

**WSR 09-07-007****PREPROPOSAL STATEMENT OF INQUIRY  
PUBLIC DISCLOSURE COMMISSION**

[Filed March 5, 2009, 2:59 p.m.]

Subject of Possible Rule Making: Title 390 WAC, amending WAC 390-24-010 Forms for statement of financial affairs and 390-24-020 Forms for amending statement of financial affairs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission will consider possible rule amendments to incorporate reporting of stock options on the personal financial affairs statements.

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 commission is expected to discuss and possibly approve draft language on the above referenced rule topic at its meeting on April 9, 2009. A formal public hearing is expected to occur on May 28, 2009.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting PDC Assistant Director Doug Ellis at the Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

March 5, 2009  
Vicki Rippie  
Executive Director

**WSR 09-07-008****PREPROPOSAL STATEMENT OF INQUIRY  
PUBLIC DISCLOSURE COMMISSION**

[Filed March 5, 2009, 3:00 p.m.]

Subject of Possible Rule Making: Title 390 WAC, (1) develop potential rules for timely notification of in-kind contributions to candidates and political committees and a process for candidates and political committees to refuse in-kind contributions; and (2) potential rules regarding campaign litigation funds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently there are no provisions for timely candidate or political committee notification when an entity provides an in-kind contribution and no process for a candidate or political committee to refuse in-kind contributions. Possible new rules will clarify reporting requirements and provide for timely public disclosure of in-kind contributions.

Since 2004, election law litigation has increased significantly in the United States. As a result, states are faced with questions concerning the establishment of litigation funds, the ability to use campaign or surplus campaign funds for

legal issues and how to report fund-raising activity associated with litigation funds. The public disclosure commission may consider rules to clarify existing law as it relates to litigation or legal defense funds.

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 commission is expected to discuss and possibly approve draft language on the above referenced rule topics at its meeting on April 9, 2009. A formal public hearing is expected to occur on May 28, 2009.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting PDC Assistant Director Doug Ellis at the Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

March 5, 2009  
Vicki Rippie  
Executive Director

**WSR 09-07-039****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed March 10, 2009, 2:53 p.m.]

Subject of Possible Rule Making: The department is amending chapter 388-825 WAC, Division of developmental disabilities service rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend the requirements in chapter 388-825 WAC to respond to state budget appropriations.

Other changes, clarifications and corrections that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

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 Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310,

Olympia, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

March 10, 2009  
Stephanie E. Schiller  
Rules Coordinator

**WSR 09-07-040**

**PREPROPOSAL STATEMENT OF INQUIRY**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed March 10, 2009, 2:54 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-832-115 Who are qualified providers of respite care?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of developmental disabilities plans to amend the qualified providers of respite to remove contracted certified providers.

Other policy changes that arise during this rule making may be incorporated. Other WAC chapters may need to be updated as a result of this rule making.

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 Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955 e-mail roberdx@dshs.wa.gov.

March 10, 2009  
Stephanie E. Schiller  
Rules Coordinator

**WSR 09-07-041**

**PREPROPOSAL STATEMENT OF INQUIRY**

**SUPERINTENDENT OF**

**PUBLIC INSTRUCTION**

[Filed March 11, 2009, 8:07 a.m.]

Subject of Possible Rule Making: Chapter 392-109 WAC, State board of education—Election of members.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.102.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We are reviewing the pro-

cess for the state board of education election of members and unopposed positions.

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 Charles Schreck, Director, Administrative Resource Services, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6130, e-mail Charles.Schreck@k12.wa.us.

March 10, 2009  
Randy I. Dorn  
Superintendent of  
Public Instruction

**WSR 09-07-042**

**PREPROPOSAL STATEMENT OF INQUIRY**

**SUPERINTENDENT OF**

**PUBLIC INSTRUCTION**

[Filed March 11, 2009, 8:07 a.m.]

Subject of Possible Rule Making: Chapter 392-107 WAC, Educational service districts—Election of board members.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.310.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We are reviewing the process for the educational service district election of board members and unopposed positions.

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 Charles Schreck, Director, Administrative Resource Services, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6130, e-mail Charles.Schreck@k12.wa.us.

March 10, 2009  
Randy I. Dorn  
Superintendent of  
Public Instruction

**WSR 09-07-053**

**PREPROPOSAL STATEMENT OF INQUIRY**

**DEPARTMENT OF HEALTH**

[Filed March 11, 2009, 12:00 p.m.]

Subject of Possible Rule Making: Chapter 246-XXX WAC, creating a new chapter to establish certification requirements for home care aides.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Initiative Measure No. 1029 passed on November 4, 2008, amending chapters 18.88A RCW, Nursing assistants and chapter 74.39 RCW, Long-term care options, and added a new chapter to Title 18 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Initiative Measure No. 1029 was passed by the voters on November 4, 2008. This initiative requires certain long-term care workers to obtain a home care aide certification. Rules need to be established to certify long-term care workers as home care aides.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services (DSHS), home and community services (HCS). The department of health and DSHS HCS will meet periodically to coordinate efforts.

The Washington state patrol, access integrity unit, is involved with obtaining federal background checks. The department will include them on the rules mailing list and consult with them directly on issues regarding criminal background checks for home care aides.

United States Department of Justice, Federal Bureau of Investigation. The department will consult with them as needed regarding federal background checks.

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. Interested parties may receive notices of rule development workshops and other rule-making activities by contacting Kendra Pitzler, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4723, fax (360) 236-2901, e-mail [kendra.pitzler@doh.wa.gov](mailto:kendra.pitzler@doh.wa.gov).

March 11, 2009  
Mary C. Selecky  
Secretary

#### WSR 09-07-057

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed March 12, 2009, 8:23 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., and chapter 308-63 WAC, Wreckers, to include, but not limited to WAC 308-56A-460 and 308-63-090.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.04.110 and 46.12.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to update the rule to comply with the "market value threshold amount" required in RCW 46.12.005.

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](mailto:DBROWN@dol.wa.gov).

March 11, 2009  
Mykel D. Gable  
Assistant Director  
Driver and Vehicle Services

#### WSR 09-07-060

##### PREPROPOSAL STATEMENT OF INQUIRY BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

[Filed March 12, 2009, 10:25 a.m.]

Subject of Possible Rule Making: Chapter 196-09 WAC, Board practices and procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To differentiate the types of board meetings from regular meetings to special meetings.

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 George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1565, fax (360) 664-2551, e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov). Comments may be submitted through regular mail, fax or e-mail. Draft language of rule amendments will be distributed to the board's list of interested persons.

March 12, 2009  
George A. Twiss  
Executive Director

#### WSR 09-07-061

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Health and Recovery Services Administration)

[Filed March 12, 2009, 11:44 a.m.]

Subject of Possible Rule Making: WAC 388-424-0001 Citizenship and alien status—Definitions, 388-424-0006 Citizenship and alien status—Date of entry, 388-424-0010 Citizenship and alien status—Eligibility restrictions for TANF and medical benefits, 388-424-0015 Medical eligibility for

pregnant women, 388-505-0210 Children's healthcare programs, and possibly other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, and 74.08.090; P.L. No. 111-3 (H.R. 2, Title II, Sec. 214 - Children's Health Insurance Program Reauthorization Act of 2009).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recently passed federal legislation allows the state to provide medicaid and state children's health insurance program coverage to legal immigrant children and pregnant women without the five-year delay from the time of their United States entry. This will allow the state to obtain federal matching funds for this population, which will result in cost savings to the state.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, HRSA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sullikm@dshs.wa.gov.

March 12, 2009  
Stephanie E. Schiller  
Rules Coordinator

**WSR 09-07-062**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)  
[Filed March 12, 2009, 11:45 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-831-0240 Can I be terminated from the community protection program?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of developmental disabilities is amending WAC 388-831-0240 Can I be terminated from the community protection program?, to maintain consistency with changes to the criteria for termination from the community protection program in WAC 388-845-0060.

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 Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

March 12, 2009  
Stephanie E. Schiller  
Rules Coordinator

**WSR 09-07-065**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SECRETARY OF STATE**  
(Elections Division)  
[Filed March 12, 2009, 3:15 p.m.]

Subject of Possible Rule Making: The election division of the secretary of state's office is considering amending rules regarding rules necessary to implement legislation passed in 2009.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Additional rules regarding a number of issues are needed for preparation and implementation of upcoming elections.

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 Joanie Deutsch, Policy Analyst, Elections Division, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4182, jdeutsch@secstate.wa.gov.

March 12, 2009  
Steve Excell  
Assistant Secretary of State

**WSR 09-07-071**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**  
[Filed March 13, 2009, 12:56 p.m.]

Subject of Possible Rule Making: Vision test and medical screening for issuance of driver's licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.20.041, 46.20.091, 46.20.120, and 46.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is seeking to update visual acuity requirements necessary for the safe operation of a motor vehicle during hours of darkness, and update medical screening procedures.

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

Process for Developing New Rule: Internal review, with consideration of comments from interested stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, phone (360) 902-3846, e-mail [cholloway@dol.wa.gov](mailto:cholloway@dol.wa.gov), fax (360) 570-7048.

March 12, 2009  
Clark Holloway  
Legislative Liaison

### WSR 09-07-088

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed March 17, 2009, 2:28 p.m.]

Subject of Possible Rule Making: WAC 458-20-153 Funeral directors and 458-20-154 Cemeteries, crematories, columbaria.

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 an amendment to WAC 458-20-153 and 458-20-154 to update the tax-reporting information. Anticipated updates include the following:

WAC 458-20-153 Funeral directors:

- The rule currently describes funeral directors as commonly quoting a lump sum price for a standard funeral service, which includes the furnishing of a casket, professional services, care of remains, funeral coach, floral car and the securing of permits. This information needs to be updated because this is no longer industry practice;
- Additional clarification and detail regarding the application of business and occupation (B&O), retail sales, and use taxes to the business activities of funeral establishments for the sale of services, caskets, and other merchandise; and
- The tax reporting responsibilities of funeral establishments relative to income associated with prearrangement funeral service contracts.

WAC 458-20-154 Cemeteries, crematories, columbaria:

- Additional clarification and detail regarding the application of business and occupation (B&O), retail sales, and use taxes to the business activities of cemeteries, crematories, and columbaria;
- The tax reporting responsibilities of cemeteries relative to income associated with prearrangement contracts (commonly referred to as "preneed" or "prepaid" arrangements) for the sale of interment rights, merchandise, and services; and
- The tax reporting responsibilities of cemeteries relative to amounts placed into and subsequently received from endowment care funds for cemetery care and maintenance.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of possible rule changes is available for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>. Written comments on and/or requests for copies of the rule may be directed to Armikka R. Bryant, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail [armikkab@dor.wa.gov](mailto:armikkab@dor.wa.gov), phone (360) 570-6130, fax (360) 586-0127.

Public Meeting Location: Capital Plaza Building, 4th Floor L&P Conference Room, 1025 Union Avenue S.E., Olympia, WA, on April 21, 2009, at 10:30 a.m.

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

March 16, 2009  
Alan R. Lynn  
Rules Coordinator

### WSR 09-07-095

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 18, 2009, 7:04 a.m.]

Subject of Possible Rule Making: The department plans to amend WAC 388-310-0200 and related rules to eliminate WorkFirst participation requirements for dependent minors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to eliminate WorkFirst participation requirements for dependent minors.

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 Allen Shanafelt, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4631, fax (360) 725-4905, e-mail [Shanaad@dshs.wa.gov](mailto:Shanaad@dshs.wa.gov).

March 18, 2009  
Stephanie E. Schiller  
Rules Coordinator

**WSR 09-07-096**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket U-090222—Filed March 18, 2009, 8:27 a.m.]

**Subject of Possible Rule Making:** The subject of this inquiry is to examine whether new or modified regulations are needed to govern aspects of investor-owned electric and natural gas utility operations for which new federal standards are included in the Energy Independence and Security Act of 2007. These new federal standards address: (1) Integrated resource planning, (2) rate design to promote energy efficiency investment (electric and natural gas), (3) consideration of smart grid investments, (4) smart grid information, (5) energy efficiency (natural gas). Review of the integrated resource planning standard may lead to proposed amendments to WAC 480-100-238, 480-90-238, and chapter 480-109 WAC. Review of the smart grid information standard may lead to proposed amendments to WAC 480-100-103.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 80.01.040 and 80.04.160.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** On December 19, 2007, amendments to Section 111(d), of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. § 2621(d)) (PURPA), and amendments to Section 303(b) of PURPA (15 U.S.C. § 3203(b)) became effective under the federal Energy Independence and Security Act (EISA), Pub. Law 110-140. Section 408 of The America Recovery and Reinvestment Act also amends Section 111(d) and Subsections (b) and (d) of Section 112 of PURPA (16 U.S.C. § 2622). Combined, the amendments require the commission to consider and determine whether to implement or adopt standards for integrated resource planning, rate design to promote efficiency investment (for both natural gas and electric), energy efficiency (natural gas only), smart grid, and smart grid information. The commission is initiating this inquiry to determine whether implementation or adoption by rule of any of these new federal standards for utilities under its jurisdiction would be appropriate to carry out the purposes of PURPA (to encourage conservation of energy supplied by electric utilities, optimal efficiency of electric utility facilities and resources, and equitable rates for electric consumers) and is otherwise appropriate and consistent with applicable state law.

Section 532 (a)(16) and (17) of EISA establishes two new utility standards for electric utilities: Integrated resource

planning and rate design to promote efficiency investment (rate design). State regulatory authorities are required to consider and determine whether to implement these two standards by December 19, 2009. This requirement does not apply if, prior to August 8, 2005, a state has taken "prior action" to implement or consider implementing that standard or a comparable standard, or if the state's legislature has voted on implementing the standard or a comparable standard.

Section 532(b) of EISA establishes two new utility standards for natural gas utilities: Energy efficiency and rate design modifications to promote efficiency investments. State regulatory authorities are required to consider and determine whether to adopt these standards by December 19, 2009. There is no "prior action" exemption for these two standards.

Section 1307 of EISA establishes two standards for electric utilities regarding: Consideration of smart grid investments and smart grid information. The smart grid investments standard requires utilities to consider smart grid investments prior to investing in "nonadvanced" grid technologies. State regulatory authorities are required to consider allowing utilities to recover the cost of such investments and to allow utilities to recover the cost of existing plant[s] made obsolete by such investments. State regulatory authorities must consider and determine whether to implement these two standards by December 19, 2009. This requirement does not apply if the "prior action" exemption discussed above applies.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Electric and natural gas utilities not jurisdictional to the commission are also required by EISA to examine and consider implementing the six new PURPA standards. If practical and convenient, workshops on certain subjects pertinent to these standards may be jointly held.

**Process for Developing New Rule:** Agency study; and the commission will ask for initial written comments, and may provide the opportunity for participation in workshop-style sessions as well as opportunities for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the executive director and secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, by 5:00 p.m., Friday, April 24, 2009.

**WRITTEN COMMENTS:** Written comments may be submitted to the Washington utilities and transportation commission (commission) at the address given above and should be filed with the commission no later than **April 24, 2009**.

**Electronic copies:** The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by e-mail to the commission's records center at [records@utc.wa.gov](mailto:records@utc.wa.gov). Please include:

- The docket number of this proceeding (U-090222).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on its web site all comments that are provided in electronic format. The web site is located at [www.utc.wa.gov/090222](http://www.utc.wa.gov/090222). If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at [records@utc.wa.gov](mailto:records@utc.wa.gov), or (3) mail written comments to the address above to the attention of David W. Danner, executive director and secretary. When contacting the commission, please refer to Docket U-090222 to ensure that you are placed on the appropriate service list. Questions may be addressed to Steve Johnson, (360) 664-1346, or e-mail [sjohnson@utc.wa.gov](mailto:sjohnson@utc.wa.gov).

**NOTICE**

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING** — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket U-090222, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket U-090222, and the words "Please keep me on the mailing list" to [records@utc.wa.gov](mailto:records@utc.wa.gov). Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/090222>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

March 18, 2009  
David W. Danner  
Executive Director and Secretary

**WSR 09-07-097**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

[Filed March 18, 2009, 8:43 a.m.]

Subject of Possible Rule Making: Amending chapter 208-08 WAC to implement the brief adjudicative proceed-

ings (BAP) process (chapter 34.05 RCW) for more categories of department actions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.320 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The BAP process is an alternative process under the Administrative Procedure Act (APA) for appealing agency actions. This rule making would allow the BAP process for more categories of agency actions.

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 Elizabeth Stancil, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8786, [estancil@dfi.wa.gov](mailto:estancil@dfi.wa.gov), DFI web site [www.dfi.wa.gov](http://www.dfi.wa.gov), ListServ subscription.

March 18, 2009  
Deborah Bortner, Director  
Division of Consumer Services

**WSR 09-07-099**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed March 18, 2009, 8:57 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for workers compensation insurance and chapter 296-17A WAC, Classifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.06.035 and 51.06.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers compensation classification plan that classifies all occupations or industries within the state and sets basic rates of premium for these classifications that are distributed fairly (RCW 51.16.035). The department determined that certain rules are in need of revision.

We intend to make minor housekeeping changes to the following rules: WAC 296-17-31018, 296-17-35202, 296-17-35203 (6)(b), 296-17A-0308, 296-17A-0516, 296-17A-1109, and 296-17A-3603.

Process for Developing New Rule: Labor and industries will solicit input from the business community by way of direct mailings, the internet, and/or informal public meetings. Labor and industries will use this input to formulate proposed changes to the existing rules and advise customers of future rule making by direct mailing and/or the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries will mail letters with ideas on possible rule changes to affected stakeholders. Stakeholders are encouraged to participate in the process and can obtain information on our process at the employer services web site, [www.lni.wa.gov/insuranceservices/employerservices](http://www.lni.wa.gov/insuranceservices/employerservices). Com-

ments can be submitted electronically to moom235@lni.wa.gov or by calling (360) 902-4774 or by fax (360) 902-4729.

March 18, 2009  
Judy Schurke  
Director

### WSR 09-07-100

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

[Filed March 18, 2009, 9:58 a.m.]

**Subject of Possible Rule Making:** Determination of practicable goals for use of biofuels and electricity by all state agencies and local government subdivisions operating vessels, vehicles, and construction equipment.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 43.325.080 Electricity and biofuel usage goals—Rules.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** To establish standards for the extent practicable (fuel availability, availability of vehicles and vessels that use electricity and biofuels) for state and local government planning and compliance with RCW 43.19.648.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Washington state departments of ecology, general administration, agriculture, and transportation. The United States Departments of Energy, Transportation, and Agriculture.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carolee Sharp, P.O. Box 43173, Olympia, WA 98504-3173, Carolees@cted.wa.gov, (360) 725-3118, fax (360) 586-0049. Department of community, trade and economic development (CTED) will host a series of regional stakeholder meetings seeking input, in addition to focused panels of interested parties and topic experts. Likely participants include affected state and local governments, biofuel industry representatives, alternate fuel vehicle, and electric vehicle industry representatives, and the general public. Persons interested in providing input may attend the meetings; provide information via e-mail or other printed submission. Contact CTED to be added to interested party list.

March 18, 2009  
Marie Sullivan  
Director of Government Relations

### WSR 09-07-101

#### PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed March 18, 2009, 10:00 a.m.]

**Subject of Possible Rule Making:** Chapter 390-37 WAC, Enforcement hearing (adjudicative proceeding) rules.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 42.17.370.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The public disclosure commission will consider possible rule amendments to the enforcement process including formalizing the complaint filing procedures. The possible rule amendments are designed to provide guidance and clarification to the general public and persons subject to the disclosure 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:** At its meeting on April 9, 2009, the commission is expected to discuss the above-referenced rule topics. If rule making appears warranted, a formal public hearing is expected to occur later this year.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting PDC Assistant Director Doug Ellis at the Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

March 18, 2009  
Vicki Rippie  
Executive Director

### WSR 09-07-104

#### PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed March 18, 2009, 11:13 a.m.]

**Subject of Possible Rule Making:** The liquor control board has adopted rule[s] regarding liquor samples. As part of the liquor control board's on-going rules review process, chapter 314-64 WAC is under review for clarity and conformity with current state law.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 66.08.030.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** As part of the liquor control board's on-going rules review process, chapter 314-64 WAC is being reviewed for relevance, clarity, and accuracy.

**Process for Developing New Rule:** Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

March 18, 2009  
Lorraine Lee  
Chairman



**WSR 09-07-105**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed March 18, 2009, 11:14 a.m.]

**Subject of Possible Rule Making:** The liquor control board has adopted rule[s] regarding liquor vendors. As part of the liquor control board's on-going rules review process, chapter 314-37 WAC is under review for clarity and conformity with current state law.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 66.08.030.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** As part of the liquor control board's on-going rules review process, chapter 314-37 WAC is being reviewed for relevance, clarity, and accuracy.

**Process for Developing New Rule:** Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail [rules@liq.wa.gov](mailto:rules@liq.wa.gov).

March 18, 2009

Lorraine Lee  
Chairman