

**WSR 09-17-003**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)

[Filed August 6, 2009, 8:03 a.m.]

Subject of Possible Rule Making: Chapter 388-96 WAC, Nursing facility medicaid payment system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 564, Laws of 2009, and chapter 74.46 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- WAC 388-96-758 and 388-96-759, to incorporate changes made in the low-wage worker add-on by section 206(12), chapter 564, Laws of 2009;
- WAC 388-96-904, to clarify applying for an adjudicative proceeding;
- WAC 388-96-718, to allow e-mail notices;
- WAC 388-96-781, to add expanded community services (ECS), extraordinary medical placement (EMP), and vent-trach (VT) as categories;
- WAC 388-96-366 through 388-96-384, that authorizations from clients' trust funds must be obtained for each disbursement;
- WAC 388-96-572, to address the treatment of no salvage value assets;
- WAC 388-96-366(3), to increase amount of a resident's funds that a NH must deposit from \$50 to \$100;
- WAC 388-96-580, to clarify allowable leased office equipment;
- WAC 388-96-542, to address the "may" in the definition of "home and central office costs": "...The department may exclude from this definition costs that are nonduplicative, documented, ordinary, necessary, and related to the provision of care services to authorized patients." found in RCW 74.46.020; and
- WAC 388-96-766, to codify the use of e-mail notices as being legally sufficient. Also, requiring nursing facilities to maintain a current e-mail address with the department.

Also, to clarify regulations by codifying current policies and practices and editing previous codifications for substance and form. All sections may be amended including but not limited to the following:

- Rules to govern accounts receivable audits addressing requirements of the NH, overpayments, and interest;
- Adopt a definition of "direct care supplies" in WAC 388-96-010;
- Adopt a new section about recalculating the direct care rate when a nursing home unbanks beds; addressing what days to use (RCW 74.46.431(13)); and
- Amend sections to clarify when minimum occupancy will be used in setting the component rates.

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 aging and disability services administration 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 Patricia Hague, Aging and Disability Services Administration, P.O. Box 45600, Mailstop 45600, Olympia, WA 98504-5600, phone (360) 725-2447, fax (360) 725-2641, e-mail [haguepe@dshs.wa.gov](mailto:haguepe@dshs.wa.gov).

August 6, 2009

Don Goldsby, Manager  
 Rules and Policies Assistance Unit

**WSR 09-17-023**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed August 6, 2009, 4:39 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs—Higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 WAC.

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. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site [www.PESB.wa.gov](http://www.PESB.wa.gov).

August 6, 2009

David Brenna  
 Legislative and  
 Policy Coordinator

**WSR 09-17-026**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed August 6, 2009, 4:38 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs—Higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 WAC.

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. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site [www.PESB.wa.gov](http://www.PESB.wa.gov).

August 6, 2009  
 David Brenna  
 Legislative and  
 Policy Coordinator

**WSR 09-17-036**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**

[Filed August 10, 2009, 12:34 p.m.]

Subject of Possible Rule Making: New WAC to develop and implement an AMBER alert plan.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5012 (RCW 13.60.010).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5012 provides the Washington state patrol with statutory authority to adopt a statewide AMBER alert plan to outline criteria and ensure that law enforcement agencies and local radio and television stations have the ability to engage effectively the residents of their communities when it is necessary to get their help in finding an endangered child, without making the advisories so frequent that no one pays attention.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WASPC/law enforcement, WSAB/media, WSDOT, lottery, military department/EMD, DIS. DOJ NCMEC will also be consulted and advised.

Process for Developing New Rule: Coordination will be primarily [primarily] through the AMBER alert advisory committee that includes representaives [representatives] from all of the above agencies as well as other stakeholders through meetings, e-mails, conference calls and/or other means.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marty Knorr, P.O. Box 42621, Olympia, WA 98501, phone (360) 704-2282, fax (360) 704-2287, [marty.knorr@wsp.wa.gov](mailto:marty.knorr@wsp.wa.gov).

August 5, 2009

John R. Batiste  
 Chief

**WSR 09-17-037**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**

[Filed August 10, 2009, 12:35 p.m.]

Subject of Possible Rule Making: New WAC to develop and implement an endangered missing persons plan.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5012 (RCW 13.60.010).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5012 provides the Washington state patrol with statutory authority to adopt a statewide endangered missing persons plan to outline criteria and ensure that law enforcement agencies and local radio and television stations have the ability to engage effectively the residents of their communities when it is necessary to get their help in finding an endangered missing person, without making the advisories so frequent that no one pays attention.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WASPC/law enforcement, WSAB/media, WSDOT, lottery, military department/EMD, DIS. DOJ NCMEC will also be consulted and advised.

Process for Developing New Rule: Coordination will be primarily [primarily] through the AMBER alert advisory committee that includes representaives [representatives] from all of the above agencies as well as other stakeholders through meetings, e-mails, conference calls and/or other means.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marty Knorr, P.O. Box 42621, Olympia, WA 98501, phone (360) 704-2282, fax (360) 704-2287, [marty.knorr@wsp.wa.gov](mailto:marty.knorr@wsp.wa.gov).

August 5, 2009

John R. Batiste  
 Chief

**WSR 09-17-038****PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed August 10, 2009, 12:37 p.m.]

Subject of Possible Rule Making: Permit limitations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.194 and 46.37.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Adds new restrictions to WAC 204-36-040 that would prohibit signs, shield markings, accessories and insignia used on uniforms, clothing or equipment which may imply that the operator is a law enforcement officer.

Process for Developing New Rule: Agency initiated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melissa Van Gorkom, P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-4017, Melissa.van.gorkom@wsp.wa.gov.

August 5, 2009

John R. Batiste

Chief

**WSR 09-17-039****PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed August 10, 2009, 12:50 p.m.]

Subject of Possible Rule Making: Compliance review hearing process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.32.020 and 46.32.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With the passage of HB 1304 during the 2008 legislative session, these rules would create a new section in chapter 446-65 WAC to establish rules for a compliance review hearing process.

Process for Developing New Rule: Agency initiated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting CVEO 4 Bill Balcom, P.O. Box 42614, Olympia, WA 98504-2614, (360) 596-3829, william.balcom@wsp.wa.gov.

August 5, 2009

John R. Batiste

Chief

**WSR 09-17-040****PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed August 10, 2009, 12:53 p.m.]

Subject of Possible Rule Making: Criminal records information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 10.97 and 43.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Need to update multiple WAC sections to increase clarity and ensure consistency with language under Revised Code of Washington.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Certified criminal justice agencies and federal agencies with criminal justice subunits.

Process for Developing New Rule: The Washington state patrol (WSP) welcomes the stakeholders to take part in developing the rules. At a later date, WSP 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 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 Ms. Heather Anderson, Section Manager, Washington State Patrol Criminal Records Division, P.O. Box 41619, Olympia, WA 98504-2619, (360) 534-2103, fax (360) 534-2070, heather.anderson@wsp.wa.gov.

August 5, 2009

John R. Batiste

Chief

**WSR 09-17-052****PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed August 13, 2009, 9:32 a.m.]

Subject of Possible Rule Making: WAC 392-109-120 Vacancies and special elections.

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: The rule change would allow the state board of education public school board elected members to appoint the person to fill out the unexpired term and then the appointed person could decide to run or not once the term expires.

Process for Developing New Rule: Other [no further information supplied by agency].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Charles Schreck, Administrative Resource Services, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6130, fax (360) 753-4201.

August 13, 2009

Randy I. Dorn

Superintendent of

Public Instruction

**WSR 09-17-054**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 13, 2009, 9:43 a.m.]

Subject of Possible Rule Making: Chapter 246-314 WAC, revising and updating the construction review services (CRS) standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.040, 43.70.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 246-314 WAC requires updating due to the following: (1) The adoption of ambulatory surgical facility rules requires updating CRS definitions. (2) The Centers for Medicare/Medicaid Services has added requirements for the physical environment as a condition of participation for end stage renal dialysis (ESRD) facilities. The CRS rules need to be modified to clarify that ESRDs may voluntarily request plan review technical assistance to help facilities achieve compliance. Additionally, the rules may need to be amended to include the review of plans and construction of the temporary worker housing program. These updates will result in program consistencies and reflect current practice.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Hilger, Rules Coordinator, Health Professions and Facilities, 310 Israel Road S.E., Tumwater, WA 98501-7852, e-mail [john.hilger@doh.wa.gov](mailto:john.hilger@doh.wa.gov), phone (360) 236-2929, fax (360) 236-2901. We will notify all licensees and organizations who have expressed an interest in rule-making activities. Interested parties may also submit written comments for consideration.

August 13, 2009  
 Mary C. Selecky  
 Secretary

**WSR 09-17-055**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 13, 2009, 9:45 a.m.]

Subject of Possible Rule Making: New chapter 246-825 WAC, Genetic counselors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5608 (chapter 302, Laws of 2009).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5608 requires the department to adopt rules to implement the law. Rules will set standards for approved license examinations; establish eligibility for initial license and renewals; identify practice parameters; set credentialing fees; and implement a continuing competency program to ensure that only qualified individuals are credentialed as genetic counselors.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Rules will be developed in consultation with stakeholders through rule-writing workshops. Persons interested in receiving notice of upcoming meetings and rule development updates may join the interest parties list on the genetic counselor program's web site at <http://www.doh.wa.gov/hsqa/GeneticCoun/Default.htm>. Contact Doreen E. Beebe, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4834, fax (360) 236-2901, or e-mail [doreen.beebe@doh.wa.gov](mailto:doreen.beebe@doh.wa.gov) for more information.

August 13, 2009  
 Mary C. Selecky  
 Secretary

**WSR 09-17-078**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UNIVERSITY OF WASHINGTON**

[Filed August 14, 2009, 3:25 p.m.]

Subject of Possible Rule Making: Chapter 478-140 WAC, Rules and regulations for the University of Washington governing student education records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The University of Washington intends to revise this chapter due to recent amendments by the Department of Education to the federal regulations implementing the Family Educational Rights and Privacy Act (FERPA - 20 U.S.C. § 1232g). In addition, as the chapter has not been comprehensively amended since July 1999, the university will update this chapter as necessary to reflect current administrative practices.

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. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, Rules Coordination Office, Box 351210, Seattle, WA 98195-1210, e-mail [rules@uw.edu](mailto:rules@uw.edu), fax (206) 685-3825.

August 14, 2009  
 Rebecca Goodwin Deardorff  
 UW Director of  
 Rules Coordination

**WSR 09-17-081****PREPROPOSAL STATEMENT OF INQUIRY  
EASTERN WASHINGTON UNIVERSITY**

[Filed August 17, 2009, 7:24 a.m.]

Subject of Possible Rule Making: Amending chapter 172-139 WAC to clarify standards relative to the conduct of commercial activities, by external organizations or persons, on property owned or controlled by Eastern Washington University.

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 add clarity to the existing chapter by adding a new section which more clearly identifies the scope and applicability of the chapter. Other changes are necessary to reflect current position titles and operational practices.

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 Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6233, fax (509) 359-7036, 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.

August 17, 2009  
Trent Lutey  
University Policy  
Administrator

**WSR 09-17-089****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF EDUCATION**

[Filed August 17, 2009, 10:38 a.m.]

Subject of Possible Rule Making: Amending WAC 180-51-053 Community college high school diploma programs, as a part of a periodic review of its rules and due to amendments to RCW 28B.50.535.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending WAC 180-51-053 Community college high school diploma programs, as a part of a periodic review of its rules and due to amendments to RCW 28B.50.535 as set forth by SHB 1758.

Process for Developing New Rule: The state board of education will hold a public hearing as required by chapter 34.05 RCW soliciting input from stakeholders and other members of the public regarding revisions to the rule.

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

lication by contacting Brad Burnham, Washington State Board of Education, Old Capitol Building, P.O. Box 47206, Olympia, WA 98504, e-mail sbe@k12.wa.us, phone (360) 725-6025, fax (360) 586-2357.

August 4, 2009  
Edith W. Harding  
Executive Director

**WSR 09-17-090****PREPROPOSAL STATEMENT OF INQUIRY  
HIGHER EDUCATION  
COORDINATING BOARD**

[Filed August 17, 2009, 10:41 a.m.]

Subject of Possible Rule Making: Washington award for vocational excellence (WAVE).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.76.665 Washington award for vocational excellence—Grants—Definitions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The higher education coordinating board (HECB) is charged in statute with the responsibility for establishing procedures, in WAC, to disburse the awards as direct grants to students so selected by the workforce training and education coordinating board (WTECB).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The WTECB is charged with primary responsibility for the development and administration of the WAVE program as authorized by RCW 28C.04.530. As the primary administrator, the WTECB identifies a new cohort of recipients every year. The HECB is the fiscal agent charged with responsibility for making grant payments to recipients identified to the award by the WTECB after June 30, 1994. As the agency charged with establishing rules for payment of these awards, the HECB will write these rules in close consultation with the WTECB to ensure that program goals are met and applied consistently.

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 Ann Voyles, Program Manager, Student Financial Assistance Division, Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, (360) 753-7843, fax (360) 753-7808 or (360) 704-6243.

August 17, 2009  
Julie Japhet  
Assistant Director for  
Student Financial Assistance

**WSR 09-17-091****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF EDUCATION**

[Filed August 17, 2009, 10:43 a.m.]

Subject of Possible Rule Making: Amending WAC 180-08-002 General description of organization, as a part of a periodic review of its rules and due to amendments to RCW 28A.305.130.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130, 34.05.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending WAC 180-08-002 General description of organization, as a part of a periodic review of its rules and due to amendments to RCW 28A.305.130 as set forth in ESHB 2261.

Process for Developing New Rule: The state board of education will hold a public hearing as required by chapter 34.05 RCW soliciting input from stakeholders and other members of the public regarding revisions to the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad Burnham, Washington State Board of Education, Old Capitol Building, P.O. Box 47206, Olympia, WA 98504, e-mail sbe@k12.wa.us, phone (360) 725-6025, fax (360) 586-2357.

August 4, 2009  
Edith W. Harding  
Executive Director

**WSR 09-17-092****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF EDUCATION**

[Filed August 17, 2009, 10:50 a.m.]

Subject of Possible Rule Making: Amending WAC 180-16-220 Supplemental basic education program approval requirements, as a part of a periodic review of its rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending WAC 180-16-220 Supplemental basic education program approval requirements, as a part of a periodic review of its rules.

Process for Developing New Rule: The state board of education will hold a public hearing as required by chapter 34.05 RCW soliciting input from stakeholders and other members of the public regarding revisions to the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad Burnham, Washington State Board of Education, Old Capitol Building, P.O. Box 47206, Olympia, WA 98504, e-mail sbe@k12.wa.us, phone (360) 725-6025, fax (360) 586-2357.

August 4, 2009  
Edith W. Harding  
Executive Director

**WSR 09-17-093****PREPROPOSAL STATEMENT OF INQUIRY  
EMPLOYMENT SECURITY DEPARTMENT**

[Filed August 17, 2009, 2:32 p.m.]

Subject of Possible Rule Making: Chapter 192-270 WAC, Training benefits for unemployment insurance recipients.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, and 50.20.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 3, Laws of 2009 (ESHB 1906) made significant changes to the training benefits program, including criteria for program eligibility and approval of training programs. The regulations in chapter 192-270 WAC must be revised to conform to these changes. New regulations will be adopted as a result of the rule-making process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: Proposed rules will be shared with stakeholders identified in the rule-making process, input solicited from stakeholders, and all written comments considered in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Unemployment Insurance Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jmyers@esd.wa.gov. Please include your name, organization (if any), mailing address, e-mail address, and phone number.

August 12, 2009  
Paul Trause  
Deputy Commissioner

**WSR 09-17-109****PREPROPOSAL STATEMENT OF INQUIRY  
COUNTY ROAD  
ADMINISTRATION BOARD**

[Filed August 18, 2009, 10:48 a.m.]

Subject of Possible Rule Making: WAC 136-130-050.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 36.78 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changing percentages in Categories 2, 3, and 4 for project prioritization of RAP projects in the northeast region.

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 sending comments to Randy Hart at randy@crab.wa.gov.

August 12, 2009  
Jay P. Weber  
Executive Director

**WSR 09-17-110**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed August 18, 2009, 11:07 a.m.]

Subject of Possible Rule Making: WAC 220-52-040 Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.020, 77.12.047, and 77.70.430.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has had to increase the price of crab pot buoy tags last year and this year by emergency rule to help the department recover buoy-tag program costs, which are approximately \$50,242 each fiscal year. The cost of the tags, staff, shipping, and handling has increased 60% over the past three years. A permanent rule is needed to establish the new cost of the buoy tags at \$1.25 per tag, to help the department fully fund the buoy-tag program.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail Lori.Preuss@dfw.wa.gov. Contact by October 12, 2009. Expected proposal filing on or after October 21, 2009.

August 18, 2009  
Lori Preuss  
Rules Coordinator

**WSR 09-17-118**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed August 18, 2009, 3:37 p.m.]

Subject of Possible Rule Making: Charitable and non-profit licensees.

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: This proposed amendment will add back in the one hundred twenty day timeframe for nonprofit licensee to report the required annual progress documentation after the end of each fiscal year.

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, 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] September 10, 2009, at the Mirabeau Park Hotel, 110 North Sullivan Road, Spokane, WA 99037, (509) 924-9000; on October 9, 2009, and November 20, 2009, at the Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857.

August 18, 2009  
Susan Arland  
Rules Coordinator

**WSR 09-17-120**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 18, 2009, 4:03 p.m.]

Subject of Possible Rule Making: Clarification of application of rating issues related to incurred loss adjustments in RCW 51.32.0991.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 51.32.0991 provides for a reduction in incurred losses, at the director's discretion, if a worker with a vocational plan had a prior vocational plan approved in 2008, or later, and the worker is engaged in medically restricted activities when injured. The statute expires June 30, 2013. The rules will clarify when the director's discretion can no longer be granted based on the sunset language of the statute and how it is applied to an accident year's incurred losses.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agency regulates this issue.

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information about this process is available at the web site [www.lni.wa.gov/insuranceservices/employerservices](http://www.lni.wa.gov/insuranceservices/employerservices).

Comments can be submitted by mail to Richard Bredeon, P.O. Box 44140, Olympia, WA 98504-4140, e-mail

bred235@lni.wa.gov, fax (360) 902-4988, phone (360) 902-6243.

August 18, 2009  
Judy Schurke  
Director

Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail yous235@lni.wa.gov.

August 18, 2009  
Judy Schurke  
Director

### WSR 09-17-121

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

[Filed August 18, 2009, 4:12 p.m.]

Subject of Possible Rule Making: Manufactured home installer training and certification program, chapter 296-1501 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.22A RCW and chapter 464, Laws of 2009 (ESHB 1244).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The installer certification program certifies all individuals who install manufactured housing. The program provides training and testing for all installers and assists harmed consumers if the job is not done properly.

The program's expenditures are projected to exceed revenue for fiscal year 2010 by \$38,000. In order to meet the shortage, the program will be increasing the fees to cover operating costs. This fee increase was further supported by the passage of chapter 464, Laws of 2009 (ESHB 1244 - 2009 budget), which includes the authority to increase these fees to cover operating expenses.

The following changes will also be made:

- Update the rules to reflect the new application process for certified installers.
- Requiring installer certification for onsite certification (tear down and prepare for transportation of homes) work that is required. Create rules to be consistent with Oregon.
- The department has the authority to suspend or revoke an installer's certificate. Rules need to be developed to set a time frame on how long a certificate will be suspended or revoked.

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 these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Department of Labor and Industries, Specialty Compliance Services Division, P.O.

### WSR 09-17-122

#### PREPROPOSAL STATEMENT OF INQUIRY NOXIOUS WEED CONTROL BOARD

[Filed August 18, 2009, 4:36 p.m.]

Subject of Possible Rule Making: Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.10.080, 17.10.070, and 17.10.010(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state noxious weed control board is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution. The state weed board may also make other amendments to chapter 16-750 WAC, such as redefining words such as "control," "contain," "eradicate," and "prevent the spread of noxious weeds" or adjusting frequency of regular board meetings.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agencies regulate this subject. Federal agencies are subject to the federal noxious weed laws that require them to coordinate with state regulations. Federal agencies in Washington are invited to participate in all stages of noxious weed rule making.

Process for Developing New Rule: The state noxious weed control board annually solicits suggestions from county weed boards, weed districts, state and federal agencies, interest groups and the general public. The noxious weed committee of the board, which includes representation from the Washington Native Plant Society, county weed boards, the nursery industry and several scientific advisors, meets at least twice to review and research the suggestions. These draft suggestions are sent out again for public comment before the noxious weed committee drafts its final recommendation to the board. A press release and information mailing is prepared on the recommended changes and a public hearing is scheduled. The board makes its final decision after considering public input received at the hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can submit suggestions for changes to the noxious weed list, and/or other sections of chapter 16-750 WAC and can attend meetings of the noxious weed committee and meetings of the state noxious weed board. Interested parties can also testify at the hearing, and/or submit written testimony. Information on participating in the decision making process can be obtained from Alison Halpern, Washington State Noxious Weed Control Board, P.O. Box 42560, Olympia, WA 98504-2560, phone

(360) 902-2053, fax (360) 902-2094, e-mail ahalpern@agr.wa.gov.

August 18, 2009  
Alison Halpern  
Executive Secretary

**WSR 09-17-125**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Docket Number R 2009-15—Filed August 19, 2009, 7:35 a.m.]

Subject of Possible Rule Making: Guaranteed asset protection waiver registration and oversight program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 334, Laws of 2009, (ESSB [ESHB] 1530).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2009 Washington legislature enacted the Guaranteed Asset Protection Waiver Model Act, requiring the commissioner to establish a registration program for businesses or individuals providing asset protection waivers associated with financed motor vehicles, as defined in the statute. The new law also sets out disclosure requirements and other operational requirements for these companies. The proposed rule making will explain to prospective registrants what is required to register, and the requirements for their interactions with consumers.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meg Jones, Policy and Rules Manager, P.O. Box 40258, Olympia, WA 98502, phone (360) 725-7170, fax (360) 586-3109, e-mail megj@oic.wa.gov. Comment period expires September 20, 2009.

August 19, 2009  
Mike Kreidler  
Insurance Commissioner

**WSR 09-17-132**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF HEALTH**

[Filed August 19, 2009, 10:41 a.m.]

Subject of Possible Rule Making: WAC 246-203-130 Keeping of animals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision of this rule needs to be considered to improve clarity, update requirements according to current best animal management practices, and

assure there is no conflict with newer and more specific statutory authorities and rules of other state and federal agencies regarding the keeping of animals and the management of manure from those animals. This would include consideration of the proposal for rule revision from the Washington State Association of Conservation Districts received by state board of health on June 25, 2009. It may also include consideration of revisions to help assure more consistent interpretation of the rule, while allowing local flexibility.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of ecology has more recent and specific statutory authority and rules for water quality protection under chapter 90.48 RCW than this rule. The department of agriculture has more recent and specific statutory authority and rules regarding dairy nutrient (manure) management under RCW 90.48.260 and chapter 90.64 RCW than this rule. The United States Environmental Protection agency has more recent and specific federal statutory authority and rules regarding protecting water quality and regulating concentrated animal feeding operations (CAFO) than this rule. The state board of health will form a workgroup, request comments, and invite these agencies to participate in this revision.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ned Therien, Health Policy Analyst, State Board of Health, P.O. Box 47990, Olympia, WA 98504-7990, e-mail ned.therien@doh.wa.gov, phone (360) 236-4103, fax (360) 236-4088. Rule making will be collaborative, with an initial stakeholder meeting to be held in November or December 2009. Interested parties may contact Ned Therien to be placed on a contact list regarding this rule and to receive an invitation to participate in the initial stakeholder meeting.

August 19, 2009  
Craig McLaughlin  
Executive Director