

**WSR 08-15-006****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed July 3, 2008, 3:17 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-478-0075, 388-505-0210, 388-505-0211, 388-542-0010, and 388-542-0300 in order to expand the premium-based children's healthcare program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.402, 74.09.470, 74.04.050, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is expanding premium-based children's healthcare for children in households with incomes up to and including 300% of FPL. This rule is needed to delineate the expansion of this eligibility.

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 Jonell O. Blatt, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1571, fax (360) 586-9729, TTY (800) 848-5429, e-mail [blattj@dshs.wa.gov](mailto:blattj@dshs.wa.gov).

July 3, 2008

Stephanie E. Schiller  
Rules Coordinator**WSR 08-15-015****PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed July 7, 2008, 11:36 a.m.]

Subject of Possible Rule Making: New addition to chapter 392-121 WAC, Finance—General apportionment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1), 28A.150.315, section 511(14), chapter 329, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will outline the apportionment process for full-day kindergarten, provide rules for determining eligibility, the methodology for applying for funding, and a set of definitions for terms used in the full-day kindergarten program.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.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 Daniel Lunghofer, (360) 725-4958.

July 7, 2008

Dr. Terry Bergeson  
Superintendent of  
Public Instruction**WSR 08-15-021****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ECOLOGY**

[Order 08-12—Filed July 8, 2008, 10:52 a.m.]

Subject of Possible Rule Making: Management of exempt ground water wells in Kittitas County, chapter 173-539A WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.54.050 and chapter 43.27A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology adopted an emergency rule that will establish a partial withdrawal of ground water within a portion of WRIA 39 in Kittitas County, Washington, for the purpose of implementing a memorandum of agreement (MOA) entered into with Kittitas County on April 7, 2008. While the emergency rule is in place rule making will move forward on the adoption of a permanent rule.

Process for Developing New Rule: This rule making will implement the exempt well management measures identified in the MOA with Kittitas County. The MOA specifies the partial withdrawal and restrictions designed to minimize the potential for a new use of water that negatively affect flows in the Yakima River and its tributaries and does this in a way that minimizes effects on economic development.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Web site will be updated to include information on the draft rule. Distribution lists of interested parties will be contacted via e-mails, listservs and postal mailings as needed. A news release will be issued and newspaper ads will be placed as the formal process begins that will include the comment period date.

July 2, 2008

Ken Slattery  
Program Manager**WSR 08-15-035****PREPROPOSAL STATEMENT OF INQUIRY  
PARKS AND RECREATION  
COMMISSION**

[Filed July 9, 2008, 11:35 a.m.]

Subject of Possible Rule Making: The agency is completing a review of chapter 352-40 WAC, Public records, to determine the need for rule-making action by the commission.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 79A.05 RCW, Parks and recreation commission, including: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.56 RCW, Public Records Act, including RCW 42.56.040 and 42.56.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules of state parks relating to public records were last revised in 2003. Since that time, the Public Records Act has been recodified from chapter 42.17 RCW to chapter 42.56 RCW and several address and phone numbers listed in chapter 352-40 WAC are outdated. Technical updating is needed to bring the rules current. State parks will also conduct a review of chapter 352-40 WAC, Public records, to help ensure citizens are provided guidance and clear instructions on the places, procedures and cost for inspecting and copying of the agency's public records. The agency's evaluation of this chapter will serve as a general review to ensure compliance with directives of chapter 42.56 RCW.

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 Karen Clevenger, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, phone (360) 902-8514, fax (360) 586-5875, e-mail Karen.Clevenger@parks.wa.gov.

July 9, 2008

J. M. French

Chief of Policy Research  
and Program Development

### WSR 08-15-058

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

[Filed July 14, 2008, 8:40 a.m.]

Subject of Possible Rule Making: This change includes amendments to the following WAC section and any related rules: WAC 388-412-0040 Can I get my benefits replaced?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule requires a signed, notarized affidavit from clients who report that their Basic Food benefits were destroyed in a disaster in order for the benefits to be replaced. The Code of Federal Regulations imposes no such requirement on the states. Furthermore, the current process can be time-consuming and frustrating for clients, especially if a notary public is not readily available. This change will streamline and expedite the benefits replacement process for clients, minimizing the time it takes to replace damaged food.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal food stamp program as enacted in the 2002 Farm Bill and codified in the Code of Federal Regulations. The DSHS economic services administration, community services division (CSD) policy unit intends to coordinate communications of the change with the CSD service delivery unit and with CSD regional financial coordinators.

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 Don Winslow, Policy Analyst/Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4580, fax (360) 725-4905, e-mail winsldg@dshs.wa.gov.

July 14, 2008

Stephanie E. Schiller  
Rules Coordinator

### WSR 08-15-068

#### PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed July 15, 2008, 8:55 a.m.]

Subject of Possible Rule Making: Regulations relating to breweries and microbreweries are impacted by recent legislative action. Rules may need amending or repealing as part of implementing SSB 6572, allowing warehousing off-site of the brewery, and implementing portions of SSB 6770 dealing with breweries and microbreweries having up to two separately licensed restaurant locations and allowing a brewery or microbrewery to produce beer for another brewery or microbrewery under contract.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.240, and 66.24.244.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of legislation passed in 2008 may require changes in current rule or adoption of new rules to clarify and provide further guidance to licensees who want to participate in the new activities.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Madson, Rules Coordinator,

P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648,  
fax (360) 704-4921, e-mail rules@liq.wa.gov.

July 9, 2008  
Lorraine Lee  
Chairman

**WSR 08-15-069**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed July 15, 2008, 8:56 a.m.]

Subject of Possible Rule Making: The legislature established a new craft distillery license in 2008 under SHB 2959. The liquor control board is evaluating the need for rule making to implement this new license type.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 and chapter 94, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of legislation passed in 2008 may require changes in current rule or adoption of new rules to clarify and provide further guidance to licensees who want to apply for and operate under the new craft distillery license.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Madson, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail rules@liq.wa.gov.

July 9, 2008  
Lorraine Lee  
Chairman

**WSR 08-15-070**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed July 15, 2008, 9:00 a.m.]

Subject of Possible Rule Making: WAC 314-05-020 What is a special occasion license? and 314-05-030 Guidelines for special occasion license events.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.28.010, and section 12, chapter 41, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature has adopted bills that provide exceptions to the tied-house law. In 2008, SSB 6770 allowed breweries and wineries to donate beer or wine to trade associations for special occasion events. In 2006, SHB 3128 allowed wineries to serve on boards of non-profit organizations holding a retail liquor license. Implementation of this legislation may require changes in current rule or adoption of new rules to clarify and provide further

guidance to licensees who want to participate in these activities. Changes to current rules may be necessary to prevent conflicts with these laws.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Madson, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail rules@liq.wa.gov.

July 9, 2008  
Lorraine Lee  
Chairman

**WSR 08-15-071**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed July 15, 2008, 9:02 a.m.]

Subject of Possible Rule Making: WAC 314-02-015 What is a spirits, beer, and wine restaurant license?, 314-02-060 What is a caterer's endorsement?, and 314-02-120 How do licensees get keg registration forms?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.200, 66.24.320, 66.24.400, 66.24.420 and section 10, chapter 41, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature has adopted changes in laws for retail licensees. In 2008, SSB 6770 allowed restaurants to sell bottled wine to customers to take with them for off-premises consumption. In 2007, under HB 1349, restaurants were allowed to sell kegs to customers and under E2SSB 5859, restaurants may store alcohol off the restaurant site under specific circumstances under a caterer's endorsement. Implementation of this legislation may require changes in current rule or adoption of new rules to clarify and provide further guidance to licensees who want to participate in these activities. Changes to current rules may be necessary to prevent conflicts with these laws.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Madson, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail rules@liq.wa.gov.

July 9, 2008  
Lorraine Lee  
Chairman

**WSR 08-15-072****PREPROPOSAL STATEMENT OF INQUIRY  
LIQUOR CONTROL BOARD**

[Filed July 15, 2008, 9:05 a.m.]

Subject of Possible Rule Making: WAC 314-24-220 Licensing and operation of bonded wine warehouses. New sections may be developed to allow wineries to conduct additional activities at retail locations other than the winery premises.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 and sections 4 and 5, chapter 41, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of portions of SSB 6770 passed in 2008 may require changes in current rule or adoption of new rules to clarify and provide further guidance to licensees who want to participate in the new activities.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Madson, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail rules@liq.wa.gov.

July 9, 2008

Lorraine Lee  
Chairman**WSR 08-15-081****PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed July 16, 2008, 11:40 a.m.]

Subject of Possible Rule Making: Chapter 392-163 WAC, Special service program—Title I grants for improving LEA basic programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This WAC is out dated, no longer relevant and not used. We wish to repeal it.

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

Process for Developing New Rule: New rule not developed. Repeal requested.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gayle Pauley, Director, Title I, LAP, Title V, Gayle.Pauley@k12.wa.us, (360) 725-6100; or Petrea

Stoddard, Program Supervisor, Title I, LAP, Petrea.Stoddard@k12.wa.us, (360) 725-6169.

July 15, 2008

Terry Bergeson  
Superintendent of  
Public Instruction**WSR 08-15-082****PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed July 16, 2008, 11:41 a.m.]

Subject of Possible Rule Making: Chapter 392-175 WAC, Waiver of regulations, pertaining to special education, chapter 1, and learning assistance programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.155.090(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This WAC is outdated, no longer relevant and not used. We wish to repeal it.

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

Process for Developing New Rule: New rule not developed. Repeal requested.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gayle Pauley, Director, Title I, LAP, Title V, Gayle.Pauley@k12.wa.us, (360) 725-6100; or Petrea Stoddard, Program Supervisor, Title I, LAP, Petrea.Stoddard@k12.wa.us, (360) 725-6169.

July 15, 2008

Terry Bergeson  
Superintendent of  
Public Instruction**WSR 08-15-085****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed July 16, 2008, 5:34 p.m.]

Subject of Possible Rule Making: Title 246 WAC, adding new chapter for prescription monitoring program (PMP). The department of health will develop procedures and enforceable standards for the collection, analysis, and reporting of information on prescribing and dispensing of controlled substances. The PMP will be designed to monitor the prescribing and dispensing of all Schedules II, III, IV, and V controlled substances and any additional drugs identified by the board of pharmacy as demonstrating a potential for abuse.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.225.025, implementing SSB 5930, enacted during the 2007 legislative session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 70.225 RCW

requires the department of health to adopt rules to establish and maintain a prescription monitoring program. The program is intended to improve health care quality and effectiveness by reducing diversion and the abuse of controlled substances, reducing duplicative prescribing and over-prescribing of controlled substances and improving controlled substance prescribing practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Drug Enforcement Administration (DEA) regulates the drugs that will be monitored by the program. The board of pharmacy (BOP) has the authority to regulate the dispensing of drugs, devices, and practice of pharmacy in the state of Washington. The prescription monitoring program law also gives the BOP the authority to identify additional drugs to be monitored that demonstrate a potential for abuse. The DEA and BOP will be invited to participate in the stakeholder process.

Process for Developing New Rule: Collaborative rule making - mailings and public stakeholder 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 the Department of Health, P.O. Box 47863, Olympia, WA 98504 or via e-mail to [wsbop@doh.wa.gov](mailto:wsbop@doh.wa.gov). If you have any questions, please contact Doreen Beebe at (360) 236-4834.

July 16, 2008  
Mary C. Selecky  
Secretary

#### **WSR 08-15-088**

#### **PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH (Occupational Therapy Practice Board)**

[Filed July 17, 2008, 8:06 a.m.]

Subject of Possible Rule Making: WAC 246-847-030 Occupational therapists acting in a consulting capacity, 246-847-055 Initial application for individuals who have not practiced within the past four years, 246-847-068 Expired license, 246-847-070 Inactive credential, 246-847-125 Applicants currently licensed in other states or territories, and 246-847-XXX Renewal for those that have not practiced in four years.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.59.090, 18.59.130, and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board would like to consider revising the definition of "consulting capacity," setting a limit on the length of time a provider may hold their license in inactive status, creating requirements for a reentry plan, and establishing requirements for renewing a license when a provider has been out of practice for more than three years. In addition, the board will review existing language and consider amending any outdated standards.

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. The department of health, occupational therapy practice board, will notify and invite interested parties, via listserv, to participate in drafting the proposed language in rule-writing workshops and also to the public hearing. To join listserv or to submit written comments for consideration of proposed language, interested parties may contact Department of Health, Vicki Brown, Program Manager, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4865, fax (360) 664-9077, e-mail [vicki.brown@doh.wa.gov](mailto:vicki.brown@doh.wa.gov).

July 16, 2008  
Vicki Brown  
Program Manager

#### **WSR 08-15-095**

#### **PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL**

[Filed July 17, 2008, 3:00 p.m.]

Subject of Possible Rule Making: Chapter 446-65 WAC, Commercial motor vehicle regulations.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating current language and adding intrastate high risk and imminent hazard carriers and the compliance review hearing process.

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 Washington State Patrol, Equipment and Standards Review, [equipment@wsp.wa.gov](mailto:equipment@wsp.wa.gov), P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-4017.

July 10, 2008  
John R. Batiste  
Chief

#### **WSR 08-15-096**

#### **PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL**

[Filed July 17, 2008, 3:02 p.m.]

Subject of Possible Rule Making: Chapter 204-24 WAC, Traction devices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.37.420.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating current language and including references to the federal standards.

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 Melissa Van Gorkom, Melissa.vangorkom@wsp.wa.gov, P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-4017, <http://www.wsp.wa.gov/business/rules.htm>.

July 10, 2008

J. Batiste  
Chief

### WSR 08-15-103

#### PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed July 18, 2008, 9:38 a.m.]

Subject of Possible Rule Making: Chapter 434-12A WAC, Office of the secretary of state public records and rules of procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040, duty to publish organizational description and rules of procedure.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules contained in this chapter have not been updated since 1974. Rule making is also necessary in order to revise provisions related to requests for public records in order to reflect model rules on the subject developed by the attorney general pursuant to RCW 42.56.570. Provisions related to the organizational structure of the office of the secretary of state require updating.

Amended rules will update and revise provisions related to requests for public records and provide an updated explanation of the organizational structure of the office.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brenda Galarza, P.O. Box 40224, Olympia, WA 98504-0224, voice (360) 586-4556, fax (360) 586-4311, [bgalarza@secstate.wa.gov](mailto:bgalarza@secstate.wa.gov).

July 17, 2008

Steve Excell  
Assistant Secretary of State

### WSR 08-15-130

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

[Filed July 22, 2008, 9:14 a.m.]

Subject of Possible Rule Making: The department proposes amending all necessary sections in Title 388 WAC to correctly reflect how the various Native American payments

are to be treated when the department determines eligibility for DSHS programs.

These changes include amendments to the following WAC section and any other related rules: WAC 388-450-0040 Native American benefits and payments.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The language of the current rule makes references to various public laws that may be unfamiliar to and/or confusing for DSHS field staff and our tribal partners. The proposed language is intended to clarify how the various types of Native American payments are to be treated when determining eligibility for DSHS programs. The department anticipates that the proposed policy revisions will lead to improvements in the accuracy of the eligibility determinations made for our clients who receive Native American payments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal food stamp program as enacted in the 2002 Farm Bill and codified in the Code of Federal Regulations.

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 Don Winslow, Policy Analyst/Program Manager, Community Services Division, P.O. Box 45440, Olympia, WA 98504-5440, phone (360) 725-4580, fax (360) 725-4905, e-mail [winsldg@dshs.wa.gov](mailto:winsldg@dshs.wa.gov).

July 22, 2008

Katherine D. Vasquez, Manager  
Rule and Policies Assistance Unit

### WSR 08-15-131

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

[Filed July 22, 2008, 9:18 a.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-448-0050 How we determine the severity of mental impairments.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will propose amendments in order to replace obsolete and outdated medical descriptions and references. These changes are necessary to support documents that are more easily understood by

mental health professionals and will promote more accurate and consistent medical evidence.

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 Melissa Mathson, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4563, fax (360) 725-4905, e-mail mathsmc@dshs.wa.gov.

July 22, 2008

Katherine D. Vasquez, Manager  
Rules and Policies Assistance Unit

program requirements established in Title 7 of the United States Code of Federal Regulations.

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 Don Winslow, Policy Analyst/Program Manager, Community Services Division, P.O. Box 45440, Olympia, WA 98504-5440, phone (360) 725-4580, fax (360) 725-4905, e-mail winsldg@dshs.wa.gov.

July 22, 2008

Katherine D. Vasquez, Manager  
Rules and Policies Assistance Unit

### WSR 08-15-133

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

[Filed July 22, 2008, 9:29 a.m.]

Subject of Possible Rule Making: The department proposes amending all necessary sections in Title 388 WAC to expand simplified reporting to households as allowed under the 2008 farm bill.

These changes include amendments to the following WAC sections and any other related rules: WAC 388-418-0005 How will I know what changes I must report?, 388-418-0007 When do I have to report changes in my circumstances?, 388-418-0011 What is a mid-certification review, and do I have to complete one in order to keep receiving benefits?, and 388-416-0005 How long can I get Basic Food?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to expand "simplified reporting" to elderly or disabled households that do not receive food benefits through the Washington combined application program (WASHCAP).

This option under the 2008 farm bill reduces the changes elderly or disabled households must report under the Washington Basic Food program. The department plans to make it easier for these households to stay connected with the program by providing these households less restrictive reporting requirements, a two-year certification for Basic Food with a midcertification review after twelve months.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal food stamp program as set forth under the Food and Nutrition Act of 2008, guidance provided by FNS, and the

### WSR 08-15-134

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

[Filed July 22, 2008, 9:44 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-478-0015 Need standards for cash assistance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The economic services administration is proposing to amend WAC 388-478-0015 in order to revise the basic need standards for cash assistance. DSHS is required by RCW 74.04.770 to establish standards of need for cash assistance programs on an annual basis.

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 Jenny Grayum, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45440, Olympia, WA 98504-5440, phone (360) 725-4583, fax (360) 725-4905, e-mail grayuje@dshs.wa.gov.

July 16, 2008

Stephanie E. Schiller  
Rules Manager

**WSR 08-15-135****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed July 22, 2008, 9:46 a.m.]

Subject of Possible Rule Making: The department is amending and adopting new rules in:

- Chapter 388-112 WAC, Residential long-term care services—Training;
- Chapter 388-71 WAC, Home and community services and programs; and
- Other WAC chapters may be amended as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 146, Laws of 2008 (ESSHB 2668 [E2SHB 2668]); RCW 18.20.090, 74.08.090, chapter 70.128 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending chapters 388-112, 388-71 WAC, and other related rules as appropriate, to add new sections to implement E2SHB 2668. Sections 11 and 12 of this bill add the administration of insulin to the tasks that can be nurse delegated. E2SHB 2668 (12)(b) requires a nursing assistant to obtain a specialized diabetes nurse delegation training certificate issued by the department. Proposed rules will implement this new required training for nursing assistants being delegated the task of administration of insulin.

The department will also adopt new rules to add content requirements for HIV/AIDS training.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health will be included in the rule development process and will have the opportunity to review and comment on the WACs before they are finalized.

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 Barbara Hanneman, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2540, fax (360) 725-2646, e-mail [hannebj@dshs.wa.gov](mailto:hannebj@dshs.wa.gov).

July 22, 2008  
Stephanie E. Schiller  
Rules Coordinator

**WSR 08-15-140****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed July 22, 2008, 10:03 a.m.]

Subject of Possible Rule Making: Chapter 296-127 WAC, Prevailing wage—Scope of work descriptions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 39.12 RCW and RCW 43.22.270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Prevailing wage rates on public work projects are determined and enforced according to the trade or occupation or "classification" of work actually performed. The purpose of this rule making is to write scope of work descriptions for job classifications that have wage rates but no written scope of work description. The department is working with the prevailing wage advisory committee on the development of scopes. The purpose of this rule making is to adopt scope of work descriptions for construction site surveyor, industrial power vacuum, and diver/diver tenders.

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

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.

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

July 22, 2008  
Judy Schurke  
Director

**WSR 08-15-143****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed July 22, 2008, 1:55 p.m.]

Subject of Possible Rule Making: Chapter 296-307 WAC, Safety standards for agriculture.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the development of WAC 296-62-095 Outdoor heat exposure, the department received public comment from agriculture stakeholders who believed the adopted version of the rule should be included in chapter 296-307 WAC, Safety standards for agriculture. The purpose of this project is to include the adopted outdoor heat exposure rule in chapter 296-307 WAC, Safety standards for agriculture.



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 exposure to workplace heat-related illness hazards in Washington state.

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 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 Jamie Scibelli, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4568, fax (360) 902-5619, e-mail Scij235@lni.wa.gov.

July 22, 2008  
Judy Schurke  
Director

**WSR 08-15-145**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 22, 2008, 2:08 p.m.]

Subject of Possible Rule Making: Chapter 296-96 WAC, Safety regulations and fees for all elevators, dumb-waiters, escalators and other conveyances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.87 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On November 30, 2007, the elevator program adopted several changes to their rules. The new rules have been in effect for several months and the program has found some sections that need further clarification or updating. For example, several notes will be added to clarify requirements from the adopted American National Standards Institute (ANSI) code.

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

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.

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

July 22, 2008  
Judy Schurke  
Director

**WSR 08-15-147**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed July 22, 2008, 3:18 p.m.]

Subject of Possible Rule Making: WAC 139-02-010 Purpose.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The changes to this rule update the RCW references and update the name of our commission to reflect our identity (especially with online searches).

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 Cheryl Price, Public Records Officer, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7358, cprice@cjtc.state.wa.us.

July 21, 2008  
Cheryl A. Price  
Accreditation and Performance  
Analysis Manager

**WSR 08-15-148**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed July 22, 2008, 3:21 p.m.]

Subject of Possible Rule Making: Repealing WAC 139-02-020 Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: All necessary definitions are contained in RCW 42.56.010.

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 Cheryl Price, Public Records Officer, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7358, cprice@cjtc.state.wa.us.

July 21, 2008  
Cheryl A. Price  
Accreditation and Performance  
Analysis Manager

**WSR 08-15-149****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed July 22, 2008, 3:46 p.m.]

Subject of Possible Rule Making: Chapter 119, Laws of 2008.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 5(1), chapter 119, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is a new licensing law creating a program for home inspectors. Procedures for licensing, establishing standards of professional conduct and practice, recognition of examinations and continuing education qualifications are needed to implement this law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of agriculture.

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.

July 21, 2008

Jerry McDonald

Assistant Administrator

**WSR 08-15-150****PREPROPOSAL STATEMENT OF INQUIRY  
CRIMINAL JUSTICE  
TRAINING COMMISSION**

[Filed July 22, 2008, 3:31 p.m.]

Subject of Possible Rule Making: Repealing WAC 139-02-030 Public records available, 139-02-060 Disclosure to client's representative, and 139-02-110 Records index.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The subject matter in these WACs will be incorporated in an updated WAC 139-02-050 Availability of public records.

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 Cheryl Price, Public Records Officer, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7358, cprice@cjtc.state.wa.us.

June 17, 2008

Cheryl A. Price

Accreditation and Performance

Analysis Manager

**WSR 08-15-151****PREPROPOSAL STATEMENT OF INQUIRY  
CRIMINAL JUSTICE  
TRAINING COMMISSION**

[Filed July 22, 2008, 3:35 p.m.]

Subject of Possible Rule Making: WAC 139-02-050 Request for public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The changes to this rule are in accordance with the attorney general's office model rules, chapter 44-14 WAC. The update consolidates information that was included in WAC 139-02-030, 139-02-060, and 139-02-110, changes the title of the rule and updates the name of our commission to reflect our identity (especially with online searches).

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 Cheryl Price, Public Records Officer, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7358, cprice@cjtc.state.wa.us.

June 17, 2008

Cheryl A. Price

Accreditation and Performance

Analysis Manager

**WSR 08-15-152****PREPROPOSAL STATEMENT OF INQUIRY  
CRIMINAL JUSTICE  
TRAINING COMMISSION**

[Filed July 22, 2008, 3:38 p.m.]

Subject of Possible Rule Making: WAC 139-02-070 Fees—Inspection and copying.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The changes to this rule reflect the recommendations of RCW 42.56.120 Charges for copying. They include a change in the cost of copies, costs for electronic records, and payment information.

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 Cheryl Price, Public Records Officer, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7358, cprice@cjtc.state.wa.us.

July 21, 2008

Cheryl A. Price

Accreditation and Performance

Analysis Manager

**WSR 08-15-153****PREPROPOSAL STATEMENT OF INQUIRY  
CRIMINAL JUSTICE  
TRAINING COMMISSION**

[Filed July 22, 2008, 3:43 p.m.]

Subject of Possible Rule Making: WAC 139-02-040 Public disclosure officer.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The update incorporates the recommended changes of the attorney general's office model rule WAC 44-14-020.

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 Cheryl Price, Public Records Officer, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7358, cprice@cjtc.state.wa.us.

July 21, 2008

Cheryl A. Price

Accreditation and Performance  
Analysis Manager

**WSR 08-15-154****PREPROPOSAL STATEMENT OF INQUIRY  
CRIMINAL JUSTICE  
TRAINING COMMISSION**

[Filed July 22, 2008, 3:44 p.m.]

Subject of Possible Rule Making: Repealing WAC 139-02-080 Protection of public records and 139-02-100 Qualifications on nondisclosure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The subject matter in these WACs will be incorporated in an updated WAC 139-02-090 Processing requests for public records.

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 Cheryl Price, Public Records Officer, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7358, cprice@cjtc.state.wa.us.

July 21, 2008

Cheryl A. Price

Accreditation and Performance  
Analysis Manager

**WSR 08-15-155****PREPROPOSAL STATEMENT OF INQUIRY  
CRIMINAL JUSTICE  
TRAINING COMMISSION**

[Filed July 22, 2008, 3:47 p.m.]

Subject of Possible Rule Making: WAC 139-02-090 Disclosure procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The changes to this rule are in accordance with the attorney general's office model rules, chapter 44-14 WAC. The update consolidates or amends some information that was included in WAC 139-02-080 and 139-02-100, changes the title of the rule, updates the name of our commission to reflect our identity (especially with online searches), and adds additional information reflected in the model rules.

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 Cheryl Price, Public Records Officer, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7358, cprice@cjtc.state.wa.us.

July 21, 2008

Cheryl A. Price

Accreditation and Performance  
Analysis Manager

**WSR 08-15-157****PREPROPOSAL STATEMENT OF INQUIRY  
OFFICE OF  
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2008-23—Filed July 23, 2008, 6:49 a.m.]

Subject of Possible Rule Making: Prohibitions on use of genetic information in medicare supplemental insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.66.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The federal Genetic Information Nondiscrimination Act (GINA) prohibits employers and insurers from using genetic information when making employment or coverage decisions. Section 104 of GINA prohibits denial, conditioning, or discrimination in the pricing of a medicare supplemental policy on the basis of genetic information and limits the ability of medicare supplement issuers to request or require genetic testing. It also prohibits the collection of genetic information for underwriting or other purposes prior to enrollment in medicare supplement insurance.

The NAIC will adopt an amendment to its medicare supplement model regulation which, in turn, will be adopted by Washington.

GINA gives states until July 1, 2009, to adopt the new nondiscrimination section of the NAIC model regulation.

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

Process for Developing New Rule: Submit written comments by August 28, 2008, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

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 23, 2008  
Mike Kreidler  
Insurance Commissioner

### WSR 08-15-169

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 08-08—Filed July 23, 2008, 10:38 a.m.]

Subject of Possible Rule Making: Ecology's toxics cleanup program is proposing a new chapter to reorganize, revise, and add additional subject matter to the current underground storage tank ("UST") rule, chapter 173-360 WAC. The purpose of the UST rule is to prevent or reduce leaks of petroleum and other hazardous substances from UST systems. Revisions are needed to comply with the federal Energy Policy Act of 2005 and the 2007 amendments to the state UST law (chapter 90.76 RCW). Ecology would also like to improve the clarity and readability of the rule. To this end, we are proposing a new chapter incorporating much of the current UST rule, along with some changes and additions. Ecology would then issue a repeal of the current rule at a later date. Some of the changes being considered include:

- A mandatory UST owner and operator training program.
- Requirements for secondary containment systems on new tanks, piping, and dispensers.
- Procedures to implement a delivery prohibition enforcement option (a "red tag" program).
- Increased annual fees (as specified in the enabling state statute).
- Changes to improve the organization and readability of the rule.
- Changes in standards for equipment, maintenance, and inspection to reduce the likelihood of leaks and spills.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.76 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are two main reasons for the rule revisions:

- (1) To comply with changes to state and federal laws.
- (2) To improve a poor rate of regulatory compliance with our current UST rule.

If we do not amend the UST rule, the federal Environmental Protection Agency (EPA) would be required to

assume responsibility for the underground storage tank program in Washington.

Compliance with the UST rule and its proposed provisions should reduce leaks and spills from USTs. UST leaks (mainly petroleum) can pollute ground water and adjacent surface waters. The rule revisions will improve the ability of UST owners and operators to prevent these types of contamination problems. The rule revisions will support three of ecology's strategic priorities:

- (1) Reducing toxic threats;
- (2) Protecting and restoring Puget Sound and Hood Canal; and
- (3) Managing our water successfully.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal EPA oversees our state UST program and will review our proposed rule.

Process for Developing New Rule: The proposed rule will be drafted and reviewed internally by staff with informal input from stakeholder groups. Once proposed language is ready for public comment, a copy will be posted on the agency web site, and public comments will be accepted. Six to eight public hearings will be held throughout the state during the public comment period; postcard and/or e-mail reminders will be sent to registered tank owners prior to their local public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can learn more by contacting the staff member listed below, or by visiting our web site at <http://www.ecy.wa.gov/laws-rules/currentactivity.htm>, Amie Hirsch, Department of Ecology, Toxics Cleanup Program, 300 Desmond Drive S.E., Lacey, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7232, e-mail [ahir461@ecy.wa.gov](mailto:ahir461@ecy.wa.gov).

July 18, 2008  
Jim Pendowski  
Program Manager

### WSR 08-15-171

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 08-13—Filed July 23, 2008, 10:39 a.m.]

Subject of Possible Rule Making: This rule making proposes to adopt a mandatory greenhouse gas reporting rule for owners or operators of:

1. A fleet of on-road motor vehicles that as a fleet emit at least 2,500 metric tons of greenhouse gases annually in the state; or
2. A source or combination of sources that emit at least 10,000 metric tons of greenhouse gases annually in the state. This rule making will establish new chapter 173-441 WAC, Reporting of emissions of greenhouse gases.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 14, Laws of 2008, E2SHB 2815, greenhouse gas emissions, adopted 2008 legislative session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state of Washington has taken several steps to begin responding to climate change. Executive Order 07-02, issued by the governor in February 2007, established goals for the statewide reduction of emissions of greenhouse gases within Washington over the next several decades as one of the methods of addressing climate change. The 2007 legislature passed chapter 80.80 RCW establishing statutory goals for statewide reductions in greenhouse gases and setting a greenhouse gas emissions performance standard for baseload electric power generation.

E2SHB 2815, passed by the 2008 legislature as part of the governor's climate change framework, includes additional actions to reduce emissions of greenhouse gases and build a clean energy economy. One element of this legislation is a requirement for large mobile sources (i.e., vehicle fleet operators) and large stationary sources of greenhouse gases to begin reporting emissions in 2010. The legislation directs ecology to adopt rules to develop and implement a reporting system for those entities required to report.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of ecology's air quality program will work with the energy facility site evaluation council (EFSEC), who is required to adopt a similar reporting rule for facilities they permit. The Environmental Protection Agency (EPA) is expected to publish a draft greenhouse gas reporting rule in September 2008. Ecology will review EPA's draft rule language as we develop our draft rule.

Process for Developing New Rule: The proposed rule will be drafted and reviewed by a stakeholder group and internally by staff. The public will have the opportunity to comment on the proposed rule. At least one public hearing will be held and the proposed amendments will be posted on the agency web site and provided to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can access more information on this rule making by contacting Nancy Pritchett, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6082, fax (360) 407-7534, npri461@ecy.wa.gov or accessing the ecology web site <http://www.ecy.wa.gov/laws-rules/index.html>.

July 22, 2008

Stuart A. Clark

Air Quality Program Manager

#### WSR 08-15-175

#### PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 23, 2008, 11:37 a.m.]

Subject of Possible Rule Making: Enrollment exclusions for state institutional education students and the counting priority of these students, WAC 392-122-221.

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: WAC 392-122-221 defines the enrollment exclusions for an institution student. The intent of this WAC change is to clearly identify the priority of counting a student who is in the institution on the institution count date as well as in their regular school district on the school district's count date.

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, OSPI Enrollment Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

July 10, 2008

Dr. Terry Bergeson

Superintendent of

Public Instruction

#### WSR 08-15-176

#### PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 23, 2008, 11:38 a.m.]

Subject of Possible Rule Making: General provisions for chapter 392-121 WAC to address whether the serving or the resident district is responsible for reporting student enrollment when the serving and resident districts are not the same, WAC 392-121-011.

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: Office of the superintendent of public instruction (OSPI) has historically instructed districts who are serving nonresident students pursuant to an interdistrict agreement, that is the serving district's responsibility to report student enrollment. Previously this had not been in any WAC.

This is supported in statute RCW 28A.225.240.

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, OSPI Enrollment Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

July 10, 2008

Dr. Terry Bergeson

Superintendent of

Public Instruction

**WSR 08-15-177**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed July 23, 2008, 11:33 a.m.]

Subject of Possible Rule Making: Administrative hearings.

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 change relates to timelines for setting administrative hearings.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail [Susana@wsgrc.wa.gov](mailto:Susana@wsgrc.wa.gov).

[Meetings on] September 12, 2008, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335; on October 10, 2008, at the Red Lion Hotel at the Park, 303 West North River Drive, Spokane, WA 99201; and on November 14, 2008, at the DoubleTree Hotel, 18740 International Boulevard, Seattle, WA 98188.

July 23, 2008  
Susan Arland  
Rules Coordinator