

**WSR 08-17-003**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed August 6, 2008, 4:09 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 08-15-058 on July 14, 2008 (WAC 388-412-0040).

Stephanie E. Schiller  
Rules Coordinator

**WSR 08-17-010**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 8, 2008, 11:47 a.m.]

Subject of Possible Rule Making: WAC 392-121-108  
Definition—Enrollment exclusions.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule is being amended to include the exclusion of tuition paying students. The rule is also amended to clarify the twenty-day absence exclusion to be twenty regular scheduled school days.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mitch Thompson, OSPI Enrollment Supervisor, (360) 725-6306, Old Capitol Building, P.O. Box 47200, Olympia, WA.

July 10, 2008  
Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**WSR 08-17-011**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 8, 2008, 11:49 a.m.]

Subject of Possible Rule Making: WAC 392-121-136  
Limitation on enrollment counts.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The subsection addressing students who are claimed by an institution for a 1.0 FTE on form E-672 should be deleted and placed under WAC 392-

121-108. There is a WAC revision in progress for WAC 392-121-108 which includes this change.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mitch Thompson, OSPI Enrollment Supervisor, (360) 725-6306, Old Capitol Building, P.O. Box 47200, Olympia, WA.

July 11, 2008  
Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**WSR 08-17-012**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 8, 2008, 11:54 a.m.]

Subject of Possible Rule Making: WAC 392-121-133  
Definition—Annual average full-time equivalent students.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently the WAC directs school districts to divide student hours by nine hundred to derive the annual average full-time equivalent (AAFTE) for the nonstandard school year reporting and the ancillary services reporting. An AAFTE for the normal school year is seven hundred twenty hours for grades K-3 and nine hundred hours for grades 4-12. The changes to the WAC will instruct districts to divide by seven hundred twenty for grades K-3 and nine hundred for grades 4-12.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mitch Thompson, OSPI Enrollment Supervisor, (360) 725-6306, Old Capitol Building, P.O. Box 47200, Olympia, WA.

July 11, 2008  
Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**WSR 08-17-028****PREPROPOSAL STATEMENT OF INQUIRY****ENERGY FACILITY SITE  
EVALUATION COUNCIL**

[Filed August 13, 2008, 10:48 a.m.]

**Subject of Possible Rule Making:** This rule making proposes to adopt a mandatory greenhouse gas reporting rule for owners or operators of facilities permitted by the energy facility site evaluation council (EFSEC). This rule making will establish a new chapter, chapter 463-90 WAC, Reporting of emissions of greenhouse gases.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 14, Laws of 2008 - E2SHB 2815, Greenhouse gas emissions, adopted 2008 legislative session.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The state of Washington has taken several steps to begin responding to climate change. Executive Order 07-02, issued by the governor in February 2007, established goals for the statewide reduction of emissions of greenhouse gases within Washington over the next several decades as one of the methods of addressing climate change. The 2007 legislature passed chapter 80.80 RCW establishing statutory goals for statewide reductions in greenhouse gases and setting a greenhouse gas emissions performance standard for baseload electric power generation.

E2SHB 2815, passed by the 2008 legislature as part of the governor's climate change framework, includes additional actions to reduce emissions of greenhouse gases and build a clean energy economy. One element of this legislation is a requirement for large stationary sources of greenhouse gases to begin reporting emissions in 2010. The legislation directs EFSEC to adopt rules that are the same as the department of ecology who will be developing and implementing a reporting system for those entities required to report.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** EFSEC will work with the department of ecology's air quality program who is required to adopt a reporting rule for large mobile sources, and other source or combination of sources that emit at least 10,000 metric tons of greenhouse gases annually in the state. The Environmental Protection Agency (EPA) is expected to publish a draft greenhouse gas reporting rule in September 2008. EFSEC and ecology will review EPA's draft rule language as we develop our draft rule.

**Process for Developing New Rule:** The proposed rule will be drafted and reviewed by a stakeholder group and internally by staff. The public will have the opportunity to comment on the proposed rule. At least one public hearing will be held and the proposed amendments will be posted on the agency web site and provided to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen Fiksdal, EFSEC, P.O. Box 43172, Olympia, WA 98504-3172, phone (360) 956-2152, fax (360) 407-7534, allenf@cted.wa.gov. Interested parties can access more information on this rule making by contact-

ing the person listed above or accessing the EFSEC web site at <http://efsec.wa.gov/rulerev.shtml>.

August 13, 2008  
Allen J. Fiksdal  
EFSEC Manager

**WSR 08-17-039****PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed August 14, 2008, 11:04 a.m.]

**Subject of Possible Rule Making:** Update WAC 392-410-120 regarding Washington state history and government requirements to meet the new requirements outlined in chapter 190, Laws of 2008 (HB 2781 SL).

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 190, Laws of 2008 (HB 2781 SL).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Revisions to this WAC will include specific language from HB 2781 SL (chapter 190, Laws of 2008) in order to create rules on the subject matter covered in Washington state history and government. Such rules will require the study of: The constitution of the state of Washington; commerce in Washington state and Washington's place in a global economy; politics, geography, and culture in Washington state. Further, such course is encouraged to include information on the culture, history, and government of the American Indian people who were the first inhabitants of the state. It is also encouraged to include instruction on the meaning and history of the pledge of allegiance within the coursework on Washington state politics.

**Process for Developing New Rule:** [No further information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Caleb Perkins, Program Supervisor, Social Studies/International Education, Office of Superintendent of Public Instruction, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, caleb.perkins@k12.wa.us, phone (360) 725-6351; or Kelly Martin, Program Supervisor, LYAC, Office of Superintendent of Public Instruction, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, Kelly.Martin@k12.wa.us, phone (360) 725-4461.

August 14, 2008  
Terry Bergeson  
Superintendent of  
Public Instruction

**WSR 08-17-040**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 14, 2008, 11:32 a.m.]

Subject of Possible Rule Making: Chapter 246-926 WAC, amending to add licensure requirements for radiologist assistants, an advanced level radiologic technologist.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.84 RCW as amended by chapter 246, Laws of 2008 (SSB 6439).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 246, Laws of 2008 (SSB 6439) created an additional category of radiologic technologists known as radiologist assistants. Rules are needed to update the regulations and to establish minimum education, examination, and licensure requirements for radiologist assistants.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by addressing questions and/or comments to Susan Gragg, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4941, fax (360) 236-2406, e-mail [susan.gragg@doh.wa.gov](mailto:susan.gragg@doh.wa.gov). Interested persons can participate in the rule process through meetings and by submitting written comments, and are encouraged to join the List-Serv at <http://listserv.wa.gov/>.

August 14, 2008  
 Mary C. Selecky  
 Secretary

**WSR 08-17-041**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 14, 2008, 11:34 a.m.]

Subject of Possible Rule Making: WAC 246-836-080, amending continuing competency program requirements for naturopathic physicians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The naturopathic advisory committee recommends amending the continuing competency education (CE) rules to provide for on-line CE training opportunities, clarify approved CE subject matter, and complete any necessary housekeeping changes.

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

Process for Developing New Rule: Collaborative rule making.

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

lication by addressing questions and/or comments to Susan Gragg, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4941, fax (360) 236-2406, e-mail [susan.gragg@doh.wa.gov](mailto:susan.gragg@doh.wa.gov). Interested persons can participate in the rule process through meetings and by submitting written comments, and are encouraged to join the List-Serv at <http://listserv.wa.gov/>.

August 14, 2008  
 Mary C. Selecky  
 Secretary

**WSR 08-17-045**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed August 14, 2008, 2:57 p.m.]

Subject of Possible Rule Making: Chapter 16-06 WAC, Public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.308, 42.56.610, 43.23.025, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2006, the legislature passed amendments to the public disclosure law, finding that certain information submitted for participation in the state or national animal identification program and the results of animal disease testing done at the request of the animal owner should be not subject to public disclosure. In addition, RCW 42.56.610 directs the department to adopt public disclosure rules relating to the disclosure of information from dairies, animal feeding operations, and concentrated animal feeding operations not required to apply for a permit. The department is also reviewing chapter 16-06 WAC for possible housekeeping changes, plain talk modifications, and possible revisions to bring it up-to-date with current information.

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 Washington state department of agriculture (WSDA) staff will develop the rule proposal and will communicate with stakeholders and other interested parties for their review and comment. Interested parties can also participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dannie McQueen, WSDA Administrative Regulations Program Manager, P.O. Box 42560, 1111 Washington Street S.E., Olympia, WA 98504-2560, phone (360) 902-1809, e-mail [dmcqueen@agr.wa.gov](mailto:dmcqueen@agr.wa.gov).

August 14, 2008  
 Betty Ramage  
 Assistant Director

**WSR 08-17-053****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed August 15, 2008, 9:50 a.m.]

Subject of Possible Rule Making: Clocking of horses, WAC 260-24-650 and chapter 260-40 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is currently conducting a staff study on clocking (timing of horses during morning workouts). The staff study is expected to result in recommendations that may result in amendments to the rules of racing. This preproposal statement of inquiry is being filed to begin the rule-making process.

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.

August 15, 2008

R. J. Lopez  
Deputy Secretary**WSR 08-17-068****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed August 19, 2008, 8:48 a.m.]

Subject of Possible Rule Making: Chapter 296-135 WAC, Leave for victims of domestic violence, sexual assault, or stalking.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.76 RCW and chapter 286, Laws of 2008 (SHB 2602).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is a result of SHB 2602, which passed the 2008 legislature and became effective on April 1, 2008. This bill requires employers to provide employees who are victims of domestic violence, sexual assault, or stalking, or whose family members are victims, with reasonable or intermittent leave from work, upon advance notice except in emergencies, for seeking or obtaining legal or law enforcement assistance, medical treatment, social services, or counseling, or for safety planning or relocation. This bill prohibits employers from discriminating against employees who exercise rights protected by this bill and it creates administrative and civil causes of action for violation of the provisions of the bill. The department is drafting rules in order to administer and enforce the law.

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 these rules 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.

August 19, 2008

Judy Schurke  
Director**WSR 08-17-074****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed August 19, 2008, 11:49 a.m.]

Subject of Possible Rule Making: Chapter 246-290 WAC, revisions to the Group A public water supplies rule are necessary to be consistent with federally adopted United States Environmental Protection Agency (EPA) rules. The proposed revisions to chapter 246-290 WAC will include those sections associated with Stage 2 disinfectants and disinfection byproducts (Stage 2) and rule language clarification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050 and 70.119A.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public health objective of this rule is to increase protection against the potential risks for cancer and reproductive and developmental health effects associated with disinfection byproducts by reducing peak and average levels of disinfection byproducts in drinking water supplies. The department must adopt a revised rule that incorporates the federal requirements by January 4, 2010, to maintain primacy as required in RCW 70.119A.080.

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

Process for Developing New Rule: Collaborative rule making with stakeholders and interested parties. The department will work with stakeholders and interested parties to develop potential rule revisions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department will engage stakeholders through the water supply advisory committee, the Washington Water Utility Council, and by providing the draft rule for informal and formal review and comment to all interested parties. The department will also keep stakeholders informed through the quarterly newsletter Water Tap, the web, and mailings. For more information, contact Michelle Austin, Policy and Rules Coordinator, Office of Drinking Water, P.O. Box 47822,

Olympia, WA 98504-7822, (360) 236-3156, or michelle.austin@doh.wa.gov.

August 19, 2008  
Mary C. Selecky  
Secretary

**WSR 08-17-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PIERCE COLLEGE**

[Filed August 19, 2008, 4:32 p.m.]

Subject of Possible Rule Making: Student rights and responsibilities/code of conduct policy, chapter 132K-125 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Address current social and technological issues related to student rights, responsibilities and conduct of students at Pierce College.

Process for Developing New Rule: Representative district committee review and revise existing policy. Revised draft presented to the following entities for comment: Student governance bodies, academic divisions, student services council, assistant attorney general, college cabinet, board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Houck, director of student success, phone (253) 964-6581, fax (253) 964-6764, nhouck@pierce.ctc.edu; or Marie Harris, executive assistant to the chancellor, phone (253) 840-3104, fax (253) 840-3123, mharris@pierce.ctc.edu.

August 19, 2008  
Michele Johnson  
Chancellor

**WSR 08-17-096**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)

[Filed August 20, 2008, 8:46 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-823 WAC, Division of developmental disabilities intake and determination of developmental disabilities.

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: This amendment combines the eligibility rules for "another neurological condition" with "other condition closely related to mental retardation or that requires treatment similar to that required for individuals with mental retardation."

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.

August 20, 2008  
Stephanie E. Schiller  
Rules Coordinator

**WSR 08-17-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)

[Filed August 20, 2008, 8:47 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-845 WAC, Division of developmental disabilities home and community based services waivers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments define the procedures for administering the home and community based services waivers. They incorporate changes regarding who is eligible to receive respite care, as specified in the waivers approved by the federal Centers for Medicare and Medicaid Services under Section 1915(c) of the Social Security Act, and revise the reasons for termination from the community protection waiver to be consistent with the new rules contained in chapter 388-831 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department coordinates its rules with and receives approval from the federal Centers for Medicare and Medicaid Services for the administration of waivers under Section 1915(c) of the Social Security Act.

Process for Developing New Rule: The department welcomes public participation 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. Draft material and

information about how to participate may be obtained from the department representative.

August 20, 2008  
Stephanie E. Schiller  
Rules Coordinator

**WSR 08-17-099**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)

[Filed August 20, 2008, 8:55 a.m.]

**Subject of Possible Rule Making:** The department is amending chapter 388-832 WAC, Individual and family services program.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 71A.12.030, 71A.12.040, chapter 283, Laws of 2007 (2SSB 5467, as amended by the house).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department is proposing to revise WAC 388-832-0145. This amendment defines who is eligible to receive respite care to be consistent across programs. Other changes in chapter 388-832 WAC may also be necessary.

**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.**

August 20, 2008  
Stephanie E. Schiller  
Rules Coordinator

**WSR 08-17-100**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R-2008-24—Filed August 20, 2008, 9:00 a.m.]

**Subject of Possible Rule Making:** Discovery rules for contested cases or adjudicative hearings.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 34.05.446(2), 48.02.060.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Currently, the insurance

commissioner has no rules on discovery related to contested matters. "Discovery" is a defined process of rules and procedures used by litigating parties to identify witnesses and collection of evidence to prepare for hearing.

The insurance commissioner is considering rules that allow parties and the presiding officer or administrative law judge to know which civil discovery rules apply to adjudicative hearings and contested cases. This provides greater certainty and efficiency in the hearing process, as time will not be spent arguing about whether the parties have the right to conduct discovery to develop relevant evidence.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The office of administrative hearings specifically permits agencies to adopt discovery rules.

**Process for Developing New Rule:** Submit written comments by September 22, 2008.

**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 40260, Olympia, WA 98504-0269, e-mail kacys@oic.wa.gov, fax (360) 586-3109.**

August 20, 2008  
Mike Kreidler  
Insurance Commissioner

**WSR 08-17-107**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed August 20, 2008, 9:29 a.m.]

**Subject of Possible Rule Making:** The department plans to amend WAC 388-489-0025 Can my transitional food assistance benefits end before the end of my five-month transition period?

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 74.08A.010.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department is proposing to amend WAC 388-489-0025 to correct a typographical error in the current rule.

The amended rule will reflect that the department will terminate transitional food assistance (TFA) benefits early if all members of the TFA assistance unit are ineligible for Basic Food for the reasons currently specified in the rule.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal food stamp program as set forth under the Food and Nutrition Act of 2008, guidance provided by FNS, and the program requirements established in Title 7 of the United States Code of Federal Regulations.

The department adopts rules consistent with the federal laws, regulations, and guidance for the food stamp program

for the Basic Food program, WASHCAP, and transitional food assistance programs in Washington.

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 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 John Camp, Lead Policy Analyst, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4616, fax (360) 725-4905, e-mail [Campjx@dshs.wa.gov](mailto:Campjx@dshs.wa.gov).

August 18, 2008  
Stephanie E. Schiller  
Rules Coordinator

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 Tom Berry, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4617, fax (360) 725-4905, e-mail [Berrytj@DSHS.WA.GOV](mailto:Berrytj@DSHS.WA.GOV).

August 15, 2008  
Stephanie E. Schiller  
Rules Coordinator

#### WSR 08-17-114

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

[Filed August 20, 2008, 9:56 a.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-450-0005 How does the department decide if I own a type of income and if this income is available to meet my needs?, 388-450-0100 Allocating income—Definitions, 388-450-0106 How does the department count my income if someone in my family cannot get assistance because of their alien status?, 388-450-0140 How does the income of an ineligible assistance unit member affect eligibility and benefits for Basic Food?, 388-450-0155 How does being a sponsored immigrant affect my eligibility for cash, medical and food assistance programs?, 388-450-0156 When am I exempt from deeming?, 388-450-0160 How does the department decide how much of my sponsor's income to count against my benefits?, 388-470-0060 How does the department decide how much of my sponsor's resources affect my eligibility for cash, and medical, and food assistance benefits?, and any other related WACs.

Also, the department is proposing to create a new WAC 388-450-0157 When is my sponsor not liable to repay state or federal benefits?

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 clarify how sponsor's income and resources are deemed available to the sponsored immigrants. The proposed changes will bring our rules into conformance with the federal guidance on sponsored deeming.

#### WSR 08-17-116

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed August 20, 2008, 10:15 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance; chapter 296-15 WAC, Workers' compensation self insurance rules and regulations; and chapter 296-20 WAC, Medical aid rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.08.178, 51.32.190, 51.14.090, and 51.14.095 and chapter 280, Laws of 2008 (E2SHB 3139).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule-making effort is in response to chapter 280, Laws of 2008 (E2SHB 3139). These rules will be reviewed for changes to ensure consistency with the new law as well as make any other changes that may be needed for clarification purposes.

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: Parties interested in these rules 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. Labor and industries will share with representatives of the labor and self-insured employer communities on the proposed changes to the regulations. Public hearings will be held 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 Margaret Conley, Department of Labor and Industries Self Insurance Section, P.O. Box 44890,

Olympia, WA 98504-4890, phone (360) 902-6723, fax (360) 902-6977, Mcgm235@Lni.wa.gov.

August 20, 2008

Judy Schurke

Director

**WSR 08-17-117**

**PREPROPOSAL STATEMENT OF INQUIRY**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Filed August 20, 2008, 10:18 a.m.]

Subject of Possible Rule Making: Chapter 296-15 WAC, Workers' compensation self insurance rules and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.14.020, 51.32.190, 51.14.090, and 51.14.095.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, chapter 296-15 WAC contains several errors, including referencing other sections which were repealed in other rule making and incorrect form numbers. Also, legislative changes now conflict with some current rules. Modifications will be made to ensure compliance with statute. We will also modify rules per current agency standards, replacing all references to "physician" with "provider."

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: Parties interested in these rules 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. Labor and industries will share with representatives of the labor and self-insured employer communities on the proposed changes to the regulations. Public hearings will be held 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 Margaret Conley, Department of Labor and Industries, Self Insurance Section, P.O. Box 44890, Olympia, WA 98504-4890, phone (360) 902-6723, fax (360) 902-6977, Mcgm235@Lni.wa.gov.

August 20, 2008

Judy Schurke

Director

**WSR 08-17-120**

**PREPROPOSAL STATEMENT OF INQUIRY**

**DEPARTMENT OF REVENUE**

[Filed August 20, 2008, 11:36 a.m.]

Subject of Possible Rule Making: WAC 458-20-279 Clean alternative fuel vehicles and high gas mileage vehicles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering adopting a new rule to explain the requirements of the following:

- The retail sales and use tax exemptions for clean alternative fuel vehicles (RCW 82.08.809 and 82.12.809); and
- The retail sales and use tax exemptions for high gas mileage vehicles (RCW 82.08.813 and 82.12.813).

These exemptions become effective January 1, 2009.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of licensing (DOL) administers laws relating to the licensing and regulation of vehicles and vehicle operators, dealers, and manufacturers. The department of revenue will consult with DOL during the rule-making process for consistency and uniformity purposes.

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 Jay Jetter, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail JayJ@dor.wa.gov, phone (360) 570-6057, fax (360) 586-0127.

Public Meeting Location: Capital Plaza Building, 4th Floor L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA 98504, on September, 25, 2008, at 1:30 p.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.

August 20, 2008

Alan R. Lynn

Rules Coordinator