

WSR 10-05-002
PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
FACILITIES AUTHORITY
 [Filed February 3, 2010, 3:06 p.m.]

Subject of Possible Rule Making: Chapter 253-02 WAC, revising operations and procedures pursuant to which the authority will conduct meetings. Chapter 253-16 WAC, updating procedures for preparation and processing of applications for authority assistance and amending fee section to eliminate references to specific fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.07.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules (1) revise the authority's operations and procedures for conducting meetings to reflect current technology and changes in the RCW; and (2) streamline the authority's procedures for preparation and processing of applications for authority assistance and eliminate references to specific fees.

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 authority will hold a public hearing on May 6, 2010, regarding its proposed rules and will take written comments from persons interested in the development of rules concerning the authority's operations and procedures for conducting meetings, processing applications and charging fees. Comments received will be considered by the authority 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 May 5, 2010. These comments will be considered by the authority at its May 6, 2010, meeting. That meeting shall constitute a public hearing on the proposed rules and the authority will take public comment at that time. Thereafter, the authority shall proceed with rule making. Contact Mr. Paul R. Edwards, Deputy Director, Washington Higher Education Facilities Authority, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, e-mail paul.r.edwards@wshfc.org.

February 3, 2010
 Paul R. Edwards
 Deputy Director

WSR 10-05-006
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed February 4, 2010, 10:20 a.m.]

Subject of Possible Rule Making: Chapter 392-141 WAC, Transportation—State allocation for operations.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The low-income choice

transportation program was not utilized for several years prior to the 2009 legislative session. In the 2009-11 operating budget, all reference to the program was removed. This CR-101 is to remove the sections of chapter 392-141 WAC that refer to the distribution of funding for this program.

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 Allan J. Jones, Director, Pupil Transportation and Traffic Safety Education, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, fax (360) 586-6124, e-mail allan.jones@k12.wa.us.

February 4, 2010
 Randy Dorn
 Superintendent of
 Public Instruction

WSR 10-05-014
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY
 [Filed February 4, 2010, 3:09 p.m.]

Subject of Possible Rule Making: The lottery commission is considering technical and correctional updates to Title 315 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040 (1), (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To accomplish technical and correctional updates necessary for operational procedures.

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 Jana Jones, Director of Legal Services, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4833; or Jennifer McDaniel, legal assistant, phone (360) 664-4834.

February 4, 2010
 Jana Jones
 Director of
 Legal Services

WSR 10-05-024
PREPROPOSAL STATEMENT OF INQUIRY
UNIVERSITY OF WASHINGTON
 [Filed February 8, 2010, 9:24 a.m.]

Subject of Possible Rule Making: Chapter 478-165 WAC, Cost savings in course materials.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.590 and 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to RCW 28B.10.590, by the 2009 legislature (chapter 241, Laws of 2009), require the University of Washington to amend chapter 478-165 WAC, Cost savings in course materials.

The statute now requires bookstores affiliated with the university to disclose information to students on required course materials including but not limited to title, authors, edition, price, and international standard book number (ISBN) at least four weeks before the start of the class for which the materials are required. The statute also authorizes the chief academic officer to waive the disclosure requirements on a case-by-case basis.

In addition to encouraging faculty and staff to assign the least costly acceptable course materials, the statute now encourages adopting free or open on-line textbooks and working with librarians to create free on-line web or library resources.

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. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, director of rules coordination by one of the following routes: Mail: University of Washington, Rules Coordination Office, Box 351210, Seattle, WA 98195-1210; e-mail rules@uw.edu; or fax (206) 685-3825.

February 8, 2010

Rebecca Goodwin Deardorff
Director of Rules Coordination

WSR 10-05-030

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed February 9, 2010, 9:53 a.m.]

Subject of Possible Rule Making: Chapter 246-296 WAC, Drinking water state revolving fund loan program (DWSRF).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.119A.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2010 federal appropriations bill under section 1452 of the Safe Drinking Water Act includes new criteria for water systems to obtain a DWSRF loan. The department will incorporate the new criteria into the rule which includes: (1) Providing subsidization to eligible recipients in the form of forgiveness of principal; and (2) criteria for water systems with eligible green projects to address green infrastructure, water or energy efficiency improvements or other environmentally innovative activities. The department will also consider incorporating criteria for water systems to restructure, and new sustainability criteria.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Safe Drinking Water Act authorizes the United

States Environmental Protection Agency to award capitalization grants to states, which in turn can provide low-cost loans and assistance to eligible water systems. RCW 70.119A.170 mandates the department to work in cooperation with the public works board to establish and maintain a program to use DWSRF funding. The DWSRF is jointly managed by the department and the public works board, along with its partner, the department of commerce. Both agencies are responsible for administering the DWSRF program under a memorandum of understanding between the agencies.

Process for Developing New Rule: The department will work collaboratively with the public works board and interested parties to develop a draft rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The draft rule will be available for comment upon request and made available through the office of drinking water's web page at <http://www.doh.wa.gov/ehp/dw/default.htm>, the rules listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=WA-DRINKINGWATERRULES&A=1>, and the quarterly newsletter "Water Tap." For more information, contact Theresa Phillips, Office of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, call (360) 236-3147, or e-mail theresa.phillips@doh.wa.gov.

February 9, 2010

Mary C. Selecky
Secretary

WSR 10-05-031

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed February 9, 2010, 9:54 a.m.]

Subject of Possible Rule Making: Chapter 246-322 WAC, revising and updating rules for private psychiatric and alcoholism hospitals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.12.670 and 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The psychiatric and alcoholism hospitals rules had their last major update in 1995. The department has identified a variety of references, definitions and terms in the rules that are outdated. Key portions of the rules may be revised in order to accurately reflect current care practices. In addition, operational portions of the rules may be proposed to coincide with the recently updated hospital licensing regulations (chapter 246-320 WAC). Physical environment portions of the rules will be considered for proposed incorporation of the 2010 guidelines for design and construction of healthcare facilities.

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 by contacting John Hilger, Rules Coordinator, Health

Professions and Facilities, 310 Israel Road S.E., Tumwater, WA 98501-7852, e-mail john.hilger@doh.wa.gov, phone (360) 236-2929, fax (360) 236-2901. The department will notify all licensees and organizations who have expressed an interest in rule-making activities. Interested parties may also submit written comments for consideration.

February 9, 2010
Mary C. Selecky
Secretary

WSR 10-05-039
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Children's Administration)
[Filed February 10, 2010, 7:56 a.m.]

The children's administration requests the withdrawal [of] CR-101 preproposal statement of inquiry filed as WSR 09-16-104 on August 4, 2009, WAC 388-165-140.

Don Goldsby, Manager
Rules and Policies Assistance Unit

WSR 10-05-049
PREPROPOSAL STATEMENT OF INQUIRY
WESTERN WASHINGTON UNIVERSITY
[Filed February 10, 2010, 3:53 p.m.]

Subject of Possible Rule Making: Chapter 516-52 WAC, Health and safety.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12), chapters 70.160, 70.162 RCW, WAC 296-800-240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to Western's health and safety rules would better:

- Comply with the Washington Clean Indoor Air Act passed in November 2005;
- Protect citizens, including students and employees, from the effects of second-hand smoke;
- Protect life and property against fire hazards.

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 Gayle Shipley, Director, Environmental Health and Safety, Western Washington University, 516 High Street, Mailstop 9070, Bellingham, WA 98225-9070, phone (360) 650-6512; or Suzanne Baker, Rules Coordinator, Western Washington University, 516 High Street, Mailstop 9015, Bellingham, WA 98225-9015, phone (360) 650-3117, fax (360) 650-6197.

February 10, 2010
Suzanne M. Baker
Rules Coordinator

WSR 10-05-053
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed February 11, 2010, 8:45 a.m.]

Subject of Possible Rule Making: WAC 415-08-015
Appealing a denied request for an in-service deferred compensation withdrawal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5) and 41.50.780(9).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will amend WAC 415-08-015 to clarify and streamline the in-service withdrawal process for the deferred compensation program.

Process for Developing New Rule: The department of retirement systems (DRS) will develop the draft rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Ken Goolsby, Rules Coordinator, DRS, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-5397, e-mail Rules@drs.wa.gov.

February 11, 2010
Ken Goolsby
Rules Coordinator

WSR 10-05-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Optometry)
[Filed February 11, 2010, 2:42 p.m.]

Subject of Possible Rule Making: Chapter 246-851 WAC, the board of optometry is considering amending the chapter to include multicultural educational and awareness programs into optometry continuing education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070, 43.70.615.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2006, ESB 6194 (chapter 237, Laws of 2006) now codified as RCW 43.70.615, authorized health care providers licensed by the department of health to receive multicultural health awareness education and training as part of their continuing education requirement. Completion of multicultural awareness programs may increase the knowledge, understanding and skill of health care providers to effectively provide health care in cross-cultural situations.

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. Interested persons can participate in the development of new rules by attending stakeholder meetings, providing comments on proposed language which will be sent to interested persons through listserv and by regular mail. Send written comments to Judy Haenke, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4947, fax (360) 236-2901 or e-mail judy.haenke@doh.wa.gov.

February 11, 2010
Bart Eggen
Executive Director

WSR 10-05-061
PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
FACILITIES AUTHORITY

[Filed February 11, 2010, 3:01 p.m.]

Subject of Possible Rule Making: Chapter 253-02 WAC, revising operations and procedures pursuant to which the authority will conduct meetings. Chapter 253-16 WAC, updating procedures for preparation and processing of applications for authority assistance and amending fee section to eliminate references to specific fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.07.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules (1) revise the authority's operations and procedures for conducting meetings to reflect current technology and changes in the RCW; and (2) streamline the authority's procedures for preparation and processing of applications for authority assistance and eliminate references to specific fees.

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 authority will hold a public hearing on or after May 11, 2010, regarding its proposed rules and will take written comments until the hearing date from persons interested in the development of rules concerning the authority's operations and procedures for conducting meetings, processing applications and charging fees. Comments received will be considered by the authority 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 by sending comments to Mr. Paul R. Edwards, Deputy Director, Washington Higher Education Facilities

Authority, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, e-mail paul.r.edwards@wshfc.org.

February 11, 2010
Paul R. Edwards
Deputy Director

WSR 10-05-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed February 12, 2010, 11:36 a.m.]

Subject of Possible Rule Making: WAC 415-02-500 Property division in dissolution orders and 415-02-720 What does the department charge for processing split payments?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5) and 41.50.680.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department charges seventy-five dollars for the first property division obligation payment and six dollars for each subsequent disbursement. The department will amend WACs to remove the additional six dollar fee associated with subsequent property division payments.

Process for Developing New Rule: The department of retirement systems (DRS) will development the draft rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Ken Goolsby, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-5397, e-mail Rules@drs.wa.gov.

February 12, 2010
Ken Goolsby
Rules Coordinator

WSR 10-05-076
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Filed February 12, 2010, 4:01 p.m.]

The insurance commissioner is withdrawing the CR-101 preproposal statement of inquiry for R 2009-12 Licensing of

life settlement providers and brokers, financial responsibility requirements of life settlement providers, and annual reporting of life settlement providers, published by the code reviser in WSR 09-16-131.

If you have questions, please contact Jim Tompkins, Staff Attorney, P.O. Box 40258, Olympia, WA 98504-0258, jimt@oic.wa.gov, (360) 725-7036.

Mike Kreidler

WSR 10-05-077
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Filed February 12, 2010, 4:03 p.m.]

The insurance commissioner is withdrawing the CR-101 preproposal statement of inquiry for R 2009-13 Contract and rate filing of life settlement providers and brokers, standards for evaluating reasonableness of payments by life settlement providers, disclosure forms, and verification of coverage form, published by the code reviser in WSR 09-16-132.

If you have questions, please contact Jim Tompkins, Staff Attorney, P.O. Box 40258, Olympia, WA 98504-0258, jimt@oic.wa.gov, (360) 725-7036.

Mike Kreidler

WSR 10-05-080
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed February 15, 2010, 12:35 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-444-0030 Work requirements for persons who are able-bodied adults without dependents (ABAWDS).

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, 74.04.500, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The economic services administration is proposing to amend WAC 388-444-0030 to extend the time limit dates for ABAWDS to September 2011 (the current ABAWD time limit will end September 30, 2010).

The department will amend rules for Basic Food consistent with approved waivers for ABAWD time requirements under 7 C.F.R. 273.24 (F)(2) and FNS Administrative Notice 10-16.

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) publish federal regulations for the supplemental nutrition assistance program in the federal register. Rules published in the federal register are incorporated

into the United States Code of Federal Regulations. FNS also issues administrative notices and interim guidance to inform states of new program requirements that are not yet in the United States Code of Federal Regulations.

The state legislature authorizes the department to administer the food stamp program and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies[,] exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington Basic Food program.

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 Holly St. John, SNAP Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4895, fax (360) 725-4904, e-mail holly.st.john@dshs.wa.gov.

February 15, 2010

Don Goldsby, Manager

Rules and Policies Assistance Unit

WSR 10-05-081
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed February 15, 2010, 12:37 p.m.]

Subject of Possible Rule Making: The department is considering amending or adding sections of chapter 388-76 WAC, Adult family home minimum licensing requirements, WAC 388-76-10000 Definitions, 388-76-10155 Unsupervised access to vulnerable adults, 388-76-10160 Criminal history background checks, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules and adding new sections to implement chapters 74.39A and 18.88B RCW as codified from Initiative Measure No. 1029 and E2SHB 2284, chapter 361, Laws of 2007.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health and Washington state patrol 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: Negotiated rule making; and 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 Michael Tornquist, Program Manager, DSHS, Residential Care Services, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3204, fax (360) 438-7903, TTY (877) 905-0454, e-mail tornqmj@dshs.wa.gov.

Draft section language will be posted on ADSA professional internet web page for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the program manager listed above via phone, e-mail or fax.

February 3, 2010
Don Goldsby, Manager
Rules and Policies Assistance Unit

WSR 10-05-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed February 15, 2010, 12:40 p.m.]

Subject of Possible Rule Making: The department plans to amend WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?, 388-492-0070 How are my WASHCAP food benefits calculated, and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As required by the demonstration project waiver with the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS), the department will review the cost neutrality between the Washington state combined application project (WASHCAP) and the supplemental nutrition assistance program (SNAP) administered as the Washington Basic Food program or Basic Food. Based on the findings of this evaluation, the department may amend WAC 388-492-0040, 388-492-0070 and other related rules to ensure that WASHCAP benefits are cost neutral to SNAP.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA FNS enforces the provisions of the federal SNAP as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop amendments to WASHCAP rules that are consistent with the act, federal regulations, and our approved

WASHCAP demonstration project waiver while ensuring cost neutrality of the program.

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 Bob Thibodeau, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail thiborl@dshs.wa.gov.

February 15, 2010
Don Goldsby, Manager
Rules and Policies Assistance Unit

WSR 10-05-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed February 15, 2010, 12:46 p.m.]

Subject of Possible Rule Making: The department plans to amend WAC 388-450-0215 How does the department estimate my assistance unit's income to determine eligibility and benefits? and possible other related WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current WAC 388-450-0215 requires the department to budget income in the month of application using the anticipated monthly budgeting method based on actual income to be received by the assistance unit. The department is proposing to amend this rule to comply with the supplemental nutrition assistance program (SNAP) regulations under 7 C.F.R. 273.10 (c)(2)(i) which requires the department to use the conversion budgeting method whenever a full month's income is anticipated but is received on a weekly or biweekly basis. The United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) has clarified that this rule also applies to the month of application. Changes made to the income budgeting method under WAC 388-450-0215 may also impact cash assistance, medical assistance, and other programs administered by the department.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The USDA FNS publish federal regulations for SNAP in the federal register. Rules published in the federal register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices and interim

guidance to inform states of new program requirements that are not yet in the United States Code of Federal Regulations.

The state legislature authorizes the department to administer the food stamp program and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administration rules for food assistance programs administered under the Washington state combined application program (WASHCAP) and the Washington Basic Food program.

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 Kim Chea, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4653, fax (360) 725-4905, e-mail kimberly.chea@dshs.wa.gov.

February 15, 2010
Don Goldsby, Manager
Rules and Policies Assistance Unit

WSR 10-05-093

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed February 16, 2010, 9:59 a.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 who hold current 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.

February 16, 2010
Randy Dorn
State Superintendent of
Public Instruction

WSR 10-05-096

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed February 16, 2010, 11:09 a.m.]

Subject of Possible Rule Making: WAC 392-300-025 and 392-300-035, Access to record check information by district employee or applicant—Requests for record check information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.400.303, 28A.400.306.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change will provide consistency with the federal rule Records maintained on individuals title 5 Part I chapter 5 Subchapter II 552a for district employees or applicants on how to obtain a copy of a RAP sheet.

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 Charles Schreck, Director, OPP, (360) 725-6136, Old Capitol Building, P.O. Box 47200, Olympia, WA 98405 [98504].

February 15, 2010
Randy Dorn
State Superintendent of
Public Instruction

WSR 10-05-098

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed February 16, 2010, 11:19 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, audit, and recordkeeping and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035 and 51.16.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan that classifies all occupations or industries within the state and to set basic rates of premium for these classifications (RCW 51.16.035). Sports teams and department staff have requested changes to the classification plan and reporting rules to make the regulations fairer and administratively easier to comply.

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 issue.

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The pub-

lic 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. Comments can be submitted to Richard Bredeson, P.O. Box 44140, Olympia, WA 98504-4140, e-mail bred235@lni.wa.gov, phone (360) 902-4985, fax (360) 902-4988.

February 16, 2010

Judy Schurke
Director

WSR 10-05-107
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket UT-100148—Filed February 17, 2010, 9:15 a.m.]

Subject of Possible Rule Making: The subject of the inquiry is to consider whether the utilities and transportation commission (UTC) should propose revised regulations to implement additional consumer protection disclosures in WAC 480-120-264(5), "**Disclosure requirements—Prepaid calling services.**" Specifically, whether the UTC should add new subsections to (5)(a), as follows:

(vii) The disclosure of rates, terms, and conditions must be made in the language in which the card is advertised.

(viii) The number of minutes contained on the card must be disclosed on the card or its packaging.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040 and 80.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The UTC is responsible for protecting consumers by ensuring that investor-owned utility services, such as prepaid calling card services, are fairly priced, available, and reliable and by enhancing information to better enable competitive choices for consumers of utility services. The additional disclosures have been proposed at the federal level for interstate services and the UTC believes that the same information would be beneficial for intrastate services. The existing rule on prepaid calling services already includes several protections and disclosures. The enhancements mentioned above, as the subject of possible rule making, are consistent with the UTC's mission.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal and state laws and rules apply. The agencies other than the UTC that have authority concerning prepaid calling services include: The Federal Communications Commission (FCC), the Federal Trade Commission (FTC), and the state attorney general's office (AGO).

The laws and regulations that apply overlap and complement each other. That is not expected to change under any likely scenario.

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 pub-

lication. Interested persons may file comments with the Executive Director and Secretary, Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1234, fax (360) 586-1150, web portal at <www.utc.wa.gov/e-filing>; or through e-mail at <records@utc.wa.gov>, by 5:00 p.m., **Monday, March 22, 2010.**

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than March 22, 2010, for consideration prior to a CR-102 being filed.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the commission's web portal at www.utc.wa.gov/e-filing or by electronic mail to the commission's records center at <records@utc.wa.gov>. Please include:

- The docket number of this proceeding (UT-100148).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/100148>. If you are unable to file your comments electronically, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at <records@utc.wa.gov>, or (3) mail written comments to the address above to the attention of David W. Danner, executive director and secretary. When contacting the commission, please refer to Docket UT-100148 to ensure that you are placed on the appropriate service list.

Questions may be addressed to Tim Zawislak, (360) 664-1294 or e-mail <tim@utc.wa.gov>.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING—The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UT-100148, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, phone and fax numbers, referencing Docket UT-100148, and the words "Please

keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <www.utc.wa.gov/100148>. THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

February 17, 2010
David W. Danner
Executive Director and Secretary

WSR 10-05-108
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 17, 2010, 9:38 a.m.]

Subject of Possible Rule Making: Chapter 296-46B WAC, Electrical safety standards, administration, and installation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1244, which passed the 2009 legislature, gave the department the authority to raise fees for the electrical program in order to cover the program's operating expenses. The purpose of this rule making is to increase the electrical fees in order to cover the costs for ongoing services for the electrical program.

The rule making will increase the electrical fees by 4.17%, the fiscal growth factor for fiscal year 2011.

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.

February 17, 2010
Judy Schurke
Director

WSR 10-05-115
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed February 17, 2010, 10:22 a.m.]

Subject of Possible Rule Making: License fees.

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: The Washington state gambling commission has one of the lengthiest and most complex fee structures in state government. With the implementation of I-960, the commission is required to receive legislative approval for any fee increases requested. This involves submitting a complete list of all our current fees and the fee changes proposed. During the last proposed fee increase during the 2008 legislative session, the sheer number of fees led to some confusion and concern by both office of financial management and legislative staff. This may be one of the reasons the fee increase did not pass. In addition, simplification of our fee structure was an item that the commission agreed to consider as part of the recent consolidation study that was completed for the legislature. In completing this fee structure change, we reduced the one hundred ninety-one license fees individually listed in the fee rules down to ninety-eight fees. The changes made are projected to be revenue neutral.

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 Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] March 12, 2010, at the Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857; on April 9, 2010, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on May 14, 2010, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701.

February 17, 2010
Susan Arland
Rules Coordinator

WSR 10-05-119
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 17, 2010, 11:19 a.m.]

Subject of Possible Rule Making: The department plans to amend WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?, 388-492-0070 How are my WASHCAP food benefits calculated, and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As required by the demonstration project waiver with the United States Department of

Agriculture, Food and Nutrition Service (FNS), the department will review the cost neutrality between the Washington state combined application project (WASHCAP) and the supplemental nutrition assistance program (SNAP) administered as the Washington Basic Food program or Basic Food. Based on the findings of this evaluation, the department may amend WAC 388-492-0040, 388-492-0070 and other related rules to ensure that WASHCAP benefits are cost neutral to SNAP.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, FNS enforces the provisions of the federal SNAP as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop amendments to WASHCAP rules that are consistent with the act, federal regulations, and our approved WASHCAP demonstration project waiver while ensuring cost neutrality of the program.

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 Bob Thibodeau, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail thiborl@dshs.wa.gov.

February 17, 2010
Don Goldsby, Manager
Rules and Policy