

WSR 09-23-007
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 5, 2009, 8:39 a.m.]

Subject of Possible Rule Making: Chapter 220-48 WAC, Puget Sound—Fish other than salmon, and chapter 220-49 WAC, Puget Sound commercial forage fish.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012 and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has identified a need to review rules regulating the time, place, and manner in which commercial fisheries for forage fish (herring, smelt, and anchovy) and groundfish (rockfish, sole, cod, shark, and similar species) operate in Puget Sound. These rules have not been reviewed for more than ten years. The intent of these rule changes is to improve conservation of these fish resources, reduce the capture of certain species, and promote orderly fisheries.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Pacific Fishery Management Council (PFMC) manages rebuilding plans for overfished groundfish stocks and other species. These rule proposals will reflect PFMC's harvest guidelines to ensure that rebuilding goals are achieved.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail Lori.Preuss@dfw.wa.gov. Contact by December 31, 2009. Expect proposal filing on or after January 6, 2010.

November 5, 2009
 Lori Preuss
 Rules Coordinator

WSR 09-23-016
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 6, 2009, 10:54 a.m.]

Subject of Possible Rule Making: Regulations and conditions for conducting auctions and raffles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.040, 77.12.047, 77.12.020, 77.32.070, 77.32.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provides clarification and clear direction for conducting auctions and raffles of hunting permits.

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. Contact by December 28, 2009. Expected proposal filing on or after January 6, 2010.

November 6, 2009
 Lori Preuss
 Rules Coordinator

WSR 09-23-017
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 6, 2009, 11:31 a.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification. Addresses educator contact information requirements.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

November 6, 2009
 David Brenna
 Legislative and
 Policy Coordinator

WSR 09-23-018
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 6, 2009, 12:06 p.m.]

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

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

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

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site: www.PESB.wa.gov.

November 6, 2009

David Brenna

Legislative and

Policy Coordinator

WSR 09-23-020

PREPROPOSAL STATEMENT OF INQUIRY

HORSE RACING COMMISSION

[Filed November 6, 2009, 3:12 p.m.]

Subject of Possible Rule Making: WAC 260-44-120 Weighing in—Weigh in/weigh out—Tolerances—Penalties.

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: In anticipation of a change to the RCI model rules clarifying the difference in the jockey's weight between weighing out and weighing in.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Deputy Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, dmoore@whrc.state.wa.us.

November 3, 2009

Douglas L. Moore

Deputy Executive Secretary

WSR 09-23-050

WITHDRAWAL OF

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Filed November 10, 2009, 3:28 p.m.]

The department of ecology withdraws the following CR-101: WSR 09-04-094, filed on February 4, 2009, chapter 173-400 WAC, General regulations for air pollution sources.

Immediately after withdrawing this CR-101, ecology is filing a CR-101 that includes two additional sections.

The new sections are WAC 173-400-036 Nonroad engines and 173-400-111 Notice of construction procedures for sources and portable sources. Nonroad engines are currently regulated by WAC 173-400-035, which also regulates portable sources. As there are substantial differences between portable source and nonroad engine permits, we are separating them into two sections.

WAC 173-400-110 also covers two topics: New source applicability and the new source review permit process. The establishment of WAC 173-400-111 allows each of these topics to have its own section, making the rule easier to administer for the permitting authority and the applicant.

During the rule development process, the advisory committee identified an opportunity to improve the rule structure by creating two new sections. The intent of this action is to improve the rule structure and make it easier to implement.

Stuart A. Clark

Air Quality Program Manager

WSR 09-23-051

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF ECOLOGY

[Order 09-01—Filed November 10, 2009, 3:28 p.m.]

Subject of Possible Rule Making: Chapter 173-400 WAC, General regulations for air pollution sources; specifically WAC 173-400-030, 173-400-035, 173-400-040, 173-400-050, 173-400-070, 173-400-075, 173-400-081, 173-400-091, 173-400-099, 173-400-102, 173-400-104, 173-400-105, 173-400-107, 173-400-110, 173-400-112, 173-400-113, 173-400-115, 173-400-116, 173-400-117, 173-400-120, 173-400-131, 173-400-136, 173-400-161, 173-400-171, 173-400-560, 173-400-700 through 173-400-750, creating two new sections WAC 173-400-036 and 173-400-111, and several new sections between WAC 173-400-800 and 173-400-890.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington Clean Air Act, RCW 70.94.151, 70.94.152, 70.94.155, 70.94.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This CR-101 lists two sections that were not listed in the previous filing. The intent of this addition is to improve the rule structure and make it easier to implement. The new sections are WAC 173-400-036 Nonroad engines and 173-400-111 Notice of construction procedures for sources and portable sources. Currently WAC 173-400-035 regulates both nonroad engines and portable sources. By establishing WAC 173-400-036 as a new section, this proposal makes a separate section for each subject.

This structural change improves the rule readability and makes administration easier as there are substantial differences between nonroad engines and portable sources.

Currently WAC 173-400-110 covers both new source applicability and the new source permit process. This proposal divides the two topics [into] two sections, which makes the rule easier to implement.

This rule making has three focal points: Development of nonattainment area new source review (NSR) rules, correcting state implementation plan deficiencies, and general housekeeping.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will maintain an active dialog with the United States Environmental Protection Agency and local clean air agencies to ensure our proposals are consistent [consistent] with federal requirements.

Process for Developing New Rule: The proposed rule will be drafted internally by staff. The public will have the opportunity to comment on the proposed rule. At least one public hearing will be held. The proposed amendments will be posted on the agency web site, <http://www.ecy.wa.gov/laws-rules/currentactivity.htm> 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 by contacting Tom Todd, Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-7528, Ttod461@ecy.wa.gov; or Linda Whitcher, Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6875, Liw461@ecy.wa.gov.

November 9, 2009

Stuart A. Clark
Program Manager

WSR 09-23-061

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Filed November 12, 2009, 2:59 p.m.]

The department of ecology (ecology) withdraws the following CR-101 filing: WSR 08-10-099, filed on May 7, 2008, Water rights, chapter 173-152 WAC and Administration of surface and groundwater codes, chapter 508-12 WAC.

The agency has decided to withdraw this rule-making effort due to a rainwater policy interpretive statement issued on October 12, 2009. The rainwater policy interpretive statement will replace rule making for this issue.

Kenneth O. Slattery
Manager
Water Resources Program

WSR 09-23-062

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2009-19—Filed November 12, 2009, 3:42 p.m.]

Subject of Possible Rule Making: Utilization review of medical services.

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: This rule making is being initiated as a result of a petition (P.47) from the WorkSMART Institute. The commissioner will consider amending WAC 284-43-410 to clear up a conflict with a newly enacted statute.

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 December 7, 2009, to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, 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 40258, Olympia, WA 98504-0258, kacys@oic.wa.gov.

November 12, 2009

Mike Kreidler
Insurance Commissioner

WSR 09-23-078

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed November 16, 2009, 11:46 a.m.]

Subject of Possible Rule Making: Chapter 308-330 WAC, Updating the model traffic ordinance, legislation passed during 2004 through 2009 session.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.90.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating model traffic ordinance, legislation passed during 2004 through 2009 session.

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 16, 2009

Walt Fahrner
Rules Coordinator

WSR 09-23-081**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed November 16, 2009, 4:22 p.m.]

Subject of Possible Rule Making: WAC 246-840-010 Definitions, 246-840-020 Documents issued to nurses in Washington, 246-840-111 Expired license, 246-840-120 Inactive credential, and 246-840-130 Criteria for approved refresher course. Amending sections to implement continuing competency requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.010 and 18.79.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A preproposal statement of inquiry (CR-101) was filed June 18, 2008, as WSR 08-13-092, with the intent to develop new rules for mandatory continuing competency for nurses in Washington state. This CR-101 identifies existing rules that may need to be amended to implement the continuing competency requirements.

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

Process for Developing New Rule: Collaborative rule writing with stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry J. West, Department of Health, P.O. Box 47864, Olympia, WA 98504, phone (360) 236-4712, fax (360) 236-4738. Participants can also join the list serve for notices of rules writing workshops <http://list-serv.wa.gov/cgi-bin/wa?A0=NURSING-QAC> or e-mail terry.west@doh.wa.gov.

November 16, 2009

Paula R. Meyer, MSN, RN
Executive Director**WSR 09-23-092****PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed November 17, 2009, 8:53 a.m.]

Subject of Possible Rule Making: Chapter 260-44 WAC, Weights and equipment.

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: Establish a new section to mandate the use of the safety riding crop during training hours.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Deputy Executive

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

November 17, 2009

Douglas L. Moore
Deputy Executive Secretary**WSR 09-23-113****PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Community Health Services)

[Order 09-04—Filed November 18, 2009, 9:32 a.m.]

Subject of Possible Rule Making: The health care authority (HCA) plans to amend chapter 182-20 WAC, Community health services, WAC 182-20-100 Administration and 182-20-160 Eligibility, to reflect changes in the language to include tribal governments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160, 41.05.220, and 41.05.230.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendment of rules is needed to incorporate changes made by the Centennial Accord and HCA administrative policy. Rules are expected to clarify the administration of the community health services (CHS) grant program and define eligibility requirements.

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

Process for Developing New Rule: CHS rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jan Ward Olmstead, Tribal Liaison, 676 Woodland Square Loop S.E., P.O. Box 42721, Lacey, WA 98504-2721, phone (360) 923-2803, fax (360) 923-2835, Jan.Olmstead@hca.wa.gov.

November 18, 2009

Jason Siems
Rules Coordinator**WSR 09-23-115****PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed November 18, 2009, 9:55 a.m.]

Subject of Possible Rule Making: Amending WAC 180-18-040 Waivers from minimum one hundred eighty-day school year requirement and student-to-teacher ratio requirement and 180-18-050 Procedure to obtain waiver, as a part of a periodic review of its rules that may include updating references to RCWs and possible changes to the procedure to apply for a waiver.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.140 and 28A.655.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending WAC 180-18-040 Waivers from minimum one hundred eighty-day school year requirement and student-to-teacher ratio requirement and 180-18-050 Procedure to obtain waiver, as a part of a periodic review of its rules that may include updating references to RCWs and possible changes to the procedure to apply for a waiver.

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

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

November 4, 2009
Edith W. Harding
Executive Director