

**WSR 09-19-024**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE UNIVERSITY**

[Filed September 4, 2009, 3:28 p.m.]

Subject of Possible Rule Making: The university's rules regarding the State Environmental Policy Act in chapter 504-48 WAC are being updated.

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 State Environmental Policy Act are being updated and clarified to reflect current administrative practices, offices, and titles.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington department of ecology.

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. 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.

September 4, 2009

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

**WSR 09-19-025**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

[Filed September 7, 2009, 11:59 a.m.]

The department wishes to withdraw preproposal statement of inquiry WSR 09-11-124 filed May 20, 2009. The department does not intend to amend the rules in this chapter at this time.

Deborah Bortner, Director  
 Division of Consumer Services

**WSR 09-19-035**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed September 9, 2009, 1:59 p.m.]

Subject of Possible Rule Making: WAC 392-140-970 through 392-140-974, Finance—Special allocations—Salary bonus for teachers and other certificated staff who hold current certification by the national board.

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: Rule revisions will update guidance on the administration of the salary bonus for teachers and other certificated staff that have attained certification by the national board for professional teaching standards, as well as other provisions related to the bonus.

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 Ross Bunda, (360) 725-6308.

September 9, 2009

Randy I. Dorn  
 State Superintendent

**WSR 09-19-036**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed September 9, 2009, 1:59 p.m.]

Subject of Possible Rule Making: Adopt rules for skill centers in Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: HB [SB] 5790 (2007 session), line 28, amending RCW 84.52.068.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules for skill centers are needed to establish existing guidelines as policy and to create a process for development of branch campuses and satellite programs.

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

Process for Developing New Rule: Developed by and [an] internal external committee.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathleen Lopp, Assistant Superintendent, Career and College Readiness, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6256, e-mail Kathleen.lope@k12.wa.us. An informal workgroup will provide input as well as other office of superintendent of public instruction initiated meetings with interested parties. At least one formal public hearing will be held to inform the rule adoption decision.

September 9, 2009

Randy I. Dorn  
 State Superintendent  
 of Public Instruction

**WSR 09-19-061****PREPROPOSAL STATEMENT OF INQUIRY  
WESTERN WASHINGTON UNIVERSITY**

[Filed September 11, 2009, 2:43 p.m.]

Subject of Possible Rule Making: Chapter 516-23 WAC, Student rights and responsibilities code and chapter 516-28 WAC, Standards and procedures for involuntary administrative withdrawal of students at Western Washington University for behavior from mental disorders.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To review and amend Western's student conduct code and chapter 516-28 WAC to ensure that rules are up-to-date and meet current technology standards and usability.

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 Ted Pratt, Dean of Students, Western Washington University, 516 High Street, Mailstop 9105, Bellingham, WA 98225-9105, phone (360) 650-3450, fax (360) 650-4355; or Suzanne Baker, Rules Coordinator, Western Washington University, 516 High Street, Mailstop 9015, Bellingham, WA 98225-9015, phone (360) 650-3117, e-mail Suzanne.Baker@wwu.edu.

September 11, 2009

Suzanne M. Baker  
Rules Coordinator**WSR 09-19-062****PREPROPOSAL STATEMENT OF INQUIRY  
SECRETARY OF STATE**

(Elections Division)

[Filed September 11, 2009, 4:17 p.m.]

Subject of Possible Rule Making: A variety of election issues will be addressed, such as recounts, vote by mail, declaration of candidacy, and voters' pamphlet.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarification is needed for upcoming elections.

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 Joanie Deutsch, Policy Analyst, Elections Division, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4182, jdeutsch@secstate.wa.gov.

September 11, 2009

Steve Excell  
Assistant Secretary of State**WSR 09-19-066****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed September 14, 2009, 10:34 a.m.]

Subject of Possible Rule Making: WAC 260-14-040 Wagering.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is contemplating amending this section regarding the prohibitions on wagering by commissioners, employees, and the spouses of commissioners and employees.

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 Robert J. Lopez, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

September 10, 2009

R. J. Lopez  
Executive Secretary**WSR 09-19-076****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ECOLOGY**

[Order 09-09—Filed September 16, 2009, 12:33 p.m.]

Subject of Possible Rule Making: Revision of chapter 173-50 WAC, Accreditation of environmental laboratories. The amendments will change the fee schedule of ecology's environmental laboratory accreditation program (ELAP) and will change some business practices to reflect a cut in the program budget.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.21A.230 allows ecology to accredit environmental laboratories. The state department of health (DOH) has delegated to ecology in a memorandum of understanding their RCW 43.20.050 authority to certify drinking water laboratories.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Our current fee structure does not cover the full cost of ecology's ELAP, and consequently the services we provide to labs are subsidized by the state general fund. In the current budget, the legislature directed ecology to raise fees to cover the cost of the program. We have eliminated one of seven positions in the program, but still need to raise fees by about 45% to fully fund the remaining program. Our fee structure revision will also align fees with the level of services required to accredit different types of labs. With the loss of one of our positions, we will also need to change some business practices specified in the rules; this will reduce our oversight of accredited labs. We are also clarifying the grounds for revoking or suspend-

ing accreditation so that our rules expressly state that suspension or revocation can occur for failure to pay mandatory fees and for failure to maintain third party or reciprocal accreditation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Environmental Protection Agency's federal drinking water certification program is administered in Washington by DOH. Through a memorandum of understanding, ecology has assumed the drinking water certification mission from DOH. Staff of DOH will assist us in conducting workshops for stakeholders and will be copied on all communications related to this rule change.

Process for Developing New Rule: The process will include mailings to all stakeholders, information posted on our web site, workshops, and public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stew Lombard, Lab Accreditation Unit Supervisor, Environmental Assessment Program, (360) 895-6148, fax (360) 895-6180, or e-mail Stew.Lombard@ecy.wa.gov. Stakeholders will be informed of the proposed changes to chapter 173-50 WAC by regular or electronic mail, and invited to participate in workshops where those changes will be described and discussed in detail. The mailing will include a focus sheet summarizing the proposed changes. Progress on the rule revision will be described on our web site and public hearings will be conducted to receive and respond to input on the proposed changes.

September 15, 2009

Robert Duff  
EAP Program Manager

#### WSR 09-19-078

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed September 16, 2009, 2:26 p.m.]

Subject of Possible Rule Making: Chapter 308-65 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.55.190, 46.79.080, and 46.80.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarifying language that promotes a consistent application of law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the attorney general, consumer protection and the Washington state patrol.

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 pub-

lication by contacting Mary Morris, Administrative Assistant 3, Dealer/Manufacturer Services, Mailstop 48204, P.O. Box 9039, Olympia, WA 98507, by phone (360) 664-6464, fax (360) 586-6703, e-mail Mmorris@dol.wa.gov.

September 16, 2009

Walt Fahrer  
Rules Coordinator

#### WSR 09-19-088

##### WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY COMMUNITY COLLEGES OF SPOKANE

[Filed September 18, 2009, 10:26 a.m.]

Community Colleges of Spokane originally filed two CR-101 documents on July 22, 2009, for consideration in issue 09-15 [09-16]. Our intention is to withdraw both of the following CR-101s to better reflect the intention of the requested changes to the WACs:

CR-101 WAC 132Q-07-030 and 132Q-07-040 for  
WSR 09-15 [09-16-025]

CR-101 WAC 132Q-30-242 for WSR 09-15 [09-16-  
026]

Our intent is to file a new CR-101 for consideration in issue 09-19 that reflects the true intent and clarifies the rationale for making the changes to the above-referenced WACs.

Anne Tucker  
Public Information Officer

#### WSR 09-19-093

##### PREPROPOSAL STATEMENT OF INQUIRY TRANSPORTATION COMMISSION

[Filed September 18, 2009, 2:22 p.m.]

Subject of Possible Rule Making: Transfer and clarification of Washington Administrative Code sections for route jurisdiction transfer from transportation improvement board (chapters 479-210 and 479-216 WAC) to transportation commission.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 260, Laws of 2009.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Route jurisdiction transfers add, delete, or make other changes to the state highway system. Review of a request typically requires a small study, notice to affected parties, including the state, one or more counties, and potentially one or more cities. Sometimes a public hearing is scheduled based on local interest. The rules provide guidelines for interpreting and applying the statutory criteria to specific routes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The commission has met several times with the executive director of the transportation improvement board to

understand the current process for reviewing and making recommendations on proposed route jurisdiction transfers.

Process for Developing New Rule: Negotiated rule making; and meet with transportation improvement board staff, and seek input from state, county and city staff, prior to determine [determining] which sections of existing rule may benefit from clarification and/or elaboration.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Reema Griffith, executive director, Washington state transportation commission, (360) 705-7070, griffir@wstc.wa.gov.

September 18, 2009  
Reema Griffith  
Executive Director

or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of anticipated changes will be available upon request shortly before the public meeting. Written comments on and/or requests for copies of the rule may be directed to Mark E. Bohe, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail markbohe@dor.wa.gov, phone (360) 570-6133, fax (360) 586-0127.

Public Meeting Location: Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on October 27, 2009, at 10:00 a.m.

September 18, 2009  
Alan R. Lynn  
Rules Coordinator

### WSR 09-19-094

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed September 18, 2009, 2:50 p.m.]

Subject of Possible Rule Making: WAC 458-40-540 Forest land values and 458-40-660 Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.091 requires the department of revenue to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-660 to provide valuations for the first half of 2010.

RCW 84.33.140 requires that forest land values be adjusted annually by a statutory formula contained in RCW 84.33.140(3). The department anticipates amending the forest land values rule (WAC 458-40-540) to adjust the table of forest land values in Washington as required by statute. County assessors will use these published land values for property tax purposes in 2010.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

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. Written comments may be submitted by mail, fax,

### WSR 09-19-097

#### PREPROPOSAL STATEMENT OF INQUIRY COMMUNITY COLLEGES OF SPOKANE

[Filed September 21, 2009, 9:51 a.m.]

Subject of Possible Rule Making: Amendment of WAC 132Q-07-030 Outside speakers, 132Q-07-040 Distribution of materials, 132Q-30-242 Discrimination, and 132Q-30-246 Harassment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(10).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On September 15, 2009, the board of trustees of Washington State Community College District 17 (Community Colleges of Spokane) directed administration to amend WAC 132Q-07-030 Outside speakers, 132Q-07-040 Distribution of materials, 132Q-30-242 Discrimination and 132Q-30-246 Harassment, in accordance with the terms of the agreed order settling the *Sheeran vs. Shea First Amendment Rights* suit filed in United States District Court, Eastern District of Washington.

Process for Developing New Rule: Revision of text per mediated agreement.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The CCS board of trustees took this action in its open public meeting on September 15, 2009. This matter will be addressed at a subsequent open public board meeting when it reaches the appropriate stage of the code revision process. Questions may be directed to Anne Tucker, Public Information Officer, Community Colleges of Spokane, P.O. Box 6000, Mailstop 1009, Spokane, WA 99217-6000, phone (509) 434-5109, e-mail atucker@ccs.spokane.edu.

September 21, 2009  
Anne Tucker  
District Public  
Information Officer

**WSR 09-19-104**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2009-16—Filed September 21,  
2009, 11:13 a.m.]

Subject of Possible Rule Making: Revisions to chapter 284-60 WAC relating to disability insurance loss ratios.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current regulation results in the use of exceptions under WAC 284-60-010(1) or of **WAC 284-60-090 Special circumstances** in the review of many rate filings. The commissioner believes that the current regulation does not provide sufficient guidance as to what rates are reasonable under RCW 48.18.110(2) when the filing reviewer needs to consider special circumstances or when the entire chapter 284-60 WAC does not apply. To improve objectivity and consistency in the review of rate filings, the commissioner will consider adopting regulations that set reasonable minimum loss ratio standards for the full range of disability insurance coverages, without necessitating special considerations.

There are also some inconsistencies between the current chapter 284-60 WAC and recent health insurance reform legislation; specifically, with regard to individual health plans. The revised regulations will remove those inconsistencies.

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 November 6, 2009, to Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@oic.wa.gov, fax (360) 586-3109.

September 21, 2009  
Mike Kreidler  
Insurance Commissioner

**WSR 09-19-105**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2009-17—Filed September 21,  
2009, 11:18 a.m.]

Subject of Possible Rule Making: The commissioner is considering adopting rules concerning property and casualty insurance rate cap rules, transition rating rules, rate stability formulas, and other rating methods. The rules may:

1. Specify situations in which these rules, formulas and other rating methods would or would not result in rates that are unfairly discriminatory;

2. Clarify the meaning of RCW 48.19.040 as it applies to these rules, formulas and other rating methods and the rate manuals which they involve; and

3. Establish processes and procedures that insurers must use when implementing rate cap rules, transition rating rules, rate stability formulas, and other rating methods.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Using advanced information technology and predictive modeling methods, property and casualty insurers are implementing increasingly sophisticated systems for calculating insurance premiums. When new rating factors are inserted into premium formulas and then applied to an existing book of business, many policyholders may see significant premium changes. To mitigate this effect, insurers often propose rating rules or formulas that reduce the magnitude of the premium changes for certain policyholders. These rating rules or formulas, however, may result in different premiums being charged to similarly situated policyholders, which may be contrary to RCW 48.18.480. A regulation could specify the situations in which these rating rules or formulas would or would not result in rates that are unfairly discriminatory. The regulation could also clarify how the requirements of RCW 48.19.040 apply to these situations. If such a regulation were adopted, the commissioner would have objective standards by which to evaluate and approve or disapprove insurers' proposed rating rules or formulas, and consumers would be better protected from unfairly discriminatory rates.

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

Process for Developing New Rule: Submit written comments by November 6, 2009, to Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@oic.wa.gov, fax (360) 586-3109.

September 21, 2009  
Mike Kreidler  
Insurance Commissioner

**WSR 09-19-121**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed September 22, 2009, 12:27 p.m.]

Subject of Possible Rule Making: Factory assembled structures, chapters 296-150C, 296-150F, 296-150I, 296-150M, 296-150P, 296-150R, 296-150T, and 296-150V WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 43.22 and 43.22A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to review the factory assembled structure rules for additions or revisions. The factory assembled structure rules are reviewed on a regular basis to ensure the rules are consistent with industry practice, to clarify the rules, and for possible house-keeping changes.

The following changes will be made with this rule making:

- Change language to reflect current code reference. For example, references to the Uniform Building Code will be changed to the International Code Council.
- Process change to require manufacturers to maintain a CD account, for inspection, to meet internal audit findings.
- Remove language that makes references to CTED that was missed in the last rule 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: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

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

September 22, 2009

Judy Schurke

Director

**WSR 09-19-122**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 22, 2009, 12:32 p.m.]

Subject of Possible Rule Making: Chapter 296-17A WAC, Classifications for workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.06.035 and 51.06.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We are reviewing the rules relating to work environment, equipment, and conditions in businesses operating in risk classifications 3902, various food processing and manufacturing operations, and 4002, dairy products processing and manufacturing. With only seventeen companies now reporting in 4002, we want to consider combining these classifications.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by commenting can be submitted to Renee Brady, P.O. Box 44148, Olympia, WA 98504-4148, e-mail [BRAD235@LNI.WA.GOV](mailto:BRAD235@LNI.WA.GOV), phone (360) 902-477 [902-4773], fax (360) 902-4729. Information about this process is available at the web site [www.lni.wa.gov/insuranceservices/employerservices](http://www.lni.wa.gov/insuranceservices/employerservices).

September 22, 2009

Judy Schurke

Director

**WSR 09-19-123**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
(Apprenticeship and Training Council)  
[Filed September 22, 2009, 12:36 p.m.]

Subject of Possible Rule Making: Chapter 296-05 WAC, Apprenticeship rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.04 RCW and RCW 19.285.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The apprenticeship system in this state is authorized under the federal system of apprenticeship, specifically 29 C.F.R. Part 29 and Part 30. The federal government recently published updated rules and gave the states authorized under the federal system two years from December 28, 2008, to come into compliance. Rule making is needed to address past policies that address the federal changes.

Additionally, Initiative 937 established an incentive to utilize state registered apprentices when entities construct/build renewable energy projects. The Washington state apprenticeship and training council, under I-937 is tasked with setting the level of apprentice utilization for such projects and verifying that such levels are achieved through a review process. With the growing emphasis on renewable energy resources, the rules need to be amended to outline the processes and procedures through which entities can obtain certification of apprentice utilization levels [that] are necessary.

Additional housekeeping change may be made to the rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor, Office of Apprenticeship, Training, Employer and Labor Services, which had federal apprenticeship oversight responsibility, along with general administration, Washington state depart-

ment of transportation, and the office of superintendent of public instruction will be provided a copy of the proposed rules.

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

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

September 22, 2009

Dave D'Hondt, Chair  
Apprenticeship and Training Council

#### WSR 09-19-124

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF

##### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed September 22, 2009, 12:41 p.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-478-0030 and any other related WACs in order to apply a ratable reduction on the general assistance cash grant payment standard.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.08.090, 74.04.005, and 74.04.770.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The community services division will propose amendments to WAC 388-478-0030 Payment standards for GA-U and ADATSA, and any other related WACs, in order to help the department stay within budget appropriations. In addition, the community services division will propose amendments to clarify the rule language.

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 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](mailto:mathsmc@dshs.wa.gov).

September 22, 2009

Stephanie E. Vaughn

Rules Coordinator

#### WSR 09-19-125

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF

##### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed September 22, 2009, 12:44 p.m.]

Subject of Possible Rule Making: WAC 388-448-0080 PEP sep [step] V—How we determine your ability to function in a work environment if you have an [a] mental impairment; 388-448-0090 PEP step V—How we determine your ability to function in a work environment if you have a physical impairment; 388-448-0100 PEP step VI—How we evaluate capacity to perform relevant past work; 388-448-0110 PEP step VII—How we evaluate your capacity to perform other work; and any other related WACs.

The community services division is proposing to redefine general assistance incapacity. This may include, but is not limited to, changes regarding social factors, vocational factors and the administrative review team.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will propose amendments to WAC 388-448-0080, 388-448-0090, 388-448-0100, 388-448-0110, and any other related WACs, in order to more closely align the general assistance incapacity criteria with the Social Security Administration disability criteria. In addition, the proposed amendments could help the department stay within budget appropriations for the 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: 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](mailto:mathsmc@dshs.wa.gov).

September 22, 2009

Stephanie E. Vaughn

Rules Coordinator

**WSR 09-19-134**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed September 22, 2009, 2:48 p.m.]

Subject of Possible Rule Making: The state parks and recreation commission is considering amending chapter 352-28 WAC, Protection and conservation of state park natural resources, following an agency study on issues related to the management, sale and removal of its natural resources materials, and the collection of fauna as a part of agency approved research permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.035, 79A.05.070, 79A.05.075, and 79A.05.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The entire chapter will be reviewed for clarity and consistency of business practices with an emphasis on qualifications, procedures, and general provisions pertain [pertaining] to the sale of, or leasing of lands containing, tree, plant or fungi resources from commission owned or managed lands. Other issues associated with this chapter arising from agency review may be subject to rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state parks and recreation commission has lead agency jurisdiction over the public use of natural resources on agency property. The department of natural resources' natural heritage program needs to be consulted on select management actions taken in natural areas of the park system. The Washington department of natural resources needs to provide a collection permit for any fauna collected on lands managed by state parks and needs to be consulted on select management actions related to species of concern and their habitats.

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 Robert Fimbel, Chief, Resource Stewardship, Washington State Parks, Headquarters, 1111 Israel Road S.W., Olympia, WA 98504, phone (360) 902-8592, fax (360) 586-0207, e-mail robert.fimbel@parks.wa.gov.

September 22, 2009

Jim French, Chief  
Policy Research and  
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