

**WSR 13-20-011****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed September 20, 2013, 11:13 a.m.]

Subject of Possible Rule Making: Chapter 196-29 WAC, Professional practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules defining the scope of practice for land surveying are being adopted into [the Washington] Administrative Code to help clarify terminology that has become unclear since the Engineer's Registration Act (RCW 18.43.020(9)) was first adopted in 1947. The clarifications are needed to bring contemporary definitions to the traditional terminology.

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 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).

September 20, 2013  
Damon Monroe  
Rules Coordinator

**WSR 13-20-012****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed September 20, 2013, 11:15 a.m.]

Subject of Possible Rule Making: Chapter 196-29 WAC, Professional practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Historically the scope of engineering practice was interpreted by the board to include some minor amounts of land surveying provided the surveying work was for the engineer's professional use. To clarify this, in 2007, the board adopted a policy statement pertaining to when and under what circumstances a professional engineer could engage in practice that might be seen as within the scope of land surveying.

The policy has been in effect since then and the board now believes the content of the policy should be adopted as an amendment to Title 196 WAC.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication 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).

September 20, 2013  
Damon Monroe  
Rules Coordinator

**WSR 13-20-033****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed September 24, 2013, 10:22 a.m.]

Subject of Possible Rule Making: Electrical rules, chapter 296-46B WAC, Electrical safety standards, administration, and installation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amendments to the electrical rules based upon an upcoming review of new safety code requirements from the 2014 edition of the National Electrical Code (NEC). The 2014 NEC was adopted by the department on March 1, 2013, to replace the current 2008 NEC standards and will become effective on July 1, 2014. The proposed changes may include amendments to all sections of chapter 296-46B WAC, excluding the scope of work requirements in WAC 296-46B-920. The electrical rules are reviewed on a regular basis to ensure the rules are: Consistent with the national electrical safety standards, industry practice, to clarify the rules, and for possible housekeeping changes.

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 decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. All rule proposals will be reviewed by a technical advisory committee (TAC) and the electrical board.

The department of labor and industries (L&I) is seeking input from interested parties to be used in the formulation of the proposed electrical rules for the 2014 revision cycle. Interested parties may submit rule proposals for additions/revisions to the existing rules and new code requirements from 12:01 a.m., October 1, 2013, to 11:59 p.m., October 31,

2013. The department is also appointing a general TAC made up of experts and interested group representatives to review and make recommendations on proposals from the electrical industry. Interested parties may submit an application to become a TAC member and participate in the rules development process from October 1, 2013, to October 31, 2013. For more information on this rule making, visit the L&I web site at <http://www.lni.wa.gov/TradesLicensing/Electrical/files/currents/elc1308Special.pdf> or contact the individual below. Interested parties can sign up for e-mail updates at <http://www.lni.wa.gov/Main/Listservs/Electrical.asp>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, L&I, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6244, fax (360) 902-5292, e-mail [Alicia.Curry@Lni.wa.gov](mailto:Alicia.Curry@Lni.wa.gov).

September 24, 2013  
Joel Sacks  
Director

**WSR 13-20-036**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed September 24, 2013, 1:42 p.m.]

Subject of Possible Rule Making: Rules establishing the creation of state-tribal education compact schools, including policies and procedures for initiating the process for establishing; roles and responsibilities of both the state and tribes that are eligible to enter into compacts, and accountability standards that are applicable to all schools that are subject to the state-tribal compacts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.655.061 and RCW 655.065 [28A.655.-065].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 1134 established state-tribal compact schools for tribes and currently funded Bureau of Indian Education (BIE) schools. This new concept requires clarification on roles and responsibilities of both entities and an application process, negotiation guidelines, timelines and accountability standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Currently federally funded BIE schools will also be involved in the consultation on these rules.

Process for Developing New Rule: The process for developing the rules will involve the consultation and collaboration of tribes in Washington state, fulfilling the government-to-government relationship policy described in the Centennial Accord of August 4, 1989. Currently funded BIE schools will also be involved in the consultation on these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can contact the following persons

to participate in the process related to the adoption of these rules or for information regarding rule making: Gil Mendoza, Assistant Superintendent of Special Programs and Federal Accountability, phone (360) 725-6170, e-mail [gil.mendoza@k12.wa.us](mailto:gil.mendoza@k12.wa.us); or Robin Butterfield, Program Supervisor, Office of Native Education, phone (360) 725-6160, e-mail [robin.butterfield@k12.wa.us](mailto:robin.butterfield@k12.wa.us), fax (360) 586-3305, TTY (360) 664-3631.

September 24, 2013  
Randy Dorn  
State Superintendent  
of Public Instruction

**WSR 13-20-037**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed September 24, 2013, 1:43 p.m.]

Subject of Possible Rule Making: WAC 392-140-970 through 392-140-975, Finance—Special allocations—Salary bonus for teachers and other certificated staff who hold current certification by the national board.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1) and 28A.405.415.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions clarify which staff in public schools are eligible for the national board bonus, and also 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.

September 24, 2013  
Randy Dorn  
State Superintendent  
of Public Instruction

**WSR 13-20-040**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)

[Filed September 25, 2013, 8:28 a.m.]

Subject of Possible Rule Making: The department is considering amending chapter 388-110 WAC to change the term "boarding home" to "assisted living facility" throughout the chapter in compliance with SHB 2056 passed in the 2011-2012 legislative session.

The scope of this rule making is limited to the terminology change from "boarding home" to "assisted living facility."

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.20 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to comply with and be consistent with 2012 legislature SHB 2056 to change the term "boarding home" to "assisted living facility."

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. 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 Jeanette K. Childress, ALF Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2591, fax (360) 438-7903, e-mail [childjk@dshs.wa.gov](mailto:childjk@dshs.wa.gov). Draft section language will be posted on ADSA professional internet web page for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the program manager listed above via phone, e-mail or fax.

September 18, 2013  
Katherine I. Vasquez  
Rules Coordinator

#### WSR 13-20-041

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed September 25, 2013, 8:30 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-446-0020 What penalties will I receive if I break a food assistance rule on purpose?, 388-412-0040 Can I get my benefits replaced?, 388-412-0046 What is the purpose of DSHS cash and food assistance benefits and how can I use my benefits?, and any 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.120, 74.08A.903, 74.04.500, 74.04.515, 7 C.F.R. 273.16, 273.18, 274.6 and 274.7.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The community services division is proposing to amend rules under WAC 388-446-0020, 388-412-0040, and 388-412-0046 to make changes concerning food benefit trafficking rules and policy for dealing with excess electronic benefit transfer (EBT) card replacement requests.

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) enforces the provisions of the federal supplemental nutrition assistance program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will pro-

pose rules that are consistent with the act, federal regulations, FNS administrative notices, and interim guidance.

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

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under 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 Bob Thibodeau, Lead Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail [thiborl@dshs.wa.gov](mailto:thiborl@dshs.wa.gov).

September 19, 2013  
Katherine I. Vasquez  
Rules Coordinator

#### WSR 13-20-043

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed September 25, 2013, 11:16 a.m.]

Subject of Possible Rule Making: WAC 308-96A-136 Mopeds—License plates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.16A.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 5482 passed during the 2009 session, eliminating the Washington state patrol's ability to approve and define both mopeds and motorcycles. WAC 308-96A-136(3) no longer applies and will be deleted.

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 Cathie Jelvik, Administrative Assistant, Vehicle and Vessel Licensing, P.O. Box 9909, Olympia, WA 98507, e-mail (preferred) [cjelvik@dol.wa.gov](mailto:cjelvik@dol.wa.gov), phone (360) 902-3812.

September 25, 2013  
Damon Monroe  
Rules Coordinator

**WSR 13-20-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed September 25, 2013, 2:43 p.m.]

Subject of Possible Rule Making: Chapter 392-169 WAC, Special service programs—Running start program.

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: The majority of chapter 392-169 WAC was written in 1990-91 and has not been revisited since. The inquires [inquiries] that the office of superintendent of public instruction (OSPI), state board of community and technical colleges, and Washington student achievement council receive asking for interpretation of the current rules, finds that the current WAC language is increasingly inadequate to respond to the broad issues such as eligibility and funding. A stakeholder workgroup will work to update this chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WAC 392-169-005 requires joint agreement with OSPI, state board of community and technical colleges, and Washington student achievement council. Both agencies will be instrumental in developing and reviewing the proposed changes.

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, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

September 25, 2013  
 Randy Dorn  
 Superintendent of  
 Public Instruction

**WSR 13-20-052**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed September 25, 2013, 2:44 p.m.]

Subject of Possible Rule Making: WAC 392-122-160 State special education program—Reporting.

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: WAC 392-122-160 requires updating to change the age reporting requirement for special education students. Starting in the 2013-14 school year, the student's age will be determined by the student's birthday. Two-year-old special education students that turn three

during the school year will be reported in the age 3-5 category.

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, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

September 25, 2013  
 Randy Dorn  
 Superintendent of  
 Public Instruction

**WSR 13-20-057**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed September 26, 2013, 9:48 a.m.]

Subject of Possible Rule Making: WAC 260-52-030 Starting the race.

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 considering amending this section to reflect current software capabilities when declaring a horse a nonstarter and refunding wagering pools.

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, Executive Secretary, WHRC, 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).

September 26, 2013  
 Douglas L. Moore  
 Executive Secretary

**WSR 13-20-078**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed September 30, 2013, 7:02 a.m.]

Subject of Possible Rule Making: Chapter 246-811 WAC, Chemical dependency professionals and chemical dependency professionals trainees; adding new WAC 246-811-XXX Alternative training; and amending WAC 246-811-048 Supervision requirements and 246-811-049 Approved supervisor requirements. The secretary is consid-

ering the development of standards and procedures for alternative training programs for licensure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.205.100 Educational programs and alternative training—Standards and procedures—Established by rule. RCW 18.205.060(8) Authority of secretary.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By statute and under the medicaid state plan, chemical dependency professionals (CDP) and chemical dependency professional trainees (CDPT) under the supervision of a CDP are the only credentialed professionals allowed to provide chemical dependency (CD) services to individuals presenting in CD treatment agencies certified by the department of social and health services (DSHS). Since this credential was created, the number of CDPs has remained fairly static. In 2010, DSHS's research and data analysis division estimated that the implementation of the Affordable Care Act would result in an increased need for CD services providers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS, division of behavioral health and rehabilitation (DBHR) credentials the treatment agencies rendering most of the CD services across the state.

The department of health has worked in conjunction with DBHR on an interagency workgroup to determine impacts that any rule changes would have on the work done at DBHR.

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 Betty Moe, Department of Health, Chemical Dependency Professional Program, P.O. Box 47852, Olympia, WA 98504-7852, e-mail [betty.moe@doh.wa.gov](mailto:betty.moe@doh.wa.gov), phone (360) 236-4912, fax (360) 236-2901. Interested members of the public will be notified of and invited to participate in a workshop on the subject matter of this inquiry and also may submit written comments for consideration. Notification will be through the chemical dependency list-serve, chemical dependency professional committee meetings, and chemical dependency professional web page postings.

September 27, 2013  
John Wiesman, DrPH, MPH  
Secretary

### WSR 13-20-081

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed September 30, 2013, 8:37 a.m.]

Subject of Possible Rule Making: The community services division is proposing to create a new separate state program which will provide state funded cash assistance to help meet the basic needs for working families. The creation of this program will help the department receive work participation credit for the working parents' employment hours.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.08.283, 74.04.050, 74.04.057, and ESSB [3ESSB] 5034, section 207.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing a separate state program that would provide state-funded cash assistance to help meet the ongoing basic needs for working families and for which the state would receive work participation credit.

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 Debbie Davis, WorkFirst Policy Administrator, 712 Pear Street S.E., Olympia, WA 98501, phone (360) 725-0682, fax (360) 725-4904, e-mail [davisdj@dshs.wa.gov](mailto:davisdj@dshs.wa.gov).

September 25, 2013  
Katherine I. Vasquez  
Rules Coordinator

### WSR 13-20-098

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**  
(Medical Quality Assurance Commission)

[Filed October 1, 2013, 8:29 a.m.]

Subject of Possible Rule Making: Chapter 246-918 WAC, Physician assistants—Medical quality assurance commission (MQAC). Revising physician assistant (PA) rules pursuant to SHB 1737 (chapter 203, Laws of 2013) and updating PA rules to incorporate current, national standards and best practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, 18.71A.040, 18.130.050, and chapter 18.71A RCW (SHB 1737, chapter 203, Laws of 2013).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: MQAC is proposing rule making to consider changes related to supervision of PAs in remote sites and changing the term "practice arrangement plan" to "delegation agreement" throughout the rules per SHB 1737 (chapter 203, Laws of 2013). MQAC is also considering amending PA rules to modernize regulations to align with current national industry standards and best practices. The proposed rules revisions are intended to clarify regulatory requirements, be current with national standards of practice, and provide streamlined and aligned processes relevant to initial license applications, license renewals, and delegation agreement approval processes for all PA applicants.

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 with the board of osteopathic medicine and surgery and with statewide organizations representing the interests of physician assistants.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may participate in the development of draft rules prior to a formal proposal by joining the MQAC listserv, attending workshops, or providing input on draft materials. Interested parties can receive information on how to participate by contacting Julie Kitten, Operations Manager, MQAC, Department of Health, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-2757, fax (360) 236-2795, or by e-mail to julie.kitten@doh.wa.gov.

October 1, 2013  
Maryella E. Jansen  
Executive Director

### WSR 13-20-099

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

[Filed October 1, 2013, 9:25 a.m.]

Subject of Possible Rule Making: WAC 246-101-010, definitions for notifiable conditions, the state board of health (board) is initiating rule making to consider changing the definition of "elevated blood lead levels" for children and adults in WAC 246-101-010 Definitions within the notifiable conditions regulations. The board will also consider editing the definition of "laboratory" for clarity, and make other housekeeping changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the rule making, the board will consider the Centers for Disease Control and Prevention's blood lead reference level for children and elevated level for adults. In 2012, the Centers for Disease Control and Prevention revised their guidance on childhood lead levels down to a level of concern of 5 µg/dL. In 2009 they revised their guidance on adult lead down from 25 µg/dL to 10 µg/dL. The change in levels reflects mounting evidence that there is no safe level of lead.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of labor and industries investigates cases of elevated blood lead in adults with occupational exposures and enforces federal Occupational Safety and Health Administration rules regarding lead exposure in the workplace. The Washington state department of ecology regulates lead contamination in the environment. Each agency will be asked for a representative to participate in the rule-making process and comment on draft rules.

Process for Developing New Rule: The board will use the collaborative rule-making approach to develop proposed rules and hold a public hearing at a state board of health meeting to allow testimony and written comment on the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties will be provided opportunities to comment on the draft rules and the proposed rules and will be notified of the formal comment period and public hearing. Questions and comments may be referred to Rad Cunningham, Epidemiologist, Environmental Epidemiology, Division of Environmental Public Health, Washington State Department of Health, P.O. Box 47846, Olympia, WA 98504-7846, phone (360) 236-3359, fax (360) 236-3059, e-mail rad.cunningham@doh.wa.gov.

September 30, 2013  
Michelle A. Davis  
Executive Director

### WSR 13-20-100

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

[Filed October 1, 2013, 9:53 a.m.]

Subject of Possible Rule Making: The department is considering amending recreational hunting license rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending hunting rules to encourage public participation in hunting and outdoor recreation activities.

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, fax (360) 902-2162, e-mail Wildthing@dfw.wa.gov. Contact by November 13, 2013. Expected proposal filing on or after November 20, 2013.

October 1, 2013  
Joanna M. Eide  
Administrative Regulations Analyst

### WSR 13-20-115

#### PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed October 1, 2013, 1:29 p.m.]

Subject of Possible Rule Making: Amending WAC 192-130-050 Notice of filing of applications, for consistency with WAC 192-130-070 Mailing of eligibility determinations; WAC 192-130-065 Mailing addresses for notice to employer, to clarify where notices to employers will be mailed; WAC 192-120-035 How will adequate notice be provided, to specify how adequate notice will be provided when weekly

claims are filed via internet; and sections in chapter 192-04 WAC, Practice and procedure, to make technical corrections and to permit department to file petitions for review.

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: WAC 192-130-050 and 192-130-070 are inconsistent with respect to which employers will be mailed a notice of filing of application and eligibility determinations. The change will made [make] these rules consistent. WAC 192-130-065 is internally inconsistent regarding the address that will be used for the notice to employer; amending the rule will resolve this inconsistency. WAC 192-120-035 only addresses how adequate notice will be provided to claimants who file weekly claims by telephone. It will be amended to state how notice will be provided to those who file on the internet. Amending WAC 192-04-060 and repealing WAC 192-04-175 will make the department's ability to file petitions for review consistent with other interested parties as defined by WAC 192-04-040.

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 unemployment insurance (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: The 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, UI Rules Manager, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, 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.

October 1, 2013  
Nan Thomas  
Deputy Commissioner

### WSR 13-20-122

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed October 1, 2013, 3:38 p.m.]

Subject of Possible Rule Making: Engineering and traffic investigation of request for transit vehicle stop zone. This proposal would be a revision to the current WAC 468-46-010.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-46-010, filed 12/20/78. Formerly WAC 252-34-01001.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state department of transportation (WSDOT) seeks more flexibility in the determination of need for a bus pullout in response to a request for a bus stop.

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

Process for Developing New Rule: The revision is proposed in response to WSDOT executive and management direction to improve flexibility in the development and design of bus stop locations on state highways.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Geri Beardsley, Washington State Transit Association, (360) 786-9734 ext. 325, [geri@wa.transit.com](mailto:geri@wa.transit.com). Geri coordinates a monthly conference call with transit agencies statewide.

September 27, 2013  
Kathryn W. Taylor  
Assistant Secretary

### WSR 13-20-123

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed October 1, 2013, 3:50 p.m.]

Subject of Possible Rule Making: Business licensing service rules: Chapters 458-XX, 308-300 WAC, and WAC 458-20-10101.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.02.030, 19.02.075, and 19.80.045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 298, Laws of 2011, transferred the administration of the master license service (MLS) program from the department of licensing to the department of revenue, effective July 1, 2011. See chapters 19.02, 19.80 RCW. Chapter 144, Laws of 2013, renamed the MLS program to business license (BLS) program.

- Add a new rule chapter to replace former BLS rules under chapter 308-300 WAC and WAC 458-20-10101.
- Repeal chapter 308-300 WAC.
- Repeal WAC 458-20-10101 on BLS handling fees for new and renewal applications, which is now incorporated in the new chapter on BLS rules.

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

Process for Developing New Rule: Parties interested in 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 pub-

lication. A preliminary draft of possible rule changes will be available via the department's online Rules Agenda.

Written comments may be submitted by mail and should be directed to Wan Chen at either of the following addresses: E-mail WanC@dor.wa.gov, or mailing address: ITA Division, P.O. Box 47453, Olympia, WA 98504-7453.

Written and oral comments will be accepted at the public meeting.

Public Meeting Location: Capital Plaza Building, 4th Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on November 6, 2013, 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.

October 1, 2013  
Alan R. Lynn  
Assistant Director

**WSR 13-20-126**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed October 2, 2013, 8:33 a.m.]

Subject of Possible Rule Making: The department is considering changes to recreational clam and oyster harvest season rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must annually amend recreational clam and oyster season rules on some public tidelands in response to shellfish population changes, shifts in recreational effort, conservation issues, and negotiations with treaty tribes and other state agencies. Such amendments are designed to perpetuate shellfish resources while maximizing recreational harvest opportunity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health (DOH). The Washington department of fish and wildlife (WDFW) works closely with DOH to close beaches to recreational clam and oyster harvest if there is a risk to public health.

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 Joanna Eide, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, fax (360) 902-2155, e-mail Joanna.Eide@dfw.wa.gov. Contact by November 13, 2013. Expected proposal filing on or after November 20, 2013.

October 2, 2013  
Joanna M. Eide  
Administrative Regulations Analyst  
Acting Rules Coordinator

**WSR 13-20-127**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket UE-131723—Filed October 2, 2013, 8:35 a.m.]

Subject of Possible Rule Making: On November 7, 2006, Washington voters approved Initiative Measure No. I-937, also known as the Energy Independence Act, or EIA, now codified as chapter 19.285 RCW. This chapter requires qualifying utilities to obtain fifteen percent of their electricity from new renewable resources, such as solar and wind, by the year 2020 and to pursue all available conservation that is cost-effective, reliable and feasible. The utilities and transportation commission (commission) adopted rules to implement the EIA as chapter 480-109 WAC in 2007. The subject of this inquiry is to consider whether the commission should modify rules in chapter 480-109 WAC to implement the statutory changes and provisions of chapter 19.285 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160 and 19.285.080 (1) and (4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since the adoption of the rules, the legislature has enacted changes to various sections of the statute. The legislature has adopted changes in statute over the last few years, including the following legislation in 2013: SB 5297 (chapter 158, Laws of 2013), SSB 5400 (chapter 61, Laws of 2013) and HB 1154 (chapter 99, Laws of 2013). In addition, the commission's experience with implementing the law has led to development of decisions, policy statements, and best practices which may need to be incorporated into rules. Given the statutory changes and the commission's experience in implementation, the commission believes it may be appropriate to revise chapter 480-109 WAC. RCW 19.285.080 provides that the commission "may adopt rules to ensure the proper implementation and enforcement of this chapter as it applies to investor-owned utilities" and "may be revised as necessary to carry out the intent and purposes of this chapter." Given these developments since the initial adoption of the rules, the commission is initiating this inquiry to examine whether the rules should be revised.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Public utilities not jurisdictional to the commission are required by chapter 19.285 RCW to acquire minimum amounts of conservation and renewable resources. RCW 19.285.080(2) requires the department of commerce (commerce) to adopt certain rules that will apply to such public utilities. The commission welcomes commerce's participation in this inquiry as an interested person. Commission staff has attended a parallel rule-making inquiry recently initiated by commerce. If practical and convenient, the commission may conduct joint workshops with commerce on certain subjects pertinent to this inquiry.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Exec-



utive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail records@utc.wa.gov, or through the commission's web portal at www.utc.wa.gov/e-filing by 5:00 p.m., **Monday, December 2, 2013.**

**WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP:**

The commission has scheduled a stakeholder workshop in this rule making for **Tuesday, November 12, 2013, beginning at 1:30 p.m.** in the Commission's Hearing Room, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **5:00 p.m. on Monday, December 2, 2013.**

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 or by electronic mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (UE-131723).
- 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, a flash drive, or CD including the filed document(s). 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/131723>. 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>, or (3) mail written comments to the address above to the attention of Steven V. King, executive director and secretary. When contacting the commission, please refer to Docket UE-131723 to ensure that you are placed on the appropriate service list. Questions may be addressed to David Nightingale, (360) 664-1154 or e-mail dnightin@utc.wa.gov.

**NOTICE**

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING** — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on

the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UE-131723, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket UE-131723, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <<http://www.utc.wa.gov/131723>>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

October 2, 2013  
Steven V. King  
Executive Director  
and Secretary

**WSR 13-20-128**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed October 2, 2013, 8:36 a.m.]

Subject of Possible Rule Making: The department is considering rule changes related to possession of personal-use shellfish in the field.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to rules regarding possession of personal-use shellfish in the field are needed to make requirements clear and uniform, and to meet the practical needs of enforcement officers in the field. The department will specifically consider requiring recreational shellfish harvesters to keep harvested shellfish, beyond razor clams and shrimp, in separate containers while in the field so fish and wildlife officers can clearly identify limits. The department will also consider technical language and structural changes where appropriate, including potential consolidation of rules.

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 Joanna Eide, WDFW Enforcement Program, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-2403, e-mail [Joanna.eide@dfw.wa.gov](mailto:Joanna.eide@dfw.wa.gov). Contact by November 13, 2013. Expected proposal filing on or after November 20, 2013.

October 2, 2013  
Joanna M. Eide  
Administrative Regulations Analyst  
Acting Rules Coordinator