives to meet the emissions reductions established in RCW 70.235.020.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: EPA finalized a federal greenhouse gas reporting rule on December 29, 2009, and published a draft of additions and revisions on March 22, 2010. SSB 6373 directs ecology to maintain consistency with the EPA program to the extent possible under state law. Ecology is working with EPA to develop an electronic reporting system that will work for both rules. Ecology will also work with the Washington department of licensing to simplify reporting for fuel suppli-

ers; local air authorities on data sharing and possibly enforcement; and the energy facility site evaluation council (EFSEC), who is required to adopt a similar reporting rule for facilities they permit.

Process for Developing New Rule: The proposed rule will be drafted and reviewed by a stakeholder group and internally by staff. The public and interested parties will have the opportunity to comment on the proposed rule. At least one public hearing will be held and the proposed amendments will be posted on the agency web site and provided to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can access more information on this rule making by contacting Neil Caudill, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6811, fax (360) 407-7534, neil.caudill@ecy.wa.gov, or accessing the ecology web site at <http://www.ecy.wa.gov/laws-rules/index.html>.

May 18, 2010
Stuart A. Clark
Air Quality Program Manager

WSR 10-11-099

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed May 18, 2010, 9:18 a.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.

May 18, 2010
David Brenna
Legislative and
Policy Coordinator

WSR 10-11-100**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed May 18, 2010, 9:30 a.m.]

Subject of Possible Rule Making: New legislation requires the office of superintendent of public instruction to develop rules concerning dropout reengagement for students who have left school without graduating.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 1418 (chapter 20, Laws of 2010).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The statute requires that the superintendent of public instruction adopt rules for dropout reengagement programs for students who have left school without graduating.

Process for Developing New Rule: Agency will convene a group of stakeholders to develop the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dan Newell, Assistant Superintendent, Secondary Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-4954, Dan.newell@k12.wa.us.

May 4, 2010

Randy Dorn

Superintendent of
Public Instruction**WSR 10-11-101****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed May 18, 2010, 10:30 a.m.]

Subject of Possible Rule Making: WAC 296-30-900 What law controls a claim if a statute is amended after the date of the criminal act?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 7.68.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending WAC 296-30-900 changes the date of eligibility in accordance with E2SSB 6504, chapter 122, Laws of 2010. The amendment will allow for the sunset date of July 1, 2015, to eliminate the need for further rule making.

Process for Developing New Rule: Public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cletus Nnanabu, Crime Victims Compensation Program Manager, phone (360) 902-5340, P.O. Box 44520, Olympia, WA 98504-4520.

May 18, 2010

Judy Schurke

Director

WSR 10-11-107**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 18, 2010, 11:36 a.m.]

Subject of Possible Rule Making: Adoptions of rules to implement ESHB 3040, chapter 179, Laws of 2010, Appraisal management companies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 3040, section 2(1), chapter 179, Laws of 2010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish application and licensure processes and establish fees.

Process for Developing New Rule: Negotiated rule making; and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph C. Birkedahl, Real Estate Appraiser, P.O. Box 9015, Olympia, WA 98507-9015, rbirkedahl@dol.wa.gov, phone (360) 664-6504, fax (360) 570-4981.

May 18, 2010

Walt Fahrer

Rules Coordinator

WSR 10-11-109**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed May 18, 2010, 1:41 p.m.]

Subject of Possible Rule Making: Chapter 388-96 WAC, Nursing facility medicaid payment system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 6872 and 6444; chapter 74.46 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature in ESSB 6872 simplified chapter 74.46 RCW by repealing numerous section[s] and granting the department the authority to incorporate the detail of the repealed sections in chapter 388-96 WAC. To identify the subjects of the rule making view ESSB 6872 at <http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Senate%20Passed%20Legislature/6872-S.PL.pdf>.

The amendments or adoptions to chapter 388-96 WAC to implement ESSB 6872 include but are not limited to the following (1) the effect of bed banking on rates; (2) financing allowance component rate allocation minimum facility occupancy of licensed beds, regardless of how many beds are set up or in use at eighty-five percent for essential community providers, ninety percent for small nonessential community providers, and at ninety-two percent for large nonessential community providers; (3) to increase the categories for exceptional care rates; and (4) adopt new rules for pay-for performance supplemental rates.

The department will amend or adopt new rules to implement ESSB 6444 section 206 that include but are not limited to the following: (1) WAC 388-96-766(3) to implement no rate add-ons to nursing facility Medicaid payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal year 2011; and (2) WAC 388-96-211 to define a settlement process covering two periods[,] January 1, 2009, through June 30, 2009, and July 1, 2009, through December 31, 2009. For the second period beginning July 1, 2009, the department may partially or totally waive settlements only in specific cases where a nursing home can demonstrate significant decreases in costs from the first period.

By publishing this CR-101, the department begins the permanent rule-adoption process. Since the permanent rule-adoption process will take longer than July 1, 2010, the department will adopt any of the rules that must be in effect July 1, 2010, by emergency.

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

Process for Developing New Rule: Aging and disability services (ADSA) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, ADSA will file proposed rules 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 responds to this CR-101.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Hague, P.O. Box 45600, Mailstop 45600, Olympia, WA 98504-5600, phone (360) 725-2447, fax (360) 725-2641, e-mail haguepe@dshs.wa.gov.

May 18, 2010
Katherine I. Vasquez
Rules Coordinator

WSR 10-11-115

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed May 18, 2010, 3:27 p.m.]

Subject of Possible Rule Making: E2SSB 6696, 61st legislature, regular session (Wash. 2010) authorizes the state board of education (SBE) to adopt rules in accordance with chapter 34.05 RCW as necessary to implement this session law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SSB 6696, 61st legislature, regular session (Wash. 2010).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SBE will adopt rules necessary to implement the accountability framework contained in Part I of E2SSB 6696 that will include developing: (1) A schedule and the process for local school district superintendents and local boards of required action districts to submit a

required action plan to SBE; and (2) the procedure for SBE to approve a required action plan proposed by a school district.

Process for Developing New Rule: SBE will hold a public hearing as required by chapter 34.05 RCW soliciting input from stakeholders and other members of the public regarding any proposed rules relating to implementation of the accountability framework in Part I of E2SSB 6696.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad Burnham, Washington State Board of Education, Old Capital [Capitol] Building, P.O. Box 47206, Olympia, WA 98504, e-mail sbe@k12.wa.us, phone (360) 725-6025, fax (360) 586-2357.

May 18, 2010
Edith W. Harding
Executive Director

WSR 10-11-121

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 19, 2010, 9:54 a.m.]

Subject of Possible Rule Making: Chapter 296-126 WAC, Standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule making is to clarify the meal and rest break rules as a result of current law such as *Wingert v. Yellow Freight*, 146 Wn.2d 841 (2002) and *Alvarez v. IBP*, 339 F.3d 894 (9th Cir. 2003). The rule making is to potentially address the department's interpretation and enforcement position on various aspects of the regulation, most of which are covered in the current policy, ES.C.6, as well as to address concerns expressed by employers and employees, including concerns regarding intermittent breaks. Rule making is needed so that employees and employers understand their rights and duties, respectively, for meal and rest periods.

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.

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 19, 2010
Judy Schurke
Director

WSR 10-11-122
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket UE-100849—Filed May 19, 2010, 10:08 a.m.]

Subject of Possible Rule Making: The Washington utilities and transportation commission (commission) commences this inquiry to examine whether the commission should consider adopting new regulations relating to the acquisition of renewable resources by Washington's investor-owned electric utilities. In addition to exploring the possible adoption of rules, the commission will examine other means of policy expression on this general subject, including a possible interpretative and policy statement under RCW 34.05.230(1).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, 34.05.220, and 34.05.230.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 19.285 RCW sets renewable portfolio standards for Washington investor-owned electric utilities. Specifically, RCW 19.285.060 charges the commission with the determination of an investor-owned utility's compliance with the provisions of chapter 19.285 RCW, which includes the acquisition of renewable resources. The commission believes that utility-specific proceedings, with their narrow sets of circumstances, may not be the proper vehicle for the commission to consider a full range of policy options.

Specifically, the commission will review and discuss, with the participation and assistance of utilities, representatives of ratepayers, and other stakeholders:

- The progress of investor-owned utilities in meeting the renewable portfolio standards set by the Energy Independence Act (Initiative 937), chapter 19.285 RCW;
- Whether the existing statutory and regulatory frameworks impede compliance with renewable portfolio standards requirements;
- Whether the statutory and regulatory frameworks should encourage acquisition of renewable resources in excess of that required by the renewable portfolio standards;
- Whether the commission should consider adopting rules or new regulatory practices that would provide incentives for utilities and customers to acquire renewable resources; and
- Whether the commission should propose any legislative changes relative to incentives for acquisition of renewable resources by utilities and customers.

The commission intends to include in the inquiry consideration of externalities associated with nonrenewable resources that may impact utility and commission decision making, the impact of encouraging acquisition of renewable resources on other rate-making practices including evaluation of a utility's rate of return, and the impact of further development of renewable resources on consumer rates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Under E2SHB 2658, signed into law on April 1, 2010, and pursuant to a directive from the governor, the Washington department of commerce will develop an energy strategy for the state of Washington. Pursuant to section 401 of that legislation, the legislature found "... the world has started the transition to a clean energy economy, with significant improvements in energy efficiency and investments in new clean and renewable energy resources and technologies ... this transition may increase or decrease energy costs and efforts should be made to mitigate cost increases." The commission envisions working closely with the department of commerce in the development of the state's energy strategy as well as in this inquiry.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for participation in two work sessions as well as opportunities for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, by 5:00 p.m., Friday, June 11, 2010.

WRITTEN COMMENTS AND STAKEHOLDER WORK SESSIONS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **July 22, 2010**. Reply comments may be filed no later than **August 5, 2010**. There also will be opportunity to participate in at least two work sessions, on **June 22, 2010**, and **August 18, 2010**, related to this inquiry. A proposed "statement of issues" may be submitted by **June 11, 2010**, by interested parties for the commission to consider during the work sessions. Notice of these work sessions, and other opportunities to participate, will be distributed by notice to persons wishing to be included on the service list and posted on the commission's web site.

The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the commission's web portal at www.utc.wa.gov/e-filing or by e-mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (UE-100849).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2-inch, IBM-formatted, high-density disk, using Adobe Acrobat pdf format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at www.utc.wa.gov/100849. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at <records@utc.wa.gov>, or (3) mail written comments to the address above to the attention of David W. Danner, executive director and secretary. When contacting the commission, please refer to Docket UE-100849 to ensure that you are placed on the appropriate service list. Questions may be addressed to Danny Kermodé, (360) 664-1253 or e-mail at dkermode@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING—The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UE-100849, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket UE-100849, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/100849>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

May 19, 2010
David W. Danner
Executive Director and Secretary

**WSR 10-11-123
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed May 19, 2010, 10:12 a.m.]

The department of labor and industries withdraws the preproposal rule making for meal and rest period, filed as WSR 10-08-067 on April 6, 2010.

Naomi Goodman
Acting Legislative
and Rules Manager