

WSR 11-06-020**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed February 23, 2011, 2:40 p.m.]

Subject of Possible Rule Making: Proposed repeal of WAC 180-16-215 Minimum one hundred eighty school day year. There is a previous CR-101, filed as WSR 11-04-039, which this is replacing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed repeal due to changes to RCW 28A.150.030 that become effective September 1, 2011, as set forth in ESHB 2261, chapter 548, Laws of 2009, and because most of the subsections of the rule also quote statutes that the legislature periodically amends.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state board of education ensures school districts' compliance with basic education requirements. Once compliance has been ensured, the state board of education certifies to the superintendent of public instruction that all districts are in compliance. Due to the coordinated work of the two agencies with this program, the state board of education will work closely with the office of superintendent of public instruction on the proposed rule revision.

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.

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

February 22, 2011
Edith W. Harding
Executive Director

WSR 11-06-038**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed February 28, 2011, 11:34 a.m.]

Subject of Possible Rule Making: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.091 requires the department of revenue to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-660 to provide valuations for the second half of 2011.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

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. A preliminary draft of anticipated changes will be available upon request shortly before the public meeting. Written comments on and/or requests for copies of the rule may be directed to Gayle Carlson, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail GayleC@dor.wa.gov, phone (360) 534-1576.

Public Meeting Location: Capital Plaza Building, 4th Floor, RLA Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on April 19, 2011, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Mary Carol LaPalm, (360) 725-7499 or Renee Cosare, (360) 725-7514 no later than ten days before the meeting date. For hearing impaired please contact us via the Washington relay operator at (800) 833-6384.

February 28, 2011
Alan R. Lynn
Rules Coordinator

WSR 11-06-041**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed February 28, 2011, 12:26 p.m.]

Subject of Possible Rule Making: WAC 363-116-200 Duties of pilots.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed modifications are intended to expand the definition of an incident to include situations wherein a pilot or pilot trainee falls while embarking or disembarking a vessel or is physically endangered while performing his/her duties on a vessel, regardless of whether the incident results in physical injury to the pilot or pilot trainee.

The proposed modifications further expand the definitions of a marine safety occurrence to specify that a pilot or pilot trainee can voluntarily report safety issues encountered

or observed on the vessel, the dock or in the area around the vessel.

Process for Developing New Rule: The legislative/WAC committee of the board has proposed certain amendments to this rule and will be discussing it further in committee and at regular session board meetings. Stakeholder comments are welcome. Upon further review and consideration of recommended revisions, a public hearing will be scheduled to consider the proposed new rule pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Larson, Administrator, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, LarsonP@wsdot.wa.gov, www.pilotage.wa.gov.

February 25, 2011

Peggy Larson
Administrator

WSR 11-06-049

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 1, 2011, 10:07 a.m.]

Subject of Possible Rule Making: WAC 392-121-200 through 392-121-299, Finance—General apportionment—Certificated instructional staff.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1) and 28A.415.024.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions expand the criteria for recognizing degrees and credits on the salary schedule for certificated instructional staff, to also include degrees and credits earned from a college or university which is accredited by the distance education and training council (DETC), pursuant to the 2010 rule revisions of the professional educator standards board, per WAC 181-78A-010(7). These revisions also:

- Update the definition of basic education and institutional education programs;
- Clarify the definition of a certificated employee's highest degree level, and specifically, nondegreed employees;
- Provide other "housekeeping" updates.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Bunda, (360) 725-6308.

February 28, 2011

Randy Dorn
State Superintendent

WSR 11-06-058

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed March 1, 2011, 3:42 p.m.]

Subject of Possible Rule Making: Cougar hunting seasons, game reserves, and waterfowl closure areas.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.020, 77.12.047, 77.12.150, 77.12.320.

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

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nate Pamplin, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2515. Contact by April 11, 2011. Expected proposal filing on or after April 20, 2011.

March 1, 2011

Lori Preuss
Rules Coordinator

WSR 11-06-059

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed March 1, 2011, 4:12 p.m.]

Subject of Possible Rule Making: The department is proposing to amend chapter 388-823 WAC, DDD intake and determination of developmental disabilities. Amendments to this chapter will change eligibility requirements for individuals applying for services from the division of developmental disabilities (DDD). Other changes will make the WAC consistent with RCW language required by state law.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed amendments to this chapter are necessary to clarify rules which determine whether an individual meets the requirements to receive services from DDD. Amendments would limit eligibility for individuals with autism to those whose disability meets specific criteria which are not clear in the current WAC. Proposed amendments would also change the IQ requirements to receive services from DDD. Furthermore, by combining the categories of "another neurological" and "other conditions," make the WAC consistent with RCW language which is required by state law.

Other proposed changes would streamline eligibility reviews, thereby reducing case resource manager workload.

The filing of this CR-101 has been determined to meet the exemptions from the Governor's Executive Order 10-06 on rule making because they meet the following criteria:

- Rules are necessary to manage budget shortfalls.
- Rule changes are necessary to comply with state 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: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meredith Kelly, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail kellymj@dshs.wa.gov.

March 1, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-06-061
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed March 1, 2011, 5:59 p.m.]

Subject of Possible Rule Making: Update and adoption of the North American Securities Administrators Association (NASAA) guidelines and statements of policy. Amendments to WAC 460-16A-205.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington securities division uses guidelines and policies adopted by NASAA as the basis for regulating certain offerings and licensees. These guidelines and policies are periodically updated and occasionally new guidelines and policies are adopted. This amendment would update Washington's regulations to reflect the latest versions of all previously adopted guidelines. This will facilitate greater uniformity with the many other states that rely on NASAA guidelines and policies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Securities and Exchange Commission (SEC) also regulates some of these offerings. Proposed NASAA statements of policy are published for public comment prior to adoption and are generally also shared with the SEC. Comments received from the public and the SEC are considered and incorporated in the proposal as appropriate.

Process for Developing New Rule: Proposed NASAA statements of policy are published for internal and public comment prior to adoption. Comments received from the public and the SEC are considered and incorporated in the proposal as appropriate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jill M. Vallye, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, voice (360) 902-8801, fax (360) 704-7035, e-mail jvallye@dfi.wa.gov.

March 1, 2011
William M. Beatty, Director
Securities Division

WSR 11-06-063
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2011-04—Filed March 2, 2011,
8:43 a.m.]

Subject of Possible Rule Making: Board of directors of the Joint Underwriting Association for Midwifery and Birthing Centers Malpractice Insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.87.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under this rule making the commissioner will consider amending the existing rule to change the composition of the board of the directors.

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 April 15, 2011, to Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@oic.wa.gov, fax (360) 586-3109.

March 2, 2011
Mike Kreidler
Insurance Commissioner

WSR 11-06-064
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2011-05—Filed March 2, 2011,
8:44 a.m.]

Subject of Possible Rule Making: Reporting statistical data.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.19.370 and 48.02.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 48.19.370 provides that the commissioner shall promulgate rules and statistical plans for the reporting of loss and countrywide expense experience to assist the commissioner in determining whether rating systems filed by insurers comply with rate standards. For some lines of insurance, the information is of limited value in relation to the cost to the insurer of reporting the data to a statistical agent. The proposed rule would allow the commissioner to waive the requirement that data be reported to a statistical agent in specified instances or lines of insurance.

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 April 15, 2011, to Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@oic.wa.gov, fax (360) 586-3109.

March 2, 2011

Mike Kreidler

Insurance Commissioner

P.O. Box 40238, Olympia, WA 98504-0238, (360) 586-4900,
russell.wood@sos.wa.gov.

February 14, 2011

Steve Excell

Assistant Secretary of State

WSR 11-06-068

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

(E-Recording Standards Commission)

[Filed March 2, 2011, 9:06 a.m.]

Subject of Possible Rule Making: Real property electronic recording.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 65.24.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The e-recording standards commission established under RCW 65.24.040 has developed recommendations for rules necessary to implement the Uniform Real Property Electronic Records Act, chapter 65.24 RCW.

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 Russell Wood, State Records Manager,