

WSR 08-23-014**PREPROPOSAL STATEMENT OF INQUIRY
BELLEVUE COMMUNITY COLLEGE**

[Filed November 6, 2008, 3:59 p.m.]

Subject of Possible Rule Making: Chapter 132H-106 WAC, Bylaws and standing orders of Community College District VIII.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To inform the public that Bellevue Community College plans to change its name to Bellevue College.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state board for community and technical colleges and higher education coordinating board must be notified in the event of a name change. This will be done via letters to the executive directors of each board.

Process for Developing New Rule: Not a new rule, minor revision to existing WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lucinda Taylor, Executive Assistant to the President, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007-6484, phone (425) 564-2302, fax (425) 564-2261.

November 6, 2008
Lucinda A. Taylor
Executive Assistant
to the President

WSR 08-23-015**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH**

[Filed November 6, 2008, 4:59 p.m.]

Subject of Possible Rule Making: WAC 246-282-006 Vibrio parahaemolyticus (Vp) control plan.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.30.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state board of health adopted a permanent rule in May 2008 to better protect shellfish consumers from Vp-related illnesses. The goal of this rule is to reduce illness incidence to less than twenty during the oyster harvest season of May through September. The number of illnesses reported as of October 1 for the summer months of 2008 are thirty-four commercial cases and three recreational. This indicates a need to review the rule requirements to determine whether the current time-to-temperature controls are adequate to protect consumers. Clarification of the rule language is also necessary to allow for consistent implementation and enforcement of the rule for all growing areas in Washington state.

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

Process for Developing New Rule: The state board of health will use collaborative rule making with a stakeholder committee process to develop the proposed rule. The committee will be made up of representatives from tribal and non-tribal industry, the United States Food and Drug Administration, and the department of health.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jessie DeLoach, Department of Health, Office of Shellfish and Water Protection, Licensing and Certification Section, P.O. Box 7824.

November 6, 2008
Craig McLaughlin
Executive Director

WSR 08-23-028**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed November 10, 2008, 8:11 a.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-93-060 Registration period.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 88.02.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to align registration fees and taxes with 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: The department of licensing (DOL) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dale R. Brown, Management Analyst, Vehicle Services, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-7821 or 902-7822, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

November 10, 2008
Mykel D. Gable
Assistant Director
Vehicle Services

WSR 08-23-032
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed November 10, 2008, 11:39 a.m.]

Subject of Possible Rule Making: WAC 392-121-250 Finance—General apportionment—Certificated instructional staff.

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: These rule revisions clarify the definition of "nondegreed" to provide a clearer standard/criteria of what constitutes a nondegreed vocational/career and technical education instructional employee.

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.

November 7, 2008
 Dr. Terry Bergeson
 Superintendent of
 Public Instruction

WSR 08-23-039
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed November 12, 2008, 12:07 p.m.]

Subject of Possible Rule Making: Update the trip reduction performance program.

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

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

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Hiep Tran, WSDOT, P.O. Box 47387, Olympia, WA 98504-7387, (360) 705-7806, tranh@wsdot.wa.gov.

November 10, 2008
 Stephen T. Reinmuth
 Chief of Staff

WSR 08-23-040
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Filed November 12, 2008, 12:47 p.m.]

The department of ecology (ecology) is withdrawing CR-101 WSR 08-11-096 filed May 20, 2008.

The subject of this CR-101 was to implement the Children's Safe Products Act (CSPA), chapter 288, Laws of 2008, (chapter 70.240 RCW) by adopting a new rule chapter 173-334 WAC, Children's safe products rule. The rule would have adopted without material change, several enacted sections of the CSPA. Additionally the rule would have clarified that electronic components that are internal to children's products and not accessible during the products intended use are outside the regulatory scope of this legislation.

Ecology is withdrawing this CR-101 because of recent federal legislation. The "Consumer Product Safety Improvement Act of 2008" amends the "Consumer Product Safety Act" and substantially preempts the standards for lead, phthalates, and cadmium in chapter 70.240 RCW. Ecology elected not to pursue an exemption from this preemption because such a request would likely result in a protracted legal argument with marginal improvement in the safety of children's products. This federal preemption precludes the need for the proposed rule because the purpose was to clarify how the lead, cadmium and phthalate standards apply to certain products.

There are parts of Washington's law that are not preempted. Ecology is continuing to develop a list of chemicals of high concern for children (CHCC). In January 2009, ecology will present a report to the legislature describing the process we are using to identify CHCCs; addressing concerns raised, particularly by small manufacturers and retailers, about the reporting requirements; describing how the new law affects the availability of safe car seats in Washington; and identifying children's products or product categories that contain CHCCs.

Chapter 70.240 RCW requires manufacturers of children's products containing CHCCs to notify ecology of this six months after ecology adopts rules that include the list of CHCCs. Ecology expects to begin this rule making in summer 2009. The rule will also include reporting requirements. At the earliest, the reporting requirements will become effective in spring 2011.

Laurie G. Davies
 Program Manager
 Solid Waste and
 Financial Assistance

WSR 08-23-041**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed November 12, 2008, 2:15 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-513-1301 Definitions related to long-term care (LTC) services and 388-513-1350 Defining the resource standard and determining resource eligibility for long-term care (LTC) services.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending WAC 388-513-1301 and 388-513-1350 as follows:

- Increasing the state spousal resource maximum from \$45,104, based on RCW 74.09.575. The maximum resource allowance amount for the community spouse shall be adjusted by the consumer price index every other odd year on July 1, and will be effective July 1, 2009. DSHS will continue to point to the internet long-term care standards chart for current resource standards starting July 1, 2009, and every odd year thereafter at <http://www.dshs.wa.gov/manuals/eaz/sections/LongTermCare/LTCstandardspna.shtml>;
- Updating the federal maximum community spouse resource standard to \$109,500, effective January 1, 2009. This standard increases annually on January 1 based on the consumer price index. DSHS will continue to point to the internet long-term care standards chart for current resource standards starting January 1, 2009, and each year thereafter at <http://www.dshs.wa.gov/manuals/eaz/sections/LongTermCare/LTCstandardspna.shtml>;
- Proposing changes due to the long-term care partnership program; and
- Updating definitions of certain terms used in chapters 388-513 and 388-515 WAC. Within these chapters, institutional, waiver, and hospice services are referred to collectively as long-term care services.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Rolley, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone

(360) 725-2271, fax (360) 407-7582, e-mail rollej@dshs.wa.gov].

November 12, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-23-042**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed November 12, 2008, 2:17 p.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions clarify language, reformat sections for clarity, and remove some limitations for the receipt of services.

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 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.

November 12, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-23-063**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF****RETIREMENT SYSTEMS**

[Filed November 17, 2008, 11:26 a.m.]

Subject of Possible Rule Making: Chapters 415-106, 415-108, 415-110, and 415-112 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), and chapters 41.32, 41.35, 41.37, and 41.40 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will amend its rules to correct references and clarify types of reportable

compensation for the public employees' retirement system (PERS), public safety employees' retirement system (PSERS), school employees' retirement system (SERS) and teachers' retirement system (TRS).

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.

November 17, 2008
Sarah Monaly
Rules Coordinator

WSR 08-23-064

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed November 17, 2008, 11:44 a.m.]

Subject of Possible Rule Making: WAC 392-410-117 Temporary exemption from course and credit requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.655.180(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 392-410-117 was transferred from the state board of education in 2006; at that time no updates were made to change the reference from the state board of education to the office of superintendent of public instruction. At the present time we are proposing changes to the waiver process that will also necessitate updating the rule.

Process for Developing New Rule: Negotiated rule making; and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Ridgeway, Director of Secondary Education—for more information, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-0416, jim.ridgeway@k12.wa.us.

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

WSR 08-23-087

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed November 18, 2008, 3:02 p.m.]

Subject of Possible Rule Making: Chapter 296-45 WAC, Safety standards for electrical workers.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The electric utility safety advisory committee (EUSAC) has come to the department with concerns about the protection of nonqualified workers while in energized electric utility substations. EUSAC recommends that the department adopt language to help the industry ensure the safety of these workers.

The new language establishes a "safety watch," which entails direct supervision of a qualified person when a non-qualified employee approaches exposed energized electrical equipment in substations or switch yards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies (other than OSHA) are known to regulate worker safety and health for this subject.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly Johnson, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5008, fax (360) 902-5619, e-mail rhok235@lni.wa.gov.

November 18, 2008
Judy Schurke
Director

WSR 08-23-089

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed November 18, 2008, 4:25 p.m.]

Subject of Possible Rule Making: Chapter 246-XXX WAC, creating a new chapter to implement the Washington Death with Dignity Act, Initiative Measure No. 1000. The department will adopt rules to facilitate the collection of information regarding compliance with the initiative and to specify the qualifications of the witness designated by the long-term care facility, if the patient is a patient of a long-term care facility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Initiative Measure No. 1000.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2008 Initiative Measure No. 1000 was voted into law. Section 15 of the initiative requires the department to adopt rules to facilitate the collection of information regarding compliance with the initiative. Section 3 requires the department to specify in rule the qualifications of the witness designated by a long-term care facility, if the patient is a patient of a long-term care facility.

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, the department will work together with interested members of the public and providers to develop the new rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carol Wozniak at carol.wozniak@doh.wa.gov, or Washington State Department of Health, P.O. Box 47813, Olympia, WA 98504-7813, phone (360) 236-4369, fax (360) 753-4135.

November 18, 2008

Mary C. Selecky
Secretary

WSR 08-23-090

PREPROPOSAL STATEMENT OF INQUIRY

CRIMINAL JUSTICE TRAINING COMMISSION

[Filed November 19, 2008, 8:24 a.m.]

Subject of Possible Rule Making: Chapter 139-37 WAC, Firearms certification—Instructors—Records.

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: This proposal will accurately reflect the actual fee being charged for the firearms instruction and include bail recovery agents.

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 Cheryl Price, Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7358, fax (206) 835-7924.

November 19, 2008

Cheryl A. Price
Public Records Officer

WSR 08-23-091

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

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

Subject of Possible Rule Making: Create new chapter 504-17 WAC, Campus parking and traffic regulations for Washington State University Tri-Cities.

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 added to govern parking and traffic at the Washington State University Tri-Cities campus.

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.

November 19, 2008

Ralph T. Jenks, Director
Office of Procedures, Records, and Forms
and the University Rules Coordinator

WSR 08-23-092

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed November 19, 2008, 8:49 a.m.]

Subject of Possible Rule Making: The university's parking rules for the WSU Spokane, WSU Vancouver, WSU Pullman, and WSU College of Nursing campuses are being updated, including the following changes: Amending WAC 504-14-560, 504-19-560, 504-15-560; and repealing chapter 504-18 WAC.

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: The university's rules regarding parking permits for the WSU Spokane, WSU Pullman, and WSU Vancouver campuses are being updated. The university's rules for the WSU College of Nursing are being repealed because the college is relocating to the WSU Spokane campus.

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 pub-

lication 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.

November 19, 2008

Ralph T. Jenks

Office of Procedures, Records, and Forms
and the University Rules Coordinator

WSR 08-23-098

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed November 19, 2008, 11:19 a.m.]

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

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule change will remove support services for recipients of diversion cash assistance who are receiving career services through the employment security department. The proposal is in response to budget constraints.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ian Horlor, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail Horloit@dshs.wa.gov.

November 19, 2008

Stephanie E. Schiller
Rules Coordinator