

**WSR 10-12-003****PREPROPOSAL STATEMENT OF INQUIRY****YAKIMA VALLEY  
COMMUNITY COLLEGE**

[Filed May 19, 2010, 2:05 p.m.]

Subject of Possible Rule Making: Chapter 132P-33 WAC, Student rights and responsibilities.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The last full review of the student rights and responsibilities at Yakima Valley Community College was in 1998. The rule is outdated and needs to be reviewed/revised to accommodate changes in local, state and federal guidelines.

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 Ms. Leslie Blackaby, Dean, Student Services, Yakima Valley Community College, P.O. Box 22520, Yakima, WA 98907-2520, (509) 574-6867, lblackaby@yvcc.edu. A public hearing will be held. Meetings and input from current student government leaders will be solicited as necessary.

May 3, 2010

Leslie Blackaby  
Dean of Student Services

**WSR 10-12-016****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF HEALTH**

(Board of Optometry)

[Filed May 21, 2010, 2:07 p.m.]

This memo serves as notice that the board of optometry is withdrawing the CR-101 for chapter 246-851 WAC which was filed February 23, 2010, and published in WSR 10-06-038. The original proposal was to develop a rule to clarify the authority of optometrists to prescribe therapeutic contact lenses used as a medication delivery system.

Since filing WSR 10-06-038, the board of optometry has determined that existing statutory language is sufficient to address the authority of optometrist[s] to prescribe therapeutic contact lenses. For this reason, the CR-101 for chapter 246-851 WAC is no longer needed.

Individuals requiring information on this rule should contact Judy Haenke, board of optometry program manager, at (360) 236-4947.

Mary C. Selecky  
Secretary

**WSR 10-12-032****PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF ECOLOGY**

[Order 10-09—Filed May 24, 2010, 3:52 p.m.]

Subject of Possible Rule Making: This rule making will amend chapter 173-175 WAC, Dam safety. The amended rule will increase the fees collected under RCW 90.03.470 (7) and (8) for periodic inspections and engineering plan reviews by dam safety office engineers. This will include some updating of definitions and terminology.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 43.21A, 43.27A, 86.16, and 90.54 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Fees set in the current rule do not collect sufficient revenue to offset costs per RCW 90.03.-470. Furthermore, the legislature authorized ecology to increase dam safety fees in the 2009-2011 biennium as necessary to meet the actual costs of conducting business (SHB 2157, section 302, Proviso No. 10). Based on this proviso, the office of financial management directed ecology to increase collected fees to recoup actual costs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal agencies will not be affected by these changes. State agencies affected will be the Washington department of fish and wildlife and state parks, which will see increased inspection fees for dams that they own and operate. There will be an increase in fees for water quality-related projects, such as dairy or municipal waste lagoons (1) for plan review and construction inspection, as well as (2) periodic inspections by ecology. This will require coordination with conservation districts and the state department of agriculture.

Process for Developing New Rule: Ecology will work with stakeholders who will have the opportunity to comment on the proposed rule. We will send a mailing to those potentially impacted by the rule change. To explain the elements of the proposed fee schedule, ecology will distribute information via focus sheets, direct mail, a web page, and e-mail. Prior to the regional public hearings, staff will be available to discuss the proposal and answer questions. To follow our rule-making progress, go to the ecology web site, Current Rule making, at <http://www.ecy.wa.gov/laws-rules/current-activity.html>. Scroll down the page to Water Resources, and click on "Chapter 173-175 WAC Dam Safety."

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Johnson, dam safety manager, phone (360) 407-6623, fax (360) 407-7162, e-mail djsd461@ecy.wa.gov.

May 24, 2010

Ken Slattery  
Water Resources  
Program Manager

**WSR 10-12-035**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**YAKIMA REGIONAL**  
**CLEAN AIR AGENCY**

[Filed May 25, 2010, 8:56 a.m.]

Subject of Possible Rule Making: Regulation II, Section 400 General Regulations for Air Pollution Sources.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington Clean Air Act (WCAA), chapter 70.94 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Add Regulation II to clarify agency's new source review (NSR) program and to replace repealed sections of Regulation I.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: EPA through the FCAA and ecology through the WCAA and the WAC. In coordinating this rule with state and local air agencies we are hoping to promote rule consistency.

Process for Developing New Rule: The proposed rule will be drafted internally by staff. The public will have the opportunity to comment on the proposed rule. The proposed Regulation II will be posted on the agency web site, [www.yakimacleanair.org](http://www.yakimacleanair.org) and provided to interested parties. In addition, public notices through local media and public hearing as required by law.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gary Pruitt, Executive Director/APCO, Yakima Regional Clean Air Agency, 329 North 1st Street, Yakima, WA 98901-2303, (509) 834-2050 ext. 103, [gary@yrcaa.org](mailto:gary@yrcaa.org); or Hasan Tahat, Ph.D., Engineering and Planning Division Supervisor, Yakima Regional Clean Air Agency, 329 North 1st Street, Yakima, WA 98901-2303, (509) 834-2050 ext. 105, [hasan@yrcaa.org](mailto:hasan@yrcaa.org).

May 21, 2010

Hasan Tahat

Engineering and Planning  
Division Supervisor

**WSR 10-12-045**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Order 10-01—Filed May 26, 2010, 9:04 a.m.]

Subject of Possible Rule Making: Chapter 182-04 WAC, Public access to information and records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160, 42.56.040, 70.02.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: All state agencies are required to adopt and maintain procedures establishing how individuals may request and obtain agency public records. The health care authority's (HCA) public disclosure rules are contained in chapter 182-04 WAC. The current rules do not reflect changes in state law, technology and HCA processes. The agency will consider changes that improve clarity and

update the chapter. One change anticipated is the use of a question and answer rule-writing style to provide information to the public in the clearest possible fashion.

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

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. Information regarding this rule making will be posted on the agency web site, <http://www.hca.wa.gov/laws/> or you may contact Jason Siems, HCA Rules Coordinator, P.O. Box 42700, Olympia, WA 98504, phone (360) 923-2720, e-mail [jason.siems@hca.wa.gov](mailto:jason.siems@hca.wa.gov).

May 26, 2010

Jason Siems

Rules Coordinator

**WSR 10-12-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 10-06—Filed May 26, 2010, 2:13 p.m.]

Subject of Possible Rule Making: This rule making will amend chapter 173-350 WAC, Solid waste handling standards, and will propose amendments including but not limited to:

- Add new anaerobic digestion section to reflect new exemptions in RCW 70.95.330, clarify processing or performance standards for solid waste facilities, define and explore additional exemptions to recover/recycle organic materials.
- Clarify definitions related to product take back centers, moderate risk waste handling, and household hazardous waste provisions.
- Eliminate duplicative record keeping and reporting requirements.
- Clarify when an earthen material/soil is a solid waste.
- Address other "general housekeeping" issues such as providing clarifications, making formatting changes, and ensuring that the rule is consistent with other rules, laws and policy decisions.

Ecology also is considering moving all sections of chapter 173-345 WAC, Recyclable materials—Transporter and facility requirements, to chapter 173-350 WAC, Solid waste handling standards. In this case, ecology may repeal chapter 173-345 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.95 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology is interested in expanding organics recycling, while maintaining strong environmental standards. In order to facilitate this, definitions, process and control requirements, and permitting exemptions for compost and other organics facilities may be amended. In addition, solid waste requirements related to soil, sediments

and other earthen materials may be clarified in a new section of the rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology will coordinate rule-making activities with Washington utilities and transportation commission, department of transportation, department of agriculture, department of natural resources, and the Environmental Protection Agency along with other agencies.

Process for Developing New Rule: Amendments will be drafted and reviewed by stakeholders following initial stakeholder meetings. Ecology will hold two informal public workshops where interested persons can comment on the rule before it is proposed. The public is invited to these workshops and will be provided the opportunity to comment on the draft proposed rule. At least two public hearings will be conducted. Ecology will post information on its web site and send information to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathleen Scanlan, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6559, e-mail [ksca461@ecy.wa.gov](mailto:ksca461@ecy.wa.gov). Ecology will post information on its web site; create a listserv and e-mail information on how to participate in the process to interested parties. Ecology will also hold two public information workshops and at least two public hearings. To sign up for the listserv, use this web link at <http://listserv.wa.gov/cgi-bin/wa?A0=ECY-SW-HANDLING-STANDARDS>.

May 26, 2010  
Laurie G. Davies  
Program Manager

**WSR 10-12-055**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

(Board of Optometry)

[Filed May 27, 2010, 10:53 a.m.]

Subject of Possible Rule Making: WAC 246-851-570 Certification required for use or prescription of drugs administered orally for diagnostic or therapeutic purposes, 246-851-500 Credentialing by endorsement, and 246-851-600 Certification required for administration of epinephrine by injection for treatment of anaphylactic shock. The board of optometry is considering rules to allow for endorsement of training if a licensee holds an active unrestricted license in another state with substantially equivalent standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070(2) and 18.53.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 18.53.010 requires that all optometrists in Washington state provide evidence of certification to use oral drugs and epinephrine by injection for anaphylactic shock by January 1, 2011. The purpose of this rule is to allow consideration of practice at substantially equivalent standards in other states as meeting the certifica-

tion requirements for optometrists currently licensed in Washington.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Judy Haenke, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, or [judy.haenke@doh.wa.gov](mailto:judy.haenke@doh.wa.gov). Interested persons can participate in the development of new rules by attending stakeholder meetings, and providing comments on proposed language which will be sent to interested persons through listserv.

May 27, 2010  
Bart Eggen  
Executive Director  
Board of Optometry

**WSR 10-12-073**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed June 1, 2010, 7:47 a.m.]

Subject of Possible Rule Making: Chapter 308-20 WAC, Cosmetology, barber, manicurist, esthetician rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.16.030, 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing (DOL) will be reviewing the WACs to determine if there are any rules that are no longer needed or need further written clarification.

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

Process for Developing New Rule: Direct notice will be made to all active licensees under chapter 18.16 RCW, and stakeholders list. Communication with the public in general will be made through the DOL/cosmetology web site and cosmetology listserv. DOL welcomes the public to take part in developing the rules. Anyone interested should contact the staff person listed below. At a later date, the DOL will file a notice of proposed rule making with the office of the code reviser.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cameron Dalmas, Business and Professions Division, Cosmetology Program, Department of Licensing, P.O. Box 9026, Olympia, WA 98507-9026, phone (360) 664-6643, e-mail [ndalmas@dol.wa.gov](mailto:ndalmas@dol.wa.gov), fax (360) 664-2550. Interested parties may send in their comments by mail, phone, facsimile or e-mail. Additional information will be

posted on the cosmetology internet web site as it become[s] available at <http://dol.wa.gov/business/cosmetology>.

June 1, 2010

Walt Fahrer  
Rule Coordinator

**WSR 10-12-084**

**PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF EDUCATION**

[Filed June 1, 2010, 9:06 a.m.]

Subject of Possible Rule Making: WAC 180-51-066 Minimum requirements for high school graduation—Students entering the ninth grade on or after July 1, 2009.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.090, 28A.305.215(8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state board of education will amend the language of the subsection (1)(b) in order to provide greater flexibility to students. Currently, the rule requires students to successfully complete mathematics courses in a prescribed sequence. The sequence may limit some students' choices or opportunities for course taking. The rule will be amended to permit different sequences of course taking to meet the mathematics credit requirements.

Process for Developing New Rule: The state board of education will hold a public hearing as required by chapter 34.05 RCW soliciting input from stakeholders and other members of the public regarding revisions to the rule.

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 Capitol Building, P.O. Box 47206, Olympia, WA 98504, e-mail [sbe@k12.wa.us](mailto:sbe@k12.wa.us), phone (360) 725-6025, fax (360) 586-2357.

May 25, 2010

Edith W. Harding  
Executive Director

**WSR 10-12-086**

**PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed June 1, 2010, 9:43 a.m.]

Subject of Possible Rule Making: WAC 260-36-085 License and fingerprint fees.

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 (WHRC) is required to collect license fees to cover the cost of the licensing program as listed in RCW 67.16.020(1). The last fee increase was in 2009 and under authority of ESHB 1244 the WHRC is authorized to increase license and fingerprint fees as needed to support the cost of the licensing program.

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](mailto:doug.moore@whrc.state.wa.us).

June 1, 2010

Douglas L. Moore  
Deputy Executive Secretary

**WSR 10-12-088**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed June 1, 2010, 10:16 a.m.]

Subject of Possible Rule Making: Chapter 296-05 WAC, Apprenticeship rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.04 RCW, RCW 19.285.040, and chapter 197, Laws of 2009 (ESSB 5873).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5873 was enacted into law during the 2009 legislative session. The department will work with the Washington state apprenticeship and training council (WSATC) and interested stakeholders to draft amendments needed to reflect the changes from ESSB 5873. The legislation amends RCW 39.04.320 and phases in apprentice utilization requirements (AURs) for four-year institutions of higher education for contracts advertised for bid on or after January 1, 2010. It also establishes penalties for contractors found to be working apprentices out of ratio, with inappropriate supervision, or outside their work process scope of the approved apprenticeship program. Contractors who are found out of compliance in any of these areas by the WSATC may have their responsible bidder status revoked for the first violation and be barred from bidding on any public works contract for five years upon the second violation. Rules are necessary to implement the legislation and provide due process protections for all parties.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor, Office of Apprenticeship, Training, Employer and Labor Services, which had federal apprenticeship oversight responsibility, along with general administration, Washington state department of transportation, and the office of superintendent [superintendent] of public instruction will be provided a copy of the proposed rules.

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](mailto:yous235@lni.wa.gov).

June 1, 2010  
Dave D'Hondt, Chair  
Apprenticeship and Training Council

### WSR 10-12-089

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 1, 2010, 10:30 a.m.]

Subject of Possible Rule Making: To clarify the use of the term "certified" in marketing materials used by home inspectors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.280.010 Home inspectors.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule would address the use of the term "certified" in all marketing materials used by licensed home inspectors to ensure the public is not misled.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rhonda Myers, P.O. Box 2445, Olympia, WA 98507, phone (360) 664-6487, fax (360) 586-0998, e-mail [rmyers@dol.wa.gov](mailto:rmyers@dol.wa.gov).

June 1, 2010  
Walt Fahrer  
Rules Coordinator

### WSR 10-12-093

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed June 1, 2010, 1:15 p.m.]

Subject of Possible Rule Making: Card games.

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 authorize a pilot study to test the regulatory and social impacts and benefits to card room licensees by increasing the wagering limits for the game of Texas Hold'em Poker.

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](mailto: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.

June 1, 2010  
Susan Arland  
Rules Coordinator

### WSR 10-12-102

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 2, 2010, 7:48 a.m.]

Subject of Possible Rule Making: WAC 308-124B-210 Real estate licensee advertising/assumed names.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.041(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Consumer[s] need to know which real estate brokerage they are contracting with. This proposal would consider allowing marketing and branding, but still keep the consumer knowledgeable on which real estate firm they are transacting business 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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jerry McDonald, P.O. Box 2445, Olympia, WA 98507, phone (360) 664-6525, fax (360) 570-7051, e-mail [jmcdonald@dol.wa.gov](mailto:jmcdonald@dol.wa.gov).

June 2, 2010  
Walt Fahrer  
Rules Coordinator

### WSR 10-12-104

#### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Order 10-02—Filed June 2, 2010, 7:49 a.m.]

Subject of Possible Rule Making: Public employees benefits board's (PEBB) rules related to enrollment in chapter 182-08 WAC; eligibility in chapter 182-12 WAC; and appeals in chapter 182-16 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The main purpose of this rule making is to amend PEBB rules in Title 182 WAC and adopt new rules to:

1. Align with and implement federal laws.
2. Align with state laws, including HB 2490 on respectful language.
3. Implement PEBB policy.
4. Address the administration of late notice that a subscriber or dependent has lost eligibility.
5. Clarify language regarding employer-level appeals.

In addition to these specific subject areas, the health care authority will conduct a full review of PEBB rules in these chapters and make necessary technical corrections.

Process for Developing New Rule: Stakeholder mailing and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals wishing to receive PEBB rule-making notices are encouraged to join our listserv, PEBB-RULE-MAKING-NOTICE, via this link <http://listserv.wa.gov/archives/pebb-rule-making-notice.html> or by logging on to listserv.wa.gov and selecting our listserv from the public e-mail list.

If you have questions about this rule making, contact Barbara Scott at (360) 923-2642 or Matthew Albright at (360) 923-2629 or at the Health Care Authority, P.O. Box 42684, Olympia, WA 98504-2684, [Barbara.scott@hca.wa.gov](mailto:Barbara.scott@hca.wa.gov), [Matthew.Albright@hca.wa.gov](mailto:Matthew.Albright@hca.wa.gov).

June 2, 2010  
Jason Siems  
Rules Coordinator

### WSR 10-12-105

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 2, 2010, 7:49 a.m.]

Subject of Possible Rule Making: WAC 308-124E-100, 308-124C-125, 308-124C-130, 308-124C-137, 308-124C-140, and 308-124C-145, responsibilities for real estate licensees - review of new licensee's work.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Licensees have duties and obligations that are required. Timelines need to be reevaluated to ensure that compliance is achievable.

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 Jerry McDonald, P.O. Box 2445,

Olympia, WA 98507, phone (360) 664-6525, fax (360) 570-7051, e-mail [jmcdonald@dol.wa.gov](mailto:jmcdonald@dol.wa.gov).

June 2, 2010  
Walt Fahrer  
Rules Coordinator

### WSR 10-12-107

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

[Filed June 2, 2010, 8:49 a.m.]

Subject of Possible Rule Making: WAC 232-28-291 Special hunting season permits.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department needs to revise this rule to clarify the bonus points reward system. The current WAC language does not address the new application process for special hunt permits.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, e-mail [Lori.preuss@dfw.wa.gov](mailto:Lori.preuss@dfw.wa.gov). Contact by July 15, 2010. Expected proposal filing on or after July 21, 2010.

June 2, 2010  
Lori Preuss  
Rules Coordinator

### WSR 10-12-109

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

(Aging and Disability Services Administration)

[Filed June 2, 2010, 9:11 a.m.]

Subject of Possible Rule Making: WAC 388-105-0005 The daily medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in licensed boarding homes contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39.030 and chapter 37, Laws of 2010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective July 1, 2010, the department will increase the boarding home licensing fee from \$79 a bed to \$106 a bed. The rates in WAC 388-105-0005 will be increased to cover the medicaid share of the license fee increase and new training needs.

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 a proposed rule 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, e-mail [haguepe@dshs.wa.gov](mailto:haguepe@dshs.wa.gov), phone (360) 725-2447, fax (360) 725-2641.

May 28, 2010  
Katherine I. Vasquez  
Rules Coordinator

### WSR 10-12-110

#### PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed June 2, 2010, 9:33 a.m.]

Subject of Possible Rule Making: Title 390 WAC, rules relating to party preference, application of term "bona fide political party" and definition of party organization; rules relating to filing campaign finance disclosure forms with the county auditor or elections officer; rules relating to independent expenditures and electioneering communications sponsor ID requirements; rules relating to definitions and reporting of exempt activities; rules relating to public service announcements; and rules relating to campaign contribution limits.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission (PDC) will consider possible new rules, amendments, and repeal necessary to implement 2010 legislation: Possible new rules and amendment to WAC 390-05-275 to harmonize Washington state's top two primary system with chapter 42.17 RCW pending the January 1, 2012, effective date of 2SHB 2016 section 101; possible amendments to WAC 390-13-100, 390-16-011, 390-16-012, 390-16-041, 390-16-115, and 390-16-030 and possible repeal of WAC 390-16-314 to implement SB 6243 and delete instructions and references to file PDC reports with a county auditor or elections official; possible amendments to WAC 390-18-010 and 390-18-030 to implement 2SHB 2016 section 505 and give guidance and clarification to sponsors of independent expenditures and electioneering communications; possible amendments to WAC 390-17-060 to implement 2SHB 2016 section 602 and clarify which expenditures are exempt from contribution limits; possible amendments to WAC 390-05-525 to implement 2SHB 2016 section 703 and refine definition of public service announcement; and possible amend-

ments to WAC 390-16-038, 390-17-302, and 390-17-315 to implement SB 6344 and clarify how contribution limits are applied. The rules are designed to provide guidance and clarification to the general public and persons subject to the disclosure law.

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

Process for Developing New Rule: At its meeting on June 24, 2010, the commission is expected to discuss and possibly approve draft language on the above referenced rule topics. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by June 22, 2010, to PDC staff member Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by June 16, 2010, will be provided to commission members in advance of the meeting. A formal public hearing is expected to occur in conjunction with the commission's August or September meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Anderson, Communications and Training Officer, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2737, 1-877-601-22828 [1-877-601-2828] (toll-free in Washington state), e-mail [lori.anderson@pdc.wa.gov](mailto:lori.anderson@pdc.wa.gov).

June 2, 2010  
Lori Anderson  
Communications and  
Training Officer

### WSR 10-12-118

#### PREPROPOSAL STATEMENT OF INQUIRY PARKS AND RECREATION COMMISSION

[Filed June 2, 2010, 9:59 a.m.]

Subject of Possible Rule Making: Washington state parks is reviewing chapter 352-24 WAC, Concessions and leases, with specific emphasis on the performance and application of WAC 352-24-010 Approval of concessions and leases—Concession policies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state park[s] commission has implemented a series of agency policies relating to the leasing of parklands. With the recent integration of the agencies' concession leasing program with the real property agreement program, WAC 352-24-010 is no longer needed to direct the agency on the process of authorizing concession leases.

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 pub-

lication. To obtain additional background information or to discuss the preproposal, contact Steve Hahn, Lands Program Manager, Washington State Parks, 1111 Israel Road, Olympia, WA 98504-4265, (360) 902-8683, Steve.Hahn@parks.wa.gov.

June 2, 2010  
 Jim French  
 Chief of Policy Research  
 and Program Development

### WSR 10-12-119

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 2, 2010, 10:01 a.m.]

Subject of Possible Rule Making: Require mandatory best management practices when applying certain pesticides to cranberries in the Grayland, Washington, area.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.21.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Monitoring of surface waters in the cranberry growing areas of Grayland since the mid 1990s has shown levels of chlorpyrifos and diazinon at levels that routinely exceed federal and state water quality standards. Many growers have voluntarily instituted best management practices to eliminate or reduce the amount of these pesticides detected in the surface water, but not all growers have done this. There is data to indicate that if these best management practices are implemented across the board, a significant reduction in the levels of the pesticides of concern will occur.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology enforces the water quality standards in this state. The Washington state department of agriculture (WSDA) has been working closely with ecology on this issue and will continue to work with them through the rule-making process.

The Washington state department of fish and wildlife (WDFW) will be consulted during the rule-making process.

Process for Developing New Rule: WSDA staff will work closely with the cranberry growers, ecology and WDFW to develop the rule proposal and will communicate with stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Maryann Connell, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42560, Olympia, WA 98504-2560, e-mail mconnell@agr.wa.gov. Public hearings will be held.

June 2, 2010  
 Bob Arrington  
 Assistant Director

### WSR 10-12-125

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 2, 2010, 11:35 a.m.]

Subject of Possible Rule Making: The department is considering amending chapter 16-481 WAC, Grape insect pests, by establishing a quarantine for European grapevine moth. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.13, 17.24, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Timely prevention of intrusion into this state of a nonnative, invasive pest species on or in association with horticultural plants and fruit is of grave and immediate concern. The European grapevine moth, a potentially devastating pest that feeds primarily on flowers and berries of grapevines, was first detected in the Napa Valley of California at the end of last year's growing season. This was the first detection of the moth in North America. It has since been detected in several more California counties and appears very likely to spread further, unless strong prevention measures are taken.

Introduction of European grapevine moth into Washington could severely impact grape production and disrupt Washington export markets for many crops, including cherries and red raspberries. For this reason we are considering implementing a quarantine on European grapevine moth.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Tom Wessels, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

June 2, 2010  
 Mary A. Martin Toohey  
 Assistant Director



**WSR 10-12-127****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed June 2, 2010, 11:58 a.m.]

Subject of Possible Rule Making: Chapter 16-662 WAC, Weights and measures—National handbooks, the department is considering adopting:

(1) Modifications to the biodiesel labeling requirements specified in the National Institute of Standards and Technology (NIST) Handbook 130;

(2) The 2010 edition of NIST Handbook 44 (Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices) as required by RCW 19.94.195; and

(3) The 2010 edition of NIST Handbook 130 (Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality).

In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 19.94, 19.112, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2010 legislative session, the legislature adopted changes to chapter 19.112 RCW regarding labeling of biodiesel (chapter 96, Laws of 2010). The department adopts the requirements outlined in NIST Handbook 130 regarding labeling. The department is proposing to adopt new modifications to NIST Handbook 130, in order for the rule to comply with these recently adopted changes to the biodiesel labeling law.

RCW 19.94.195 requires that the most current version of NIST Handbook 44 be adopted every year. The department also adopts the current version of NIST Handbook 130 and NIST Handbook 133 in order to maintain uniformity with other states. The currently adopted edition (January 2005) of NIST Handbook 133 (Checking the Net Contents of Packaged Goods) remains the most current.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail [mtoohey@agr.wa.gov](mailto:mtoohey@agr.wa.gov); or Kirk Robinson, Weights and Measures Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box

42560, Olympia, WA 98504-2560, phone (360) 902-1856, fax (360) 902-2094, e-mail [krobinson@agr.wa.gov](mailto:krobinson@agr.wa.gov).

June 2, 2010

Mary A. Martin Toohey  
Assistant Director

**WSR 10-12-128****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed June 2, 2010, 11:59 a.m.]

Subject of Possible Rule Making: Part I of chapter 23, Laws of 2010 1st sp. sess. (2ESSB 6143) changed the apportionment and nexus requirements for apportionable activities, effective June 1, 2010.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Part I of chapter 23, Laws of 2010 1st sp. sess. (2ESSB 6143) changed the apportionment and nexus requirements for apportionable activities, effective June 1, 2010. The department is considering the following new rules to explain how these requirements apply.

**WAC 458-20-19401 Minimum nexus thresholds for apportionable activities**, Washington's business and occupation (B&O) taxes may be imposed only if a business has substantial nexus with this state. This rule would explain the minimum nexus thresholds for the B&O taxation of businesses engaged in apportionable activities.

**WAC 458-20-19402 Single factor receipts apportionment—Generally**, this rule would explain how gross income earned by businesses engaged in apportionable activities is apportioned. This rule would not apply to the apportionment of income of financial institutions taxable under RCW 82.04.290, which would be addressed in WAC 458-20-19404, nor that of royalty income earned from granting the right to use intangible property, which would be addressed in WAC 458-20-19403.

**WAC 458-20-19403 Single factor receipts apportionment—Royalties**, this rule would address how gross income from royalties is apportioned when the business receives royalty payments from both within and outside the state.

**WAC 458-20-19404 Financial institutions—Income apportionment**, this rule would address how gross income from engaging in business as a financial institution is apportioned when the financial institution engages in business both within and outside the state.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. Please direct comments towards the emergency rule drafts (adopted under WSR 10-12-115 avail-

able for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>). Written comments on the rules may be directed to Chris Coffman and Armikka Bryant, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail [ChrisC@dor.wa.gov](mailto:ChrisC@dor.wa.gov) and [ArmikkaB@dor.wa.gov](mailto:ArmikkaB@dor.wa.gov).

Public Meeting Location: Auditorium, Washington State Criminal Justice Training Commission, 19010 First Avenue South, Burien, WA 98148, on June 24, 2010. For WAC 458-20-19401, 458-20-19402, and 458-20-19403 the meeting will start at 9:30 a.m.; and for WAC 458-20-19404 the meeting will begin at 1:30 p.m.

Assistance for persons with disabilities: Contact Martha Thomas no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7497.

June 2, 2010  
Alan R. Lynn  
Rules Coordinator