

WSR 10-09-001

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed April 7, 2010, 12:20 p.m.]

The health and recovery services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 09-05-059 on February 12, 2009 (WAC 388-501-0165)

Katherine I. Vasquez
Rules Coordinator

WSR 10-09-007

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed April 8, 2010, 9:52 a.m.]

Subject of Possible Rule Making: WAC 392-344-095 Construction documents—Compliance with public works statutory provisions, and 392-344-165 Documents required for release of retainage by school districts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A-525-020 [28A.525.020] Duties of superintendent of public instruction.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Requirements per RCW 39.04.320 [(1)](c)(i) regarding apprenticeship utilization necessitate making changes to the rules in order to educate and verify that the districts have fulfilled the apprenticeship requirements.

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

Process for Developing New Rule: The office of the superintendent of public instruction welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified [below].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Black, Program Development Manager, P.O. Box 47200, 600 Washington Street S.E., Olympia, WA 98504-7200, fax (360) 586-3946, e-mail scott.black@k12.wa.us, phone (360) 725-6268.

April 8, 2010
Randy Dorn
Superintendent of
Public Instruction

WSR 10-09-009

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed April 8, 2010, 10:23 a.m.]

Subject of Possible Rule Making: Chapter 392-139 WAC, Finance—Maintenance and operations levies.

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: These rule revisions will add new federal stimulus revenue accounts to the levy base. Also any changes needed due to new legislation will be made.

Process for Developing New Rule: Solicitation of public comments and recommendations respecting new, amended or repealed rules, and considerations 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 Steve Shish, (360) 725-6307.

April 8, 2010
Randy Dorn
Superintendent of
Public Instruction

WSR 10-09-017

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed April 12, 2010, 3:28 p.m.]

Subject of Possible Rule Making: Juvenile students in adult jails, WAC 392-122-228.

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: Add a new section for rules regarding provision of state funding for juvenile students in adult jails.

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

April 12, 2010
Randy Dorn
Superintendent of
Public Instruction

WSR 10-09-018**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed April 12, 2010, 3:32 p.m.]

Subject of Possible Rule Making: Chapters 415-200, 415-111, and 415-501 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), 41.50.086, 41.50.770, 41.50.780(10) and chapters 41.32, 41.34, and 41.35 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SHB 2617, Boards and commissions—Elimination, eliminates the employee retirement benefits board (ERBB). The agency administrative rules relating to the ERBB will need repealing, updating, and creation.

Process for Developing New Rule: The department of retirement system (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, 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.

April 12, 2010

Ken Goolsby
Rules Coordinator

WSR 10-09-019**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed April 13, 2010, 7:38 a.m.]

The Washington horse racing commission would like to withdraw our preproposal statement of inquiry (CR-101), WSR 09-19-066, filed on September 14, 2009. The agency has decided to table rule making on this topic for now.

Douglas L. Moore
Deputy Secretary

WSR 10-09-022**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed April 13, 2010, 9:46 a.m.]

Subject of Possible Rule Making: Card rooms.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Shuffle Master requesting an amendment that would allow players to place a [an] optional side bet for Pai Gow Poker, where the player plays against a pay table, in a game called Pai Gow'd.

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] May 14, 2010, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701; and on August 12 and 13, 2010, at the Vancouver Heathman Lodge, 7801 Greenwood Drive, Vancouver, WA 98662, (360) 254-3100.

April 7, 2010
Susan Arland
Rules Coordinator

WSR 10-09-035**PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed April 14, 2010, 11:35 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 requirements for teachers.

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 at www.PESB.wa.gov.

April 14, 2010
David Brenna
Legislative and
Policy Coordinator

WSR 10-09-046

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

[Filed April 15, 2010, 10:39 a.m.]

Subject of Possible Rule Making: The community services division is proposing changes and additions to the WAC sections listed above [below], plus any other additional relevant WACs in order to comply with the changes outlined in E2SHB 2782, chapter 8, Laws of 2010, as signed by the governor on March 29, 2010, as it relates to the general assistance or lifeline disability program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.100, 74.04.770.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will propose amendments and additions to WAC 388-400-0025 Who is eligible for general assistance-unemployable benefits?, 388-448-0130 Treatment and referral requirements, 388-448-0140 Good cause for refusing medical treatment or other agency referrals, 388-448-0150 Penalty for refusing medical treatment or other agency referrals, 388-478-0005 Cash assistance need and payment standards and grant maximum, 388-478-0010 Households with obligations to pay shelter costs, 388-478-0030 Payment standards for GA-U and ADATSA, and any other related WACs as necessary.

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.

April 15, 2010
Katherine I. Vasquez
Rules Coordinator

WSR 10-09-052

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed April 15, 2010, 12:07 p.m.]

Subject of Possible Rule Making: New legislation authorizing innovative interdistrict academies and cooperative high school programs. WAC language will be proposed to help guide the formation of the academies and cooperative high school programs and will include an approval process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 392-348 WAC as revised by ESHB 2913 (chapter 99, Laws of 2010).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The statute requires that the superintendent of public instruction adopt rules governing the establishment of any secondary program in any existing non-high district and the addition of any new grades in grades nine through twelve. There is also a need to establish an approval process that will allow nonhigh districts to form a cooperative high school program.

Process for Developing New Rule: Agency will convene a group of stakeholders to develop the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dan Newell, Assistant Superintendent, Secondary Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-4954, Dan.newell@k12.wa.us.

April 8, 2010
Randy Dorn
Superintendent of
Public Instruction

WSR 10-09-059

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed April 16, 2010, 10:41 a.m.]

Subject of Possible Rule Making: Punch board/pull-tab service business permittees [permittees] and punch board/pull-tab licensees.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A punch board and pull-tab (PB/PT) service business provides nonmanagement related recordkeeping services to PB/PT operators. If the PB/PT service has combined total gross billings of \$25,000 or less, they can get a PB/PT service business permit for \$236, with \$56 renewal fee. If the business exceeds the \$25,000 threshold, they would need a service supplier license which costs \$687, with a \$143 renewal fee.

We have received a petition for rule change requesting an amendment to WAC 230-03-210 to increase the threshold from \$25,000 to \$30,000.

In 2006, the threshold was increased from \$20,000 to \$25,000 at the request of a PB/PT service business.

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] May 13, 2010, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701; on July 8 or 9, 2010, at Olympia, Washington, location to be determined, visit our web site at www.wsgc.wa.gov on July 1 for meeting location; and on August 12 or 13, 2010, at the Vancouver Heathman Lodge, 7801 Greenwood Drive, Vancouver, WA 98662, (360) 254-3100.

April 16, 2010
Susan Arland
Rules Coordinator

WSR 10-09-063

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 10-07—Filed April 19, 2010, 9:19 a.m.]

Subject of Possible Rule Making: Shoreline Management Act rules including chapters 173-18, 173-20, 173-22, 173-26, 173-27 WAC. Issues being considered by ecology include: Geoduck aquaculture; limited amendments (non-comprehensive) to shoreline master programs; other housekeeping amendments; related definitions; and other amendments necessary to implement these changes. Recent legislation affecting chapter 90.58 RCW and the relationship between critical area ordinances and shoreline jurisdictions will be incorporated into the rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.58.120 Adoption of rules and 90.58.200 Rules and regulations. RCW 90.58.060 limits amendments to chapter 173-26 WAC, Part III (shoreline master program (SMP) guidelines) to one update per year. Authority to address geoduck aquaculture is found in RCW 43.21A.681.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are three subgroups of rule changes being proposed. First, ecology is directed by RCW 43.21A.681 to adopt, by rule, guidance on siting and operations of geoduck aquaculture into the SMP guidelines. There is a high level of interest and controversy associated with geoduck aquaculture. The legislative intent for rule-making is to address some of the controversy surrounding siting and operations. Second, ecology proposes changes to the current WAC 173-26-201 language for limited (noncomprehensive) amendments to local SMPs that will clarify the criteria for limited amendments. And third, other housekeeping amendments will ensure the rules are consistent with statutes governing over two hundred sixty towns, cities and counties with the responsibility to update and implement local SMPs. An addendum to the December 2003 SMP guidelines supplemental final environmental impact statement will be done.

Housekeeping amendments do not require environmental assessment because they are required by statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agency has authority over shoreline master programs. However, other state and federal agencies do have authority related to shoreline habitat, water quality, and wildlife. They include: Washington departments of health, fish and wildlife, commerce and natural resources; the Puget Sound partnership; United States Army Corps of Engineers; United States Federal Emergency Management Agency; and National Oceanic and Atmospheric Administration's coastal zone management program. All these agencies are either on the shellfish advisory regulatory committee, or on the geoduck aquaculture list serve or the shoreline master program list serve, or will be added to a list serve for direct notification. State agencies will be offered presentations, informal consultations, and the opportunity to comment.

Process for Developing New Rule: Per RCW 43.21A.681 (HB 2220 codification), the shellfish advisory regulatory committee serves as the advisory committee for the rule changes related to geoduck aquaculture. Ecology plans to meet with affected local governments and interested parties to discuss the rule prior to the formal proposal. Once ecology formally proposes rule amendments, interested parties will have an opportunity to comment. Ecology will hold at least four public hearings. Additional information related to this rule making including the proposed amendments will be provided to interested parties and posted on ecology's web site http://ecy.wa.gov/programs/sea/shorelines/smp/rulemaking_new.html.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cedar Bouta, Department of Ecology, Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6406, e-mail ShorelineRule@ecy.wa.gov, fax (360) 407-6902, web http://ecy.wa.gov/programs/sea/shorelines/smp/rulemaking_new.html. Ecology will share information on the agency web site and through a listserv. Ecology will also hold at least four public hearings during the comment period for the proposed rule. To sign up for e-mail notices <http://www.ecy.wa.gov/maillist.html#rules>.

April 16, 2010
Gordon White
Program Manager

WSR 10-09-065

PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed April 19, 2010, 10:27 a.m.]

Subject of Possible Rule Making: Amendment of the 2009 International Building Code, chapter 51-50 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code

council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national model code committees, and to review and consider proposals for statewide code amendments.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2967, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

April 9, 2010
John C. Cochran
Council Chair

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national model code committees, and to review and consider proposals for statewide code amendments.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2967, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

April 9, 2010
John C. Cochran
Council Chair

WSR 10-09-066

PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed April 19, 2010, 10:27 a.m.]

Subject of Possible Rule Making: Amendment of the 2009 International Residential Code, chapter 51-51 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national model code committees, and to review and consider proposals for statewide code amendments.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2967, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

April 9, 2010
John C. Cochran
Council Chair

WSR 10-09-068

PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed April 19, 2010, 10:28 a.m.]

Subject of Possible Rule Making: Amendment of the 2009 International Mechanical Code and International Fuel Gas Code, chapter 51-52 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national model code committees, and to review and consider proposals for statewide code amendments.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Krista Braaksma, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2964, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

April 9, 2010
John C. Cochran
Council Chair

WSR 10-09-067

PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed April 19, 2010, 10:28 a.m.]

Subject of Possible Rule Making: Amendment of the 2009 International Fire Code, chapter 51-54 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

WSR 10-09-069

PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed April 19, 2010, 10:31 a.m.]

Subject of Possible Rule Making: Amendment of the 2009 Uniform Plumbing Code, chapter 51-56 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national model code committees, and to review and consider proposals for statewide code amendments.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Krista Braaksma, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2964, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

April 9, 2010
John C. Cochran
Council Chair

WSR 10-09-070

PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed April 19, 2010, 10:32 a.m.]

Subject of Possible Rule Making: Amendment of chapter 51-11 WAC, Washington State Energy Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.025, 19.27A.045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national model code committees, and to review and consider proposals for statewide code amendments.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Krista Braaksma, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2964, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

April 9, 2010
John C. Cochran
Council Chair

WSR 10-09-074

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 19, 2010, 2:32 p.m.]

Subject of Possible Rule Making: The community services division is proposing amendments to WAC 388-448-0050 PEP step II—How we determine the severity of mental impairments, 388-448-0080 PEP step V—How we determine your ability to function in a work environment if you have 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 as necessary.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will propose amendments related to the use of administrative review teams, and to update obsolete terminology and functional assessment language.

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.

April 19, 2010
Katherine I. Vasquez
Rules Coordinator

WSR 10-09-078

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed April 20, 2010, 9:48 a.m.]

Subject of Possible Rule Making: Washington State University (WSU) is adding rules regarding meetings conducted by the university's board of regents.

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: WSU is adding rules regarding meetings conducted by the university's board of regents, in accordance with RCW 42.30.075 and 42.30.080.

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, 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.

April 20, 2010

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

WSR 10-09-079

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed April 20, 2010, 10:35 a.m.]

Subject of Possible Rule Making: The university is updating the rules regarding providing students with choices for purchasing course materials.

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 is updating the requirements and responsibilities regarding providing students with choices for purchasing course materials in accordance with recently amended RCW 28B.10.590.

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, 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.

April 20, 2010

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

WSR 10-09-080

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed April 20, 2010, 12:30 p.m.]

Subject of Possible Rule Making: WAC 392-300-050 Access to record check data base and 392-300-070 Private school fingerprint process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.400.305 and section 30, chapter 381, Laws of 2009.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Compliance with passage of HB 2996 allowing approved private schools access to office of superintendent of public instruction's record check data base.

Process for Developing New Rule: Passage of HB 2996.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Catherine Slagle, Director, OPP, (360) 725-6136, Old Capitol Building, P.O. Box 47200, Olympia, WA 98405 [98504].

April 10, 2010

Randy Dorn

Superintendent of
Public Instruction

WSR 10-09-083

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed April 20, 2010, 1:42 p.m.]

Subject of Possible Rule Making: Chapter 16-160 WAC, Registration of materials for organic production.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.86 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision of chapter 16-160 WAC is needed to:

1. Provide further clarification for application requirements for the brand name registration program.
2. Clarify the requirements for inspections.
3. Clarify record-keeping 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: The Washington state department of agriculture staff will develop the rule proposal and will communicate with stakeholders. This rule is being developed in conjunction with the organic advisory boards. These meetings are open to the public.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Martin Beagle, WSDA Organic Program Manager, 1111 Washington Street, Olympia, WA 98504-2560, mbeagle@agr.wa.gov, (360) 902-1924, fax (360) 902-2087. Public hearings will be held.

April 20, 2010

Robert W. Gore
Deputy Director

WSR 10-09-094**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed April 20, 2010, 3:35 p.m.]

Subject of Possible Rule Making: The department is amending chapter 16-157 WAC in the following manners:

- To clarify standards and application process for operations producing and handling crops and products intended to be exported to international markets.
- To clarify requirements and application process for operations producing and handling transitional crops and products.
- Remove the organic mushroom standards from chapter 16-157 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.86 RCW, Organic food products and chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 15.86.010 lists the purposes of the Washington state department of agriculture (WSDA) organic food program which include "providing access for Washington producers, processors, and handlers to domestic and international markets."

RCW 15.86.070(1) states "the director may adopt rules establishing a program for certifying producers, processors and handlers as meeting state, national, or international standards for organic or transitional food."

Revision of chapter 16-157 WAC is needed to:

1. Provide further clarification for application requirements for international and transitional certification.
2. Clarify labeling requirements.
3. Remove redundancies and contradictions with the national organic standards by retracting the WSDA organic mushroom standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture (USDA) regulates the organic certification of products sold, represented or labeled within the United States under the national organic program. The USDA does not regulate organic products exported to foreign countries.

Process for Developing New Rule: Proposed rule language will be developed by the WSDA organic food program staff with assistance from the program's advisory committee.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marty Beagle, WSDA Organic Program Manager, P.O. Box 42560, Olympia, WA 98504, mbeagle@agr.wa.gov.

April 20, 2010
Robert W. Gore
Deputy Director

WSR 10-09-097**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed April 21, 2010, 8:36 a.m.]

Subject of Possible Rule Making: Chapter 16-86 WAC, Cattle and bison diseases in Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend chapter 16-86 WAC to add trichomoniasis. The department is proposing to add definitions, a new section outlining the process and testing requirements and the training requirements for veterinarians performing the trichomoniasis testing.

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 Washington state department of agriculture staff will develop the rule proposal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail jjones@agr.wa.gov.

April 21, 2010
Dr. Leonard E. Eldridge
Washington State Veterinarian

WSR 10-09-101**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed April 21, 2010, 9:24 a.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 51.16.035 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 sets basic rates of premium for these classifications that are distributed fairly (RCW 51.16.035). The department determined that certain rules are in need of revision.

Minor housekeeping changes will be made to the following classifications: WAC 296-17A-0108, 296-17A-0502, 296-17A-1007, 296-17A-3403, 296-17A-5003, 296-17A-5005, 296-17A-6303, and 296-17A-7205.

Process for Developing New Rule: Labor and industries will solicit input from the business community by way of direct mailings, the internet, and/or informal public meetings.

Labor and industries will use this input to formulate proposed changes to the existing rules and advise customers of future rule making by direct mailing and/or the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries will mail letters with ideas on possible rule changes to affected employers. Employers will be encouraged to participate in the process to share ideas and/or attend meetings. Employers can obtain information on our process at the employer services web site, www.lni.wa.gov/insuranceservices/employerservices, and can submit comments electronically to smij235@lni.wa.gov or by calling (360) 902-4777 or by fax at (360) 902-4729.

April 21, 2010
Judy Schurke
Director

potentially impacted by the rule change. To explain the elements of the proposed fee schedule, ecology will distribute information via a press release, mailing and e-mail. Prior to a public hearing, staff will be available to discuss the proposal and answer questions.

To follow our rule-making process, go to the ecology web site, Current Rule Making, at <http://www.ecy.wa.gov/laws-rules/currentactivity.html>. Scroll down the page to the second program, Air Quality, and click on "Chapter 173-455 WAC Air Quality Fee Regulation."

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elena Guilfoil, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6855, e-mail elena.guilfoil@ecy.wa.gov.

April 20, 2010
Stu Clark
Air Quality Program Manager

WSR 10-09-102

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 10-04—Filed April 21, 2010, 9:27 a.m.]

Subject of Possible Rule Making: Revision of chapter 173-455 WAC, Air quality fee rule. The amendments will change the fee schedule for permitting activities covered under the new source review program. The fees must meet the actual cost of conducting business. We will also identify orders or activities that are part of new source review. Lastly, in the fee section for woodstoves and fireplaces, we will make a housekeeping change to be consistent with the department of revenue. They changed the name of a reseller certificate to a reseller permit (WAC 173-455-060).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 301(10) of the 2009 budget bill authorizes ecology to increase fees to cover the cost of conducting new source review. See ESSB [ESHB] 1244 (2009). RCW 70.94.152 provides authority for ecology to establish new source review fees.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The revenue from fees under our preconstruction permitting program, called new source review, does not cover the cost of operating the program. The legislature authorized ecology to increase fees in the 2009-2011 biennium. Ecology will evaluate our fee structure to determine the most appropriate method for assessing fees. We will be reviewing the discrete steps in issuing a permit with an eye toward determining if there are tasks where the cost of the work exceeds the revenue generated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agency regulates this subject. However, seven local air agencies do. Ecology will keep the air agencies informed throughout our rule-making process by briefing the Washington air quality managers and via e-mail and focus sheets.

Process for Developing New Rule: Ecology will work with stakeholders who will have the opportunity to comment on the draft fee schedule. We will send a mailing to those

WSR 10-09-103

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 10-05—Filed April 21, 2010, 9:42 a.m.]

Subject of Possible Rule Making: Department of ecology (ecology) will update chapter 173-430 WAC, Agricultural burning to:

- Adjust the field burning fee to cover the costs of administering and enforcing the permit programs,
- Change the pile burning fee to a per ton fee rather than a per acre fee,
- Address the finding in *Ted Rasmussen Farms, LLC v. State of Washington, Department of Ecology*, Docket # 22989-1-III (*Rasmussen v. Ecology*),
- Make housekeeping changes for consistency with the authorizing statute.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70, Laws of 2010 (SSB 6556) authorizes ongoing fee increases until the fee reaches the cap, RCW 70.94.6528.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature authorizes ongoing agricultural burning fee increases until the fee reaches the \$3.75 cap per acre for field burning and \$1.00 per ton for pile burning.

RCW 70.94.6528 (6)(b) directs the agricultural burning practices and research task force (task force) to set fees at a level to "cover the cost of administering and enforcing the programs" and provide research funds. Current fees only cover about 25% of costs. Increasing fees would bring the program closer to cost recovery. Since the state's general fund deficit could limit the amount of money available to subsidize the program, an agricultural burning permit program that pays for itself may prevent cuts to the program. This rule making will evaluate options for setting the fees in 2012 and later including the following:

- Establishing a process to set the fee outside of rule making,

- Including a fee structure for several years in the rule.

Additionally, SSB 6556 (2010) introduced a per-ton fee for pile burns to replace the per-acre fee. The volume of piled material burned exceeds the volume of crop residue from a field of the same size. So, this fee structure provides a closer link to the amount of the fee and the quantity of material burned.

Rasmussen v. Ecology requires ecology to remove language it found as outside of ecology's regulatory authority. Additionally, the rule requires a few housekeeping changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This rule making does not involve any federal agencies. Ecology will keep the department of natural resources and the department of agriculture updated on the progress of the rule making via a listserv and web site updates. Additionally, ecology will work with the local air authorities through the public meetings held by the task force.

Process for Developing New Rule: Internal staff will draft the proposed rule. The agricultural burning practices and research task force will have the opportunity to review draft rule language. The public and interested parties will have the opportunity to comment on the proposed rule. Ecology will provide proposed amendments to interested parties, post them on the agency web site, and hold at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Richelle Perez, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7528, fax (360) 407-7534, e-mail Richelle.Perez@ecy.wa.gov, web site <http://www.ecy.wa.gov/laws-rules/index.html>.

April 20, 2010

Stuart Clark

Air Quality Program Manager

WSR 10-09-107

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed April 21, 2010, 11:10 a.m.]

Subject of Possible Rule Making: WAC 388-78A-3230 Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 6444, RCW 18.20.050, 43.135.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6444 requires the department to increase the current annual renewal license fee for boarding homes from \$79 to \$106 per bed beginning July 1, 2010 (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: Aging and disability services (ADSA) welcomes the public take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, ADSA will file a proposed rule 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 responds to this CR-101.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Hague, P.O. Box 45600, Olympia, WA 98504-5600, mailstop 45600, phone (360) 725-2447, fax (360) 725-2641.

April 21, 2010

Katherine I. Vasquez

Rules Coordinator

WSR 10-09-108

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed April 21, 2010, 11:14 a.m.]

Subject of Possible Rule Making: Chapter 16-326 WAC, Brassica seed production district rule. The department is considering revising the current *Brassica* seed production district rules by amending restrictions for district 1, which is located on the west side of the state, or other recommended provisions. In addition, the department may amend the existing language of the WAC to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.51 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2007 legislative session, legislation was enacted providing for the orderly production of potentially incompatible varieties of *Brassica* seed crops. As authorized in this legislation, the agency adopted rules that established *Brassica* seed production districts and requirements for growing, transporting, and handling *Brassica* seed crops within two designated *Brassica* seed production districts. The *Brassica* work group is considering recommending revisions to the provisions affecting seed production district 1 and possibly other provisions.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA

98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov.

April 21, 2010
Mary A. Martin Toohey
Assistant Director

WSR 10-09-109
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed April 21, 2010, 11:17 a.m.]

Subject of Possible Rule Making: WAC 388-97-4160 Initial nursing home license and 388-97-4180 Nursing home license renewal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 6444, RCW 18.51.050, 43.135.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Beginning July 1, 2010 (fiscal year 2011), ESSB 6444 requires the department to increase the current annual renewal license fee for nursing homes from \$275 to \$327 per bed.

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

Process for Developing New Rule: Aging and disability services (ADSA) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, ADSA will file a proposed rule 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 responds to this CR-101.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Hague, P.O. Box 45600, Olympia, WA 98504-5600, mailstop 45600, phone (360) 725-2447, fax (360) 725-2641.

April 21, 2010
Katherine I. Vasquez
Rules Coordinator