

WSR 08-09-012**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed April 4, 2008, 10:59 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-515-1505 Financial eligibility requirements for long-term care services under COPEs, New Freedom, PACE, MMIP, and WMIP, and 388-106-0225 How do I pay for MPC?

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 amending the rules as follows:

- Increasing the personal needs allowance allowed in alternate living facilities (boarding homes and adult family homes) by 3.3%. This increase does not apply to state funded general assistance personal needs allowance grants;
- Removing references to the medicare/medicaid integration project (MMIP), as this program will be phased out in 2008;
- Separating WAC 388-515-1505 into additional sections for clarity and readability;
- Clarifying in WAC 388-515-1505 that clients on waiver services in a residential setting contribute up to the state rate of the cost of care as long as there is eligibility for the waiver service;
- Clarifying in WAC 388-106-0225 that a GA-X, GA-D, or GA-A client in an adult family home, receiving a \$339 grant, is allowed to keep a PNA of \$38.84 per month. The remainder of the grant must be paid to the adult family home as room and board. A GA-X, GA-D, or GA-A client residing in all other residential facilities (boarding homes) receive a GA-X, GA-D, or GA-A grant of \$38.84.

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.

April 4, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-09-014**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed April 4, 2008, 3:45 p.m.]

NOTICE OF WITHDRAWAL

The department of ecology withdraws WSR 07-08-102 (filed April 3, 2007), Quincy Ground Water Subarea Management Policy Rule, proposed amendment to chapter 173-134A WAC.

When the original CR-101 was filed in April 2006, the agency held three local workshops and collected additional information from stakeholders and the petitioner. The information collected provided ecology with a better understanding for the direction of the proposed rule amendment. Ecology filed a new CR-101 in April 2007 that updated the original intent and provide[d] a better description of the proposed rule amendment.

Since the CR-101 was filed in April 2007, the agency held one workshop. After further study and evaluation of the public interest and additional discussions with the United States Bureau of Reclamation, ecology withdraws the CR-101.

Kenneth O. Slattery, Manager
Water Resources Program

WSR 08-09-030**PREPROPOSAL STATEMENT OF INQUIRY
BELLEVUE COMMUNITY COLLEGE**

[Filed April 8, 2008, 3:48 p.m.]

Subject of Possible Rule Making: Policy governing procedure to provide a systematic way in which to express and resolve misunderstandings, complaints or grievances about dissatisfaction with college personnel, services, processes or facilities, discrimination or academic issues.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW and RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify existing policy and make navigation of the process more transparent and easily understood by the user.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Equal employment opportunity commission, human rights commission and United States Office of Civil Rights. Complaint procedures will comply with requirements of these agencies and contain reference to these agencies in the final policy.

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 Bea Hughes, Vice-president of Human Resources, (425) 564-2445, bhughes@bcc.ctc.edu; Jim Bennett, Vice-president of Equity and Pluralism, (425) 564-2300, jbennett@bcc.ctc.edu, Bellevue Community College, 3000

Landerholm Circle S.E., Bellevue, WA 98007-6484, phone (425) 564-2302, fax (425) 564-2261.

April 8, 2008
Lucinda A. Taylor
Rules Coordinator

WSR 08-09-040

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed April 9, 2008, 1:58 p.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-478-0020 Payment standards for temporary assistance for needy families (TANF), state family assistance (SFA), general assistance for pregnant women (GA-S), general assistance for children (GA-H) and refugee cash assistance (RCA) and 388-478-0035 Maximum earned income limits for TANF and SFA.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.-090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend WAC 388-478-0020 and 388-478-0035 to revise the payment standards and maximum earned income limits for TANF, SFA and RCA to reflect the 3% increase authorized by ESHB 2687, Section 207 (1)(e).

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 Ian Horlor, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail Horloit@DSHS.WA.GOV.

April 9, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-09-045

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed April 10, 2008, 2:41 p.m.]

Subject of Possible Rule Making: Chapter 388-530 WAC, Outpatient drug program

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: HRSA is updating the outpatient drug program rules to:

- Correct typographical and grammatical errors.
- Reinstate and clarify rules for vitamin and mineral coverage which were inadvertently omitted from the previous outpatient drug program WAC revision.
- Reinstate and clarify rules for over-the-counter (OTC) coverage, which were inadvertently omitted from the previous outpatient drug program WAC revision.
- Clarify (broaden) fluoride coverage, including age of children receiving fluoride.
- Remove reference to the prior authorization requirements for the number of brand name drugs filled in a calendar month because the therapeutic consultation service has been eliminated.
- Include combination drugs in the Washington preferred drug list that have been studied by the evidence-based practice center and have been reviewed by the P&T committee.
- Clarify that some preferred drugs may require prior authorization or have specific limitations and still be subject to the therapeutic interchange 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 Jonell O. Blatt, P.O. Box 45504, phone (360) 725-1571, fax (360) 586-9727, TTY 1-800-848-5429, e-mail blattj@dshs.wa.gov.

April 10, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-09-049

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed April 11, 2008, 3:37 p.m.]

Subject of Possible Rule Making: Adopting rules to implement SSB 6751, which establishes good cause for indi-

viduals who quit work to enter an approved apprenticeship training program. In addition, the department will adopt and update rules on the general subject of unemployment insurance benefits consistent with existing policy, including rules related to job separations, job search requirements, reporting requirements, training, educational employees, powers of attorney for claimants, and the definition of terms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, and 50.20.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to implement 2008 legislation related to individuals who quit work to enter apprenticeship training. In order to make rules clearer and more comprehensive and to provide more consistent, predictable, and transparent standards, the department intends to review and update current rules which relate to eligibility for and payment of unemployment benefits, and to adopt rules in place of existing policies related to unemployment benefits.

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 program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption. Proposed regulations on apprenticeship training will be shared with the state department of labor and industries.

Process for Developing New Rule: The department will hold public meetings to obtain and consider public and stakeholder input prior to filing the proposed rules. In addition, there will be a mailing to stakeholders identified in the rule-making process and written comments from stakeholders will be considered.

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

April 10, 2008
Karen T. Lee
Commissioner

WSR 08-09-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed April 15, 2008, 11:47 a.m.]

Subject of Possible Rule Making: Chapter 415-111 WAC, Plan 3—Defined contribution plans.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5) and chapter 41.34 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may amend its rules regarding the default investment option in the Plan 3 self-directed program.

Process for Developing New Rule: Department of retirement systems (DRS) will develop the draft rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Sarah Monaly, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail rules@drs.wa.gov.

April 15, 2008
Sarah Monaly
Rules Coordinator

WSR 08-09-066
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)
[Order 08-03—Filed April 16, 2008, 8:46 a.m.]

Subject of Possible Rule Making: PEBB rules related to enrollment in chapter 182-08 WAC; eligibility in chapter 182-12 WAC; and appeals in chapter 182-16 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The main purpose of this rule making is to amend PEBB rules in Title 182 WAC and adopt new rules to:

1. Implement legislation expanding participation in PEBB programs to include tribal governments.
2. Implement legislation to expand eligible dependents to include adult children up to age twenty-five.
3. Amend and clarify rules regarding participation, withdrawal, and appeals by certain employing entities.
4. Clarify rules regarding retiree enrollment and eligibility.
5. Amend PEBB rules affected by 2008 legislation (2SHB 3104) concerning certain domestic partnerships.
6. Amend WAC 182-12-133 to reflect a recent amendment to the Family Medical Leave Act.
7. Respond to requests to cancel a member's enrollment based on a legitimate action by the member that warrants disenrollment.

8. Add the dependent care assistance program as a benefit for state agencies and higher education.
9. Amend rules regarding PEBB member appeals.
10. Incorporate criteria for participation by members of a governing board.

In addition to these specific subject areas, health care authority will conduct a full review of PEBB rules in these chapters and make necessary technical corrections.

Process for Developing New Rule: Stakeholder mailing and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals wishing to receive PEBB rule-making notices are encouraged to join our LISTSERV, PEBB-RULE-MAKING-NOTICE, via this link <http://listserv.wa.gov/archives/pebb-rule-making-notice.html> or by logging on to listserv.wa.gov and selecting our LISTSERV from the public e-mail list.

If you have questions about this rule making, contact Barbara Scott at (360) 923-2642 or Matthew Albright at (360) 923-2629 or Health Care Authority, P.O. Box 42684, Olympia, WA 98504-2684, Barbara.scott@hca.wa.gov, Matthew.Albright@hca.wa.gov.

April 16, 2008
Jason Siems
Rules Coordinator

WSR 08-09-072
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed April 16, 2008, 12:35 p.m.]

Subject of Possible Rule Making: The agency will conduct a review of the following chapters of administrative rules: Chapter 352-12 WAC, Moorage and use of marine and inland water facilities; chapter 352-18 WAC, Background checks for job applicants, volunteers and independent contractors; chapter 352-32 WAC, Public use of state park areas; and chapter 352-74 WAC, Filming within state parks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 79A.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State parks will conduct an annual review of the WACs pertaining to moorage and use of marine and inland water facilities; background checks for job applicants, volunteers and independent contractors; public use and filming within state parks. This review will be conducted to make changes in accordance with legislative action during the 2008 session, minor changes and corrections to rules in order to bring rules up-to-date with current terminology, correct references to statute, general review for clarification, corrections and modifications.

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 Pamela McConkey, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, phone

(360) 902-8595, fax (360) 664-2106, e-mail pamm@parks.wa.gov.

April 16, 2008
Jim French
Administrator of
Statewide Recreation Programs

WSR 08-09-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed April 18, 2008, 1:24 p.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-530 Vehicle brands and comments. A new WAC in chapter 308-93 WAC, Vessel registration and certificates of title to provide for the branding of vessel titles and registration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 88.02.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to implement SHB 2817, relating to motor vehicles and vessels contaminated with methamphetamines.

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 department of licensing (DOL) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL 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 Dale R. Brown, Management Analyst, Vehicle Services, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-7821 or 902-7822, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

April 18, 2008
Mykel Gable
Assistant Director
Vehicle Services

WSR 08-09-088
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed April 18, 2008, 1:26 p.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-96A-175 Ride-sharing vehicles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to change the requirement of providing a list of those using the ride-share program to using an affidavit that the vehicle is being used as a ride-sharing vehicle.

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 department of licensing (DOL) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL 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 Dale R. Brown, Management Analyst, Vehicle Services, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-7821 or 902-7822, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

April 18, 2008
Mykel Gable
Assistant Director
Vehicle Services

WSR 08-09-106

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 21, 2008, 2:40 p.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-478-0055 How much do I get from my state supplemental payments (SSP)?, to update the state supplemental payment (SSP) standard for residents of a medical institution. The current monthly rate is \$25.45 and the department is proposing to increase the current rate to \$27.28, effective for the July 2008 monthly issuance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.-090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule change is in response to the state budget, ESHB 2687 that went into effect April 1, 2008.

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

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

proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Olga Walker, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4641, fax (360) 725-4905, e-mail walkeop@dshs.wa.gov.

April 21, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-09-107

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed April 21, 2008, 2:40 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-825-100 How will I be notified of decisions made by DDD?, 388-825-101 Why does DDD need to send my notices and correspondence to someone else?, 388-825-102 What if I do not want my DDD notices and correspondence sent to anyone else?, and possibly other related sections, if appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to clarify who will be notified of decisions made by the division of developmental disabilities and to specify that both notices and correspondence will be sent to the appropriate parties.

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 department welcomes the public to participate in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Steve Brink, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3416, fax (360) 407-0955, e-mail brinksc@dshs.wa.gov.

April 15, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-09-108
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed April 21, 2008, 2:41 p.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-448-0180 How do we redetermine your eligibility when we decide you are eligible for general assistance expedited Medicaid (GAX)?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.005, 74.04.055, 42 C.F.R. § 435.120, and 20 C.F.R. § 416.1455.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing amendments in order to allow Medicaid benefits for GAX recipients who have filed a timely appeal with the supplemental security income (SSI) appeals council. This rule change is needed for a consistent application of the Medicaid state plan by extending federal aid medical assistance to general assistance expedited Medicaid recipients through the post appeal supplemental security income (SSI).

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 Melissa Mathson, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4563, fax (360) 725-4905, e-mail mathsmc@dshs.wa.gov.

April 17, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-09-109
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed April 21, 2008, 2:44 p.m.]

Subject of Possible Rule Making: The community services division is proposing to add sections to chapter 388-436 WAC, Emergency cash assistance.

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

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

to add sections to chapter 388-436 WAC in order to provide the rules for administering the disaster consolidated emergency assistance program (CEAP). Section 301(6), chapter 181, Laws of 2008 (SB 6950), authorized that during a state of emergency and pursuant to an order from the governor, CEAP benefits be extended to individuals and families without children.

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 Ian Horlor, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail Horloit@DSHS.WA.GOV.

April 21, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-09-112
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed April 21, 2008, 2:49 p.m.]

Subject of Possible Rule Making: The community services division will amend WAC 388-450-0015 What types of income does the department not use to figure out my benefits? and 388-470-0045 How do my resources count toward the resource limits for cash assistance and family medical programs?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change is needed to apply the federal policy regarding economic stimulus rebate payments, authorized by the passage of HR 5140, to general assistance programs.

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 Melissa Mathson, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4563, fax (360) 725-4905, e-mail mathsmc@dshs.wa.gov.

April 21, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-09-115
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 22, 2008, 7:27 a.m.]

Subject of Possible Rule Making: Industrial insurance, chapter 296-14 WAC, Wages—Employer-provided health care benefits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.08.178 and chapter 297, Laws of 2007 (SHB 1244).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule making will assist in the implementation of chapter 297, Laws of 2007 (SHB 1244). The proposed rule making will amend existing rules that conflict with the law and may include new rules that clarify when the employer's contribution for health care benefits is included in the worker's monthly wage.

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 the development of these rules may contact the individual listed below. Interested parties may also participate during the public comment period by submitting written comments or giving oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Department of Labor and Industries, Valerie Grimm, P.O. Box 44208, Olympia, WA 98504-4208, phone (360) 902-5005, fax (360) 902-4960, e-mail colb235@lni.wa.gov.

April 22, 2008
Judy Schurke
Director

WSR 08-09-117
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 22, 2008, 8:17 a.m.]

Subject of Possible Rule Making: Chapter 296-19A WAC, Vocational rehabilitation, chapter 296-14 WAC, Industrial insurance, and chapter 296-15 WAC, Workers'

compensation self-insurance rules and regulations—Option 2 vocational rehabilitation costs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, 51.32.095, and chapter 72, Laws of 2007 (ESSB 5920).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules will assist in the implementation of chapter 72, Laws of 2007 (ESSB 5920). This proposed rule making will include new rules to clarify the process and requirements for making application for option 2 vocational costs, and define which vocational costs require department or self-insurer oversight and the vocational costs that can be paid.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate this subject.

Process for Developing New Rule: Labor and industries will begin the rule development process and will share the draft proposal with stakeholders and other interested parties, including the workers' compensation advisory committee. Public hearings will be held throughout the state after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Grimm, Department of Labor and Industries, P.O. Box 44208, Olympia, WA 98504-4208, phone (360) 902-5005, fax (360) 902-4960, e-mail COLB235@LNI.WW.GOV.

April 22, 2008
Judy Schurke
Director

WSR 08-09-118
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 22, 2008, 8:19 a.m.]

Subject of Possible Rule Making: Chapter 296-127 WAC, Prevailing wage.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 39.12 RCW, RCW 43.22.270, and chapter 285, Laws of 2008 (EHB 3381).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to increase the filing fees for intents and affidavits. The legislature gave the department the authority to increase the filing fees from \$25 to \$40 during the 2008 legislative session. The rule making will make the rules consistent with the statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies regulate this subject.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing

written comments and/or testimony during the public hearing and comment process.

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.

April 22, 2008

Judy Schurke
Director

WSR 08-09-131

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-09—Filed April 23, 2008,
8:19 a.m.]

Subject of Possible Rule Making: Adoption of long-term care rules, as required by recently enacted legislation. It is planned that this state's rules will mirror the NAIC model long-term care model regulation, plus some state-specific rules, as required by the legislation. The rules will be effective January 1, 2009 (the same effective date as the long-term care legislation).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Sections 12, 13, 14, 15, and 18, chapter 145, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will establish standards for long-term care insurance, including rules to:

- Establish loss ratio standards for long-term care insurance policies.
- Prescribe a standard format including style, arrangement, overall appearance, and the content of an outline of coverage.
- Establish minimum standards for inflation protection features.
- Specify the type or types of nonforfeiture benefits to be offered as part of long-term care insurance policies and certificates, the standards for nonforfeiture benefits, and the rules regarding contingent benefit upon lapse, including a determination of the specified period of time during which a contingent benefit upon lapse will be available and the substantial premium rate increase that triggers a contingent benefit upon lapse.
- Promote premium adequacy and to protect policyholders in the event of proposed substantial rate increases, and to establish minimum standards for producer education, marketing practices, producer compensation, producer testing, penalties, and reporting practices for long-term care insurance.
- Establish standards to protect patient privacy rights, rights to receive confidential health care services, and standards for an issuer's timely review of a claim denial upon request of a covered person.

- Establish standards for full and fair disclosure setting forth the manner, content, and required disclosures for the sale of long-term care insurance policies, terms of renewability, initial and subsequent conditions of eligibility, nonduplication of coverage provisions, coverage of dependents, preexisting conditions, termination of insurance, continuation or conversion, probationary periods, limitations, exceptions, reductions, elimination periods, requirements for replacement, recurrent conditions, and definitions of terms.

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

Process for Developing New Rule: Submit written comments by May 30, 2008, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

April 23, 2008

Mike Kreidler

Insurance Commissioner

WSR 08-09-132

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

(Division of Banks)

[Filed April 23, 2008, 8:20 a.m.]

Subject of Possible Rule Making: Rule making would implement the 2008 legislature's authorization to the department that the department may increase its hourly examination and fees in the division of banks, as follows: (1) Hourly examination fees for state-chartered commercial banks, mutual savings banks and stock savings banks may be increased in fiscal year 2008 by not more than 5.53%; (2) semi-annual assessments for state-chartered commercial banks, mutual savings banks and stock savings banks may be increased in fiscal year 2008 by not more than 5.53%; and (3) semi-annual assessments for state-chartered commercial banks, mutual savings banks and stock savings banks based upon interstate assets may be increased in fiscal year 2008 by not more than \$183,321. This rule making would allow for a change to fully assess assets, including interstate assets, of Washington state-chartered commercial banks, mutual savings banks, and stock savings banks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 30 (6), (7) and (8), chapter 285, Laws of 2008, RCW 30.04.030, 30.04.070, and 43.320.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of banks needs additional revenues to pay for its operation and to maintain a fund balance reserve. The division's revenues in the 05-07

fiscal biennium did not fully cover operating expenses. This rule making will bolster revenues to help cover increasing operating expenses. The division of banks also lost revenues as a result of federal legislation which limited the division's ability to assess assets of out-of-state banks operating with branches in Washington. The rule change replaces the lost revenues from a recent change in federal legislation by fully assessing the assets of Washington state-chartered commercial banks, mutual savings banks and stock savings banks which operate with branches in other states.

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

Process for Developing New Rule: Consultation with stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad Williamson, Director of the Division of Banks, 150 Israel Road S.W., Tumwater, WA 98501, P.O. Box 41200, Olympia, WA 98504, phone (360) 902-8704, fax (360) 704-6947, e-mail bwilliamson@dfi.wa.gov, at or before any public hearing on the rule.

April 17, 2008
Brad Williamson, Director
Division of Banks

WSR 08-09-134

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-11—Filed April 23, 2008,
8:24 a.m.]

Subject of Possible Rule Making: Conducting business in own legal name.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Many insurers are affiliates of holding company systems that use a group name to identify the various insurance companies in the holding company system. If the legal name of the insurance company involved in a particular matter is not accurately and complete identified, consumers and the office of insurance commissioner can be confused. It is important that insurers use their correct legal name in all insurance transactions.

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

Process for Developing New Rule: Submit written comments by May 30, 2008, to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40258, Olympia,

WA 98504-0258, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

April 23, 2008
Mike Kreidler
Insurance Commissioner

WSR 08-09-135

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-12—Filed April 23, 2008,
8:27 a.m.]

Subject of Possible Rule Making: Cancellation of policies by insureds (other than life insurance and annuity contracts).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 48.18.300 provides that insureds may cancel property and casualty insurance policies by providing written notice to the insurance company. There has been some confusion as to whether or not other methods of canceling these types of insurance policies by the insureds is permitted. This rule will clarify the permitted methods of cancellation of property and casualty insurance policies. The rule does not affect life, disability or managed care contracts.

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

Process for Developing New Rule: Submit written comments by May 30, 2008, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

April 23, 2008
Mike Kreidler
Insurance Commissioner

WSR 08-09-136

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-13—Filed April 23, 2008,
8:28 a.m.]

Subject of Possible Rule Making: Personal injury protection (PIP) coverage on automobile liability insurance policies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.22.105.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 48.22.085 through 48.22.100 provide for the mandatory offering of personal injury protection (PIP) with the issuance of automobile liability insurance policies. Even though these statutes have been in effect for many years there is still some confusion on behalf of insurers as to how this is to be accomplished. These rules are intended to clarify this confusion and assist insurers in issuing PIP coverage with automobile insurance policies.

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

Process for Developing New Rule: Submit written comments by May 30, 2008, to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

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

April 23, 2008
Mike Kreidler
Insurance Commissioner

WSR 08-09-138

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed April 23, 2008, 8:49 a.m.]

Subject of Possible Rule Making: WAC 260-70-630 Threshold levels.

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: Recently the commission amended WAC 260-70-630 (WSR 08-05-091, filed on February 15, 2008, effective June 1, 2008) to add threshold levels for androgenic-anabolic steroids. At that time the commission added language to allow intact male horses to have up to forty-five nanograms of nandrolone (durabolin) per milliliter of urine in post-race test samples. The amendment was based on the model rule developed by the Racing Medication and Testing Consortium (RMTC) and adopted by the Association of Racing Commissioners International (ARCI). The commission recently discovered that both the RMTC and ARCI erred by not specifying that the permitted concentration was in the nandrolone metabolite.

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, rlopez@whrc.state.wa.us.

April 23, 2008
R. J. Lopez
Deputy Secretary

WSR 08-09-140

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 23, 2008, 8:54 a.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-310-0800 WorkFirst—Support services.

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.260 and chapter 74.08A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change is needed to provide support services to recipients of diversion cash assistance who are receiving WorkFirst career services through the employment security department. In addition, the rule change is needed to correct a WAC reference and change some payment limits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Employment security department (ESD).

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 Ian Horlor, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail Horloit@dshs.wa.gov.

April 23, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-09-144

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Filed April 23, 2008, 10:22 a.m.]

The department of ecology withdraws preproposal statements for chapters 173-527 and 173-528 WAC (WSR 05-06-115 and 05-06-116). CR-101s were originally filed in March 2, 2005.

After the original CR-101s were filed in 2005, the agency held two local workshops and involved local stakeholders in developing preliminary rule proposals. Based on comments received and a better understanding for the direction of the proposed rules, ecology is filing two new CR-101s. The updated CR-101s include the original content with the addition of new terms for the transfer and subsequent repeal of chapter 173-592 WAC, Reservation of public water supply for Clark County.

Transfer and repeal of chapter 173-592 WAC is necessary for the updating of water supply reservations, consistent with local watershed planning and the public interest. Therefore, ecology withdraws the original CR-101s and replaces them with the updated filing.

Jerry Thielen
Rules Coordinator

WSR 08-09-145

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Filed April 23, 2008, 10:23 a.m.]

Subject of Possible Rule Making: This rule making will create chapter 173-527 WAC, Water resources management program for the Lewis Basin. Instream flows will be proposed for the Lewis (lower, middle, upper), East Fork Lewis, and Kalama rivers. Instream flows may also be proposed for a number of other tributaries within the watershed where habitat studies exist. Where appropriate, closures to future appropriation will also be established in rule. The rule language will provide for water supply reservations and will set up requirements to [for] accessing the reservation in order to promote protection of future supply and instream values. Clark County portions of the reserve will be transferred from chapter 173-592 WAC, Reservation of future public water supply for Clark County, in the amount recommended by watershed plan for specific subbasins. After transfer, chapter 173-592 WAC will be repealed in its entirety.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 90.82, 90.22, 90.54, 90.03, 90.44, 18.104, 90.42, and 77.55 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Water Resources Inventory Area (WRIA) 27 is located in southwest Washington state and comprises portions of Clark, Skamania, Cowlitz and Yakima counties. A variety of needs must be met by surface and ground waters in this region of the state. Just as water supply for people is growing in demand, instream flows throughout the watershed are vital for fish and wildlife species. Local streams provide habitat for fish species that have recently been listed under the federal Endangered Species Act (ESA).

ESA Status of Listed Fish Species in WRIA 27: Spring and Fall Chinook, "Threatened" - March 24, 1999; Coho, "Candidate" - July 14, 1997; Summer and Winter Steelhead, "Threatened" - March 19, 1998; Chum, "Threatened" - March 25, 1999; Bull Trout, "Threatened" - June 10, 1998.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will consult with the affected tribes in the Lewis Watershed, other state departments (including Washington department of fish and wildlife), and appropriate federal agencies.

Process for Developing New Rule: During rule making, draft language will be shared with the local watershed planning unit; Washington departments of fish and wildlife, community, trade and economic development, and agriculture; tribes; and other interested parties. Ecology will hold at least one open house prior to filing the CR-102 and proposed rule language. A focus sheet, web page, and public notice will be developed to explain the elements of the proposed rule and announce the date(s) of the open house(s). A press release, mailing and e-mail will be used to distribute the information.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Travis Burns, Department of Ecology, Water Resources Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7207, fax (360) 407-7162, Tbur461@ecy.wa.gov; or Scott McKinney, Department of Ecology, SWRO, Shorelands and Environmental Assistance Program, P.O. Box 47775, Olympia, WA 98504-7775, phone (360) 407-6389, fax (360) 407-6574, smck461@ecy.wa.gov.

April 21, 2008

Kenneth O. Slattery
Program Manager

WSR 08-09-146

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Filed April 23, 2008, 10:24 a.m.]

Subject of Possible Rule Making: This rule making will create chapter 173-528 WAC, Water resources management program for the Salmon-Washougal Basin. Instream flows will be proposed for the Washougal river, and Salmon, Burnt Bridge, and Lacamas creeks. Instream flows may also be proposed for a number of other tributaries within the watershed where habitat studies exist. Where appropriate, closures to future appropriation will also be established in rule. The rule language will provide for water supply reservations and will set up requirements to [for] accessing the reservation in order to promote protection of future supply and instream values. Clark County portions of the reserve will be transferred from chapter 173-592 WAC, Reservation of future public water supply for Clark County, in the amount recommended by watershed plan for specific subbasins. After transfer, chapter 173-592 WAC will be repealed in its entirety.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 90.82, 90.22, 90.54, 90.03, 90.44, 18.104, 90.42, and 77.55 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Water Resources Inventory Area (WRIA) 28 is located in southwest Washington state and comprises portions of Clark and Skamania counties. A

variety of needs must be met by surface and ground waters in this region of the state. Just as water supply for people is growing in demand, instream flows throughout the watershed are vital for fish and wildlife species. Local streams provide habitat for fish species that have recently been listed under the federal Endangered Species Act (ESA).

ESA Status of Listed Fish Species in WRIA 28: Spring and Fall Chinook, "Threatened" - March 24, 1999; Coho, "Candidate" - July 14, 1997; Summer and Winter Steelhead, "Threatened" - March 19, 1998; Chum, "Threatened" - March 25, 1999; Bull Trout, "Threatened" - June 10, 1998.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will consult with the affected tribes in the Lewis Watershed, other state departments (including Washington department of fish and wildlife), and appropriate federal agencies.

Process for Developing New Rule: During rule making, draft language will be shared with the local watershed planning unit; Washington departments of fish and wildlife, community, trade and economic development, and agriculture; tribes; and other interested parties. Ecology will hold at least one open house prior to filing the CR-102 and proposed rule language. A focus sheet, web page, and public notice will be developed to explain the elements of the proposed rule and announce the date(s) of the open house(s). A press release, mailing and e-mail will be used to distribute the information.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Travis Burns, Department of Ecology, Water Resources Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7207, fax (360) 407-7162, Tbur461@ecy.wa.gov; or Scott McKinney, Department of Ecology, SWRO, Shorelands and Environmental Assistance Program, P.O. Box 47775, Olympia, WA 98504-7775, phone (360) 407-6389, fax (360) 407-6574, smck461@ecy.wa.gov.

April 21, 2008
Kenneth O. Slattery
Program Manager

WSR 08-09-147

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 08-05—Filed April 23, 2008, 10:25 a.m.]

Subject of Possible Rule Making: Rule amendment for chapter 173-224 WAC, Wastewater discharge permit fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.465 Water pollution control.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To increase fees for all wastewater and stormwater permit holders for FY 2009 by 5.57% (the fiscal growth factor projection) as authorized by the state legislature. Ecology also will include a fee increase proposal for FY 2010 totaling 5.39%, the fiscal growth factor projection, if a fee increase is authorized by the state legislature. If an increase is not authorized, FY 09 fees will remain.

Moneys received fund the wastewater/stormwater permit program. Ecology also proposes to add a definition for seafood processing to make clear what permitted activities fit into that fee category. An increase to the extreme hardship fee reduction minimum fee is also being proposed. The fee will increase by 5.57% for FY 2009 and 5.39% for FY 2010.

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

Process for Developing New Rule: Amend an existing rule. Hold public workshops/hearings around the state. Direct mailings to those impacted by the rule change. Information posted on the ecology permit fee web page http://www.ecy.wa.gov/programs/wq/permits/permit_fees/index.htm.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bev Poston, Department of Ecology, Wastewater/Stormwater Permit Fee Program, P.O. Box 47600, Olympia, WA 98504-7600, Bpos461@ecy.wa.gov, phone (360) 407-6425, or fax (360) 407-7151.

April 22, 2008
Kelly Susewind, P.E., P.G.
Interim Water Quality
Program Manager

WSR 08-09-149

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed April 23, 2008, 10:53 a.m.]

Subject of Possible Rule Making: Special, unavoidable circumstance appeals, WAC 392-501-600.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.655.061, 28A.655.065, and 28A.155.-045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Certain students of the 2008 graduating class may be negatively impacted by existing rules within the affected WAC. Emergency rule adoption ensures that these students can access alternatives to the state graduation requirements that are more relevant to their specific situation.

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 has used emergency enactment to address students impacted this school year and wish to pursue formal proceedings to allow permanent adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joe Willhoft, (W) (360) 725-6336, (F) (360) 664-0494, joe.willhoft@k12.wa.us; Brian Jeffries, (W) (360) 725-6508, (F) (360) 664-3683, brian.jeffries@k12.wa.us; Catherine Taylor, (W) (360) 725-6061, (F) (360) 725-6332, catherine.taylor@k12.wa.us; or Mike Middleton, (W)

(360) 725-6434, (F) (360) 725-6333, michael.middleton@k12.wa.us.

April 17, 2008
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 08-09-150
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 23, 2008, 10:54 a.m.]

Subject of Possible Rule Making: Access to alternative assessments, WAC 392-501-510.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.655.061 and 28A.655.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Certain students of the 2008 graduating class may be negatively impacted by existing rules within the affected WAC. Emergency rule adoption ensures that these students can access alternatives to the state graduation requirements that are more relevant to their specific situation.

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 has used emergency enactment to address students impacted this school year and wish to pursue formal proceedings to allow permanent adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joe Willhoft, (W) (360) 725-6336, (F) (360) 664-0494, joe.willhoft@k12.wa.us; Brian Jeffries, (W) (360) 725-6508, (F) (360) 664-3683, brian.jeffries@k12.wa.us; Catherine Taylor, (W) (360) 725-6061, (F) (360) 725-6332, catherine.taylor@k12.wa.us; or Amanda Mount, (W) (360) 725-6037, (F) (360) 725-6332, amanda.mount@k12.wa.us.

April 17, 2008
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 08-09-153
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 23, 2008, 11:28 a.m.]

Subject of Possible Rule Making: Chapter 296-115 WAC, Safety requirements for charter boats.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, chapter 88.04 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to make the requirements in chapter 296-115 WAC, Safety requirements for charter boats, more closely match the intent of chapter 88.04 RCW, the Charter Boat Safety Act and chapter 49.17 RCW penalty and appeal provisions. The penalty language is being reviewed for possible changes and the department will be making housekeeping changes to correct reference and typographical mistakes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Coast Guard regulates this subject under 46 C.F.R. Parts K and T.

Process for Developing New Rule: Parties interested in formulation of these rules for proposal may contact the individuals listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jill Saibel, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4519, fax (360) 902-5619, e-mail saij235@lni.wa.gov.

April 22, 2008
Judy Schurke
Director