

**WSR 10-16-003**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 21, 2010, 2:05 p.m.]

Subject of Possible Rule Making: WAC 246-836-010 and 246-836-210, amending existing sections and adding a new section to naturopathic physician rules to identify which nonsurgical cosmetic procedures are in naturopathic scope of practice.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department received questions as to which nonsurgical cosmetic procedures are within naturopathic physician statutory scope of practice. The field of nonsurgical cosmetic procedures includes injections, chemical peels, microdermabrasion, dermabrasion, schlerotherapy, soft-tissue fillers, and mesotherapy. Many of these procedures carry a significant risk of patient harm. The department is considering amending the rule to clarify the types of nonsurgical cosmetic procedures that may or may not be performed by a naturopathic physician.

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. In order for the department to allow interested persons to provide input, there will be several public workshops utilizing videoconferencing in order to include individuals from other areas of the state. The department will notify via the listserv all those individuals and organizations that have expressed an interest in naturopathic physician rules, which can be accessed at <http://listserv.wa.gov/cgi-bin/wa?A0=NATUROPATHY-PROGRAM>. Stakeholders may also submit written comments for consideration to Susan Gragg, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2406, or e-mail [susan.gragg@doh.wa.gov](mailto:susan.gragg@doh.wa.gov).

July 21, 2010  
 Mary C. Selecky  
 Secretary

**WSR 10-16-010**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed July 21, 2010, 4:32 p.m.]

Subject of Possible Rule Making: Chapter 392-141 WAC, Transportation—State allocation for operations.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A complete revision of chapter 392-141 WAC is required in order to implement the new

student transportation funding system implemented through EHB 2261 (2009). The 2010 legislature through EHB 2776 modified the implementation date to September 1, 2011, and required the office of superintendent of public instruction (OSPI) to report on the language of the rule by December 1, 2010.

Process for Developing New Rule: Other [no further information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allan J. Jones, Director, Pupil Transportation and Traffic Safety Education, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, fax (360) 586-6124, e-mail [allan.jones@k12.wa.us](mailto:allan.jones@k12.wa.us).

July 21, 2010  
 Randy Dorn  
 Superintendent of  
 Public Instruction

**WSR 10-16-011**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed July 21, 2010, 4:33 p.m.]

Subject of Possible Rule Making: Chapter 392-145 WAC, Transportation—Operation rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To make technical corrections including those resulting from modifications in the specifications of school bus braking systems.

Process for Developing New Rule: Other [no further information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allan J. Jones, Director, Student Transportation, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, fax (360) 586-6124.

July 21, 2010  
 Randy Dorn  
 Superintendent of  
 Public Instruction

**WSR 10-16-036**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed July 26, 2010, 3:33 p.m.]

Subject of Possible Rule Making: WAC 192-320-035 and new WAC 192-320-036, implementing SSB 6524 on delinquent tax rates for unemployment insurance (UI) effective beginning in tax rate year 2011.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 6524 was enacted in 2010 and establishes new rates for employers delinquent in the payment of UI taxes, beginning with rate year 2011. Amendments to WAC 192-320-035 will limit that WAC through rate year 2010 and new WAC 192-320-036 will establish rates beginning in rate 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 Labor (USDOL) reviews the state's administration of the UI program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of UI laws as long as conformity is maintained. The proposed rules will be shared with USDOL prior to adoption.

Process for Developing New Rule: Proposed rules will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders and consider all written comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Unemployment Insurance Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail [jmyers@esd.wa.gov](mailto:jmyers@esd.wa.gov). Please include your name, organization (if any), mailing address, e-mail address, and phone number.

July 23, 2010

Paul Trause

Deputy Commissioner

### WSR 10-16-037

#### PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed July 26, 2010, 3:36 p.m.]

Subject of Possible Rule Making: General review of unemployment insurance (UI) tax and wage rules, including chapters 192-300, 192-310, 192-320, 192-330, 192-340, and 192-350 WAC. This will update, revise, and clarify policy related to UI taxes. Some of the substantive topics include: When employers become inactive and how this affects coverage of corporate officers, priorities for application of payments, NSF charges, and record-keeping requirements for employers. Many other changes are minor or technical.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Tax rules were last comprehensively reviewed in 2007. Rules will help clarify provisions dealing with coverage of corporate officers for unemployment insurance, priorities for application of payments, NSF charges, and record-keeping requirements for employers. Rules will also make technical corrections and increase consistency with current policies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL)

reviews the state's administration of the UI program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of UI laws as long as conformity is maintained. The proposed rules will be shared with USDOL prior to adoption.

Process for Developing New Rule: Proposed rules will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders and consider all written comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Unemployment Insurance Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail [jmyers@esd.wa.gov](mailto:jmyers@esd.wa.gov). Please include your name, organization (if any), mailing address, e-mail address, and phone number.

July 23, 2010

Paul Trause

Deputy Commissioner

### WSR 10-16-046

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

[Filed July 27, 2010, 12:51 p.m.]

Subject of Possible Rule Making: WAC 220-52-069 Scallop fishery—Puget Sound.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.-047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to provide increased conservation to rockfish in Puget Sound. In April 2010, the National Marine Fisheries Service (NMFS) declared that three species of rockfish warrant protection under the federal Endangered Species Act (ESA). This action will require review and possible changes to commercial fishing regulations in Puget Sound. The intent of these proposed rule changes is to rebuild populations of rockfish in Puget Sound and meet ESA requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NMFS applies the provisions of the ESA to listed rockfish species. State and federal agencies are developing conservation actions to recover rockfish. NMFS will develop standards for allowable take of listed rockfish by commercial fisheries. The Washington department of fish and wildlife is preparing an application for an incidental take permit that includes a "fisheries conservation plan." NMFS will use the application and plan to evaluate the risk posed by commercial fishing to the listed rockfish. Regulation changes will be required to implement the provisions of the incidental take permit.

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 by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail Lori.Preuss@dfw.wa.gov. Contact by September 15, 2010. Proposed rules will be filed on or after September 22, 2010.

July 27, 2010  
Lori Preuss  
Rules Coordinator

**WSR 10-16-057**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Filed July 28, 2010, 12:00 p.m.]

The department of ecology withdraws the CR-101, WSR 09-23-051, filed November 10, 2009, chapter 173-400 WAC, General regulations for air pollution sources.

On July 19, 2010, ecology filed WSR 10-15-077, a CR-101 that includes all of the sections listed in the previous CR-101, as well as three additional sections while also opening another existing section, WAC 173-400-101.

The newly listed sections are WAC 173-400-108, 173-400-109, and 173-400-900. WAC 173-400-108 and 173-400-109 will contain new regulations addressing injunctive relief and reporting requirements for excess emissions. WAC 173-400-900 will put forward regulations to implement an alternative toxic air pollutant analysis for emergency diesel engines. We are opening WAC 173-400-101 to correct a reference to chapter 70.94 RCW.

During the rule development process, ecology identified an opportunity to improve the rule structure by creating these new sections. The intent of this action is to implement regulations that address emerging air quality issues, streamline permitting actions, and make the rule easier to implement.

Stuart A. Clark  
Air Quality Program Manager

**WSR 10-16-065**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 10-10—Filed July 29, 2010, 9:51 a.m.]

Subject of Possible Rule Making: This rule making addresses corrections and clarifications to the text of chapter 173-201A WAC, the water quality standards for surface waters of the state of Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.035 provides clear and direct authority to ecology to revise the water quality standards. Additionally, 40 C.F.R. 131.20 requires states and tribes (with primacy for clean water actions) to periodically review and update the water quality standards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Portions of the surface water quality standards (chapter 173-201A WAC) contain text or tables that need correction or clarification. Adopting these

changes will make the rule more accurate and easier to understand by correcting and clarifying sections which have caused confusion for some stakeholders.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Developing and administering surface water quality standards to protect water quality and meet objectives of the federal Clean Water Act is a unique responsibility assigned to the department of ecology in chapter 90.48 RCW.

Process for Developing New Rule: This is an amendment to chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington. The process includes public hearings held around the state of Washington. Ecology plans to involve local interest groups with one-on-one meetings and use media to notify the public. Ecology will use all these public activities to clearly explain the updated rule to interested parties. Additionally, the agency's goal is to educate the public on surface water quality standards and why the rule needs to be amended. We plan to actively seek public input on the proposed rule amended language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becca Conklin, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6413, fax (360) 407-6426, e-mail SWQS@ecy.wa.gov.

Interested parties can access more information on this rule making by contacting the department of ecology staff member listed above or by accessing the water quality program surface water quality standards activities web site at [www.ecy.wa.gov/programs/wq/swqs/rule\\_rev-timeline.html](http://www.ecy.wa.gov/programs/wq/swqs/rule_rev-timeline.html).

Ecology will share information on the agency web site and through a listserv. Join our listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-WATER-QUALITY-INFO>.

July 28, 2010  
Kelly Susewind  
Water Quality  
Program Manager

**WSR 10-16-080**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**

[Filed July 30, 2010, 10:08 a.m.]

Subject of Possible Rule Making: Blood alcohol analysis.

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: Language changes to reflect current laboratory procedures for analyzing and reporting blood alcohol concentrations.

Process for Developing New Rule: Agency review.

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

lication by contacting Ms. Fiona Couper, WSP Toxicology Lab, 2203 Airport Way South, Suite 360, Seattle, WA 98134, Fiona.couper@wsp.wa.gov, (206) 206-6000 [262-6000].

July 28, 2010  
John R. Batiste  
Chief

### WSR 10-16-081

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed July 30, 2010, 10:11 a.m.]

Subject of Possible Rule Making: Description of fire marshal's office.

Statutes Authorizing the Agency to Adopt Rules on this Subject: None.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC chapter was developed in the early 1970's to provide a description and organization overview of the state fire marshal's office. Since its adoption, the state fire marshal's office has changed agencies three times and the WAC no longer is based on current statutory authority. The proposal is to repeal this WAC chapter.

Process for Developing New Rule: Agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Anjela St. John, State Fire Marshal's Office, P.O. Box 42600, Olympia, WA 98504, Anjela.stjohn@wsp.wa.gov, (360) 596-3903.

July 28, 2010  
John R. Batiste  
Chief

### WSR 10-16-105

#### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed August 2, 2010, 3:23 p.m.]

Subject of Possible Rule Making: WAC 246-105-040 Requirements based on national immunization guidelines.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington state's school and child care center immunization requirements are based on national immunization standards set by the advisory committee on immunization practices (ACIP). The ACIP updates these standards annually. To maintain consistency between Washington's school and child care center age and interval immunization requirements and national immunization standards, the reference to the ACIP immunization schedule needs to be updated from the 2008 version to the 2010 version. The 2010 version involves changes to the ages and intervals of certain doses of polio vaccine.

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

cies: The superintendent of public instruction: Under RCW 28A.210.150 and chapter 392-182 WAC, provides procedures for schools to verify immunization status of transferring students; under RCW 28A.210.160 and chapter 392-380 WAC, governs the exclusion of children from public schools. The state board of education: Under RCW 28A.210.160 and chapter 180-38 WAC, governs the exclusion of children from private schools. The department of early learning: Under chapter 43.215 RCW and chapters 170-151 and 170-295 WAC, governs the exclusion of children from licensed child care centers. The state board of health (SBOH) and the department of health (DOH) will made [make] sure these agencies have sufficient opportunity to review and comment on proposed changes.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeff Wise, Washington State Department of Health, P.O. Box 74843, Olympia, WA 98504, phone (360) 236-3483, e-mail jeff.wise@doh.wa.gov. Public notice of rule making and opportunities to submit written comments will be available on the DOH web site www.doh.wa.gov.htm. Interested parties will be notified of rule making and opportunities to provide input through various listservs. Testimony will be taken at a scheduled SBOH public hearing.

August 2, 2010  
Craig McLaughlin  
Executive Director

### WSR 10-16-106

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed August 2, 2010, 3:24 p.m.]

Subject of Possible Rule Making: WAC 246-836-080 Continuing competency program for naturopathic physicians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.060 and 18.36A.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department began an update to the continuing education (CE) rules by filing a pre-proposal statement of inquiry as WSR 08-17-041 on August 14, 2008. This original filing was to provide for on-line CE training opportunities, clarify approved CE subject matter, and complete any necessary housekeeping changes. In the course of incorporating public input, however, it was determined additional amendments may be needed. The department is proposing to also amend the rule to allow for identifying approved entities and acceptable CE courses, as well as setting limits on certain types of acceptable courses.

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 contacting Susan Gragg, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2406, e-mail [susan.gragg@doh.wa.gov](mailto:susan.gragg@doh.wa.gov). Interested persons can participate in the rule process through meetings and by submitting written comments, and are encouraged to join our listserv, which can be accessed at <http://listserv.wa.gov/cgi-bin/wa?A0=NATUROPATHY-PROGRAM>.

August 2, 2010  
Mary C. Selecky  
Secretary

### WSR 10-16-113

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed August 2, 2010, 4:53 p.m.]

Subject of Possible Rule Making: Towing businesses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005, 46.55.050, 46.55.115.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is a need for updates to some of the tow standards to update language regarding the requirements for the application for letter of appointment and minimum tow truck equipment standards.

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

Process for Developing New Rule: Agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sergeant Devin Derrick, CVD - Tow Coordinator, 2715 Rudkin Road, Union Gap, WA 98903, [Devin.derrick@wsp.wa.gov](mailto:Devin.derrick@wsp.wa.gov), (509) 249-6769.

August 2, 2010  
John R. Batiste  
Chief

sation classification plan that classifies all occupations or industries within the state and sets basic rates of premium for these classifications that are distributed fairly (RCW 51.16.035). The department determined that certain rules are in need of revision.

We are proposing a revision to the reporting rule WAC 296-17-31021 Units of exposure. The proposed rule change will clarify when and how employers of school faculty are allowed to report hours for workers' compensation insurance. Classifications WAC 296-17A-6103 Schools and 296-17A-4906 Institutions of higher learning, will be amended to reflect the new reporting instructions. The change also addresses new federal standards regarding overtime exempt and overtime eligible employees.

This change will align with existing practices in the business community. It will clarify, and make more flexible, the reporting requirements for all employers - but especially for schools and colleges.

The change will ease the administrative burden on employers. There is no impact to employees.

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 solicit input from the business community by way of direct mailings, the internet, and/or informal public meetings. Labor and industries will use this input to formulate proposed changes to the existing rules and advise customers of future rule making by direct mailing and/or the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries will mail letters with ideas on possible rule changes to affected employers. Employers will be encouraged to participate in the process to share ideas and/or attend meetings. Employers can obtain information on our process at the employer services web site ([www.lni.wa.gov/insuranceservices/employerservices](http://www.lni.wa.gov/insuranceservices/employerservices)) and can submit comments electronically to [smij235@lni.wa.gov](mailto:smij235@lni.wa.gov) or by calling (360) 902-4777 or by fax at (360) 902-4729.

August 3, 2010  
Judy Schurke  
Director

### WSR 10-16-120

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

[Filed August 3, 2010, 9:02 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance and chapter 296-17A WAC, Classifications for Washington 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: Labor and industries is required by law to establish and maintain a workers' compen-

### WSR 10-16-130

#### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2010-07—Filed August 4, 2010, 6:36 a.m.]

Subject of Possible Rule Making: Mandatory on-line licensing for certain licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.15.015 and 48.17.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The insurance commissioner's office has offered applicants for new and renewal

insurance producer licenses the option to apply on-line for several years. The process has improved the efficiency of the state insurance producer licensing process and made it more accessible for all parties. Through this rule making, the commissioner will consider establishing electronic licensing as the exclusive process for licensing transactions relating to certain licenses issued by the office.

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

Process for Developing New Rule: Submit written comments by September 13, 2010, to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, kacys@oic.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, kacys@oic.wa.gov.

August 4, 2010

Mike Kreidler

Insurance Commissioner

#### WSR 10-16-142

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 4, 2010, 9:10 a.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-478-0015 Need standards for cash assistance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend WAC 388-478-0015 Need standards for cash assistance, in order to revise the basic need standards for cash assistance. The department is required by RCW 74.04.770 to establish standards of need for cash assistance programs on an annual basis.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Aurea Figueroa-Rogers, Program Manager, Community Services Division, P.O. Box 45470,

Olympia, WA 98504-5470, phone (360) 725-4623, fax (360) 725-4905, e-mail Aurea.Figueroa-Rogers@dshs.wa.gov.

August 3, 2010

Katherine I. Vasquez

Rules Coordinator

#### WSR 10-16-143

##### PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket U-100523—Filed August 4, 2010, 9:12 a.m.]

Subject of Possible Rule Making: The subject of this inquiry is to consider whether the utilities and transportation commission (UTC) should develop a new rule and/or modify existing rules in chapter 480-90 WAC, Gas companies and chapter 480-100 WAC, Electric companies, to address the use of electronic bills, notices of tariff revisions, bill inserts, documents in adjudicative proceedings, and reports required by settlement stipulations. This inquiry supplements the original CR-101 filed at WSR 10-08-094 to also consider whether to modify existing rules in chapter 480-90 WAC, Gas companies and chapter 480-100 WAC, Electric companies, to allow utilities to obtain and retain a customer's authorization to share personal information electronically with the utility's affiliates, subsidiaries or any other third party for the purpose of marketing services or product offerings to a customer who does not already subscribe to that service or product. The rule making has been assigned Docket U-100523.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The UTC is responsible for protecting consumers by ensuring that investor-owned utility services are fairly priced, available, and reliable and by improving the flow of information to allow for more customer choices. E-mailing of bills and electronic customer authorization to share personal information is not provided for in the Washington Administrative Code rules (chapters 480-90 and 480-100 WAC). In lieu of required use of paper copies, companies want to have an option to provide customers or other interested persons electronic bills, notices of tariff revisions, bill inserts, adjudicative proceeding documents, reports required by settlement stipulations, and the option to provide electronic authorization to share a customer's personal information. This may, among other things, save utility companies mailing and printing costs.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments and conduct such other process as necessary to gather the information necessary to determine whether rules should be proposed or modified.

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 on this amended filing with the Executive Director, 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, web portal at [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing), or through e-mail at [records@utc.wa.gov](mailto:records@utc.wa.gov), by 5:00 p.m., **September 10, 2010**.

**WRITTEN COMMENTS:** Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than September 10, 2010.

Electronic copies. 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](http://www.utc.wa.gov/e-filing) or by electronic mail to the commission's records center at [records@utc.wa.gov](mailto:records@utc.wa.gov). Please include:

- The docket number of this proceeding (U-100523).
- 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, in .pdf Adobe Acrobat 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 <http://www.utc.wa.gov/100523>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. 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](mailto: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 U-100523 to ensure that you are placed on the appropriate service list. Questions may be addressed to Roger Kouchi (360) 664-1101 or e-mail at [rkouchi@utc.wa.gov](mailto:rkouchi@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 U-100523, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket U-100523, and the words "Please keep me on the mailing list" to [records@utc.wa.gov](mailto: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/100523>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

August 4, 2010  
David W. Danner  
Executive Director  
and Secretary

**WSR 10-16-144**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed August 4, 2010, 9:14 a.m.]

Subject of Possible Rule Making: The department may propose amendments to WAC 388-310-1800 WorkFirst—Post employment services, and possible other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may propose to modify rules to tighten program requirements and reduce program costs due to a budget shortfall.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kerry Judge, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4630, fax (360) 725-4905, e-mail [kerry.judge@dshs.wa.gov](mailto:kerry.judge@dshs.wa.gov).

August 4, 2010  
Katherine I. Vasquez  
Rules Coordinator

**WSR 10-16-145**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed August 4, 2010, 9:17 a.m.]

Subject of Possible Rule Making: The department may propose amendments to WAC 388-310-0800 WorkFirst—Support services, and possible other related rules.

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.340, and chapter 74.08A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may propose to modify rules to tighten program requirements and reduce program costs due to a budget shortfall.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kerry Judge, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4630, fax (360) 725-4905, e-mail kerry.judge@dshs.wa.gov.

August 4, 2010  
Katherine I. Vasquez  
Rules Coordinator

**WSR 10-16-146**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed August 4, 2010, 9:25 a.m.]

Subject of Possible Rule Making: The department plans to propose amendments to WAC 388-436-0002 If my family has an emergency, can I get help from DSHS to get or keep our housing or utilities?, and possible other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.08.090, 74.08A.-340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may propose amendments modify rules to tighten program requirements and reduce program costs due to a budget shortfall.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Olga Walker, Program Manager, Com-

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

August 4, 2010  
Katherine I. Vasquez  
Rules Coordinator

**WSR 10-16-147**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed August 4, 2010, 9:27 a.m.]

Subject of Possible Rule Making: The department may propose amendments to WAC 388-310-0200 WorkFirst—Activities, 388-310-0400 WorkFirst—Entering the Work-First program as a mandatory participant, 388-310-1300 Community jobs, 388-310-1700 WorkFirst—Self-employment, 388-310-2100 Career services program, and possible other related rules.

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.320, 74.08A.330, 74.08A.340, and chapters 74.08A and 74.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may propose to modify rules to modify participation requirements, tighten program requirements and reduce program costs due to a budget shortfall.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kerry Judge, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4630, fax (360) 725-4905, e-mail kerry.judge@dshs.wa.gov.

August 4, 2010  
Katherine I. Vasquez  
Rules Coordinator

**WSR 10-16-149**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed August 4, 2010, 9:30 a.m.]

Subject of Possible Rule Making: The department plans is proposing [to propose] amendments to WAC 388-436-0015 Consolidated emergency assistance program (CEAP), 388-436-0030 Eligibility for CEAP depends on other possible cash benefits, and any other related WACs as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.660.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing these changes to clarify that TANF/SFA families who have had their cash grant terminated under WAC 388-310-1600 may qualify for CEAP even when case closure hasn't occurred within the last six months.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stephanie Nielsen, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4699, fax (360) 725-4905, e-mail Stephanie.nielsen@dshs.wa.gov.

August 4, 2010  
Katherine I. Vasquez  
Rules Coordinator

**WSR 10-16-150**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed August 4, 2010, 9:32 a.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-434-0010 How do I get Basic Food benefits after my certification period has ended?, and any other related WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend rules related to recertification begin dates and interview requirements for the eligibility review process to com-

ply with the supplemental nutrition assistance program (SNAP) regulations under 7 C.F.R. 273.14.

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) publish federal regulations for SNAP in the Federal Register. Rules published in the Federal Register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices and interim guidance to inform states of new program requirements that are not yet in the United States Code of Federal Regulations.

The state legislature authorizes the department to administer the food stamp program and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A120 [74.08A.120].

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administration rules for food assistance programs administered under the Washington state combined application program (WASHCAP) and the Washington Basic Food program.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kim Chea, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4653, fax (360) 725-4905, e-mail kimberly.chea@dshs.wa.gov.

August 4, 2010  
Katherine I. Vasquez  
Rules Coordinator

**WSR 10-16-151**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed August 4, 2010, 9:34 a.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-406-0030 Do I need to submit other information after I apply for benefits?, 388-490-0005 The department requires proof before authorizing benefits for cash, medical, and Basic Food, and other related rules as necessary.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend these rules to improve consistency between them

and other related rules. The rule changes will clarify when the department can allow clients more time to provide information needed to determine eligibility for benefits.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert L. Thibodeau, Program Manager, Basic Food, Community Services Division, P.O. Box 45440, Olympia, WA 98504-5440, phone (360) 725-4634, fax (360) 725-4905, e-mail Robert.Thibodeau@dshs.wa.gov.

August 4, 2010

Katherine I. Vasquez  
Rules Coordinator

### WSR 10-16-156

#### PREPROPOSAL STATEMENT OF INQUIRY

#### GAMBLING COMMISSION

[Filed August 4, 2010, 11:01 a.m.]

Subject of Possible Rule Making: Amusement centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.0201, 9.46.0331, 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Curtis Epping of Funland Family Entertainment Center, requesting an amendment to a rule about amusement centers.

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] September 10, 2010, at the State Investment Board, 2100 Evergreen Park Drive S.W., Olympia, WA 98504; on October 15, 2010, at the Red Lion Hotel at the Park, 303 West North River Drive, Spokane, WA 99201, (509) 326-8000; and on November 19, 2010, at the Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857.

August 4, 2010

Arlene K. Dennistoun  
Staff Attorney