

WSR 07-22-009**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed October 25, 2007, 10:27 a.m.]

Subject of Possible Rule Making: Update the commute trip reduction (CTR) trip reduction performance program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.996.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating the rules will clarify the commute trip reduction, trip reduction performance program and the parameters for participation by private employers, public agencies, nonprofit organizations, developers and property managers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The commute trip reduction board, RCW 70.94.537, is charged for developing award rate for the commute trip reduction performance grant program, RCW 70.94.996.

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 Hiep Tran, Washington State Department of Transportation, P.O. Box 47387, Olympia, WA 98504-7387, (360) 705-7806, tranh@wsdot.wa.gov.

October 23, 2007

Steve Reinmuth
Chief of Staff**WSR 07-22-015****PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
COORDINATING BOARD**

[Filed October 26, 2007, 8:11 a.m.]

Subject of Possible Rule Making: 1. Accommodate the statutory extension of the less-than-half-time pilot study, adjustments needed in rules.

2. Consider potential revisions to the grant structure for part-time and full-time students.

3. Make minor technical changes and corrections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.92 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recognize statutory changes from the 2007 legislative session that extended the state need grant (SNG) less-than-half-time pilot for four more years, opened it up to all SNG participating schools, and required certain changes in how income from child support is considered in eligibility determinations.

Accommodate possible recommendations and board action on the method of computing part-time student awards. A student financial assistance workgroup is currently analyzing options and may be making recommendations to the board. The resulting recommendations could potentially affect the full-time award structure as well.

Technical changes needed to accommodate previous changes to statutes and for clarifying purposes.

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; and student financial assistance workgroup.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by submitting Julie Japhet, Higher Education Coordinating Board, 919 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430.

October 26, 2007

Julie Japhet

Assistant Director

Student Financial Assistance Division

WSR 07-22-030**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

(Elections Division)

[Filed October 29, 2007, 12:30 p.m.]

Subject of Possible Rule Making: The Cycle 5 Rules of 2007 will address a variety of topics, such the voters' pamphlet, forwarding ballots, and the HAVA complaint process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Additional rules regarding a number of issues are needed for upcoming elections.

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 Tami Neilson, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4182.

October 29, 2007

Steve Excell

Assistant Secretary of State

WSR 07-22-046**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed October 31, 2007, 10:17 a.m.]

Subject of Possible Rule Making: Title 390 WAC, amend WAC 390-16-206 Ratings and endorsements.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission will consider whether to amend WAC 390-16-206 in light of the state supreme court ruling in *San Juan County et al. v. No New Gas Tax* (2007).

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

Process for Developing New Rule: The commission is expected to discuss and possibly approve draft language on the above referenced rule topic at its meeting on December 6, 2007. A formal public hearing is expected in January or February of 2008.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Assistant Director Doug Ellis at the Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll-free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

October 31, 2007
Vicki Rippie
Executive Director

WSR 07-22-054
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed November 1, 2007, 11:18 a.m.]

The unemployment insurance division requests the withdrawal of the preproposal statement of inquiry filed as WSR 06-03-063 on January 12, 2006. Since the original notice was published, the agency held three meetings with stakeholders to discuss adopting regulations concerning eligibility for unemployment benefits of individuals enrolled in certain apprenticeship programs. Employment security has determined that the appropriate forum for these changes is with the legislature rather than agency rule making.

Juanita Myers
Unemployment Insurance
Rules Coordinator

WSR 07-22-059
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed November 1, 2007, 2:21 p.m.]

Subject of Possible Rule Making: WAC 260-28-200 Trainer—Paddock duties.

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: To address the additional duties of trainers to include the receiving barn.

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 pub-

lication by contacting Robert J. Lopez, Deputy Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461.

November 1, 2007
Douglas L. Moore
Management Analyst

WSR 07-22-060
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed November 1, 2007, 2:21 p.m.]

Subject of Possible Rule Making: WAC 260-28-295 Trainers responsibility.

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: To address trainers responsibility for ensuring all employees are properly licensed.

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 Robert J. Lopez, Deputy Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461.

November 1, 2007
Douglas L. Moore
Management Analyst

WSR 07-22-061
PREPROPOSAL STATEMENT OF INQUIRY
COUNTY ROAD
ADMINISTRATION BOARD

[Filed November 1, 2007, 2:56 p.m.]

Subject of Possible Rule Making: County ferry capital improvement program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 36.78 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To better define and establish new rules for the county ferry capital improvement program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The proposed rule changes would affect Washington state counties.

Process for Developing New Rule: Agency study; and comments received will be presented to the CRABoard at their January 17-18, 2008, quarterly meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, or Karen@crab.wa.gov or fax (360) 586-0386, no later than December 17, 2007.

November 1, 2007
Jay P. Weber
Executive Director

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-400-010 Purpose and authority. RCW 47.56.725(4) provides that the county road administration board may evaluate requests for county ferry capital improvement funds by Pierce, Skagit, Wahkiakum, and Whatcom counties, and, if approved by the board, submit said requests to the legislature for funding. This chapter describes the manner in which the county road administration board will implement the provisions of the act.

AMENDATORY SECTION (Amending Order 85, filed 10/23/91, effective 11/23/91)

WAC 136-400-020 Eligibility. Counties eligible to apply for county ferry capital improvement funds are Pierce, Skagit, Wahkiakum, and Whatcom.

Any county holding an approved and executed county ferry capital improvement program CRAB/county contract is ineligible for consideration of additional ferry capital improvement funds until such time that both parties have fully satisfied the contract terms or the contract is terminated in some other manner.

AMENDATORY SECTION (Amending Order 85, filed 10/23/91, effective 11/23/91)

WAC 136-400-030 Definition of ferry capital improvement projects. County ferry capital improvement projects shall include the following:

- (1) Purchase of new vessels;
- (2) Major vessel refurbishment (e.g., engines, structural steel, controls) that substantially extends the life of the vessel;
- (3) Facility refurbishment/replacement (e.g., complete replacement, major rebuilding or redecking of a dock) that substantially extends the life of the facility;
- (4) Installation of items that substantially improve county ferry facilities or operations; and/or
- (5) Construction of infrastructure that provides new or additional access or increases the capacity of terminal facilities(~~and/or~~
- (6) ~~Emergency repairs to correct damage to vessels or facilities caused by accidents or natural phenomena).~~

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-400-040 Six-year transportation program and ferry system fourteen-year plan submittal. Each

county's six-year transportation program and ferry system fourteen-year long range (~~ferry~~) capital improvement plan shall be prepared and adopted in accordance with RCW 36.81.121 and 36.54.015, respectively, and one copy shall be forwarded to the county road administration board no later than December 31(~~st~~) of each year. To be eligible for the county ferry capital improvement program, projects must be included in the county's six-year transportation program and ferry system fourteen-year (~~ferry~~) capital improvement plan (~~submitted in each odd-numbered year shall include all projects for which the county may request ferry capital improvement funds during the biennium beginning on July 1st of that year~~) at the time the county requests the county road administration board issue a call for projects and must remain on the programs and plans until project conclusion. Project cost estimates shall be considered preliminary until a project application is submitted.

NEW SECTION

WAC 136-400-045 Call for projects. Beginning at the 2009 regular spring meeting, and continuing once every four years thereafter, one or more of the WAC 136-400-010 named counties are invited to attend said meeting and request the county road administration board issue a call for projects. Based on the information provided by the counties and no later than the regular summer meeting the same year, the county road administration board, and at their sole discretion, may issue a call for projects and may include in the call additional or clarifying terms consistent with all other rules governing the county ferry capital improvement program.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-400-050 Project application. Upon a call for projects by the county road administration board, each application by a county for county ferry capital improvement funds shall be made no later than January 1(~~st~~) of the next even-numbered year(~~s~~) for the biennium beginning on July 1(~~st~~) of the next odd-numbered year. The information submitted to the county road administration board shall include the application form and sufficient engineering drawings to accurately describe the complete project.

Project applications shall be submitted on application forms supplied by the county road administration board and shall include the following information:

- (1) Project description and scope;
- (2) Engineering analysis and cost estimate;
- (3) Evidence (~~of application for outside~~) the applicant first sought funding through the public works trust fund or any other available revenue source;
- (4) Plan for utilization of outside funding that has been, will be, or may be awarded; and
- (5) Comprehensive project amortization and cash flow schedules.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-400-060 Technical review committee. A technical review committee shall be created to review project applications for county ferry capital improvement funds composed of the following members or their designees:

(1) Executive director of the county road administration board (~~(; WSDOT assistant secretary for transit);~~);

(2) WSDOT highways and local programs director or a designated representative appointed by the director of highways and local programs;

(3) A WSDOT marine division engineer (~~(; and);~~);

(4) A public works department representatives from each of the (~~(four participating))~~ WAC 136-400-010 named counties.

The county representatives shall serve as ex officio, non-voting members of the technical review committee. The technical review committee shall (~~(recommend))~~ make recommendations on approval of projects that have been submitted in a timely manner and that:

~~((+))~~ (a) Meet the applicable statutes and the standards of this chapter; and

~~((2))~~ (b) Adhere to commonly held engineering practices and cost effectiveness.

(c) Include evidence the applicant has first sought funding through the public works trust fund, or any other available revenue source.

The technical review committee shall (~~(recommend an appropriate local match))~~ develop a recommendation on a project-by-project basis based upon (~~(the availability of local matching funds))~~ WAC 136-400-065 guidance together with any additional or clarifying terms established by the county road administration board's call for projects. Written reports on each project (~~(recommended for approval))~~ application shall be submitted to the county road administration board no later than thirty days prior to its regularly scheduled spring meeting. Technical review committee meetings shall be convened on an "as needed" basis by the executive director of the county road administration board, who shall serve as chairperson.

NEW SECTION

WAC 136-400-065 Project financing. The county ferry capital improvement program total share of any one project shall not exceed ten million dollars. The amount of annual reimbursement to one county shall not exceed five hundred thousand dollars.

Project cost sharing shall be as follows:

If the county submitting a project application under the county ferry capital improvement program has formed a ferry district under RCW 36.54.110, and revenues generated by said district will be utilized to finance greater than thirty percent of the project costs, the ferry capital improvement program may be utilized for the remaining project costs, subject to the maximum share available through the county ferry capital improvement program; or

If the county submitting a project application under the county ferry capital improvement program has formed a ferry district under RCW 36.54.110, and revenues generated by

said district will be utilized to finance greater than five percent but less than or equal to thirty percent of the project costs, the ferry capital improvement program share shall be fifty percent, subject to the maximum share available through the county ferry capital improvement program; or

If the county submitting a project application under the county ferry capital improvement program has formed a ferry district under RCW 36.54.110, and revenues generated by said district will be utilized to finance less than or equal to five percent of the project costs, or the county has not formed a ferry district, the ferry capital improvement program share shall be thirty percent, subject to the maximum share available through the county ferry capital improvement program.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-400-070 County road administration board action. The county road administration board shall review project applications, along with the recommendations of the technical review committee, at its regular spring meeting (~~(in even numbered years))~~ the year following a call for projects. At that time, it (~~(shall))~~ may approve those projects, which it finds:

(1) Meets the applicable statutes and the standards of this chapter; and

(2) Adheres to commonly held engineering practices and cost effectiveness, specifying the amount of approved funding which it recommends for such projects; and

(3) Includes evidence the applicant has first sought funding through the public works trust fund, or any other available revenue source.

As a part of their deliberation the county road administration board may develop supplemental questions and criteria and refer the matter back to the technical review committee. Final action by the county road administration board on project applications must occur no later than at the regularly scheduled summer meeting during the year following any call for projects.

~~((The board shall determine a local matching percentage on a case-by-case basis, considering the availability of local matching funds and the recommendation of the technical review committee. Emergent projects may be considered by the county road administration board at any time upon recommendation by the executive director. The board shall require evidence that each applicant has first sought funding through the public works trust fund, and other available revenue sources.))~~

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-400-080 Funding by the legislature. County ferry capital improvement project requests approved by the county road administration board shall be submitted to the legislature for funding out of amounts available under RCW (~~(46.68.100(3))~~) 46.68.090 (2)(h) as part of the biennial or supplemental budget request of the county road administration board.

The county road administration board shall, within ten days of the signing of the transportation budget, notify each

county having an approved project of such approval and of the amount of county ferry capital improvement funding allocated to each approved project. The county road administration board shall offer each county a contract for each approved project setting forth the terms and conditions under which funds will be provided.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-400-090 Limitation on use of county ferry capital improvement funds. County ferry capital improvement funds may be used for project design, construction, and right of way costs incurred after legislative approval. ~~((Emergency project costs may be eligible for retroactive payment upon approval by the county road administration board.))~~

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-400-100 Terms of CRAB/county contract. The CRAB/county contract shall include, but not be limited to, the following provisions:

(1) ~~((Such contract shall be valid and binding (and the county shall be entitled to receive ferry capital improvement funds) only.))~~ If such contract is signed and returned to the county road administration board within forty-five days of its mailing by the county road administration board, it shall be valid and binding and the county shall be entitled to receive county ferry capital improvement funds.

(2) The project will be constructed in accordance with:

(a) The information furnished to the county road administration board; and

(b) The plans and specifications prepared under the supervision of the county engineer.

(3) The county will notify the county road administration board when a contract has been awarded ~~((and))~~, when construction has started, and when the project has been completed.

(4) The county road administration board will reimburse counties based on ~~((the basis of))~~ progress vouchers received and approved on individual projects, subject to the availability of county ferry capital improvement funds appropriated by the legislature.

(5) The county will reimburse the county road administration board in the event that a project post audit reveals ineligible expenditure of county ferry capital improvement funds. Said funds will be returned to the ~~((county-wide))~~ county fuel tax account for distribution in accordance with RCW 46.68.120.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-400-110 Voucher approval and payment. The county road administration board shall prepare and distribute to all counties with approved county ferry capital improvement projects, voucher forms for use in requesting ~~((progress and final))~~ annual payments for each approved county ferry capital improvement project.

~~((The county constructing each ferry capital improvement project may submit vouchers monthly as the work progresses and shall submit a final voucher after completion of each project for payment of the approved and funded share of the project cost.))~~

The county road administration board shall approve such vouchers for payment to the county submitting the voucher. County ferry capital improvement fund warrants shall be transmitted directly to each county submitting a voucher. In the event that project funds remain unspent after the final project payment has been made, the unspent balance will be returned to the ~~((county-wide))~~ county fuel tax account for distribution in accordance with RCW 46.68.120.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-400-120 Audit requirements. Audits of county ferry capital improvement projects may be conducted by the state auditor's office and will normally be conducted in conjunction with the county audits required by RCW 43.09.260 and 36.80.080. Special audits of specific county ferry capital improvement projects not required by these statutes may be accomplished at the request, and at the expense, of the county road administration board.

An audit of any county ferry capital improvement project shall include, but not be limited to, a review of the county's compliance with the provisions of the statute and these rules. The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the county ferry capital improvement project.

In the event that an exception is noted in the audit report, the county road administration board shall evaluate the noted discrepancy. Discrepancies may be cause for the county road administration board to order the payback of improperly expended county ferry capital improvement funds as provided in the county road administration board/county contract. Any such funds returned by a county to the county road administration board shall be returned to the ~~((county-wide))~~ county fuel tax account for distribution in accordance with RCW 46.68.120.

WSR 07-22-063

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed November 2, 2007, 8:25 a.m.]

Subject of Possible Rule Making: WAC 388-513-1350 Defining the resource standard and determining resource eligibility for long-term care (LTC) services and 388-513-1380 Determining a client's financial participation in the cost of care for long-term care (LTC) services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- DSHS is updating the 2008 federal maximum resource standard that increases January 1, 2008. DSHS will include the formula and a link to long-term care standards;
- DSHS is updating the 2008 federal maximum maintenance standard that increases January 1, 2008. DSHS will include the formula and a link to the long-term care standards;
- Because both standards increase annually, the links to the updated standards will show the updated amounts starting in January 2009 and each year thereafter.

Other policy changes on these subjects may be incorporated into this rule making. Other WAC chapters may need to be updated as a result of this rule making.

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 Lori Rolley, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-7582, e-mail rollej@dshs.wa.gov.

November 2, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-22-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed November 2, 2007, 8:41 a.m.]

Subject of Possible Rule Making: Working connections child care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.425, 72.12.340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 388-290 WAC governs working connections child care. This WAC is currently under DSHS's authority. The department of early learning (DEL) is the designated rule maker for early childhood education and assistance programs under RCW 43.215.425 and 45 C.F.R., Part 98 (Federal rules for the child care and development fund). Therefore, chapter 388-290 WAC must be transferred to DEL. Also, DEL will make technical corrections to this WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS must repeal chapter 388-290 WAC.

Process for Developing New Rule: All interested parties are invited to review and provide input on proposed draft language. Obtain draft material by contacting the identified representative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jacob White, WCCC Policy Advisor, Department of Early Learning, 649 Woodland Square Loop S.E., Lacey, WA 98503, (360) 725-4387, jacob.white@del.wa.gov.

October 30, 2007
Lynne Shanafelt
Assistant Director

WSR 07-22-069
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed November 2, 2007, 1:09 p.m.]

Subject of Possible Rule Making: Chapter 260-36 WAC, Licenses.

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: To define the authority of the stewards in regards to their ability to revoke, suspend, or deny a license and to add appropriate penalties for failure to complete an application.

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 Robert J. Lopez, Deputy Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461.

November 2, 2007
Douglas L. Moore
Management Analyst

WSR 07-22-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)

[Filed November 5, 2007, 9:38 a.m.]

Subject of Possible Rule Making: Chapter 388-544 WAC, Vision care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department repealed WAC 388-544-0475 Noncovered services, eyeglasses, and contact lenses, and is readopting the rule through the permanent rule-making process. This action is necessary because the department did not provide sufficient notice to stakehold-

ers, as required by the Administrative Procedure Act, of changes to WAC 388-544-0250 that eliminated certain covered services as then set forth in new WAC 388-544-0475 Noncovered services, eyeglasses, and contact lenses. In addition, the department is clarifying existing policy, better defining the scope of the rule, and reviewing the chapter for other necessary 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: 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 Wendy Boedigheimer, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

November 5, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-22-083

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed November 5, 2007, 10:31 a.m.]

Subject of Possible Rule Making: New WAC 388-530-1075 Tamper-resistant prescription requirements, and possible other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090; Section 7002(b) of the federal United States Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, which amends section 1903(i) of the Social Security Act (42 U.S.C. section 1936b (i)(23)).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending this rule to comply with federal law which mandates the use of tamper-resistant prescriptions for all medicaid, nonelectronic prescriptions.

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 Jonell O. Blatt, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1571, fax (360) 586-9727, TTY 1-800-848-5429, e-mail blattj@dshs.wa.gov.

November 5, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-22-084

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed November 5, 2007, 10:57 a.m.]

Subject of Possible Rule Making: WAC 388-466-0005 Immigration status requirement for refugee assistance and 388-466-0130 Refugee medical assistance (RMA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, and 74.09.700; chapter 5, Laws of 2007 (2SSB 5093).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing the following changes:

- In WAC 388-466-0005, adding "victim of trafficking" to refugee cash assistance (RCA) and RMA eligibility and substituting "United States Citizenship and Immigration Services (USCIS)" for what was formerly the Immigration and Naturalization Service (INS).
- In WAC 388-466-0130, changing the wording from "CHIP" to "children's healthcare," and adding "victim of human trafficking" to RMA eligibility.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed 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 Colleen Clifford, HRSA Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-2075, fax (360) 664-0190, TTY 1-800-848-5429, e-mail cliffcj@dshs.wa.gov.

November 5, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-22-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed November 5, 2007, 11:04 a.m.]

Subject of Possible Rule Making: Adding and amending sections within chapter 388-106 WAC, Long-term care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is drafting a new WAC section entitled "roads to community living." Rules will describe the nature of demonstration project services under the money follows the person grant. The department may adopt and amend other rules as part of this rule-making process as necessary.

Process for Developing New Rule: DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rules with the office of code reviser with a notice of proposed rule making and send the proposal to everyone currently on the mailing list and anyone else 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 Elizabeth Prince, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2561, fax (360) 438-8633, TTY (360) 493-2637, e-mail Prince@dshs.wa.gov.

November 5, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-22-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed November 5, 2007, 1:10 p.m.]

Subject of Possible Rule Making: Changes in quarterly asset assessment fees, hourly fees and other fee calculations for state-chartered credit unions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 31.12.516(6), 43.320.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule needed in order to provide for increase in assessment and fee rates, in accordance with the "fiscal growth factor" under chapter 43.135 RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The division of credit unions of the department of financial institutions is the only state agency responsible for the calculation of state-originated fees for state-chartered credit unions. The National Credit Union Administration (NCUA), a federal agency, may also impose fees on state-

chartered credit unions. The NCUA operates separately from the division of credit unions, and will be informed of this rule-making activity.

Process for Developing New Rule: Stakeholder consultation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by attending any hearings on the proposed rule, and by contacting the Division of Credit Unions, Joanne Conrad, Regulatory Analyst, P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-8813, fax (360) 704-6490, jconrad@dfi.wa.gov.

November 1, 2007
Linda K. Jekel, Director
Division of Credit Unions

WSR 07-22-088
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Order 07-16—Filed November 5, 2007, 3:47 p.m.]

Subject of Possible Rule Making: Department of ecology is proposing new rules to regulate transporters of recyclable materials and recycling facilities. These rules will implement SB 5788, passed by the 2005 legislature.

The new rules will focus on:

- Registration requirements for transporters of recyclable materials.
- Notification requirements for recycling facilities.
- Penalties for noncompliance with the requirements of this rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.95 RCW and SB 5788 (RCW 70.95.400 - [70.95.]430).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule making is necessary to implement SB 5788. It will also help clarify enforcement and compliance rules for transporters of recyclables and recycling facilities found in chapter 70.95 RCW. It will assure that recyclables are transported by registered haulers to recycling facilities and not deposited in drop boxes, transfer stations or landfills.

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

Process for Developing New Rule: The rule will be reviewed by stakeholders. Ecology will hold 1-2 informal public workshops where interested persons can comment on the rule before it is proposed. The public is invited to these informal public workshops. Ecology will post information on its web site and send information to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Randy Martin, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6136, e-mail rama461@ecy.wa.gov. Ecology will post information on its web site, send informa-

tion to interested parties, and hold 1-2 informal public workshops.

October 31, 2007
Lorie Hewitt
for Cullen Stephenson, Program Manager
Solid Waste and Financial Assistant Program

WSR 07-22-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed November 6, 2007, 11:10 a.m.]

Subject of Possible Rule Making: 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 plans to review the electrical rule for additions, revisions, and possible fee changes. The electrical rules are on a regular basis to ensure the rules are consistent with the national consensus standards, industry practice, to clarify the rules, and for possible changes to fees.

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

Process for Developing New Rule: The electrical board and the electrical technical advisory committee will be used to develop these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail yous235@lni.wa.gov.

November 6, 2007
Judy Schurke
Director

WSR 07-22-108
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed November 6, 2007, 3:35 p.m.]

The aging and disabilities services administration requests the withdrawal of preproposal statement of inquiry filed as WSR 05-15-096 on July 15, 2005 (chapter 388-853 WAC).

Stephanie E. Schiller
Rules Coordinator

WSR 07-22-115
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Filed November 7, 2007, 10:31 a.m.]

The department of ecology withdraws the CR-101 filing WSR 04-07-129 filed March 22, 2004, Elwha Dungeness instream resources protection and watershed management program—Dungeness River water resources inventory area (WRIA 18).

The agency has decided to divide the Elwha-Dungeness rule into two separate rules. Immediately after filing this withdrawal, ecology is filing a CR-101 that would create a new chapter for the Dungeness River subbasin instream flow rule, proposed chapter 173-518 WAC, Instream resources protection program.

Kenneth O. Slattery, Manager
Water Resources Program

WSR 07-22-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Order 07-17—Filed November 7, 2007, 10:32 a.m.]

Subject of Possible Rule Making: This rule making will create chapter 173-518 WAC, Dungeness instream resources protection and watershed management program. The proposed rule will: (1) Create water rights for instream values (instream flows) in the Dungeness River mainstem, tributaries, and independent drainages; (2) develop a means for mitigating new ground water uses; and (3) set up a framework to implement water management strategies described in the Elwha-Dungeness (WRIA 18) watershed plan. The rule will address the Dungeness portion of the Elwha-Dungeness watershed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.82 RCW, Watershed planning; chapter 90.54 RCW, Water Resources Act of 1971; chapter 90.22 RCW, Minimum water flows and levels; chapter 90.03 RCW, Water code; chapter 90.44 RCW, Regulation of public ground waters; chapter 77.55 RCW, Construction projects in state waters (hydraulic code); chapter 18.104 RCW, Water well construction; chapter 43.21A RCW, Department of ecology; chapter 43.21C RCW, State environmental policy; chapter 90.42 RCW, Water resources management; chapter 90.46 RCW, Reclaimed water use; and chapter 90.08 RCW, Stream patrolmen.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Elwha-Dungeness water inventory resource area (WIRA 18) is one of the few designated "water-critical" watersheds in western Washington without an instream flow rule. The adoption of this rule is needed to: (1) Fulfill the requirements of chapters 90.54 and 90.82 RCW; (2) protect instream resources and fish habitat; (3) establish a means for mitigating ground water use; (4) allow ecology to proceed with water right decisions in the basin; (5) set up a framework to implement the watershed plan's water management strategies; and (6) meet obligations

ecology agreed to in the watershed plan that have to be addressed through regulations. Ecology intends to establish a memorandum of understanding with Clallam County to implement the rule and watershed plan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies have the authority to regulate this subject. However, consultation will occur with the Washington departments of fish and wildlife; community, trade and economic development; health; and agriculture; as well as representatives of the Jamestown S'Klallam tribe and other Klallam tribes, as part of our outreach process.

Process for Developing New Rule: During the rule-making process, ecology will share draft language with the Dungeness River management team; Washington departments of fish and wildlife; community, trade and economic development; health; and agriculture; as well as the Jamestown S'Klallam Tribe and other Klallam tribes; rule-making advisory committees; and other interested parties. Ecology will prepare press releases, focus sheets and other explanatory materials for distribution to mailing and e-mail lists. In addition, ecology has created a web page for the rule proposal, and will offer workshops on the rule prior to and after filing the CR-102. Finally, ecology will hold one or more public hearings to solicit comments on the formal rule proposal. For more information on this rule making, please see <http://www.ecy.wa.gov/programs/wr/instream-flows/dungeness.html>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sarah Ferguson, Department of Ecology, Water Resources Program, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6780, sfer461@ecy.wa.gov, fax (360) 407-7162; or Cynthia Nelson, Department of Ecology, Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-0276, cyne461@ecy.wa.gov, fax (360) 407-6305.

November 6, 2007

Ken Slattery

Water Resources

Program Manager