

**WSR 11-12-005****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Board of Pharmacy)

[Filed May 19, 2011, 9:32 a.m.]

Subject of Possible Rule Making: WAC 246-887-100 Schedule I, the board of pharmacy (board) is considering adding synthetic cannabinoids (marijuana) and substituted cathinones to the Schedule I controlled substance list.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.201(a), 69.50.203, and 18.64.005(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be needed to ban synthetic cannabinoids known as Spice, K2 and other names, and substituted cathinones, marketed as "bath salts" and sold under names like Ivory, Purple Wave, Red Dove, Blue Silk, and Zoom. Increasing reports of abuse and misuse of these products compels the board to consider adding these substances to the Schedule I controlled substances list. Adding substances to Schedule I identifies them as having a high potential for abuse with no medical use, and gives law enforcement clear authority to prosecute for the sale, possession, manufacture, and delivery of these substances. Rules will protect the public by alerting consumers of the potential for serious health risk when used.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Drug Enforcement Administration (DEA) and state and local law enforcement. The DEA and law enforcement will be invited to participate as a stakeholder in the rule development process.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in participating in the rule process or receiving updates can contact the Washington state board of pharmacy office to join the interested parties list. Interested parties can send a written request by e-mail [wsbop@doh.wa.gov](mailto:wsbop@doh.wa.gov), fax (360) 236-2901 or by mail to the Board of Pharmacy, P.O. Box 47863, Olympia, WA 98501. You can also contact Kitty Slater at (360) 236-4861.

May 18, 2011

Susan Teil Boyer  
Executive Director**WSR 11-12-023****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed May 24, 2011, 9:12 a.m.]

The Washington utilities and transportation commission (commission) filed a preproposal statement of inquiry (CR-101) regarding a fuel surcharge mechanism for solid waste, auto transportation and ferry companies on October 15, 2010, at WSR 10-21-061. The commission has decided not to pro-

ceed with this rule-making proceeding and requests that the CR-101 published in WSR 10-21-061 be withdrawn.

On April 20, 2011, the commission issued, to all interested persons in the rule-making docket, an order in Dockets A-042090 and T-101661 (Order 05) implementing new procedures that appropriately balance the purposes of the temporary fuel surcharge mechanism with the statutory requirement that all rates and fares must be just, fair, reasonable, and sufficient.

David W. Danner  
Executive Director  
and Secretary**WSR 11-12-037****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF TRANSPORTATION**

[Filed May 25, 2011, 2:04 p.m.]

Subject of Possible Rule Making: WAC 468-300-700 Preferential loading.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030 Powers and duties regarding toll facilities—Purchasing and 47.60.315 Fares and pricing policies—Adoption schedule—Revenues.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review of the preferential loading rules for Washington state ferries' vessels.

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 Mr. Ray Deardorf, Planning Director, WSDOT Ferries Division, 2901 Third Avenue, Suite 500, Seattle, WA 98121-3014, phone (206) 515-3491, fax (206) 515-3499.

May 25, 2011

Stephen T. Reinmuth  
Chief of Staff**WSR 11-12-045****PREPROPOSAL STATEMENT OF INQUIRY  
SOUTHWEST CLEAN  
AIR AGENCY**

[Filed May 26, 2011, 10:43 a.m.]

Subject of Possible Rule Making: SWCAA 491 Emission Standards and Controls for Sources Emitting Gasoline Vapors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is being changed

for the purpose of removing/updating obsolete citations and improving consistency with chapter 173-491 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Chapter 173-491 WAC, administered by the department of ecology, is substantially similar to SWCAA 491. Southwest clean air agency reviews chapter 173-491 WAC on a periodic basis to check for inconsistencies and/or conflicts between the two rules.

Process for Developing New Rule: The proposed rule revisions are being developed through internal agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wess Safford, phone (360) 574-3058, ext. 126, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, e-mail at wess@swcleanair.org.

May 26, 2011  
Robert D. Elliott  
Executive Director

**WSR 11-12-047**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SOUTHWEST CLEAN**  
**AIR AGENCY**

[Filed May 26, 2011, 12:44 p.m.]

Subject of Possible Rule Making: SWCAA 400 General Regulations for Air Pollution Sources - all sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141 and 70.94.152.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is being changed to correct minor typographical errors, update program definitions, amend statutory emission standards, incorporate revisions made in associated state/federal regulations, and update adoption by reference of federal regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: SWCAA 400 is substantially similar to chapter 173-400 WAC as administered by the department of ecology. The proposed rule changes incorporate recent changes in the state rule as well as incorporating by reference updated federal regulations promulgated by the Environmental Protection Agency. The anticipated rule changes do not differ substantially from the associated state and federal regulations.

Process for Developing New Rule: The proposed rule revisions are being developed through internal agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wess Safford, phone (360) 574-3058, ext. 126, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, e-mail at wess@swcleanair.org.

May 26, 2011  
Robert D. Elliott  
Executive Director

**WSR 11-12-048**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SOUTHWEST CLEAN**  
**AIR AGENCY**

[Filed May 26, 2011, 12:48 p.m.]

Subject of Possible Rule Making: SWCAA 493 VOC Area Source Rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is being changed for the purpose of adopting federal regulations for consumer products and spray coatings in the place of existing local rules for the same subject matter. The federal regulations will be adopted by reference with provisions made for local implementation by Southwest Clean Air Agency (SWCAA).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Environmental Protection Agency regulates this subject through substantially similar rules for consumer products and spray coatings. SWCAA is proposing to directly adopt and implement the federal regulations.

Process for Developing New Rule: The proposed rule revisions are being developed through internal agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wess Safford, phone (360) 574-3058, ext. 126, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, e-mail wess@swcleanair.org.

May 26, 2011  
Robert D. Elliott  
Executive Director

**WSR 11-12-049**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF TRANSPORTATION**

[Filed May 26, 2011, 1:35 p.m.]

Subject of Possible Rule Making: Revise WAC 468-38-071 to reflect 2011 legislative revisions to gross weight and road segment length to the United States heavy haul corridor and add conditions to a divisible load permit for vehicles equipped with tarping systems.

Revise WAC 468-38-050 to coincide with the revisions to WAC 468-38-071 as it pertains to divisible load permits for tarping system equipped vehicles.

Revise WAC 468-38-270 Specialized equipment, due to SB 5260 that removed saddle mount vehicle from RCW 46.44.037 to be referenced in a WAC rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.0915 Heavy haul industrial corridors, 46.44.093 Conditions for special permits (tarping system permits), 46.44.101 Interstate travel by specialized equipment.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules further define the requirements for the heavy haul corridor vehicles on US 97.

Legislation revised the gross weight and road segment length of the corridor.

RCW 46.44.092(3) authorized a permit for tarping system equipped vehicles but did not establish conditions in which to do so.

Due to legislation, reference of specialized vehicles are to be addressed in administrative rule. Placing the saddle-mount vehicle in rule allows for timely revisions at the state level when federal law revises the limits to the saddle-mount vehicle type.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state patrol enforces the requirements and limits for use of the heavy haul corridor and enforces the special permits and conditions issued to oversize vehicles.

Title 23 C.F.R. 658 addresses and sets the limitations for this vehicle type, for states to comply with.

The Washington state patrol enforces the size and weight limitations of Washington state.

Process for Developing New Rule: Negotiated rule making; and these rules will mirror revisions made by the 2011 legislative session to the gross weight limit and the length of the heavy haul corridor and incorporating office policy and some negotiated rule making for the heavy haul corridor and also for saddle-mount vehicle [to] be referenced in an administrative rule.

Negotiated rule making for the development of the tarping system permit was negotiated with the Washington state patrol and the Washington trucking associations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting James L. Wright, Commercial Vehicle Services, Department of Transportation, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 704-6345, fax (360) 704-6350, e-mail wrightji@wsdot.wa.gov.

May 26, 2011

Stephen T. Reinmuth  
Chief of Staff

#### WSR 11-12-057

##### PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed May 27, 2011, 11:28 a.m.]

Subject of Possible Rule Making: Charitable solicitation organizations and charitable trusts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.09.075, 19.09.079, 19.09.097, 19.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementing changes from the 2011 legislative session, HB 1485, effective July 22, 2011.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the attorney general.

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 Rebecca Sherrell, P.O. Box 40234, Olympia, WA 98504, (360) 725-0380, Rebecca.Sherrell@sos.wa.gov; or Pamela Floyd, P.O. Box 40234, Olympia, WA 98504, (360) 725-0310, Pam.Floyd@sos.wa.gov.

May 27, 2011

Steve Excell

Assistant Secretary of State

#### WSR 11-12-063

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed May 27, 2011, 2:35 p.m.]

Subject of Possible Rule Making: Revisions to chapter 468-95 WAC, Manual on traffic control devices for streets and highways (MUTCD).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.36.030 Traffic control devices.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to adopt into the Washington Administrative Code, the 2009 edition of the federal MUTCD. Part 655.603 of the Code of Federal Regulations requires the states to adopt traffic control device standards that are substantially compliant with the MUTCD published by the Federal Highway Administration (FHWA).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The FHWA sets the standards for traffic control devices used on federal-aid public roadways within the United States, through its MUTCD. Rule making to revise chapter 468-95 WAC, to reflect specific Washington state traffic control device laws and practices, is coordinated and requested for approval through the FHWA, Olympia division. No other federal or state agencies regulate this subject.

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 Rick Mowlds, State Signing Engineer, Washington State Department of Transportation, P.O. Box 47344, Olympia, WA 98504-7344, phone (360) 705-7988, fax (360) 705-6826, or e-mail mowldsr@wsdot.wa.gov.

May 27, 2011

Stephen T. Reinmuth

Chief of Staff

#### WSR 11-12-070

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

[Filed May 31, 2011, 8:28 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 for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035 and 51.16.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules will be proposed to implement legislation requiring workers' compensation coverage for certain for-hire vehicle operators (taxi and limousine). The department is required to review the industry and consider alternative methods of reporting other than by hours worked. A group of individuals from the for-hire vehicle industry will be organized and consulted with to advise labor and industries regarding methods of implementation, classification, and to provide information to assist in setting rates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of labor and industries will coordinate with the department of licensing and the utilities and transportation commission that license for-hire vehicles. These agencies can cancel licenses if the for-hire vehicle operators do not pay their industrial insurance premiums.

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 employers. Employers will be encouraged to participate in the process to share ideas and/or attend meetings. Employers can obtain information on our rule-making process at <http://www.lni.wa.gov/Law-Rule/ruleProcess.asp> and can submit comments electronically to [moom235@lni.wa.gov](mailto:moom235@lni.wa.gov) or by calling (360) 902-4774 or by fax (360) 902-4988.

May 31, 2011  
Judy Schurke  
Director

**WSR 11-12-071**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed May 31, 2011, 8:31 a.m.]

Subject of Possible Rule Making: Chapter 296-20 WAC, Medical aid rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5801 (chapter 6, Laws of 2011), and signed by the governor on March 14, 2011. Also, RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The new statute directs the agency to establish a medical provider network and to expand the Centers for Occupational Health and Education. These

agency actions will be phased in, beginning with this initial set of rules which includes but may not be limited to: (1) Establishing minimum standards for credentials of medical providers and other requirements for network participation; and (2) clarifying what constitutes patterns of risk of physical or psychiatric harm or death that determines when the department may remove a provider from the network. Under the new statute, injured workers of state fund and self-insured employers must obtain health services through the medical provider network, except for the initial medical visit.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This law directs the agency to establish a health care provider network for Washington workers' compensation governed by Title 51 RCW, Washington's Industrial Insurance Act. No other state or federal agencies are responsible for interpreting and enforcing the provisions of this act.

Process for Developing New Rule: The rule will be developed in consultation with the advisory group established in SSB 5801, including:

- Members or designees of the workers' compensation advisory committee, the industrial insurance medical advisory committee, and the industrial insurance chiropractic advisory committee.
- The public may also participate by providing written comments during the comment period or giving oral testimony at public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka, Department of Labor and Industries, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, phone (360) 902-4941, fax (360) 902-6315, e-mail [jami.lifka@lni.wa.gov](mailto:jami.lifka@lni.wa.gov).

May 31, 2011  
Judy Schurke  
Director

**WSR 11-12-073**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF CORRECTIONS**

[Filed May 31, 2011, 11:21 a.m.]

Subject of Possible Rule Making: Amendments to WAC 137-25-030 Serious infractions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.09.130, 72.01.090, and 72.65.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Add a new serious infraction to category B-3.

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 invites interested parties to review and provide input on the proposed rules. Comments may be sent to John Nispel, rules coordinator at the address shown below.

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

lication by contacting John Nispel, Rules Coordinator, Department of Corrections, Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, phone (360) 725-8365, fax (360) 664-2009.

May 26, 2011  
Bernie Warner  
for Eldon Vail  
Secretary

**WSR 11-12-076**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**EARLY LEARNING**

[Filed May 31, 2011, 1:10 p.m.]

Subject of Possible Rule Making: Title 170 WAC, including but not limited to chapters 170-03, 170-06, 170-290, 170-151, 170-295, and 170-296 WAC, and new chapter 170-296A WAC (proposed as WSR 11-09-081).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.215 RCW, RCW 43.215.255, 43.215-060, 43.215.070, and 43.43.832(6), and bills as enacted by the 2011 legislature including but not limited to: 2ESHB 1087 (the 2011-2013 Operating Appropriations Act), 2SHB 1903, E2SHB 1776, HB 1419, SB 5172, SB 5625, SSB 5504, or ESSB 5921.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of early learning (DEL) anticipates that rule making in chapters of Title 170 WAC may be needed or required to implement certain bills as enacted by the 2011 legislature and signed by the governor, including but not limited to:

- 2ESHB 1087 (not signed as of May 27, 2011) or other 2011-2013 operating appropriations acts.
- 2SHB 1903 regarding child care background check processes, new and revised fees, who must pay fees, and creation of a portable background check registry.
- E2SHB 1776 regarding licensing requirements for school-age child care centers operated in public or private school buildings.
- HB 1419 regarding interagency sharing of background check information.
- SB 5172 regarding on-site child care for employees of a business.
- SB 5625 regarding nonexpiring licenses for early learning providers.
- SSB 5504 regarding unlicensed child care.
- ESSB 5921 relating to social services, including child care subsidies (not signed as of May 27, 2011).

Under chapter 43.215 RCW generally and RCW 43.215.200, the DEL director has the duty and authority to adopt minimum requirements for licensing various child care agencies and facilities. RCW 43.215.060 and 43.215.070 provide authority for the director to adopt rules to implement chapter 43.215 RCW or as necessary to qualify the state to receive federal funds. RCW 43.215.255 requires DEL to

establish child care licensing fees by rule. RCW 43.43.832 (6) provides that DEL must adopt rules regarding procedures for individuals seeking to obtain a background check clearance to be licensed to provide, work in, reside on the premises of, or have unsupervised access [to] children in child care, as well as persons or agencies that receive state payment (subsidies) for providing child care.

The department may file more than one proposed rule (CR-102) under this notice, and may if appropriate adopt emergency rules on a temporary basis. To the extent practicable, DEL will circulate draft materials for informal public input during the rule development process. Draft materials, if available, and proposed rules will be posted for review and comment [on] the DEL web site "Rules Comment Page" at <https://apps.del.wa.gov/PolicyProposalComment/Detail.aspx>.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state department of social and health services provides certain child care background check services to DEL, administers collection of DEL child care license fees, and with DEL jointly administers the working connections child care and seasonal child care subsidy programs. The Washington state patrol provides in-state criminal history information, and coordinates national fingerprint background check processing with the Federal Bureau of Investigation when a fingerprint criminal background check is required for individuals obtaining a DEL child care background check. DEL must follow United States Administration for Children and Families - Child Care and Development Fund (CCDF) regulations consistent with the state's CCDF plan. E2SHB 1776 requires DEL to coordinate certain rule development with the state fire marshal's office. To the extent appropriate, DEL plans to coordinate rule development with these state and federal agencies.

Process for Developing New Rule: To the extent practicable, DEL intends to seek public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at [Rules@del.wa.gov](mailto:Rules@del.wa.gov), by phone at (360) 725-4397, by fax to (360) 725-4459, or writing to DEL Rules Coordinator, Department of Early Learning, P.O. Box 40972, Olympia, WA 98504-0972.

May 31, 2011  
Andy Fernando  
Rules Coordinator

**WSR 11-12-081**

**PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY  
(Public Employees Benefits Board)  
[Order 11-02—Filed June 1, 2011, 8:05 a.m.]**

Subject of Possible Rule Making: The public employees benefits board (PEBB) rules related to enrollment in chapter 182-08 WAC; eligibility in chapter 182-12 WAC; and appeals in chapter 182-16 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The main purpose of this rule making is to amend PEBB rules in Title 182 WAC and adopt new rules to:

1. Provide clarification around:
  - a. Administration of premium refunds.
  - b. Administration of the medical flexible spending arrangement in order to implement a health savings account.
  - c. Health plan enrollment for employees who do not select a medical or dental plan.
  - d. The date coverage will be waived for employees who waive medical coverage.
  - e. Aligning the titles of WAC 182-12-131 and 182-12-141 to be more congruent with the content.
  - f. The requirement for retirees to maintain dental enrollment for two years.
  - g. The requirement for providing notice of dependents' loss of eligibility.
  - h. When the employer contribution toward long-term disability insurance ends.
  - i. Administration of retroactive eligibility changes, including changes necessary to implement federal regulation around rescissions of coverage.
2. Implement PEBB policy regarding dependent eligibility.
3. In addition, the health care authority will conduct a full review of PEBB program rules in these chapters and make changes as necessary to provide technical corrections and to comply with federal regulation around rescissions of coverage.

Process for Developing New Rule: Stakeholder mailing and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals wishing to receive PEBB rule-making notices are encouraged to join our LISTSERV, PEBB-RULE-MAKING-NOTICE, via this link <http://listserv.wa.gov/archives/pebb-rule-making-notice.html> or by logging on to listserv.wa.gov and selecting our LISTSERV from the Public E-mail List.

If you have questions about this rule making, contact Barbara Scott at (360) 923-2642 or Shelli Lackey at (360) 923-2643 or at Health Care Authority, P.O. Box 42684, Olympia, WA 98504-2684, [Barbara.Scott@hca.wa.gov](mailto:Barbara.Scott@hca.wa.gov), [Shelli.Lackey@hca.wa.gov](mailto:Shelli.Lackey@hca.wa.gov).

June 1, 2011  
Jason Siems  
Rules Coordinator

**WSR 11-12-084**

**PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD FOR COMMUNITY  
AND TECHNICAL COLLEGES  
[Filed June 1, 2011, 8:45 a.m.]**

Subject of Possible Rule Making: WAC 131-16-010 through and including WAC 131-16-066 governing the Washington state board for community and technical colleges retirement plan.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are required due to legislation (ESHB 1981) adopted during the 2011 session of the legislature.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Boesenberg, 1300 Quince Street S.E., P.O. Box 42495, Olympia, WA 98504, fax (360) 704-4415, e-mail [jboesenberg@sbctc.edu](mailto:jboesenberg@sbctc.edu), phone (360) 704-4303.

June 1, 2011  
DelRae Oderman  
Executive Assistant

**WSR 11-12-087**

**PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON CITIZENS' COMMISSION ON  
SALARIES FOR ELECTED OFFICIALS**

[Filed June 1, 2011, 10:49 a.m.]

Subject of Possible Rule Making: Modify chapter 183-08 WAC to implement changes made by the 2011 legislature to amend membership provisions of RCW 43.03.305 and modify chapters 183-01, 183-05, and 183-07 WAC to better inform the public about the commission's operating policies and procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.03.300 to [43.03]310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 183-08 WAC must be updated to reflect recent legislative action which allows the commission to appoint a member from newly created Congressional District #10 and broadens the pool of potential appointees. Also, existing rules (chapters 183-01, 183-05, and 183-07 WAC) require clarification and updating to aid the public to better understand the commission's operating policies and 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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carol Sayer, Director, Citizens' Commission on Salaries for Elected Officials, P.O. Box 43120, Olympia, WA 98504-3120, [carol.sayer@salaries.wa.gov](mailto:carol.sayer@salaries.wa.gov), 1-866-809-8116, fax (360) 586-7544, [www.salaries.wa.gov](http://www.salaries.wa.gov).

Visit the web site for additional information about the commission.

June 1, 2011  
Carol Sayer  
Director

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bob Thibodeau, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail thiborl@dshs.wa.gov.

June 1, 2011  
Katherine I. Vasquez  
Rules Coordinator

**WSR 11-12-089**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed June 1, 2011, 11:17 a.m.]

**Subject of Possible Rule Making:** The department is amending WAC 388-444-0030 Do I have to work to be eligible for Basic Food benefits if I am an able-bodied adult without dependents (ABAWD)?, may include other related rules as appropriate.

**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, 74.08.090, 74.08A.120.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The community services division is proposing to amend WAC 388-444-0030 to extend the statewide waiver that suspends eligibility time limits for nonexempt ABAWDs to September 30, 2012 (the current ABAWD waiver will end September 30, 2011). The department will amend rules for Basic Food consistent with approved waivers for ABAWD time requirements under 7 C.F.R. 273.24 (F)(2) and the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) ABAWD waiver letter dated May 3, 2011.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The USDA, FNS enforces the provisions of the federal supplemental nutrition assistance program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop amendments to ABAWD rules that are consistent with the act, federal regulations, FNS administrative notices and interim guidance.

The state legislature authorizes the department to administer the food stamp program (SNAP) and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the 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.