

WSR 07-14-001
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 20, 2007, 12:51 p.m.]

Subject of Possible Rule Making: Calculation of full-time equivalent students for community and technical colleges, amending WAC 392-121-188.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Community and technical colleges are serving high school at-risk and drop-out students. Presently, the rules make them report the students on a seat-time basis, instead of a credit-type basis. These colleges don't track seat time, so this becomes a huge burden to them. This rule would change the FTE calculation for these at-risk and drop-out students to make it easier for the colleges to claim the students for funding.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mitch Thompson, OSIP Enrollment Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

June 20, 2007
 Dr. Terry Bergeson
 Superintendent of
 Public Instruction

WSR 07-14-007
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed June 21, 2007, 12:55 p.m.]

Subject of Possible Rule Making: Manufacturers.

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: Staff will be recommending a change to require manufacturers to report equipment problems.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Sharon Reese, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3452; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] July 13, 2007, at the La Quinta Inn & Suites, 1425 East 27th Street, Tacoma, WA 98421, (253) 383-0146; on August 10, 2007, at the Hilton, 301 West 6th Street, Vancouver, WA 98660, (360) 993-4500; and on September 14, 2007, at the Hilton Garden Inn, 401 East Yakima Avenue, Yakima, WA 98901, (509) 494-5004.

June 21, 2007
 Susan Arland
 Rules Coordinator

WSR 07-14-008
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed June 21, 2007, 12:59 p.m.]

Subject of Possible Rule Making: Pull-tab dispensers.

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: Staff is looking into a rule change regarding bar codes on pull-tabs dispensed from electronic pull-tab dispensers.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Sharon Reese, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3452; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] July 13, 2007, at the La Quinta Inn & Suites, 1425 East 27th Street, Tacoma, WA 98421, (253) 383-0146; on August 10, 2007, at the Hilton, 301 West 6th Street, Vancouver, WA 98660, (360) 993-4500; and on September 14, 2007, at the Hilton Garden Inn, 401 East Yakima Avenue, Yakima, WA 98901, (509) 494-5004.

June 21, 2007
 Susan Arland
 Rules Coordinator

WSR 07-14-012
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Basic Health)

[Order 07-04—Filed June 22, 2007, 9:56 a.m.]

Subject of Possible Rule Making: Subsidized enrollment eligibility and premium calculation for foster parents licensed under chapter 74.15 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.020 and 70.47.060 and chapter 259, Laws of 2007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 259, Laws of 2007, adds foster parents licensed under chapter 74.15 RCW with incomes up to 300% of the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, to the definition of "subsidized enrollee" for purposes of basic health eligibility and premium calculation. Basic health must revise its rules consistent with these requirements.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bob Longhorn, P.O. Box 42686, Olympia, WA 98504-2686, phone (360) 412-4327, fax (360) 923-2605, e-mail robert.longhorn@hca.wa.gov.

June 22, 2007

Jason Siems
Rules Coordinator

WSR 07-14-026

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 25, 2007, 1:33 p.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-030 Owner name and address—Recorded on the vehicle record—Registration—Application for certificate of ownership associated with prevention of selling vehicle registrations to Washington residents who do not possess a valid Washington driver license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule change required for WAC 308-56A-030 to remove references to the requirement to present an unexpired driver's license when applying for title. RCW 46.16.010 requires presentation of an unexpired driver's license only for initial and renewal registration. WAC 308-96A-096 administers the requirements of the 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: 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 Dale R. Brown, Management Analyst, Policy and Projects Office, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax

(360) 902-7821, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

June 25, 2007

Julie Knittle
Vehicle Services Administrator

WSR 07-14-033

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed June 26, 2007, 12:52 p.m.]

Subject of Possible Rule Making: Amending sections within chapter 388-106 WAC, Long-term care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending sections within chapter 388-106 WAC to comply with a supreme court decision pertaining to shared living. On May 3, 2007, the supreme court issued its decision invalidating the department's shared living rule outlined in WAC 388-106-0130. The majority concluded that the shared living rule violated the federal medicaid comparability provision requiring individualized assessment of every person requesting services.

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.

Process for Developing New Rule: DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rules with the office of code reviser with a notice of proposed rule making and send the proposal to everyone currently on the mailing list and anyone else 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 Kristi Knudsen, P.O. Box 45600, Olympia, WA 98504, phone (360) 725-3213, fax (360) 438-8633, TTY (360) 493-2637, e-mail knudskl@dshs.wa.gov.

June 26, 2007

Stephanie E. Schiller
Rules Coordinator

WSR 07-14-058

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 29, 2007, 8:40 a.m.]

Subject of Possible Rule Making: WAC 308-124A-460.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.040(1), 43.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The real estate program needs to review fees to ensure compliance with RCW 43.24.-086.

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 Jerry McDonald, P.O. Box 2445, Olympia, WA 98507, phone (360) 664-6524, fax (360) 570-7051, e-mail jmcdonald@dol.wa.gov.

June 27, 2007

Jerry McDonald

Assistant Administrator

WSR 07-14-069

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 29, 2007, 11:37 a.m.]

Subject of Possible Rule Making: State institutional education program—Eligible programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The change is to allow the opportunity for institutional funding monies to be paid to a school district where the services for the staffed residential rehabilitation home residents occurs in a school operated facility rather than at the rehabilitation home.

Process for Developing New Rule: Students in a staffed residential home were being educated at the local school district due to lack of a facility. The district needs the option to serve them in a school operated facility, rather than in the rehabilitation home as directed by the WAC previously.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Mitch Thompson, Enrollment Supervisor, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-720 [98504-7200], fax (360) 664-3683. For telephone assistance contact Mitch Thompson, (360) 725-6306.

June 29, 2007

Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 07-14-081

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed June 29, 2007, 1:23 p.m.]

Subject of Possible Rule Making: The department is amending this rule to incorporate the individual and family services assessment algorithm into chapter 388-828 WAC, the division of developmental disabilities (DDD) assessment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.040; chapter 283, Laws of 2007 (2SSB 5467); section 205(3), chapter 522, Laws of 2007 (SHB 1128).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is combining three family support programs into one individual and family services program as directed by the legislature.

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 Mark Eliason, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-2517, fax (360) 407-0955, e-mail eliasmr@dshs.wa.gov.

June 29, 2007

Stephanie E. Schiller
Rules Coordinator

WSR 07-14-098

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 30, 2007, 10:45 a.m.]

Subject of Possible Rule Making: WAC 388-406-0005 Can I apply for cash, medical, or Basic Food?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.060, 74.08.090, 74.09.555.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments are necessary to allow applications for youth prior to release from confinement as required by chapter 359, Laws of 2007, signed by Governor Christine O. Gregoire on May 8, 2007.

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 Logan MacGregor, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4605, fax (360) 413-3493, e-mail macgrld@dshs.wa.gov.

June 30, 2007

Stephanie E. Schiller
Rules Coordinator

WSR 07-14-099

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed June 30, 2007, 11:01 a.m.]

Subject of Possible Rule Making: WAC 388-450-0162
The department uses countable income to determine if you are eligible and the amount of your cash and food assistance benefits.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments are necessary to include references to WAC 388-478-0040 and 388-478-0045.

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 Logan MacGregor, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4605, fax (360) 413-3493, e-mail MacgrLD@dshs.wa.gov.

June 30, 2007

Stephanie E. Schiller
Rules Coordinator

WSR 07-14-108

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed July 2, 2007, 4:06 p.m.]

The department of ecology will be withdrawing CR-101 WSR 06-07-152 filed March 22, 2006.

The subject of this CR-101 was the establishment of a reservation (chapter 173-502 WAC) for the beneficial use of rooftop rainwater in the San Juan County Resource Inventory Area (WRIA 2). The purpose of the rule was to provide a more efficient permit process than the existing water rights application process for rooftop rainwater catchment in WRIA 2.

The department is withdrawing this CR-101 because a more simplified and direct approach was developed. Under the new approach the department will process a regional water right permit application from San Juan County for the beneficial use of rainwater in lieu of the CR-101. Through the permit, San Juan County will be authorized to allocate rooftop rainwater for beneficial use within certain permit conditions delineated by the department.

Kenneth O. Slattery
Program Manager
Water Resources Program

WSR 07-14-110

**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2007-08—Filed July 2, 2007, 4:32 p.m.]

Subject of Possible Rule Making: Automobile total loss settlements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.30.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner will review WAC 284-30-390 to determine if the current regulation can be clarified, simplified, and made more effective. One goal is to give consumers a greater understanding of their rights and clearer expectations of what may occur in the claims process.

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; and send written comments by August 20, 2007.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

July 2, 2007

Mike Kreidler
Insurance Commissioner

WSR 07-14-113
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed July 3, 2007, 8:54 a.m.]

Subject of Possible Rule Making: Chapter 363-116 WAC, Pilotage rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW, Pilotage act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is undergoing a complete review of chapter 363-116 WAC, Pilotage rules, in order to create or amend language that will be more concise, clear and current. Chapter 88.16 RCW, Pilotage Act, will be reviewed as well. Modifications to one may necessitate modifications to the other.

The board of pilotage commissioners is considering possible changes to chapter 363-116 WAC to include, but not limited to, the following sections:

- The provisions of WAC 363-116-076 examination for pilot applicants, relating to the written pilot examination including without limitation those relating to the scoring of the written pilot examination and ranking of applicants;
- The provisions of WAC 363-116-077 Simulator evaluation for pilot applicants, relating to the pilot simulator evaluation including without limitation those relating to qualification for, procedures to be followed in, payment of the cost of and scoring of the simulator evaluations portion of the qualifications process;
- The provisions of WAC 363-116-078 Training program, relating to the pilot training program including without limitation those relating to ranking applicants for entry into the training program, the timing of the physical examination relating to the training program, the contents of the training program, the methods of evaluating trainees, the makeup of the trainee evaluation committee;
- The provisions of WAC 363-116-083 Examination review and appeal procedures, relating to examination review and appeal procedures.
- The provisions of WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district, relating to reimbursement by the tariff of the cost of the Puget Sound and Grays Harbor retirement programs;
- The provisions of WAC 363-116-315 Retirement disbursements, relating to disbursement of retirement funds according to pilot retirement plans;
- The provisions of WAC 363-116-360 Exempt vessels, relating to requirements, procedures and the fee schedule for making application to acquire a vessel exemption.

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 board will be considering amendments to these rules and will be discussing them in regular session board meetings. Stakeholder com-

ments are welcome. Upon further review and consideration of recommended revisions, public hearings will be scheduled to consider the proposed new rules pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Larson, Administrator, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, LarsonP@wsdo.wa.gov, www.pilotage.wa.gov.

July 3, 2007

Peggy Larson
Administrator

WSR 07-14-114
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 3, 2007, 8:57 a.m.]

Subject of Possible Rule Making: Chapter 308-390 WAC, Uniform commercial code, revised article 9.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 62A.9-409, 60.13.040, 60.11.040, chapter 60.68 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In May 2007, the International Association of Commercial Administrators (IACA) adopted a new set of model administrative rules. Washington's rules need to be revised in order to align with the new model, and

- To simplify and improve the administration of the UCC by promoting uniform filing procedures in this state and the nation;
- To simplify the public's ability to discover and understand the UCC filing procedures;
- To increase public access to information; and
- To update terminology and make other housekeeping changes.

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

Process for Developing New Rule: Meetings with representatives from the IACA. Direct notice to the Washington State Bar Association and Washington Banking Association. Communication with the public in general through the DOL/UCC web page, UCC Listserv, and mail inserts.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Margaret Vogeli, P.O. Box 9660, Olympia, WA 98507-9660, (360) 664-1530, fax (360) 586-4414, e-mail ucc@dol.wa.gov.

June 26, 2007

Nancy Skewis
Administrator

WSR 07-14-132**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed July 3, 2007, 1:54 p.m.]

Subject of Possible Rule Making: These sections of the following rules related to the nozzle requirements for air and ground pesticide applications may be amended. WAC 16-230-010 through 16-230-088, 16-230-150 through 16-230-190, 16-230-400 through 16-230-470, 16-230-600 through 16-230-675, 16-230-800 through 16-230-868; 16-231-100 through 16-231-183, 16-231-200 through 16-231-235, 16-231-300 through 16-231-340, 16-231-400 through 16-231-425, 16-231-500 through 16-231-530, 16-231-600 through 16-231-620, 16-231-700 through 16-231-725, 16-231-800 through 16-231-840, 16-231-900 through 16-231-935; and 16-232-001 through 16-232-077, 16-232-100 through 16-232-120, 16-232-200 through 16-232-225, and 16-232-300 through 16-230-315.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.58 and 17.21 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since the adoption date of the current rules there have been significant technological advances in nozzles for both aerial and ground apparatus. As a result, current nozzle requirements are significantly outdated. Potentially, this new technology will allow for greater drift protection and ease of selection by users. While present rules allow a user to apply for a permit to use the newer technology nozzles, this process creates additional work by the pesticide applicator and Washington state department of agriculture (WSDA). Amending the rules to incorporate this newer technology, where appropriate, should aid in the reduction of drift, reduce the need for a permit, and allow easier nozzle selection by pesticide users.

General housekeeping to correct minor typographical mistakes in some area descriptions.

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

Process for Developing New Rule: The WSDA will develop an advisory committee from key stakeholders and convene meetings to discuss the pros and cons associated with possible changes related to nozzles. At the conclusion of these stakeholder meetings, WSDA will make a final decision on whether to proceed further with the rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, e-mail lmauerman@agr.wa.gov.

July 2, 2007

Bob Arrington
Assistant Director**WSR 07-14-138****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed July 3, 2007, 3:35 p.m.]

Subject of Possible Rule Making: Amending the rules, chapters 208-680A - 208-680G WAC, implementing the Escrow Agent Registration Act, chapter 18.44 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040, 18.44.410.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing rules must be amended for clarity and consistency in implementing chapter 18.44 RCW and to reflect current industry 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: The department will seek input from the escrow commission and other industry stakeholders concerning these proposed rules. The department may also discuss any proposed rules with other interested parties or regulatory agencies.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeannette Terry, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8786, jterry@dfi.wa.gov.

June 29, 2007

Deborah Bortner, Director
Division of Consumer Services**WSR 07-14-142****WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH**

[Filed July 5, 2007, 9:29 a.m.]

The state board of health is withdrawing the CR-101 for revising the maximum arsenic contaminant level for Group B public water systems filed on September 12, 2002, and published as WSR 02-19-060. The original proposal was to consider lowering the maximum contaminant level for arsenic from 50 ppb to 10 ppb. Since the filing of WSR 02-19-060, the state board of health has done a thorough evaluation of the entire Group B program within the department of health. It has been determined that the scope of this preproposal is not broad enough. For this reason, the CR-101 is not needed. The state board of health will be filing a new CR-101 that clearly states the purpose and scope of possible rule making.

Individuals requiring information on this rule should contact Ned Therien, health policy advisor, state board of health, at (360) 236-4103 or ned.therien@doh.wa.gov.

Craig McLaughlin
Executive Director

**WSR 07-14-143
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed July 5, 2007, 9:31 a.m.]

The department of health would like to withdraw the following preproposal statement of inquiry (CR-101).

WAC NUMBER	WSR NUMBER	WSR DATE	SUBJECT
246-976-010, 246-976-021, 246-976-031, 246-976-041, 246-976-141, 246-976-151, 246-976-161, 246-976-171, 246-976-182, 246-976-191, 246-976-260, 246-976-270, 246-976-290, 246-976-300, 246-976-310, 246-976-320, 246-976-330, 246-976-340, 246-976-390, 246-976-400, 246-976-920	05-14-154	07/06/05	Prehospital: Definitions, training course requirements, senior EMS instructor, to apply for training, to apply for certification, reciprocity/challenges/reinstatement of other actions Education requirements for recertification Recertification Authorized care Disciplinary actions Licenses required Denial/suspension/revocation of license Ground ambulance vehicle standards Ambulance and aid vehicles—Equipments Ambulance and aid vehicles—Communication equipment Ambulance services Ambulance and aid services—Record requirements Ambulance and aid services—Inspections and investigations Verification of prehospital EMS and trauma care services Verification—Noncompliance of standards Medical program directors

If you have any questions regarding this rule withdrawal, please contact Melody Westmoreland at 236-2848 or Michael Lopez at 236-2841.

Mary C. Selecky
Secretary

**WSR 07-14-144
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Dental Quality Assurance Commission)

[Filed July 5, 2007, 9:33 a.m.]

Subject of Possible Rule Making: WAC 246-817-170 Applications—Permits—Renewals for the administration of conscious sedation with multiple oral or parenteral agents or general anesthesia (including deep sedation) and 246-817-175 Conscious sedation w/parenteral or multiple oral agents—Education and training requirements—Application. The commission is considering amending/relocating these rules to the 700 series of this WAC chapter so all rules related to the administration of anesthetic agents are located together.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365 and 18.32.640.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The dental quality assurance commission convened a committee to review and make recommendations for the amendment of the segment of regulations relating to the administration of anesthetic agents for

dental procedures. The committee made several recommendations including relocating WAC 246-817-170 and 246-817-175 into the 700 series of the WAC chapter so that all related rules are in the same location. A CR-101 to amend WAC 246-817-700, 246-817-701, 246-817-710, 246-817-720, 246-817-730, 246-817-740, 246-817-750, 246-817-760, 246-817-770, and 246-817-780 was filed under WSR 05-09-001 on April 7, 2005. A CR-101 to amend WAC 246-817-180 was filed under WSR 04-15-151 on July 21, 2004. These rules will all be merged at the CR-102 phase of the rule-making process.

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 by contacting Lisa R. Anderson, Dental Program Manager, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4863 and fax (360) 664-9077, e-mail lisa.anderson@doh.wa.gov. The commission will notify individuals and organizations

who have expressed an interest in the commission's rule-making activities via the ListServ e-mail notification system. Stakeholders may also submit written comments for consideration.

June 26, 2007
Lisa Anderson
Dental Program Manager

WSR 07-14-145

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed July 5, 2007, 9:34 a.m.]

Subject of Possible Rule Making: New chapter 246-874 WAC, Pharmaceutical services—Correctional facilities. The board of pharmacy is considering developing rules that will establish minimum enforceable requirements specifically for Washington correctional facilities in safe handling, storage, recordkeeping and administration of pharmaceuticals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005 and 18.64.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure public safety and appropriate oversight [oversight] by the board of pharmacy (BOP), rules may be needed to establish enforceable standards specific to the practice of pharmacy in correctional facilities. The BOP has the authority to regulate the practice of pharmacy in correctional facilities, but it does not have specific standards to evaluate these services. Currently, BOP applies retail pharmacy standards (rules), which do not adequately evaluate services provided in correctional facilities. Without the ability to enforce reasonable standards more specific to these facilities, public health and safety is at risk.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Drug Enforcement Agency (DEA) and the Washington state department of corrections (DOC). The DEA and DOC will be invited to participate in the stakeholder process.

Process for Developing New Rule: Collaborative rule making - mailings and public meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Parties interested in participating and receiving additional information regarding the development of rules in this matter may join an interested parties list. Please send your e-mail request to WSBOP@doh.wa.gov or contact Doreen Beebe at the Washington State Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, phone (360) 236-4834, or by fax (360) 586-4359.

July 5, 2007
Lisa A. Salmi
Acting Executive Director

WSR 07-14-146

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 5, 2007, 9:36 a.m.]

Subject of Possible Rule Making: Revisions to the Group A public water supplies regulation, chapter 246-290 WAC, are necessary to be consistent with federal Environment Protection Agency (EPA) rules. The proposed revisions to chapter 246-290 WAC will be to comply with the federal long-term 2 enhanced surface water treatment (LT2) rule. The state board of health (board) delegated rule-making authority to the department of health (department) (DOH) for this rule revision on May 10, 2006.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has entered into a primacy agreement with EPA to assume lead responsibilities for implementation of the federal Safe Drinking Water Act. The primacy agreement, reflected in RCW 43.20.050, outlines a number of activities the department must do to maintain primacy for Group A public water systems in the state. One of the activities requires revision of board rules to maintain consistency between state and federal rules. To maintain primacy, the LT2 rule must be adopted by January 5, 2008. The public health objective of this rule is to strengthen protection against the disease-causing organism cryptosporidium, which is a particular concern because it is resistant to chlorine.

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 - DOH will work with the regulated community and interested parties to develop potential rule revisions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DOH will distribute the draft rule to stakeholders to gather comments. DOH will also use water tap articles and the DOH web site to alert the public and the water systems about the proposed changes. DOH will post the proposed rules on the web during both an informal and formal comment period. For more information contact Michelle Austin, Policy and Rules Coordinator, Office of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3156, or michelle.austin@doh.wa.gov.

July 5, 2007
Mary C. Selecky
Secretary

WSR 07-14-147

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed July 5, 2007, 9:37 a.m.]

Subject of Possible Rule Making: Chapter 246-291 WAC, Group B public water systems.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule has not been revised since 1995. An evaluation of the Group B public water system regulatory program concludes that revisions are necessary to more effectively deal with issues being encountered today. The objective is to provide more focused regulation in areas where it is needed to make more efficient use of available resources while at the same time improving public health protection.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of ecology will be included as an interested party in the process of forming the proposed rule and the decision to adopt the rule.

Process for Developing New Rule: Collaborative rule making. The state board of health will work with the department of health to recruit interested parties to help revise the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Theresa Phillips, Office of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, phone (360) 236-3147, fax (360) 236-2253, e-mail theresa.phillips@doh.wa.gov; or Ned Therien, State Board of Health, at (360) 236-4103 or e-mail ned.therien@doh.wa.gov.

June 28, 2007

Craig McLaughlin
Executive Director

WSR 07-14-148

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed July 5, 2007, 9:38 a.m.]

Subject of Possible Rule Making: Chapter 246-360 WAC, Transient accommodations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.62.240 and 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The transient accommodations (TA) statute applies to homeless shelters. The current TA rules apply to homeless shelters that meet the definition of having three or more lodging units and offering lodging for periods of less than thirty days. When the TA rules were revised in 2004, the state board of health and the department of health convened a stakeholder work group that developed a consensus framework for regulating homeless shelters, and recommended creation of a new section of the TA rules that would specifically apply to shelters. The rules are now being reopened to work with stakeholders to determine what regulations, if any, should be adopted to protect the health of homeless shelter residents, as well as workers, volunteers and the community by providing a healthy and safe community.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state board of health has rule-making authority for

TA; communicable disease control; and environmental health and safety in public facilities. The facilities and services licensing division of the department of health implements the TA regulations. The department and the board of health will work in partnership throughout the rule-making process. The department of community, trade, and economic development will be involved throughout the process. Other state and federal agencies whose work affects the homeless will also be involved including veterans' agencies; the state department of social and health services; and the United States Department of Housing and Urban Development.

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. A number of meetings and other formats will be available for information and input. Interested parties can contact Yvette Fox, Department of Health, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2928, fax (360) 236-2901, e-mail yvette.fox@doh.wa.gov.

June 28, 2007

Craig McLaughlin
Executive Director

WSR 07-14-152

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

(Board of Registration for Professional Engineers and Land Surveyors)

[Filed July 5, 2007, 9:59 a.m.]

Subject of Possible Rule Making: Chapter 196-12 WAC, Registered professional engineers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5984, chapter 193, Laws of 2007, established that only structural engineers can perform engineering work on significant structures. The rules are needed to reflect the changes made to chapter 18.43 RCW that impact those professional engineers that perform structural work.

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 George A. Twiss, Executive Director, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1575, fax (360) 664-2551, e-mail engineers@dol.wa.gov. Comments may be submitted through regular mail, phone, fax or e-mail.

July 5, 2007

Robert F. Fuller
Deputy Executive Director

WSR 07-14-153**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES**

[Filed July 5, 2007, 10:01 a.m.]

Subject of Possible Rule Making: Establish rules for the implementation of the linked deposit program; including eligibility criteria, priority for consideration, and limits on number and size of loans.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.86A.060 (sections 1 and 2, chapter 500, Laws of 2007).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In section 1, chapter 500, Laws of 2007, the legislature provided additional funding and in section 2 provided new loan qualifying criteria for the linked deposit program. The legislation also gave the office of minority and women's business enterprises the authority to adopt rules regarding the new criteria. Prior to the 2007 legislation, firms seeking loans under this program have been placed on a waiting list pending funding availability. Proposed rules would increase the number of firms receiving loans by establishing a maximum amount for a single loan, providing priority for first-time borrowers, and setting a lifetime ceiling on the total principal amount available to a business owner.

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 by sending written comments and questions to Juan Huey-Ray, Rules Coordinator, P.O. Box 41160, Olympia, WA 98504-1160, e-mail jhuey-ray@omwbe.wa.gov, phone (360) 951-4916, fax (360) 586-7079.

July 5, 2007
Cynthia Cooper
Director

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2007 regular legislative session, the legislature passed SHB 1128, section 218, authorizing appropriations for the department of labor and industries. This section included a condition under subsection (4) as follows: "\$8,000,000 of the medical aid account—state appropriation is provided solely to establish a program of safety and health as authorized by RCW 49.17.-210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives." The purpose of this rule making is to promulgate rules in accordance with this direction from the legislature.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jill Saibel, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4519, fax (360) 902-5619, e-mail saij235@lni.wa.gov.

July 5, 2007
Judy Schurke
Director

WSR 07-14-156**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed July 5, 2007, 10:24 a.m.]

Subject of Possible Rule Making: Safety and health investment projects; chapter 296-900 WAC, Administrative rules; and chapter 296-800 WAC, Safety and health core rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and chapter 522, Laws of 2007.