

WSR 08-13-003
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed June 5, 2008, 10:00 a.m.]

Subject of Possible Rule Making: The department is creating new chapter 388-541 WAC, Children's full premium (CFP) program and possibly other WAC sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.470, 74.04.050, 74.08.090, 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: According to RCW 79.09.-470 [74.09.470] (5)(b), beginning January 1, 2009, families whose income is greater than 300% of the federal poverty level will have the opportunity to purchase healthcare coverage for their children through the programs administered under this section. The families will pay an amount equal to the rate paid by the state to the managed health care system for coverage of the child, including any associated and administrative costs to the state of providing coverage for the child.

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 Kevin Cornell, P.O. Box 5534, Olympia, WA 98504-5534, phone (360) 725-1423, fax (360) 664-0910, TTY (800) 848-5429, e-mail corneke@dshs.wa.gov.

June 5, 2008
 Stephanie E. Schiller
 Rules Coordinator

Remedies—Department may impose remedies, 388-76-11015 Resident protection program—Disputing a preliminary finding; adding a new section for disclosure of employee information and employer immunity when disclosing employee information; and other related rule sections as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending rules to clarify requirements and update sections due to statutory changes enacted during the legislative session.

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; and DSHS welcomes public participation in the rule-making process. 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 Lisa Yanagida, DSHS, Residential Care Services, Aging and Disabilities Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2589, fax (360) 438-7903, TTY (877) 905-0454, e-mail yanagln2@dshs.wa.gov. Interested parties and stakeholders can participate by accessing and commenting on the draft proposed rule language at <http://www.aasa.dshs.wa.gov/professional/afh.htm> through e-mail, fax or direct contact with the program manager and/or through contacts with members of the statutorily established adult family home advisory committee.

June 5, 2008
 Stephanie E. Schiller
 Rules Coordinator

WSR 08-13-007
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed June 5, 2008, 3:40 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-76-10000 Definitions, 388-76-10080 Application—Coprovider, 388-76-10105 Application—Change of ownership, 388-76-10120 License—Must be denied, 388-76-10125 License—May be denied, 388-76-10170 Criminal history background check—Information—Confidentiality—Use restricted, 388-76-10335 Resident assessment topics, 388-76-10645 Resident rights—Quality of life—Reasonable accommodation, 388-76-10955 Remedies—Department must impose remedies, 388-76-10960

WSR 08-13-013
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed June 6, 2008, 2:21 p.m.]

The health and recovery services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 08-09-045 on April 10, 2008 (chapter 388-530 WAC, Outpatient drug program).

Stephanie E. Schiller
 Rules Coordinator

WSR 08-13-024
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY

[Filed June 9, 2008, 3:30 p.m.]

Subject of Possible Rule Making: Chapter 4-25 WAC.
 Statutes Authorizing the Agency to Adopt Rules on this
 Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: Due to the passage of SSB
 6604 passed through the 2008 legislative session, the board
 proposes a comprehensive review [of] all of its rules for
 effectiveness, clarity, cost, fairness, and need.

Other Federal and State Agencies that Regulate this Sub-
 ject and the Process Coordinating the Rule with These Agen-
 cies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt
 the new rule and formulation of the proposed rule before pub-
 lication in writing to Richard C. Sweeney, Executive Direc-
 tor, Washington State Board of Accountancy, P.O. Box 9131,
 Olympia, WA 98507-9131, (360) 586-0163, fax (360) 664-
 9190, e-mail webmaster@cpaboard.wa.gov.

June 9, 2008
 Richard C. Sweeney
 Executive Director

WSR 08-13-048
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 12, 2008, 10:35 a.m.]

Subject of Possible Rule Making: The community ser-
 vices division is proposing to amend WAC 388-448-0030
 What medical evidence do I need to provide? and 388-448-
 0040 Progressive evaluation process (PEP) step I—Review
 of medical evidence required for eligibility determination.

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

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: The department is proposing
 amendments to the description of medical evidence require-
 ments needed to determine incapacity. These changes are
 needed to align the medical evidence rules with the intent of
 RCW 74.04.005.

Other Federal and State Agencies that Regulate this Sub-
 ject and the Process Coordinating the Rule with These Agen-
 cies: 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 pub-
 lication 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.

June 12, 2008
 Stephanie E. Schiller
 Rules Coordinator

WSR 08-13-051
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Division of Consumer Services)

[Filed June 12, 2008, 12:54 p.m.]

Subject of Possible Rule Making: Implementing chap-
 ters 78, 108, and 109, Laws of 2008 that amend the Mortgage
 Broker Practices Act (chapter 19.146 RCW) by amending the
 rules, chapter 208-660 WAC, and generally amending the
 rules for clarity and consistency.

Statutes Authorizing the Agency to Adopt Rules on this
 Subject: Chapters 108 and 109, Laws of 2008; chapters
 19.146, 43.320 RCW.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: New rules must be written
 and existing rules must be amended to implement the
 changes to chapter 19.146 RCW brought about by 2008 leg-
 islation.

Other Federal and State Agencies that Regulate this Sub-
 ject and the Process Coordinating the Rule with These Agen-
 cies: If the new or amended rules parallel existing federal
 rules, the department of financial institutions (DFI) will coor-
 dinate the proposed rules with the federal rules as much as
 practicable.

Process for Developing New Rule: Negotiated rule
 making; and consultation with stakeholders and the mortgage
 broker commission.

Interested parties can participate in the decision to adopt
 the new rule and formulation of the proposed rule before pub-
 lication by contacting Elizabeth Stancil, Division of Con-
 sumer Services, P.O. Box 41200, Olympia, WA 98504-1200,
 (360) 902-8786, estancil@dfi.wa.gov, DFI web site, ListServ
 subscription.

June 12, 2008
 Linda Jekel, Director
 Division of Credit Unions

WSR 08-13-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Division of Consumer Services)

[Filed June 12, 2008, 12:56 p.m.]

Subject of Possible Rule Making: Implementing chapters 78 and 108, Laws of 2008, that affects the Consumer Loan Act, chapter 31.04 RCW, by amending the rules, chapter 208-620 WAC, and generally amending the rules for clarity and consistency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 108 and 109, Laws of 2008; chapters 31.04, 43.320 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules must be written and existing rules must be amended to implement the changes to chapter 31.04 RCW brought about by 2008 legislation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: If the new or amended rules parallel existing federal rules, the department of financial institutions (DFI) will coordinate the proposed rules with the federal rules as much as practicable.

Process for Developing New Rule: Negotiated rule making; and 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 Elizabeth Stancil, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8786, estancil@dfi.wa.gov, DFI web site, ListServ subscription.

June 12, 2008
 Linda Jekel, Director
 Division of Credit Unions

WSR 08-13-053
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed June 12, 2008, 1:00 p.m.]

Subject of Possible Rule Making: One page disclosure summary form and related rules for residential mortgage loans as described in chapter 108, Laws of 2008 (SHB 2770).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 108, Laws of 2008 (SHB 2770); chapter 43.320 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide guidance to those affected by the law, including commercial and alien banks under Title 30 RCW, savings banks under Title 32 RCW, savings associations under Title 33 RCW, credit unions under chapter 31.12 RCW, consumer loan companies under chapter 31.04 RCW, and mortgage brokers under chapter 19.146 RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Reserve Board (FRB) implementing the Truth in Lending Act through Regulation Z. The department of financial institutions (DFI) will coordinate the proposed rules with the federal rules as much as practicable.

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 Susan Putzier, Department of Financial Institutions, P.O. Box 41200, Olympia, WA 98504, (360) 902-8764, sputzier@dfi.wa.gov. See also http://dfi.wa.gov/resources/2770_disclosure_rulemaking.htm. See also www.dfi.wa.gov, ListServ to sign up to receive all notices and rule-making filings under the agency ListServ subscription.

June 12, 2008
 Linda Jekel, Director
 Division of Credit Unions

WSR 08-13-054
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed June 12, 2008, 2:16 p.m.]

Subject of Possible Rule Making: The address confidentiality program (ACP), chapter 434-840 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 40.24.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 1421 and SB 6339 were passed by the legislature in 2008, making changes that now need to be reflected in the WAC.

Trafficking will be added as a crime qualifying a victim for participation in the ACP.

Requirements surrounding release of information in a participant's file will be updated.

Criteria for issuance of a court order will also be established.

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 Megan Moreno, P.O. Box 40220, Olympia, WA 98504-0220, phone (360) 902-4141, e-mail, mmoreno@secstate.wa.gov. Notice of the time and location of a public hearing will be provided with the CR-102.

June 12, 2008
 Steve Excell
 Assistant Secretary of State

WSR 08-13-055
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 12, 2008, 2:28 p.m.]

Subject of Possible Rule Making: The department will amend all necessary sections in Title 388 WAC to implement annual adjustments to standards for Washington combined application program (WASHCAP) and the Washington Basic Food program. Changes include updates to the following standards for federal fiscal year 2008: Income standard, maximum allotment, maximum shelter deduction standard, standard deduction, standard utility allowances, WASHCAP shelter cost standard, minimum monthly benefit and WASHCAP opt-out standard.

These changes include amendments to the following WAC sections and any related rules: WAC 388-412-0015 General information about your Basic Food allotments, 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food?, 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food?, 388-450-0195 Utility allowances for Basic Food programs, 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food?, 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?, and 388-492-0070 How are my WASHCAP benefits calculated?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These standards are required by federal regulations and approved department waivers. These standards must be adjusted annually in order to determine a client's eligibility and benefit level for WASHCAP or the Washington Basic Food program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) annually adjust income and payment standards, the standard deduction, and maximum shelter deductions for the upcoming federal fiscal year. FNS also requires that the department adjust the food stamp utility allowance and WASHCAP standards on an annual basis. DSHS adopts the new FNS standards into administrative rule. The department adjusts WASHCAP standards as required under the department's approved waiver based on changes to the consumer price index. The department determines the Basic Food standard utility allowance by applying the consumer price index to a utility market basket survey and adopting the new amounts under administrative rule.

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 Don Winslow, Policy Analyst, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4580, fax (360) 725-4905, e-mail winsldg@dshs.wa.gov.

June 12, 2008
Stephanie E. Schiller
Rules Manager

WSR 08-13-056
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS

(Division of Banks)

[Filed June 12, 2008, 2:54 p.m.]

Subject of Possible Rule Making: Washington state law requires financial institutions (including state-chartered commercial banks, savings banks and savings associations) that act as residential mortgage lenders to adopt subprime lending policies and procedures that incorporate the principles contained in the federal "Interagency Guidance on Nontraditional Mortgage Product Risks" and the federal "Statement on Subprime Mortgage Lending" ("guidance") and other provisions of chapter 108, Laws of 2008 (SHB 2770).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 108, Laws of 2008, RCW 30.04.030, 30.04.060, 32.04.211, 33.04.020, 33.04.025, 43.320.010, 43.320.011(1), 43.320.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Guidance rules are required by statute (section 4, chapter 108, Laws of 2008, SHB 2770). In addition, rules are needed in order to clarify the types of internal policies and procedures needed by state-chartered commercial banks, savings banks and savings associations that may provide subprime or nontraditional residential mortgage loans. Other rule making may be needed to implement other provisions of chapter 108, Laws of 2008 (SHB 2770).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Financial Institutions Examination Council (FFIEC), including its members, the Federal Reserve Board (FRB), the Federal Deposit Insurance Corporation (FDIC), the Office of Comptroller of the Currency (OCC), the Office of Thrift Supervision (OTS) and the National Credit Union Administration (NCUA), jointly developed the guidance. The FDIC, which conducts consumer protection compliance examinations of state-chartered commercial banks and savings banks, has or will be implementing a version of the guidance. In addition, the department of financial institutions (DFI) division of credit unions and division of consumer services will initiate separate rule making regarding the guidance, as it applies to other types of financial institutions and licensees regulated by DFI.

Process for Developing New Rule: Negotiated rule making; and consultation with division of banks stakeholders

(state-chartered banks and savings banks and other interested persons).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gloria McVey, Program Manager, Division of Banks, P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-8704, fax (360) 704-6979, gmvey@dfi.wa.gov. Interested parties can participate in this rule making by attending hearings on the proposed rule, monitoring the DFI web site, and contacting the division of banks in writing, including fax and e-mail. All drafts and comments, as well as the audio of hearings, will be posted on the web site.

June 12, 2008
Brad Williamson, Director
Division of Banks

WSR 08-13-057
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Division of Credit Unions)
[Filed June 12, 2008, 4:37 p.m.]

Subject of Possible Rule Making: Washington state law requires financial institutions (including credit unions) that act as residential mortgage lenders to adopt subprime lending policies and procedures that incorporate the principles contained in the federal "Interagency Guidance on Nontraditional Mortgage Product Risks" and the federal "Statement on Subprime Mortgage Lending" (the "guidance"). The department of financial institutions (DFI) will apply the guidance and other provisions of chapter 108, Laws of 2008 (SHB 2770) to financial institutions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 108, Laws of 2008, RCW 31.12.516, 43.320.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: "Guidance" rules are required by statute (Section 4, chapter 108, Laws of 2008, SHB 2770). In addition, rules are needed in order to clarify the types of internal policies and procedures needed by state-chartered credit unions that provide subprime or nontraditional residential mortgage loans. Other rule making may be needed to implement other provisions of chapter 108, Laws of 2008 (SHB 2770).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The National Credit Union Administration (NCUA) was one of the five federal agencies that developed the "guidance." The NCUA may do federal rule making on the "guidance," and will be kept informed of this rule-making activity.

In addition, other divisions of the DFI will initiate separate rule making regarding the "guidance," as it applies to other types of financial institutions and licensees regulated by DFI.

Process for Developing New Rule: Negotiated rule making; and consultation with credit union stakeholders

(state-chartered credit unions, credit union members and other interested persons).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanne Conrad, Regulatory Analyst, P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-8813, fax (360) 704-6490, jconrad@dfi.wa.gov. Interested parties can participate in this rule making by attending hearings on the proposed rule, monitoring the DFI web site, and contacting the division of credit unions in writing, including fax and e-mail. All drafts and comments, as well as the audio of hearings, will be posted on the web site.

June 12, 2008
Linda Jekel, Director
Division of Credit Unions

WSR 08-13-063
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE
[Filed June 13, 2008, 3:43 p.m.]

Subject of Possible Rule Making: WAC 458-57-105 Nature of estate tax, definitions and 458-57-115 Valuation of property, property subject to estate tax, and how to calculate the tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 83.100.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-57-105 explains the nature of Washington state's estate tax imposed by chapter 83.100 RCW. It also provides definitions of terms that are used throughout chapter 458-57 WAC. WAC 458-57-115 provides guidance to help taxpayers prepare their return and pay the correct amount of Washington state estate tax. It explains the steps for determining the tax and provides examples of how the tax is calculated. The department is considering an amendment to these rules to clarify when an amount included in the federal taxable estate pursuant to IRC Sec. 2044 (inclusions of amounts for which a federal QTIP election was previously made) is subtracted out when calculating the Washington taxable estate. The Washington taxable estate is only reduced by the amount included in the federal taxable estate pursuant to IRC Sec. 2044 when it is received from a predeceased spouse that died on or after May 17, 2005.

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

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of possible rule

changes is available for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>. Written comments on and/or requests for copies of the rule may be directed to Mark Bohe, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail markbohe@dor.wa.gov, phone (360) 570-6133, fax (360) 586-0127.

Public Meeting Location: Capital Plaza Building, 4th Floor L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on July 22, 2008, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Martha Thomas no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7497.

June 13, 2008
Alan R. Lynn
Rules Coordinator

WSR 08-13-065

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed June 13, 2008, 4:42 p.m.]

Subject of Possible Rule Making: Chapter 415-104 WAC, Law enforcement officers' and fire fighters' retirement system (LEOFF).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5) and chapter 41.26 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may amend its rules to clarify retiree return-to-work procedures for LEOFF Plan 2.

Process for Developing New Rule: The 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.

June 13, 2008
Sarah Monaly
Rules Coordinator

WSR 08-13-070

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Aging and Disability Services Administration)

[Filed June 16, 2008, 9:36 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-827 WAC, State supplementary payment (SSP) program.

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 division of developmental disabilities implemented the individual and family services program in July 2007. These amendments will change the payment levels for state supplementary payments to reflect the level of payments for the individual and family services program.

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.

June 12, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-13-075

PREPROPOSAL STATEMENT OF INQUIRY HIGHER EDUCATION COORDINATING BOARD

[Filed June 16, 2008, 12:36 p.m.]

Subject of Possible Rule Making: Chapter 256-61 WAC, Regulations for the Degree Authorization Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.85 RCW, Degree-granting institutions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The higher education coordinating board (HECB) needs the revisions to the rules pertaining to the Degree-Granting Institutions Act to simplify and clarify the regulations, tighten requirements for authorization, and update the regulations to include changes to the statute.

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, through individual and group meetings over a number of

months, HECB staff has worked to develop the proposed rule changes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael J. Ball, Associate Director, Degree Authorization, Higher Education Coordinating Board, 917 Lakeridge Way S.W., P.O. Box 43430, Olympia, WA 98504-3430, phone (360) 753-7866, fax (360) 704-6203, e-mail michaelb@hecb.wa.gov.

June 11, 2008
Michael J. Ball
Associate Director

WSR 08-13-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 17, 2008, 9:09 a.m.]

Subject of Possible Rule Making: 2009 Industrial insurance premium rates, chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan and to set premium rates that maintain actuarial solvency of the accident and medical aid funds. By law, the plan must be consistent with recognized principles of insurance and rates adjusted annually or as needed to ensure solvency of the insurance trust funds. Labor and industries is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends and financial markets. Labor and industries will work with the workers' compensation advisory committee and retrospective rating advisory committee as changes are developed. The public can participate in these discussions by attending the workers' compensation advisory committee (WCAC) meetings. A schedule of these meetings is available at www.lni.wa.gov/ClaimsIns/Insurance/Learn/Wcac/WcacMtgMin/Default.asp. The public can participate in discussions of the retrospective rating advisory committee. A schedule of meetings can be found at www.lni.wa.gov/ClaimsIns/Insurance/Reduce/Qualify/AdvComm/default.asp.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication. Labor and industries is tentatively planning to hold formal public hearings between October 21 and October 24, 2008, in Spokane, Kennewick, Bellingham, Tumwater, Tukwila and Vancouver. Inquiries can be directed to Bill Moomau, Classification Services, P.O. Box 44148, Olympia, WA 98504-4148, phone (360) 902-4774, fax (360) 902-4729, e-mail moom235@lni.wa.gov.

June 17, 2008
Judy Schurke
Director

WSR 08-13-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed June 17, 2008, 11:01 a.m.]

Subject of Possible Rule Making: Chapter 308-72 WAC, Motor vehicle fuel tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.36.435.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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 Art Farley, Prorate Manager, Department of Licensing, Vehicle Services, Mailstop 48001, P.O. Box 9036, Olympia, WA 98507-9036, (360) 664-1820, afarley@dol.wa.gov.

June 11, 2008
Julie Knittle
Prorate and Fuel
Tax Administrator

WSR 08-13-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed June 17, 2008, 11:02 a.m.]

Subject of Possible Rule Making: Chapter 308-77 WAC, Special fuel tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.38.260.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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 Art Farley, Prorate Manager, Department of Licensing, Vehicle Services, Mailstop 48001, P.O. Box 9036, Olympia, WA 98507-9036, (360) 664-1820, afarley@dol.wa.gov.

June 13, 2008
 Jeff Beach
 for Julie Knittle
 Administrator

WSR 08-13-086
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH

[Filed June 17, 2008, 11:27 a.m.]

This memo serves as notice that the state board of health is withdrawing the CR-101 regarding revising rules for large on-site sewage systems filed on January 9, 2004, and published as WSR 04-03-010. The original proposal was to consider jurisdictional relationships between local health jurisdictions, department of health, and department of ecology related to large on-site sewage systems. It also was to consider standards for on-site sewage tanks.

On February 28, 2006, the state board of health filed a CR-101 (WSR 06-06-051) to consider rule-making activity regarding standards for on-site sewage tanks separately from rules for large on-site sewage systems. Revisions to RCW 43.20.050 in 2007 transferred the authority for rule making for large on-site systems from the state board of health to the department of health. The department filed a CR-101 on January 14, 2008 (WSR 08-03-065) to consider rule making for large on-site sewage systems.

Please contact Ned Therien at (360) 236-4103 or ned.therien@doh.wa.gov if you have any questions about this request.

Craig McLaughlin
 Executive Director

WSR 08-13-089
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed June 17, 2008, 5:02 p.m.]

Subject of Possible Rule Making: WAC 388-513-1315 Eligibility for long-term care (institutional, waiver, and hospice) services and 388-513-1320 Determining institutional status for long-term care (LTC) services, the department may adopt and amend other rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, and 74.09.575.

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

- DSHS is clarifying institutional status for person(s) under the age of eighteen receiving inpatient mental health treatment.
- DSHS is clarifying institutional status for person(s) age eighteen through twenty in a psychiatric facility.
- DSHS is clarifying WAC to match federal rules regarding institutional status.
- DSHS is adding information in WAC 388-513-1315 regarding excess home equity in primary residence, disclosure of annuity requirement, and request for LTC services for SSI recipients, per Deficit Reduction Act requirements.
- DSHS is clarifying those not meeting citizenship requirements of medicaid are not eligible for waiver programs.
- DSHS is updating WAC references and clarifying language.

The department may adopt and amend other rules on this subject as necessary.

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.

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.

June 17, 2008
 Stephanie E. Schiller
 Rules Coordinator

WSR 08-13-090
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed June 17, 2008, 5:02 p.m.]

The aging and disability services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 07-12-068 on June 4, 2007 (WAC 388-513-1320).

Stephanie E. Schiller
 Rules Coordinator

WSR 08-13-092**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed June 18, 2008, 8:39 a.m.]

Subject of Possible Rule Making: WAC 246-840-XXX, new rule for the nursing care quality assurance commission mandatory continuing competency for licensed nurses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.010 and 18.79.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is felt that continuing competency requirements encourage nurses to continually upgrade their knowledge and skills. Patient care and safety depend on the nurse being current in their knowledge and skills.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule through workshops and submitting comments on draft rules. All notices will be sent to member [members] of the nursing care quality assurance commission listserve. Interested parties can sign up at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=nursing-qac&A=1>. Interested parties may also obtain this information by contacting Kendra Pitzler, Program Manager, P.O. Box 47864, Olympia, WA 98504-7860, phone (360) 236-4723, fax (360) 236-4738 or e-mail kendra.pitzler@doh.wa.gov.

June 13, 2008

Paula R. Meyer, MSN, RN
Executive Director

WSR 08-13-096**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2008-21—Filed June 18, 2008, 9:34 a.m.]

Subject of Possible Rule Making: Defining things of value that a title company is permitted to give to any person in a position to refer or influence the referral of title insurance business.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, section 9(5), chapter 110, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 3(2), chapter 110, Laws of 2008, prohibits title companies, their employees, and representatives from giving anything of value to any person in a position to refer or influence the referral of title insurance business to the title company, except as permitted by rules adopted by the commissioner. These rules are intended to set

forth the specific things of value that title companies will be permitted to give to those in a position to refer or influence the referral of title insurance business.

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 August 7, 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.

June 18, 2008

Mike Kreidler

Insurance Commissioner

WSR 08-13-098**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2008-22—Filed June 18, 2008, 9:40 a.m.]

Subject of Possible Rule Making: Reporting of affiliated business ownership of title insurance agents.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, section 9(1), chapter 110, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 2, chapter 110, Laws of 2008, requires every title insurance agent to file a report of its ownership by those producers of title insurance business who have a financial interest in the title insurance agent and the percent of title orders originated by these producers. The commissioner will consider rules to set forth the form and information to be contained in the form necessary to report this information to the commissioner.

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 August 7, 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.

June 18, 2008

Mike Kreidler

Insurance Commissioner

WSR 08-13-099
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed June 18, 2008, 11:28 a.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (360) 586-4548, nasue.nishida@k12.wa.us or pesb@k12.wa.us. Rule changes are conducted at regular board meetings of the professional educator standards board (PESB). Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

June 18, 2008

Nasue Nishida

Policy and Research Analyst