

**WSR 10-23-024****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed November 5, 2010, 1:35 p.m.]

Subject of Possible Rule Making: WAC 220-33-001 General provision—Commercial fishing regulated.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Allows chafing strip panels to be used during Columbia River commercial fisheries. "Chafing strip panel" is a new definition. These rules will conform more closely to Oregon's rules and will facilitate enforcement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of fish and wildlife and the Oregon department of fish and wildlife have developed reciprocal rules for fishers on the concurrent waters of the Columbia River. This rule proposal will conform more closely to Oregon's for fisheries in the Columbia River.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail Lori.preuss@dfw.wa.gov. Contact by December 1, 2010. Expected proposal filing date is on or after January 19, 2011.

November 5, 2010  
Lori Preuss  
Rules Coordinator

**WSR 10-23-030****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed November 8, 2010, 11:45 a.m.]

The Washington utilities and transportation commission (commission) filed a preproposal statement of inquiry (CR-101) regarding conservation incentives on April 6, 2010, at WSR 10-08-075. The commission has decided not to proceed with this rule-making proceeding and requests that the CR-101 published in WSR 10-08-075 be withdrawn.

On November 4, 2010, the commission issued, to all interested persons in the rule-making docket, a report and policy statement on regulatory mechanisms, including decoupling, to encourage utilities to meet or exceed their conservation targets. The commission filed today, for publication in the state register, a notice regarding the policy statement.

David W. Danner  
Executive Director  
and Secretary

**WSR 10-23-034****PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed November 9, 2010, 11:26 a.m.]

Subject of Possible Rule Making: WAC 392-139-310 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: This rule revision will modify the new federal stimulus revenue account 6113 to include only that portion of the allocation that replaced state initiative 728 funding.

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.

November 9, 2010  
Randy Dorn  
State Superintendent

**WSR 10-23-037****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed November 9, 2010, 3:44 p.m.]

The equity and civil rights office at the office of superintendent of public instruction would like to withdraw CR-101, filed on June 3, 2010, WSR 10-13-007, WAC 392-190-005.

If you have any questions, please contact Wanda Griffin, program specialist, at (360) 725-6132.

Yvonne Ryans, Ed.D.  
Director of Equity  
and Civil Rights

**WSR 10-23-044****PREPROPOSAL STATEMENT OF INQUIRY  
OFFICE OF MINORITY AND  
WOMEN'S BUSINESS ENTERPRISES**

[Filed November 10, 2010, 9:52 a.m.]

Subject of Possible Rule Making: This rule making is for two purposes: (1) To make changes in the process by which a firm that is decertified, denied certification, or assessed a penalty is afforded the opportunity to appeal the office's decision. The changes proposed would provide faster review, more transparency to the process, and reduced costs to both the firms and the agency; and (2) to clarify the office's policy with respect to size standards in the consideration of eligibility for certification as a minority business enterprise,

women's business enterprise, or socially and economically disadvantaged business enterprise.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.19.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) Under the current rule, the process unnecessarily requires the involvement of another agency. This effectively extends the time required before a decision on appeal can be made. The proposed changes would eliminate this extra step.

(2) The office has historically employed the standards set by the federal government. This rule making will afford the opportunity for interested parties to comment on this practice in light of recent changes in federal policy that may have a negative effect on otherwise eligible firms.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: (1) There are no other agencies that regulate this subject because it is an internal process of this agency.

(2) The United States Department of Transportation and the United States Small Business Administration are the two federal agencies that have adopted rules on this subject matter.

The proposed changes are within the authority given the agency in its enabling statute and are designed and intended to better harmonize the policies of the state and federal governments.

Process for Developing New Rule: Neither proposal negatively impacts other state agencies and educational institutions or political subdivisions of the state. Both proposals are procedural in nature and neither proposal is subject to violation by a nongovernment party.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments and questions to Juan Huey-Ray, Rules Coordinator, P.O. Box 41160, Olympia, WA 98504-1160, phone 1-866-208-1064 (toll free), e-mail [jhuey-ray@omwbe.wa.gov](mailto:jhuey-ray@omwbe.wa.gov), fax (360) 586-7079.

November 10, 2010

Cathy Canorro  
Acting Director

### WSR 10-23-048

#### PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed November 10, 2010, 11:02 a.m.]

Subject of Possible Rule Making: Alcohol energy drinks, a new section is needed in chapter 314-20 WAC, Beer—Brewers, holders, importers, etc., to address alcohol energy drinks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.08.010, 66.24.261, 66.28.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The mission of the Washington state liquor control board (WSLCB) includes ensuring the responsible sale, and preventing the misuse of, alcohol. As part of this mission, the board endeavors to ensure that prod-

ucts which pose a threat to public safety are handled appropriately. The board is particularly concerned about alcohol energy drinks, which are marketed in a way that implies the consumption of these beverages has a stimulating or energizing effect. These beverages promote a situation where people may become inebriated, but cannot judge their own condition, which is contrary to human health and public safety. This is contrary to the mission of the WSLCB. The board is prohibiting the sale or distribution of alcohol energy drinks in the state of Washington.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, phone (360) 664-1631, fax (360) 664-9689, e-mail [rules@liq.wa.gov](mailto:rules@liq.wa.gov).

November 10, 2010

Sharon Foster  
Chairman

### WSR 10-23-050

#### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2010-15—Filed November 10, 2010, 2:31 p.m.]

Subject of Possible Rule Making: WAC 284-30-393 Regarding how an insurer handles subrogation.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner will evaluate the clarity of the current WAC 284-30-393, and whether amendment is necessary to provide additional guidance to insurers and insureds about the requirements associated with subrogation demands.

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

Process for Developing New Rule: Submit written comments by December 22, 2010, to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, [kacys@oic.wa.gov](mailto:kacys@oic.wa.gov).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, (360) 725-7041, P.O. Box 40258, Olympia, WA 98504-0258, [kacys@oic.wa.gov](mailto:kacys@oic.wa.gov).

November 10, 2010

Mike Kreidler  
Insurance Commissioner

**WSR 10-23-069****PREPROPOSAL STATEMENT OF INQUIRY  
YAKIMA VALLEY  
COMMUNITY COLLEGE**

[Filed November 15, 2010, 9:03 a.m.]

Subject of Possible Rule Making: Amendments to Yakima Valley Community College housing (student residence center) policy, chapter 132P-156 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The college's rules regarding its student housing program were promulgated in 1972 and have not been updated. In reviewing the rule, college staff will propose language to reflect current policies and procedures.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brady Mugleston, Manager of the SRC (509) 574-4880, [bmugleston@yvcc.edu](mailto:bmugleston@yvcc.edu) or Suzy West, President's Office, (509) 574-4635, [swest@yvcc.edu](mailto:swest@yvcc.edu); Yakima Valley Community College, P.O. Box 22520, Yakima, WA 98907-2550. A public meeting will be advertised and held. Adoption of the final rule will be done in open public meeting of the college's board of trustees.

November 15, 2010

Suzanne West

Rules Coordinator

**WSR 10-23-079****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ECOLOGY**

[Order 10-16—Filed November 15, 2010, 1:05 p.m.]

Subject of Possible Rule Making: The department of ecology (ecology) will amend chapter 508-14 WAC, Columbia Basin project—Groundwaters. Chapter 508-14 WAC was initially adopted in 1969 and amended in 1988. The current rule describes ecology's permitting process for commingled natural and artificially stored groundwater beneath the Columbia Basin project, excluding the areas covered by the Quincy groundwater management subarea and zones (chapters 173-124 and 173-134A WAC) and the Odessa groundwater management subarea (chapters 173-128A and 173-130A WAC). The rule authorizes ecology to issue permits in the area covered by the rule (parts of Adams, Grant, and Franklin counties) based on a tentative determination that water is available, but provides that ecology shall not issue certificates until the amounts of natural and artificially stored groundwater are determined. This provides uncertainty to existing permit holders and pending applicants.

The proposed rule making would accomplish the following:

- Clarify the amount of natural and artificially stored groundwater.
- Clarify the permitting approach for new applicants seeking to access naturally-stored groundwater.
- Clarify the permitting approach for new applicants seeking to access artificially-stored groundwater.
- Clarify the conditions under which existing permittees will receive certificates for either naturally or artificially-stored groundwater.
- Additional amendments may be identified in the rule-development process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.21A.064(9), 43.21A.080, 43.27A.090(11), 90.54.040(2), and 90.44.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rule provides regulatory uncertainty for holders of and applicants seeking groundwater within the Columbia Basin project that are not covered under the more explicit Quincy and Odessa rules. This uncertainty creates a financial burden as permit holders and applicants cannot predict their long-term access to water for their projects. The proposed rule making would resolve the uncertainty by creating the same clarity in source availability as exists in other areas of the Columbia Basin project.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Bureau of Reclamation (reclamation) may be identified as the water right holder and owner of the artificially stored groundwater. Ecology plans to coordinate the rule-making process with reclamation. Ecology has and will continue to request reclamation's response to draft rule language and its participation in rule-making activities.

Process for Developing New Rule: This is an amendment to chapter 508-14 WAC, Columbia Basin project—Groundwaters. We plan to actively seek public input on the proposed rule amended language. The process includes open house sessions that will be held statewide before the proposed rule amendment is filed with the office of the code reviser. After filing, public hearings will also be held to gather input on specific rule language. Ecology plans to involve local interest groups with one-on-one meetings and use paid advertisements to notify the public. Ecology will use all these public activities to clearly explain the updated rule and amended sections to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carolyn Comeau, Department of Ecology, 15 West Yakima Avenue, Suite 200, Yakima, WA 98902-3452, phone (509) 454-7894, e-mail [Carolyn.Comeau@ecy.wa.gov](mailto:Carolyn.Comeau@ecy.wa.gov).

November 15, 2010

Derek I. Sandison, Director  
Office of Columbia River

**WSR 10-23-081****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Dental Quality Assurance Commission)

[Filed November 15, 2010, 1:51 p.m.]

Subject of Possible Rule Making: WAC 246-817-510 Definitions, 246-817-520 Supportive services that may be performed by registered dental assistants, 246-817-525 Supportive services that may be performed by expanded function dental auxiliaries (EFDAs), 246-817-540 Acts that may not be performed by registered dental assistants or noncredentialed persons, and 246-817-545 Acts that may not be performed by expanded function dental auxiliaries (EFDAs) or noncredentialed persons.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365, 18.260.040, and 18.260.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule amendments are needed to clarify and amend practice standards regarding delegation of dental duties. Rule amendments will eliminate confusion for licensed dentists, registered dental assistants, and licensed expanded function dental auxiliaries regarding tasks that may or may not be performed.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Santiago, Department of Health, Dental Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4893, fax (360) 236-2901. Interested stakeholders may sign up for the dental commission's listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=dental-qac&A=1>. All rule-making notices will be e-mailed to the dental commission's interested parties list (listserv), Washington State Dental Association, Washington State Dental Hygienists' Association, Washington State Dental Assistants' Association, and local health jurisdictions.

November 15, 2010

Blake T. Maresh

Executive Director

**WSR 10-23-084****PREPROPOSAL STATEMENT OF INQUIRY  
SECRETARY OF STATE**

(Archives and Records Management Division)

[Filed November 16, 2010, 8:20 a.m.]

Subject of Possible Rule Making: Local records committee meetings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 40.14.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The standing meeting dates no longer reflect the work load of the local records commit-

tee. Meeting dates, times and locations are published in the state register and on the agency web site.

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 Russell Wood, State Records Manager, P.O. Box 40238, Olympia, WA 98504-0238, (360) 586-4900, [russell.wood@sos.wa.gov](mailto:russell.wood@sos.wa.gov).

November 4, 2010

Steve Excell

Assistant Secretary of State

**WSR 10-23-085****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed November 16, 2010, 8:28 a.m.]

Subject of Possible Rule Making: Mailing original driver's licenses and identicards out-of-state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.20.119.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There has been a dramatic increase in the number of individuals obtaining Washington state driver's licenses with no Social Security number coming from states that have historically had very stable immigration rates, strongly suggesting that Washington has become a state of opportunity in which individuals from other states come here to obtain a Washington driver's license and falsely use a Washington residence address and then return to their home states. The department has adopted an emergency rule to address this issue, and has consequently seen a rise in the number of applications for identicards. To address this, the department intends to adopt a rule to limit the circumstances under which it will mail original licenses and identicards to out-of-state addresses.

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

Process for Developing New Rule: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, [cholloway@dol.wa.gov](mailto:cholloway@dol.wa.gov).

November 16, 2010

Clark J. Holloway

Legislative Liaison

**WSR 10-23-086****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed November 16, 2010, 8:29 a.m.]

Subject of Possible Rule Making: Chapter 308-102 WAC, Administration of the Financial Responsibility Act—Procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 34.05.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Need to clarify and update financial responsibility rules to conform with current procedures, coordinate financial responsibility damage threshold with changes to state patrol rules, and provide clarification for court reporting requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state patrol sets the damage threshold for filing traffic accident reports. Under RCW 46.29.060, the department is required [to] use the state patrol rule as guidance in adopting the amount of damages for the financial responsibility threshold.

Process for Developing New Rule: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

November 16, 2010  
Clark J. Holloway  
Legislative Liaison

**WSR 10-23-087****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed November 16, 2010, 8:29 a.m.]

Subject of Possible Rule Making: Application for driver's license or identicaid—Updating application requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.20.091, 46.20.119.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There has been a dramatic increase in the number of individuals obtaining Washington state driver's licenses with no Social Security number coming from states that have historically had very stable immigration rates, strongly suggesting that Washington has become a state of opportunity in which individuals from other states come here to obtain a Washington driver's license and falsely use a Washington residence address and then return to their home states. Concerns have also been expressed regarding the ease of obtaining and [an] identicaid. The department intends to amend WAC 308-104-014 to assist in reducing this sudden increase in apparently fraudulent license and identicaid applications.

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

Process for Developing New Rule: Internal review and input from stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

November 9, 2010  
Clark J. Holloway  
Legislative Liaison

**WSR 10-23-088****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed November 16, 2010, 8:29 a.m.]

Subject of Possible Rule Making: Chapter 308-103 WAC, rules of procedure for hearings conducted under RCW 46.20.308.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.20.308.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Need to update rules to clarify and revise hearing procedures and filing 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: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

November 16, 2010  
Clark J. Holloway  
Legislative Liaison

**WSR 10-23-095****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed November 16, 2010, 1:09 p.m.]

Subject of Possible Rule Making: WAC 296-900-140 Monetary penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Occupational Safety and Health Administration (OSHA) is changing their policies and procedures for how they assess penalties. We will be

required to modify our rules to ensure they are "at-least-as-effective-as" OSHA's new policies.

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 the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly Johnson, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health (DOSH), P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5008, fax (360) 902-5619, e-mail rhok235@lni.wa.gov.

November 16, 2010

Judy Schurke  
Director

### WSR 10-23-096

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

[Filed November 16, 2010, 1:09 p.m.]

Subject of Possible Rule Making: Chapter 296-54 WAC, Safety standards—Logging operations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department received several petitions for rule making in the logging standard. We intend to meet with stakeholders to discuss the proposed changes and draft language to clarify our rules.

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 the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly Johnson, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health (DOSH), P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5008, fax (360) 902-5619, e-mail rhok235@lni.wa.gov.

November 16, 2010

Judy Schurke  
Director

### WSR 10-23-097

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed November 16, 2010, 1:33 p.m.]

Subject of Possible Rule Making: Examination of managing brokers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The real estate commission voted to begin simulation examination of applicants for a managing broker's license on July 1, 2010. Rules will need to be modified to ensure scoring integrity of the exam results.

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 Jerry McDonald, Administrator, P.O. Box 2445, Olympia, WA 98507, e-mail jmcDonald@dol.wa.gov.

November 26 [16], 2010

J. McDonald, Administrator  
Real Estate Programs

### WSR 10-23-117

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed November 17, 2010, 9:55 a.m.]

Subject of Possible Rule Making: The community services division (CSD) is proposing to amend WAC 388-418-0011 What is a mid-certification review (MCR), and do I have to complete one in order to keep receiving benefits?, and other related rules as needed to be consistent with the proposed changes.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend these rules to streamline and simplify the MCR process. The proposed changes are necessary to streamline and simplify the MCR process, with the intent of improving customer service and reducing Basic Food payment errors.

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) enforces the provisions of the federal supplemental nutrition assistance program as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop amendments to the Basic Food simplified reporting process including the periodic report (MCR) that comply with federal regulations and include these changes in the state plan for operat-

ing the Basic Food program. The department's medicaid purchasing agency (MPA) also regulates MCR procedures for some of its medicaid coverage groups. CSD will make contact with key staff at MPA to coordinate all proposed changes to the MCR procedures and obtain that agency's approval before submitting the proposed changes to RPAU.

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 Robert L. Thibodeau, Program Manager, Basic Food, Community Services Division, P.O. Box 45440, Olympia, WA 98504-5440, phone (360) 725-4634, fax (360) 725-4905.

November 17, 2010  
Katherine I. Vasquez  
Rule[s] Coordinator

**WSR 10-23-118**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed November 17, 2010, 9:57 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-450-0200 and other related rules to implement a standardized medical deduction under an approved demonstration project waiver of federal regulations for the excess medical expense deduction under 7 C.F.R. § 273.9(3) and section 5 (6) of the Food and Nutrition Act of 2008 as amended. The standardized medical expense deduction will be available for elderly persons and persons with disabilities who have an out-of-pocket medical expense.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08.260, 7 C.F.R. 273.9, Food and Nutrition Act of 2008 as amended.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change is needed to provide an easier access to the excess medical expense deduction for the eligible elderly and disabled persons receiving Basic Food. This change will make it easier for elderly/disabled households with an out-of-pocket medical cost to take advantage of the medical expense deduction and reduce the risk of payment errors related to the excess medical expense deduction.

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) publishes federal regulations for the food stamp 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 74.04.510.

DSHS incorporates regulations from the federal agencies and exercises state options or waivers of federal regulation by adopting administrative rules for food assistance program administered under the Washington state combined application program (WASHCAP) and 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, Basic Food Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4895, fax (360) 493-3493, e-mail Holly.St.John@dshs.wa.gov.

November 17, 2010  
Katherine I. Vasquez  
Rules Coordinator

**WSR 10-23-122**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medicaid Purchasing Administration)

[Filed November 17, 2010, 10:40 a.m.]

Subject of Possible Rule Making: WAC 388-475-0820 SSI-related medical—Child-related income exclusions, 388-475-0840 SSI-related medical—Work and agency-related income exclusions, 388-475-0900 SSI-related medical—Allocating income; the department intends to repeal WAC 388-506-0620 and create new sections within chapter 388-475 WAC to address the allocation of income.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- DSHS is updating WACs to change the deeming and allocation rules for SSI-related medical programs so they mirror the federal rules. The department is creating new WACs to further clarify deeming rules relating to deeming from ineligible parents to applicant children; deeming between an applicant spouse and a nonapplying spouse; and deeming between spouses when one spouse is institutionalized.

- DSHS is adding new language in WAC 388-475-0840 to support the student earned income exclusion and adding language in WAC 388-475-0820 to define a student for SSI-related medical.
- DSHS is repealing WAC 388-506-0620 and incorporating the language to a new rule in chapter 388-475 WAC series.

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 Kevin Sullivan, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429.

November 17, 2010  
Katherine I. Vasquez  
Rules Coordinator

#### WSR 10-23-124

#### PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed November 17, 2010, 11:03 a.m.]

Subject of Possible Rule Making: WAC 392-121-182  
Alternative learning experience requirements.

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: The overall purposes for  
amending WAC 392-121-182 are:

- Clarify ALE requirements,
- Provide flexibility in program design and implementation, and
- Continue fostering individualized learning.

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, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

November 10, 2010  
Randy Dorn  
Superintendent of  
Public Instruction