

WSR 08-21-028
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 7, 2008, 10:58 a.m.]

Subject of Possible Rule Making: WAC 232-12-054 Archery requirements—Archery special use permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The WAC as it currently reads prohibits a person from carrying a firearm while in the field archery hunting during an archery season specified for that area. This proposal seeks to create an exemption for people who have concealed weapons permits.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail at lori.preuss@dfw.wa.gov. Contact by December 1, 2008. Expected proposal filing on or after December 24, 2008.

October 7, 2008
 Loreva M. Preuss
 Rules Coordinator

WSR 08-21-029
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed October 7, 2008, 12:22 p.m.]

Subject of Possible Rule Making: WAC 260-40-100 Performance records.

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 contemplating amending this section regarding counting certain winning races for eligibility purposes.

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

Process for Developing New Rule: 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.

October 7, 2008
 R. J. Lopez
 Deputy Secretary

WSR 08-21-031
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed October 7, 2008, 4:05 p.m.]

The aging and disability services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 08-17-099 on August 20, 2008, (chapter 388-832 WAC).

Stephanie E. Schiller
 Rules Coordinator

WSR 08-21-034
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH

[Filed October 8, 2008, 8:47 a.m.]

Subject of Possible Rule Making: WAC 246-100-011, 246-100-072, 246-100-207, 246-100-208 and 246-100-209, revising the HIV rules for counseling and testing. Other revisions may be needed to clarify and eliminate dated or unnecessary provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.24.380, 70.24.022, 70.24.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions will make state rules more consistent with Centers for Disease Control and Prevention (CDC) recommendations for routine HIV counseling and testing. Current rules impede public health and health care provider's implementation of CDC recommendations. Revising rules will reduce barriers to HIV testing, likely increase the proportion of individuals tested and know their status, enable the public health officials to directly contact individuals diagnosed with HIV infection and offer partner notification services, resulting in more exposed partners aware of their exposure and who are tested for HIV. Other revisions may clarify or eliminate dated or unnecessary provisions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agency has rules that regulate this subject. However, the federal Centers for Disease Control and Prevention periodically issues recommendations and guidance for HIV counseling and testing and partner notification.

Process for Developing New Rule: Collaborative rule making - the board and the department will work together and consult with interested public and private groups, associations and others to develop the proposed rule. Open stakeholder meetings will be held prior to the official rules hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting (1) John F. Peppert, Director, Office of Infectious Disease and Reproductive Health, Washington State Department of Health, P.O. Box 47844, phone (360)

236-3427, fax (360) 586-5440, e-mail john.peppert@doh.wa.gov; or (2) Ned Therien, Health Policy Analyst, Washington State Board of Health, P.O. Box 47990, phone (360) 236-4103, fax (360) 236-4088, e-mail ned.therien@doh.wa.gov.

October 6, 2008
Craig McLaughlin
Executive Director

WSR 08-21-049

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed October 9, 2008, 10:47 a.m.]

Subject of Possible Rule Making: WAC 392-140-973 Finance—Special allocations—Salary bonus for teachers and other certificated staff who hold current certification by the national board.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is a "housekeeping" amendment to rule revisions earlier in 2008 regarding the national board bonus. This amendment clarifies the eligibility criteria regarding which schools are deemed challenging, high poverty schools for the 2009-10 school year and thereafter, for purpose of the challenging, high poverty school bonus.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Bunda, (360) 725-6308.

October 9, 2008
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 08-21-059

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

[Filed October 9, 2008, 2:58 p.m.]

Subject of Possible Rule Making: Aquatic invasive species, and rules, including WAC 232-12-016 and 232-12-168, pertaining to aquatic invasive species.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047 and 77.12.875.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Aquatic invasive species are a serious environmental and economic problem in the United States. Washington wants to thwart the introduction of these

species into the state. New rules and rule changes are needed to accomplish this.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal: The National Oceanic and Atmospheric Administration, United States Department of Ecology, United States Fish and Wildlife Service, and the Pacific States Marine Fisheries Commission.

State: Natural resource agencies of Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Colorado, Arizona, and New Mexico. Also, the Washington department of ecology, and the Washington invasive species council.

Staff is working closely with the above agencies to ensure that Washington department of fish and wildlife's policies and procedures are based on sound, current data and experience.

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 Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail lori.preuss@dfw.wa.gov. Contact by December 1, 2008. Expected proposal filing on or after December 24, 2008.

October 9, 2008
Loreva M. Preuss
Rules Coordinator

WSR 08-21-061

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 10, 2008, 9:11 a.m.]

The Washington horse racing commission wishes to withdraw its preproposal statement of inquiry (CR-101) filed on September 23, 2008, as WSR 08-20-044.

Questions can be directed to Washington horse racing commission staff at (360) 459-6462.

R. J. Lopez
Deputy Secretary

WSR 08-21-063

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 10, 2008, 9:26 a.m.]

Subject of Possible Rule Making: WAC 260-70-675 Bicarbonate testing.

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 initiating rule making on this section to reevaluate the need for split samples and whether or not the commission should continue to bear the cost of collecting, shipping, and testing split samples.

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.

October 10, 2008

R. J. Lopez
Deputy Secretary

WSR 08-21-070

PREPROPOSAL STATEMENT OF INQUIRY CRIMINAL JUSTICE TRAINING COMMISSION

[Filed October 13, 2008, 10:58 a.m.]

Subject of Possible Rule Making: WAC 139-05-300 Requirement for in-service training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To change the link in subsection (1)(b) to the correct link.

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 Cheryl Price, Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7358, fax (206) 835-7924. Stakeholders were contacted by e-mail to advise of the intended rule amendments. Proposal also listed on the agency web site.

October 13, 2008

Cheryl A. Price
Accreditation and
Performance Analysis Manager

WSR 08-21-074

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed October 14, 2008, 9:03 a.m.]

Subject of Possible Rule Making: Seal card pull-tab series.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Todd Ruzicka requesting that substitute flares be allowed for use with seal card pull-tab series.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] November 14, 2008, at the DoubleTree Hotel, 18740 International Boulevard, Seattle, WA 98188; at the Holiday Inn, 1 South Grady Way, Renton, WA 98057, (425) 226-7700; and at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-5165.

October 14, 2008

Susan Arland
Rules Coordinator

WSR 08-21-076

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed October 14, 2008, 9:16 a.m.]

Subject of Possible Rule Making: The department is considering amending the following sections of the boarding home licensing chapter: WAC 388-78A-2710, 388-78A-2780, 388-78A-3220, 388-78A-3410, 388-78A-3420, 388-78A-3430, 388-78A-3440, 388-78A-3450, 388-78A-3460, and other related sections as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.20 RCW, Boarding homes, RCW 18.20.090, also, chapter 74.34 RCW for resident protection program (RPP).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Change of ownership (CHOW):

- To promote resident well-being;
- To reduce unnecessary resident anxiety; and
- To reduce unnecessary boarding home staff turnover/staffing challenges.

Resident protection program (RPP):

- To clarify RPP notice requirements.

Enforcement actions:

- To enhance readability and usability of appeal rights WAC section; and
- To clarify notice requirements/appeal rights for boarding home providers that are subject to enforcement action.

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 Todd Erik Henry, Boarding Home Program, Residential Care Services, Aging and Disability Services Administration, Department of Social and Health Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2580, fax (360) 438-7903, TTY 1-877-905-0454, e-mail henryte@dshs.wa.gov. Interested parties and stakeholders can participate by accessing and commenting on the draft proposed rule language through e-mail at henryte@dshs.wa.gov and/or through contacts with members of the statutorily established boarding home advisory board.

October 14, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-21-079

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 14, 2008, 11:38 a.m.]

Subject of Possible Rule Making: WAC 392-300-070 Private school fingerprint process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating rules to follow the new procedures that were recently modified.

Process for Developing New Rule: Other [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 Charles Schreck, Director, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6130, fax (360) 753-4201, e-mail Charles.Schreck@k12.wa.us.

October 14, 2008
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 08-21-082

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 14, 2008, 1:06 p.m.]

Subject of Possible Rule Making: The department plans to amend WAC 388-400-0040, 388-450-0015, and 388-450-0162, 388-450-0185 and related rules to reflect department policy related to income and deduction used to determine a household's eligibility and benefit level under the Washington state combined application program (WASHCAP), Basic Food, and other assistance programs.

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, 74.04.515, 74.08.090, 74.08A.120, and 74.08A.-903.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department intends to amend rules related to countable income, excluded income, and allowable income deductions for the purpose of determining eligibility and benefit level for WASHCAP, Basic Food and other assistance programs.

The amendments will be consistent with the requirements of the Food and Nutrition Act of 2008, regulations under Title 7 of the Code of Federal Regulations, and administrative notices published by the United States Department of Agriculture, Food and Nutrition Service related to the supplemental nutrition assistance program (SNAP) or food stamp program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Congress authorized the supplemental nutrition assistance program (SNAP) under the Food and Nutrition Act of 2008. Prior to October 1, 2008, SNAP was known as the food stamp program.

The United States Department of Agriculture, Food and Nutrition Service publishes federal regulations for the SNAP in the federal register. Rules published in the federal register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices and interim guidance to inform states of new program requirements that are not yet in the United States Code of Federal Regulations.

The state legislature authorizes the department to administer the food stamp program and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.04.510 [74.04.515].

DSHS incorporates regulations from the federal agencies and exercises state options by adopting administrative rules for food assistance programs administered under the WASHCAP and Washington Basic Food program.

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

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

lication by contacting John Camp, Lead Policy Analyst, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4616, fax (360) 725-4905, e-mail campjx@dshs.wa.gov.

October 14, 2008
Stephanie E. Schiller
Rules Coordinator

Self-Insurance Program Administrator, Office of Financial Management, P.O. Box 41027, Olympia, WA 98504-1027, phone (360) 902-7311, or e-mail shannon.suber@ofm.wa.gov.

Roselyn Marcus
Director of Legal Affairs
Rules Coordinator

WSR 08-21-089

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF FINANCIAL MANAGEMENT

[Filed October 14, 2008, 3:53 p.m.]

Subject of Possible Rule Making: Updating the rules related to self-insurance requirements (chapter 82-60 WAC) to incorporate standards previously included in guidelines developed and recommended by the property and liability advisory board. Also, updating rules and incorporating standards previously included in guidelines developed and recommended by the health and welfare advisory board.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.62.061 Rule making by state risk manager—Standards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The standards for operation, solvency, membership and contracts have previously resided in guidelines which were developed with the intent to codify these standards at a later time. Maturity and development of both types of programs (health/welfare programs and property/liability programs) indicate a need to clearly communicate these standards in rule and establish separate standards for operations of each type of program which address the differences in these programs.

The outcome of this rule-making process will be to eliminate confusion by formalizing standards previously included in the guidelines and to create two chapters; one chapter will consist of rules for health/welfare programs and a separate chapter will consist of rules pertaining to property/liability programs. Additional outcomes will clarify the procedures for oversight, monitoring and review of these programs by the state risk manager.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of financial management will communicate and coordinate with the state auditor, the property and liability advisory board and the health and welfare advisory board, all of which have an interest in the rules governing local government and nonprofit self-insurance programs, as necessary.

Process for Developing New Rule: Early solicitation of public comments and recommendations will be provided, and draft rules will be presented for discussion at meetings of each of the advisory boards to solicit comments and recommendations prior to publication of the rules for the rule-making hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shannon Stuber, Local Government

WSR 08-21-094

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-25—Filed October 15, 2008, 1:49 p.m.]

Subject of Possible Rule Making: Discretionary clauses. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.20.450, 48.20.460, 48.23.370, 48.30.010, 48.44.050, 48.46.200, 48.66.050(1), 48.84.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner will consider rule making options to clarify that discretionary clauses are prohibited in life, annuity, disability income, medicare supplement, long-term care and health policies. Benefits as written in these policies are guaranteed, and when the carrier has unfettered authority to decide what benefits are due a conflict of interest occurs. Prohibiting discretionary clauses will prohibit carriers from reserving discretion and interpreting the terms of the contract, and provide standards of interpretation or review that are consistent with Washington 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: Send written comments by December 2, 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.

October 15, 2008
Mike Kreidler
Insurance Commissioner

WSR 08-21-112

PREPROPOSAL STATEMENT OF INQUIRY HOME CARE QUALITY AUTHORITY

[Filed October 16, 2008, 4:49 p.m.]

Subject of Possible Rule Making: The agency is amending and adopting new rules in chapter 257-10 WAC, Home care quality authority—Referral registry, amending WAC 257-10-200 Can an individual provider or prospective indi-

vidual provider be removed from the registry? and adopting a new rule, What information may be considered cause for denying an individual provider or prospective individual provider placement in the referral registry?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.280(3) Authority duties; Title 74 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules do not specify reasons for removing an individual provider or prospective individual provider from the referral registry.

The agency will also adopt a new rule to clarify reasons for denying an individual provider placement on the referral registry.

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

Process for Developing New Rule: Home care quality authority (HCQA) invites the public to take part in developing new rules. Anyone interested should contact the staff person identified below. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, HCQA 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 Livingston, Home Care Quality Authority, P.O. Box 40940, 4317 6th Avenue S.E., Suite 101, Olympia, WA 98504-0940, phone (360) 493-9380, fax (360) 493-9384.

October 17 [16], 2008

Rick Hall

Executive Director

WSR 08-21-117

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed October 17, 2008, 11:22 a.m.]

Subject of Possible Rule Making: WAC 232-12-017, 232-12-064, and other rules related to native-species, exotic-game, and deleterious-wildlife importation, possession, husbandry, sale, facility upkeep and inspection, seizure, quarantine, and destruction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047 and 77.04.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Some facilities in the state that house deleterious exotic wildlife and native cervid and other species do not maintain their facilities and records or operate in accordance with state and federal law. The department wants to be able to enforce the laws to ensure the health and safety of all animals held at such facilities. The depart-

ment also seeks to protect our native species from disease and destruction caused by imported and/or nonnative animals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal: The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS). Staff is working closely with APHIS to share inspection records and to develop our rule proposals.

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 Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail at lori.preuss@dfw.wa.gov. Contact by December 1, 2008. Expected proposal filing on or after December 24, 2008.

October 17, 2008

Loreva M. Preuss

Rules Coordinator

WSR 08-21-135

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF NATURAL RESOURCES

[Filed October 20, 2008, 1:39 p.m.]

Subject of Possible Rule Making: The department is considering revisions and/or additions to WAC 332-30-144 regarding private recreational docks on state-owned aquatic lands.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79.105.360, 79.105.430.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 1984, the department promulgated WAC 332-30-144 defining recreational docks, their requirements and limitations. Since that rule was adopted, there have been a number of other recreational uses on the waters of the state that may or may not fit within the definition of a recreational dock. Since the legislature authorized recreational docks as a use that may occur without fee on state-owned aquatic lands in RCW 79.105.430, many new uses associated with recreational docks have started. There is a need for the department of natural resources to revisit the kinds of uses, their scope and extent that should be allowed under the recreational dock statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Local: County and city governments.

State: Washington department of fish and wildlife, Washington department of ecology.

Federal: United States Army Corps of Engineers.

The department will provide the same opportunities for involvement by the agencies mentioned here, as it will for the public's participation outlined below. It is the intent of the department, when appropriate, to propose rules consistent with statutes or rules adopted by the agencies mentioned here.

Process for Developing New Rule: Full rule-making process.

The department intends to follow a community relations approach to revising WAC 332-30-144. Opportunities for public participation will be offered in early 2009 in advance of filing the CR-102 Notice of proposed rule making.

Opportunities for involvement will also occur as part of the State Environmental Policy Act (SEPA) review process. Public meetings, held across the state, will provide opportunities for department officials to present the purpose/context for the rule revision and gather citizen input related to possible rule addition and/or revision.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Questions, comments, and suggestions may be sent to the Washington Department of Natural Resources, Aquatic Resources Division, P.O. Box 47027, Olympia, WA 98504-7027, phone (360) 902-1100, fax (360) 902-1786, e-mail ARD@dnr.wa.gov. Information will also be posted at http://www.dnr.wa.gov/RecreationEducation/Topics/PublicUseConcerns/Pages/aqr_moses_lake_public_mtg.aspx.

October 20, 2008

Francea L. McNair

Aquatic Lands Steward

WSR 08-21-140

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

(Public Works Board)

[Filed October 21, 2008, 8:56 a.m.]

Subject of Possible Rule Making: Modification to existing Title 399 WAC, Community, trade, and economic development, department of (public works board).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.155.040(4) adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public works board has approved several policy changes regarding administration of the public works trust fund programs, some of which will require an update to Title 399 WAC.

Process for Developing New Rule: Following regular rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments for consideration by the board should be submitted to Cecilia Gardener, Policy and Performance Manager, Public Works Board, P.O. Box 48319, Evergreen Plaza Building, Suite 102, Olympia, WA 98504-8319, or e-mail Cecilia.gardener@pwb.wa.gov. Persons desiring a

copy of the current board rules may call Cecilia Gardener, (360) 586-4127.

October 21, 2008

Marie Sullivan

Director of

Government Relations

WSR 08-21-142

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed October 21, 2008, 11:13 a.m.]

Subject of Possible Rule Making: Update the rules regarding registered student organizations. Includes amendments to WAC 504-28-010, 504-28-020, and 504-28-050; and repeal of WAC 504-28-030.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are updated to accommodate changes regarding the operations of registered student organizations.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, and e-mail jenks@wsu.edu. A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

October 21, 2008

Ralph T. Jenks, Director

Office of Procedures, Records, and

Forms and University Rules Coordinator

WSR 08-21-146

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed October 21, 2008, 11:30 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-527-2730 Definitions, 388-527-2737 Deferring recovery, 388-527-2750 Delay of recovery for undue hardship, 388-527-2754 Assets not subject to recovery and other limits on recovery, and 388-527-2820 Liens prior to death.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is adding language to these estate recovery rules to comply with legislation passed in 2008 for state registered domestic partners who receive medical services through DSHS. This change adds both rights and responsibilities for registered partners, recognizing the partnerships for DSHS medical programs, whether federally-matched or state-funded. There are no other changes to estate recovery in these revisions.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, Health and Recovery Services Administration, Office of Rules and Publications, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

October 21, 2008
Stephanie E. Schiller
Rules Coordinator

74.09.530, Deficit Reduction Act of 2005, Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending WAC 388-561-0300 as follows:

- Adding language per section 6016(d) of the Deficit Reduction Act of 2005. This amendment provides that unless an individual purchasing a life estate in another individual's home actually resides there for a period of at least one year after the date of the purchase, the transaction shall be treated as a transfer of asset.
- Improving the clarity and readability of the rule.
- DSHS may break up the WAC by creating a new rule, WAC 388-561-0301, regarding life estates.

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.

October 21, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-21-148
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
[Filed October 21, 2008, 1:01 p.m.]

The health and recovery services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 08-20-099 on September 30, 2008 (chapter 388-27 WAC).

Stephanie E. Schiller
Rules Coordinator

WSR 08-21-151
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed October 21, 2008, 3:05 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-561-0300 Life estates. 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,

WSR 08-21-152
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed October 21, 2008, 3:58 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-561-0200 Annuities and adopting new WAC 388-561-0201 Annuities purchased on or after April 1, 2009. (This is the proposed effective date of the new WAC. The title of the WAC may change if the adoption date is different.)

This rule making amends rules and changes the effective date of rules adopted as WSR 08-20-117. 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.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are necessary to meet the requirements of section 6012 of the Deficit Reduction Act (DRA) of 2005. Section 6012 added new requirements to title XIX of the Social Security Act pertaining to the treatment of annuities. WAC 388-561-0200 is being amended to include the new requirements of the DRA, clarify language, and update WAC references.

The department is creating WAC 388-561-0201 for new rules regarding annuities purchased on or after the effective date of the WAC.

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 on 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.

October 21, 2008

Stephanie E. Schiller

Rules and Policies Assistance Unit

State Dental Hygienists Association, and Washington State Dental Assistants Association.

October 21, 2008

Jennifer Bressi

Program Manager

WSR 08-21-158

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed October 22, 2008, 8:33 a.m.]

Subject of Possible Rule Making: WAC 246-817-510 Definitions for WAC 246-817-501 through 246-817-570, adding definition of volunteer dental assistant providing services in a charitable dental clinic.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365, 18.260.120, and 18.260.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 3088 (chapter 150, Laws of 2008) creates an exemption from dental assistant registration for volunteer dental assistants providing services under supervision of a licensed dentist in a charitable dental clinic. The dental quality assurance commission is considering adopting rules defining a volunteer dental assistant providing services in a charitable dental clinic.

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 contacting Jennifer Bressi, Department of Health, Dental Quality Assurance Commission, P.O. Box 47687, Olympia, WA 98504-7867, phone (360) 236-4893, fax (360) 664-9077. Interested parties may sign up for the dental commission's listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=dental-qac&A=1>. All rule-making notices will be e-mailed to the dental commission's interested parties list (listserv), Washington State Dental Association, Washington