

WSR 12-21-010**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed October 5, 2012, 1:40 p.m.]

Subject of Possible Rule Making: Chapter 390-37 WAC, Enforcement hearing (adjudicative proceeding) rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission will consider possible rule amendments to the enforcement process, including rules to provide mitigating and aggravating circumstances that may impact penalty assessments.

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 October 25, 2012, the commission is expected to discuss the above-referenced rule topics. If rule making appears warranted, a formal public hearing will likely be held within the next two to four months.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737 or 1-877-601-2828 (toll-free in Washington state), fax (360) 753-1112, e-mail lori.anderson@pdc.wa.gov.

October 5, 2012
Lori Anderson
Communications and
Training Officer

WSR 12-21-022**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed October 8, 2012, 11:17 a.m.]

Subject of Possible Rule Making: Revision of WAC 468-38-071(4) Maximums and other criteria for special permits—Divisible.

Authorize Washington state department of transportation (WSDOT) to issue permits during national emergency for overweight vehicles and divisible loads of relief supplies destined for a disaster area.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.098 and 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision of the rule is to comply with Federal MAP-21 - Moving Ahead for Progress in the 21st Century, a program that authorizes states to issue overweight permits to transport divisible loads of relief supplies to disaster areas.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Meet with following agencies and sections: WSDOT bridge structures office input to setting conditions for the

overweight permit and the Washington state patrol, commercial vehicle division, as they will be enforcing this provision.

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 Jim Wright, Commercial Vehicle Services, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 704-6345, fax (360) 704-6350, wrightji@wsdot.wa.gov.

October 8, 2012
Stephen T. Reinmuth
Chief of Staff

WSR 12-21-030**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON
STATE HISTORICAL SOCIETY**

[Filed October 9, 2012, 11:24 a.m.]

This is a memo asking for withdrawal of the CR-101 filed as WSR 12-19-093, on September 19, 2012, by Agency 395, the Eastern Washington State Historical Society (EWSHS).

Instead, EWSHS will file a CR-105 and follow the expedited rule-making process.

Individuals requiring information on this rule should contact Forrest B. Rodgers by e-mail at forrest.rodgers@northwestmuseum.org or by letter to Forrest Rodgers, Executive Director, Eastern Washington State Historical Society, 2316 West First Avenue, Spokane, WA 99201-5906.

Forrest B. Rodgers
Executive Director

WSR 12-21-038**PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD**

[Filed October 10, 2012, 1:52 p.m.]

Subject of Possible Rule Making: WAC 314-02-105 What is a beer and/or wine specialty store license?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.24.371, 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The passage of Initiative 1183 has created an issue for beer/wine specialty store licensees that hold a spirits retail license. Beer/wine specialty store licensees are allowed to conduct tastings if over fifty percent of their gross sales are beer and wine. By adding spirits sales to their business it is impossible to sell more than fifty percent beer and wine. Tastings are a large part of promoting Washington wineries and their business. The rule needs to be amended to allow tastings to continue.

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

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

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

October 10, 2012

Sharon Foster
Chairman

WSR 12-21-039

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed October 10, 2012, 1:52 p.m.]

Subject of Possible Rule Making: WAC 314-02-015 What is a spirits, beer, and wine restaurant license? and 314-02-045 What is a beer and wine restaurant license?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently the rules require a restaurant licensee to be open a minimum of five days a week. Many licensees have found that five days a week is difficult during the current economy. Rather than the licensee having to request an exception due to hardship, stakeholders have requested the board amend the rules to require a restaurant licensee be open a minimum of three days a week and remove the hardship exception.

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

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

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

October 10, 2012

Sharon Foster
Chairman

WSR 12-21-062

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 17, 2012, 2:08 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: Technical revisions to this chapter and expanding the description of current regulations concerning the pretrip requirement, etc.

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 Allan J. Jones, Director, Student Transportation, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, or fax (360) 586-6124, allan.jones@k12.wa.us.

October 17, 2012

Randy Dorn
Superintendent of
Public Instruction

WSR 12-21-085

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed October 22, 2012, 11:58 a.m.]

Subject of Possible Rule Making: Chapter 196-26A WAC, Registered professional engineers and land surveyors fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.080 and 43.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to chapter 196-26A WAC are necessary to make a reduction in fees charged to licensees. These adjustments are being made to assure revenue collections are consistent with expenditures and do not result in an over-collection.

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 George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1565, fax (360) 664-2551. Comments may be submitted through regular mail, fax or e-mail. Draft language of rule amendments will be distributed to the board's list of interested persons (listserv).

October 22, 2012

Damon Monroe
Rules Coordinator

WSR 12-21-086
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

(Division of Occupational Safety and Health)

[Filed October 22, 2012, 12:01 p.m.]

The division of occupational safety and health (DOSH) would like to rescind the proposal [preproposal] (WSR 10-23-095) for WAC 296-900-140 Monetary penalties.

If you have any questions, please contact Margaret Leland, acting standards manager, at (360) 902-4504.

Anne F. Soiza
 Assistant Director

WSR 12-21-119
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS

(Division of Consumer Services)

[Filed October 23, 2012, 4:25 p.m.]

Subject of Possible Rule Making: Amending the rules (chapter 208-620 WAC) under the Consumer Loan Act (CLA) (chapter 31.04 RCW).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040, 31.04.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules must be amended to increase the number of prelicensing education hours specific to Washington law in order to ensure that Washington mortgage loan officer applicants are properly educated about Washington law prior to licensing.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Consumer Financial Protection Bureau (CFPB) implements the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (SAFE Act). The agency will coordinate the increase of hours with the CFPB if necessary.

Process for Developing New Rule: Negotiated rule making; this rule making is proposed under OFM Guideline 3.d.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending comments to Cindy Fazio, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8786, lfazio@dfi.wa.gov. See also the department of financial institutions web site (www.dfi.wa.gov) and the industry listserv e-mail subscription.

October 23, 2012
 Deborah Bortner, Director
 Division of Consumer Services

WSR 12-21-120
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS

(Division of Consumer Services)

[Filed October 23, 2012, 4:26 p.m.]

Subject of Possible Rule Making: Amending the rules (chapter 208-660 WAC) under the Mortgage Broker Practices Act (chapter 19.146 RCW).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.320 RCW, RCW 19.146.223.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules must be amended to increase the number of prelicensing education hours specific to Washington law in order to ensure that Washington mortgage loan officer applicants are properly educated about Washington law prior to licensing.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Consumer Financial Protection Bureau (CFPB) implements the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (SAFE Act). The agency will coordinate the increase of hours with the CFPB if necessary.

Process for Developing New Rule: Negotiated rule making, this rule making is proposed under OFM Guideline 3.d.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending comments to Cindy Fazio, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8786, lfazio@dfi.wa.gov. See also the department of financial institutions web site (www.dfi.wa.gov) and the industry listserv e-mail subscription.

October 23, 2012
 Deborah Bortner, Director
 Division of Consumer Services

WSR 12-21-127
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed October 24, 2012, 9:36 a.m.]

Subject of Possible Rule Making: Chapter 392-124 WAC, National Guard youth challenge apportionment.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 392-124 WAC requires updating to address the following:

- Allow for state agencies to operate the National Guard youth challenge program, and report enrollment and receive apportionment directly from the office of superintendent of public instruction (OSPI).

- Adjust the annual average full-time equivalency and headcount averaging calculation due to the new June enrollment reporting requirement.

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 Becky McLean, OSPI Enrollment Supervisor, (360) 725-6306, Old Capitol Building, P.O. Box 47200, Olympia, WA.

September 14, 2012

Randy Dorn
Superintendent of
Public Instruction

WSR 12-21-130

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 24, 2012, 9:43 a.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: To define the alternative funding systems as required in RCW 28A.160.191, and provided below:

The superintendent of public instruction shall ensure that the allocation formula results in adequate appropriation for low enrollment districts, nonhigh districts, districts involved in cooperative transportation agreements, and cooperative special transportation services operated by educational service districts. If necessary, the superintendent shall develop a separate process to adjust the allocation of the districts.

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 Allan J. Jones, Director, Student Transportation, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, or fax (360) 586-6124, allan.jones@k12.wa.us.

October 24, 2012

Randy Dorn
Superintendent of
Public Instruction

WSR 12-21-131

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 24, 2012, 9:44 a.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: Technical revisions to this chapter and expanding the description of current regulations concerning the pretrip requirement, etc.

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 Allan J. Jones, Director, Student Transportation, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, or fax (360) 586-6124, allan.jones@k12.wa.us.

October 24, 2012

Randy Dorn
Superintendent of
Public Instruction