

**WSR 08-24-031****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF TRANSPORTATION**

[Filed November 24, 2008, 1:53 p.m.]

Subject of Possible Rule Making: Revise and possibly repeal WAC 468-18-040, 468-30-070, and 468-30-075.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.24.020, 47.52.210, 36.75.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules listed above contain procedures in transferring certain state-owned highway right-of-way[s] to local agencies. Washington state department of transportation (WSDOT) seeks to repeal all or a portion of the rules listed about [above] in order to transfer the guidance contained therein to a WSDOT Policy document (WSDOT Agreements Manual, Chapter 5 - Turnback Agreements). The manual is currently being revised in its entirety to reflect current best practices and procedures in developing and processing agreements related to highway project delivery. The rules were adopted prior to any such policy or other guidance being available. The substance of the rules is better suited by policy guidance in the agreements manual, and repealing all or a portion of the rules would allow for establishing more efficient processes in developing turnback agreements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSDOT staff will convene a stakeholder workshop including appropriate representatives of the transportation improvement board, the Association of Washington Cities, Association of Washington Counties and the county road administration board to ensure that the proposal meets the needs of these stakeholders.

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 Becky Hawkins, P.O. Box 47336, Olympia, WA 98504, (360) 705-7248, hawkire@wsdot.wa.gov.

November 24, 2008  
Stephen T. Reinmuth  
Chief of Staff

**WSR 08-24-035****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed November 24, 2008, 3:35 p.m.]

Subject of Possible Rule Making: WAC 308-100-130 Commercial driver's license—Serious traffic violation—Definition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.25.010, 46.25.140, and 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Need to update the definition of "serious traffic violation" for commercial driver's license

purposes in order to address issues raised by a recent federal audit of the state's commercial driver's license program.

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 Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

November 20, 2008  
Clark J. Holloway  
Legislative Liaison

**WSR 08-24-036****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF HEALTH**

[Filed November 25, 2008, 8:30 a.m.]

Subject of Possible Rule Making: WAC 246-100-202 Sexually transmitted diseases—Duties and authorities, amending the rule to update the accepted treatment methods to prevent ophthalmia neonatorum in infants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.24.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule guides those attending births on how to treat the eyes of an infant in order to prevent ophthalmia neonatorum caused by a gonococcal infection. The current rule references an outdated department of social and health services policy statement from 1981. Stakeholders such as hospitals and healthcare providers have requested that department of health and state board of health revise the rule to reflect current practice standards.

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

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. Stakeholders such as hospitals, health care providers, the perinatal advisory committee, and others will be invited to participate in the rule-development process. For information on how to participate in the rule-making process please contact Bat-Sheva Stein, Public Health Nurse Consultant, Washington State Department of Health, P.O. Box 47880, Olympia, WA 98504, phone (360) 236-3582, fax (360) 586-7868, e-mail bat-sheva.stein@doh.wa.gov.

November 21, 2008  
Craig McLaughlin  
Executive Director

**WSR 08-24-064****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed December 1, 2008, 8:24 a.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-420 Delivery of vehicle on dealer temporary permit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to comply with SHB 3029 that was passed by the legislature in 2008.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dale R. Brown, Management Analyst, Vehicle Services, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-7821 or 902-7822, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

November 26, 2008  
Mykel D. Gable  
Assistant Director  
Vehicle Services

**WSR 08-24-065****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed December 1, 2008, 8:26 a.m.]

Subject of Possible Rule Making: Chapter 308-57 WAC, Motor vehicle excise tax, to include but not limited to chapter 308-57 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 82.80.140, and 36.73.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to implement HB 1858 relating to transportation benefit district.

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

Process for Developing New Rule: The department of licensing (DOL) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL will file a proposal with the office of the code reviser with a notice of proposed

rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dale R. Brown, Management Analyst, Vehicle Services, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-7821 or 902-7822, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

November 26, 2008  
Mykel D. Gable  
Assistant Director  
Vehicle Services

**WSR 08-24-075****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed December 1, 2008, 1:49 p.m.]

Subject of Possible Rule Making: Electronic video 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: We have received a petition for rule change from ZDI, Inc., requesting specific timelines for the gambling commission to follow when we review electronic video 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; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] January 9, 2009, at the Holiday Inn, 1 South Grady Way, Renton, WA 98057, (425) 226-7700; on February 13, 2009, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-5165; and on March 13, 2009, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000.

December 1, 2008  
Susan Arland  
Rules Coordinator

**WSR 08-24-076****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed December 1, 2008, 1:51 p.m.]

Subject of Possible Rule Making: House-banked card game licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Harmon Consulting requesting that house-banked card game licensees no longer be required to submit audited financial statements.

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@wsgc.wa.gov](mailto:Susana@wsgc.wa.gov).

[Meetings on] January 9, 2009, at the Holiday Inn, 1 South Grady Way, Renton, WA 98057, (425) 226-7700; on February 13, 2009, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-5165; and on March 13, 2009, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000.

December 1, 2008  
Susan Arland  
Rules Coordinator

**WSR 08-24-077****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed December 1, 2008, 2:49 p.m.]

Subject of Possible Rule Making: WAC 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending WAC 388-513-1380:

- Regarding the personal needs allowance for individuals receiving a \$90 improved pension and those residing in a state veterans' home.
- Updating the language describing the standard shelter allocation. This standard increases every July based on the federal poverty level.

- DSHS may add language to improve readability, and may break this WAC into additional WACs for clarity.

Other policy changes on these subjects may be incorporated into this rule making. 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 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 Lori Rolley, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-7582, e-mail [rollej@dshs.wa.gov](mailto:rollej@dshs.wa.gov).

November 26, 2008  
Stephanie E. Schiller  
Rules Coordinator

**WSR 08-24-097****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed December 2, 2008, 1:00 p.m.]

Subject of Possible Rule Making: Implementation of a health technology clinical committee (HTCC) coverage determination. The decision was that certain lumbar fusion candidates must first complete a structured intensive multi-disciplinary pain program prior to the department or self-insurer authorizing lumbar fusion surgery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.14.120, 51.04.020, 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are necessary to implement the lumbar fusion coverage determination made by a statutory committee - the HTCC. The rule explains the decision and defines who is eligible for a lumbar fusion.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Three state agency programs must comply with the HTCC determination: The health care authority's uniform medical plan, department of social and health services' health and recovery services administration, and the department of labor and industries' workers' compensation program under Title 51 RCW. To the extent possible, these agencies are making their coverage policies similar; however, Washington workers' compensation benefits are governed by Title 51 RCW, Washington's Industrial Insurance Act. The specifics of the coverage decision will be limited by what is covered under Title 51 RCW. There are no other state or federal agencies responsible for interpreting and enforcing the provisions of this act.

Process for Developing New Rule: The rule will be developed in consultation with major stakeholders and other

interested parties: The workers' compensation advisory committee; HTCC; industrial insurance medical advisory committee.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka by phone (360) 902-4941, or fax (360) 902-6315, or mail Department of Labor and Industries, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321.

December 2, 2008  
Judy Schurke  
Director

### WSR 08-24-098

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

[Filed December 2, 2008, 1:17 a.m.]

Subject of Possible Rule Making: Chapter 296-19A WAC, Vocational rehabilitation—Nonaccredited or unlicensed training programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, 51.32.095, and chapter 72, Laws of 2007 (ESSB 5920).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules will assist in the implementation of chapter 72, Laws of 2007 (ESSB 5920). This proposed rule making will include new rules to clarify the process and factors L&I will consider for approving or denying nonaccredited or unlicensed training programs for injured workers.

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

Process for Developing New Rule: Labor and industries will begin the rule development process and will share the draft proposal with stakeholders and other interested parties, including the workers' compensation advisory committee. Public hearings will be held throughout the state after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Department of Labor and Industries, Josh Swanson, P.O. Box 44001, Olympia, WA 98504-4001, phone (360) 902-6805, fax (360) 902-4202, e-mail SWAJ235@LNI.WA.GOV; or Vickie Kennedy, P.O. Box 44001, Olympia, WA 98504-4001, phone (360) 902-4997, fax (360) 902-4202, e-mail KENE235@LNI.WA[.GOV].

December 2, 2008  
Judy Schurke  
Director

### WSR 08-24-102

#### PREPROPOSAL STATEMENT OF INQUIRY HOUSING FINANCE COMMISSION

[Filed December 2, 2008, 2:16 p.m.]

Subject of Possible Rule Making: Amendment to existing rules to change commission meetings from special meetings to regular meetings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.180 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is changing its meetings from special meetings to regular meetings in order to streamline its meeting notice procedures and to effect cost savings.

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

Process for Developing New Rule: The commission will request written comments from persons who may be interested in the rules concerning its meetings. Comments received will be considered by the commission before the final rules are published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments must be received by February 25, 2009. These comments will be considered by the commission at its February 26, 2009, meeting. Thereafter, the commission will proceed with rule making. Contact Mr. Paul Edwards, Deputy Director, Washington State Housing Finance Commission, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, phone (206) 287-4462, fax (206) 587-5113.

December 2, 2008  
Paul R. Edwards  
Deputy Director

### WSR 08-24-103

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed December 2, 2008, 2:40 p.m.]

Subject of Possible Rule Making: Hunting season regulations such as big game, small game, unclassified wildlife, deer, elk, bighorn sheep, mountain goat, and moose seasons and permit levels; auctions, raffles, and incentive tags; game management unit boundaries; special closures and firearm restriction areas; deer and elk areas, hunting hours, landowner hunting permits, equipment regulations, trapping regulations, nontoxic shot requirements, multiple-season permits, special use permits for hunters with disabilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provides clarification and recreational opportunity.

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 Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515.

December 2, 2008  
 Loreva M. Preuss  
 Rules Coordinator

### WSR 08-24-111

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed December 3, 2008, 8:52 a.m.]

Subject of Possible Rule Making: The university's parking rules for the WSU Vancouver campus are being updated, including the following change: Amending WAC 504-19-460 False information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The university's rules regarding the use of false information to obtain parking permits for the WSU Vancouver campus are being updated.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, and e-mail [jenks@wsu.edu](mailto:jenks@wsu.edu). A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

November 25, 2008  
 Ralph T. Jenks, Director  
 Office of Procedures, Records,  
 and Forms and the  
 University Rules Coordinator

### WSR 08-24-114

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed December 3, 2008, 10:05 a.m.]

Subject of Possible Rule Making: Amend WAC 16-461-010 Inspection certificate and/or permit required, by removing of the mandatory certification and twenty-one day recertification of Red Delicious and Delicious varieties and mak-

ing any amendments that are necessary to update the chapter and make it more usable.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and pack, specifically RCW 15.17.030 Enforcement—Director's duties—Rules; and chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Grade standards imposed by retail buyers and the desire by the shippers to comply with those standards makes the mandatory certification and recertification of Red Delicious and Delicious varieties of apples in rule unnecessary.

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

Process for Developing New Rule: Washington state department of agriculture staff members will develop the rule proposal. Industry representatives may review and comment on the proposed rule amendments and interested parties can participate in the public hearing and comment process, the dates of which will be announced when the agency files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1833, fax (360) 902-2085, e-mail [jquigley@agr.wa.gov](mailto:jquigley@agr.wa.gov).

November 24, 2008  
 Dennis Hannapel  
 Assistant Director  
 Commodity Inspection Division