

WSR 09-02-004**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed December 26, 2008, 1:20 p.m.]

Subject of Possible Rule Making: Poker room managers receiving tips.

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 requesting that poker room managers no longer be able to receive tips from customers.

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] February 13, 2009, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-5165; and on March 13, 2009, and April 10, 2009, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000.

December 26, 2008

Susan Arland

Rules Coordinator

WSR 09-02-019**PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD**

[Filed December 29, 2008, 3:44 p.m.]

Subject of Possible Rule Making: The forest practices board is considering rule making related to the decertification of northern spotted owl site centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is currently a moratorium on the practice of decertifying northern spotted owl site centers as defined in WAC 222-16-010. The sunset date of the moratorium is December 31, 2008. New rules are needed to establish a temporary process (from January 1, 2009, through December 31, 2009) in which a three-person spotted owl conservation advisory group will evaluate requests for site center decertification. This temporary process will take place while the board determines an appropriate long-term strategy for northern spotted owl habitat conservation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Fish and Wildlife Service (USFWS) administers the federal Endangered Species Act for upland

wildlife, including the northern spotted owl. The Washington state department of fish and wildlife evaluates survey information leading to decertification of northern spotted owl site centers. The three-person spotted owl conservation advisory group will consist of a representative of the Washington department of natural resources as well as representatives of a Washington-based conservation organization involved with northern spotted owl conservation and Washington's forest products industry.

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. Mail, fax, or e-mail comments to Patricia Anderson, Forest Practices Board Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practicesboard@dnr.wa.gov.

December 29, 2008

Victoria Christiansen

Chairman

WSR 09-02-049**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed December 31, 2008, 1:34 p.m.]

The aging and disabilities services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 08-13-070 on June 16, 2008 (chapter 388-827 WAC).

Stephanie E. Schiller

Rules Coordinator

WSR 09-02-052**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed January 2, 2009, 1:44 p.m.]

Subject of Possible Rule Making: Repealing chapter 172-120 WAC and adopting chapter 172-121 WAC to revise the standards of conduct for students. These rules constitute a major revision in the content and organization of the student conduct code for Eastern Washington University (EWU) which are more easily implemented by repealing the existing conduct code and adopting the new chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are a revision to existing student conduct rules. These rules will clarify EWU requirements for student conduct. Rules will also streamline the hearing, disciplinary, and appeals processes.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6233, and e-mail tlutey@ewu.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.

January 2, 2009

Trent Lutey
University Policy Administrator

WSR 09-02-055
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed January 5, 2009, 9:34 a.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 08-20-049 on September 24, 2008 (WAC 388-310-0800).

Stephanie E. Schiller
Rules Coordinator

WSR 09-02-058
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed January 5, 2009, 11:00 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-454-0015 Temporary absence from the home.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend WAC 388-454-0015 to clarify the policy regarding situations that do not meet the criteria of a temporary absence as described in subsection (4) of the WAC. The decision to propose amending the WAC is in response to a question about temporary absences and parents who are incarcerated.

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, Lead Policy Analyst, 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.

January 5, 2009

Stephanie E. Schiller
Rules Coordinator

WSR 09-02-060
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY
[Filed January 5, 2009, 12:57 p.m.]

Subject of Possible Rule Making: The commission is considering revisions to chapter 315-30 WAC, Draw games—General rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040 (1), (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In the current rule, the commission authorizes the director of the lottery to select and operate draw games which meet specific criteria. The commission may revise this section of chapter 315-30 WAC to clarify methods for arriving at draw game implementations.

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 Jana Jones, Director of Legal Services, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4833; or Mari Jo Nagel, Legal Assistant, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4834.

January 5, 2009

Jana L. Jones
Director of Legal Services

WSR 09-02-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed January 6, 2009, 4:01 p.m.]

Subject of Possible Rule Making: Chapters 415-02, 415-103, 415-104, 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 41.26, 41.32, 41.35, 41.37, 41.40, and 43.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will amend its rules concerning flexible survivor options for retirees of the law enforcement officers' and fire fighters' retirement system (LEOFF), public employees' retirement system (PERS), public safety employees' retirement system (PSERS), school employees' retirement system (SERS), teachers' retirement system (TRS), and Washington state patrol retirement system (WSPRS).

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.

January 6, 2009
 Sarah Monaly
 Rules Coordinator

WSR 09-02-075
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2009-01—Filed January 7, 2009,
 8:32 a.m.]

Subject of Possible Rule Making: The insurance commissioner is considering new title insurance rate filing and statistical reporting rules and procedures to implement chapter 48.29.RCW. The commissioner will consider rules that:

1. Establish the information required for the filing rates for title insurance under RCW 48.29.147;
2. Establish standards which title insurance rate filings must satisfy under RCW 48.29.147;

3. Identify [Identify] statistics that title insurance agents must collect and report to the title insurers that have appointed them, so that the insurers can file accurate and appropriate expense data with their rate filings; and

4. Identify [Identify] title insurance statistics that title insurers and title insurance agents must collect and report to the commissioner. These data will help the commissioner determine whether title insurance rates comply with the standards set forth in RCW 48.29.140(1), 48.29.143, and 48.29.147.

5. Under RCW 48.29.140, establish a date by which title insurers must file every manual of rules and rates, rating plan, rate schedule, minimum rate, class rate, and rating rule, and every modification of any of these filings, under RCW 48.29.143 and 48.29.147.

The commissioner will also consider rules that require title insurers to file rates and forms through the system for electronic rate and form filing (SERFF). SERFF is a key component of the National Association of Insurance Commissioners (NAIC) Speed to Market initiative. The SERFF system allows insurance companies to send and states to receive, comment on, and approve or reject insurance industry rate and form filings. SERFF offers a decentralized point-to-point, web-based electronic filing system. SERFF facilitates communication, management, analysis and electronic storage of documents and supporting information. The system improves the efficiency of the rate and form filing and approval process and reduces the time and cost involved in making regulatory filings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.29.005, 48.29.140, 48.29.143, 48.29.147.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1. Chapter 48.29 RCW permits the commissioner to adopt rules to implement the chapter, which may take effect no earlier than January 1, 2010.

2. Rate and form filing procedures that apply to title insurers should be consistent with filing procedures that apply to property and casualty products. SERFF improves filing efficiency and streamlines the record retention processes.

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 office of insurance commissioner will have discussions with interested parties and exchange drafts of possible rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Please submit written comments by July 31, 2009, to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

January 7, 2009
 Mike Kreidler
 Insurance Commissioner

WSR 09-02-078
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed January 7, 2009, 9:27 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 instruc-
tion 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 pub-
lication by contacting Cheryl Price, Washington State Crimi-
nal Justice Training Commission, 19010 1st Avenue South,
Burien, WA 98148-2055, phone (206) 835-7358, fax (206)
835-7924.

January 7, 2009
Cheryl A. Price
Public Records Officer