

WSR 05-20-006**PREPROPOSAL STATEMENT OF INQUIRY
UNIVERSITY OF WASHINGTON**

[Filed September 23, 2005, 8:54 a.m.]

Subject of Possible Rule Making: WAC 478-160-163
Waivers of tuition and fees.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: Chapter 28B.15 RCW and RCW 28B.20.130.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: To amend the eligibility and
limitations for specific University of Washington tuition
waivers in order to reflect new definitions established by
SHB 1174 (RCW 28B.15.621), effective July 24, 2005. SHB
1174 repealed existing waivers for Southeast Asia veterans,
Persian Gulf veterans, and children of POW/MIAs that had
been authorized by RCW 28B.10.265, 28B.15.620, and
28B.15.628, and instead authorized a new permissive waiver
for veterans who are Washington domiciles and who were
called to active federal duty and who served in a conflict or
war on foreign soil/international waters, or in support of such
a conflict, and for his/her children or spouse if the veteran
became totally disabled or lost his/her life while engaged in
active federal military or naval service, or if the veteran was
determined to be a POW/MIA. SHB 1174 also removed eli-
gibility for members of the Washington National Guard and
veterans of the Korean conflict to use the state employee
tuition exemption, although those with qualifying service
could apply for the amended veteran's waiver. Amended
rules would continue these tuition waivers for eligible stu-
dents.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: 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 pub-
lication. Written comments or inquiries may be directed to
Rebecca Goodwin Deardorff, Director of Rules Coordination
by one of the following routes: Mail University of Washing-
ton, Rules Coordination Office, Box 355509, Seattle, WA
98195-5509; e-mail rules@u.washington.edu; or fax (206)
221-6917.

September 22, 2005

Rebecca Goodwin Deardorff
Director of Rules Coordination

WSR 05-20-057**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed October 3, 2005, 11:02 a.m.]

Subject of Possible Rule Making: Amend WAC 458-14-
005 Definitions, 458-14-015 Jurisdiction of county boards of
equalization, 458-14-025 Assessment roll ((~~corrections~~))
adjustments not requiring board action, 458-14-026 Assess-
ment roll corrections agreed to by taxpayer, 458-14-046 Reg-
ularly convened session—Board duties—Presumption—
Equalization to revaluation year, 458-14-056 Petitions—

Time limits—Waiver of filing deadline for good cause, 458-
14-066 Requests for valuation information—Duty to
exchange documentary information—Time limits, 458-14-
076 Hearings on petitions—Withdrawal, 458-14-095 Record
of hearings, 458-14-116 Orders of the board—Notice of
value adjustment—Effective date, 458-14-127 Reconvened
boards—Authority, 458-14-136 Hearing examiners, 458-14-
160 Continuances—Ex parte contact, and 458-14-170
Appeals to the state board of tax appeals.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 84.08.010, 84.08.070, and 84.48.200.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: These rules need to be
updated to recognize legislative changes. Also, practical
experience with the rules over the years indicates some
changes are necessary for purposes of guidance and clarifica-
tion, for assessors, board members and taxpayers.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

Process for Developing New Rule: Parties interested in
this rule making may contact the individual listed below. The
public may also participate by providing written comments
throughout this rule making or giving oral testimony at the
public meeting or public hearing.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication. Written comments may be submitted by mail, fax,
or at the public meeting. Oral comments will be accepted at
the public meeting. A preliminary draft of the proposed
changes is available upon request. Written comments on
and/or requests for copies of the rule may be directed to
James A. Winterstein, Property Tax Division, P.O. Box
47471, Olympia, WA 98504-7471, e-mail JimWi@dor.wa.
gov, phone (360) 570-5880, fax (360) 586-7602.

Public Meeting Location: Capital Plaza Building, 4th
Floor L&P Large Conference Room, 1025 Union Avenue
S.E., Olympia, WA, on November 7, 2005, at 9:30 a.m.

October 3, 2005

Alan R. Lynn
Rules Coordinator

WSR 05-20-058**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed October 3, 2005, 11:06 a.m.]

Subject of Possible Rule Making: Chapter 458-57
WAC, Estate and Transfer Act; amending WAC 458-57-005
Nature of estate tax, definitions, 458-57-015 Valuation of
property, property subject to estate tax, how to calculate the
tax, 458-57-017 Property subject to generation-skipping
transfer tax, how to calculate the tax, allocation of genera-
tion-skipping transfer exemption, 458-57-025 Determining
the tax liability of nonresidents, 458-57-035 Washington
estate tax return to be filed—Penalty for late filing—Interest
on late payments—Waiver or cancellation of penalty—
Application of payment and 458-57-045 Administration of

the tax—Releases, amended returns, refunds, heirs of escheat estates; and new sections WAC 458-57-105 Nature of estate tax, definitions, 458-57-115 Valuation of property, property subject to estate tax, how to calculate the tax, 458-57-125 Apportionment of tax when there are out-of-state assets, 458-57-135 Washington estate tax return to be filed—Penalty for late filing—Interest on late payments—Waiver or cancellation of penalty—Application of payment, 458-57-145 Administration of the tax—Releases, amended returns, refunds, and statute of limitations, 458-57-155 Farm deduction, and 458-57-165 Escheat estates and absentee distributee (missing heir) property.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 83.100.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In February 2005, the Washington state supreme court ruled in *Hemphill v. State of Washington, Dept. of Rev.*, 153 Wa.2d 544, 105 P.3d 391 (2005) that Washington's estate tax is a pickup tax based on current federal law. The current estate tax rules will be amended to reflect the *Hemphill* ruling. The rules will clarify that for deaths occurring on or before May 16, 2005, the estate tax due to Washington is the amount of state death tax credit available under the current Internal Revenue Code.

New estate tax rules are needed to implement the new Washington estate tax that became effective May 17, 2005. See chapters 516 and 514, Laws of 2005. The new rules clarify the nature of the new tax, property subject to the tax, the Washington qualified terminable interest property election, the new method of estate tax apportionment, filing dates, refunds, the new farm deduction, and escheat estates and absentee distributee property.

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 this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Cindy Evans, Special Programs Division/Estate Tax Section, P.O. Box 47477, Olympia, WA 98504-7477, e-mail cindyev@dor.wa.gov, phone (360) 570-5524, fax (360) 586-2163.

Public Meeting Location: Capital Plaza Building, 4th Floor L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on November 9, 2005, at 1:30 p.m.

October 3, 2005

Alan R. Lynn
Rules Coordinator

WSR 05-20-059

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed October 3, 2005, 12:46 p.m.]

Subject of Possible Rule Making: WAC 415-111-230 Self-directed investment program allocation, and possibly other related rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To explain the department has the right to limit the number of times a Plan 3 member changes investment options, and to impose other restrictions if necessary to protect the performance results of the fund.

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 Leslie Saeger, Rules and Contracts Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail leslies@drs.wa.gov.

September 22, 2005

Sandra J. Matheson

Director

WSR 05-20-060

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed October 3, 2005, 12:48 p.m.]

Subject of Possible Rule Making: WAC 415-111-220 How do I choose a defined contribution rate?, and possibly other related rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify that once a PERS Plan 3 and SERS Plan 3 member chooses a contribution rate or is assigned the base rate of 5%, the member may not change that contribution rate unless he/she changes employers. This rule is required by an Internal Revenue Service decision on the tax qualified status of PERS 2 and 3 and SERS 2 and 3.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Internal Revenue Service.

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 Leslie Saeger, Rules and Contracts Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail leslies@drs.wa.gov.

September 29, 2005
Sandra J. Matheson
Director

WSR 05-20-063

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed October 3, 2005, 3:31 p.m.]

Subject of Possible Rule Making: Infractions.

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: The department will propose that certain bail-forfeitable offenses (for which, if bail is forfeited, ends the case) will become infractions.

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 Bruce Bjork, Enforcement Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2373. Contact by November 17, 2005. Expected proposal filing on or after November 18, 2005.

October 3, 2005
Evan Jacoby
Rules Coordinator

WSR 05-20-081

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

(Health and Recovery Services Administration)

[Filed October 4, 2005, 4:22 p.m.]

The Health and Recovery Services Administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 04-15-130 on July 20, 2004 (WAC 388-550-3700).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-20-082

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed October 4, 2005, 4:24 p.m.]

Subject of Possible Rule Making: WAC 388-550-2598 Critical access hospital (CAH) program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.08.090, 74.09.5225.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Health and Recovery Services Administration is amending this rule to clarify that the department uses both the encounter data and fee-for-service data to set prospective department-weighted costs-to-charges (DWCC) rates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This rule corresponds and will be coordinated with other CAH rules that regulate parts of the CAH program that have been established by Department of Health, Aging and Disability Services Administration of Department of Social and Health Services, and the Centers for Medicare and Medicaid Services.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules Program Manager, Medical Assistance Administration, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

October 3, 2005
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-20-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Governmental and Community Affairs)
 [Filed October 4, 2005, 4:26 p.m.]

Subject of Possible Rule Making: The Division of Vocational Rehabilitation (DVR) plans to amend, repeal or add new rules in chapter 388-891 WAC regarding vocational rehabilitation services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 34 C.F.R. Parts 361, 363, 365; RCW 74.29.020(8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By revising the order of selection criteria for Category 1: Individuals with most severe disabilities (WAC 388-891-0520), and Category 2: Individuals with severe disabilities (WAC 388-891-0530) DVR will continue to provide services to individuals with most severe disabilities first. DVR intends to expand the categories so that a broader diversity of disability groups are represented and served.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education, Rehabilitation Services Administration and Washington State Rehabilitation Council; consultation, review and comment will be used for coordinating the rule-making process.

Process for Developing New Rule: DVR welcomes the public to take part in developing the rules. Anyone interested in helping to draft the proposed rules should contact one of the staff persons listed below. After the rules are drafted, DVR will file a copy at the Office of the Code Reviser with a notice of the proposed rule. DVR will send a copy of the proposed rules for review and comment to everyone currently on the mailing list and anyone else requesting a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DVR staff members are available to talk to groups and organizations about these proposed changes. Contact Terry Redmon, Chief of Special Programs, (360) 725-3646, e-mail redmot@dshs.wa.gov or Michael Cunningham, Program Administrator, (360) 725-3621, e-mail cunnim@dshs.wa.gov; DSHS Division of Vocational Rehabilitation, 1-800-637-5627 (VTTY), fax (360) 438-8007, P.O. Box 45340, Olympia, WA 98504-5340.

October 3, 2005
 Andy Fernando, Manager
 Rules and Policies Assistance Unit

WSR 05-20-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed October 4, 2005, 4:27 p.m.]

Subject of Possible Rule Making: The Division of Employment and Assistance Programs will amend WAC 388-408-0035 Who is in my assistance unit for Basic Food?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Sections of the rule pertaining to transitional food assistance and the status of other mandatory assistance unit members must be updated to comply with federal guidance.

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 Rebecca Henrie, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4615, fax (360) 493-3493, e-mail henrira@dshs.wa.gov.

October 3, 2005
 Andy Fernando, Manager
 Rules and Policies Assistance Unit

WSR 05-20-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed October 4, 2005, 4:30 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants, 388-310-1450 Pregnancy to employment, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.08.090, 74.08A.340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to clarify the WorkFirst infant care exemption rules so staff can apply the exemption correctly.

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. Later, 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 Aurea Figueroa, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4623, fax (360) 493-3493, e-mail figueal@dshs.wa.gov.

October 3, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-20-086

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed October 4, 2005, 4:31 p.m.]

Subject of Possible Rule Making: Access to baby and child dentistry (ABCD) dental program, in chapter 388-535 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to update and clarify current policy regarding the ABCD dental program.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules Program Manager, Health and Recovery Services Administration, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

October 3, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-20-093

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. T-051359—Filed October 5, 2005, 9:04 a.m.]

Subject of Possible Rule Making: This rule making would consider amending sections of chapter 480-31 WAC, Private, nonprofit transportation providers; chapter 480-51 WAC, Commercial ferries; and chapter 480-70 WAC, Solid waste collection companies; to reflect recent changes to chapters 81.66, 81.77, and 81.84 RCW, relating to notice and opportunity for hearing prior to suspension or revocation of a certificate, and in conjunction with a request for certification to operate in a territory served by an existing certificate holder.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 81.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On July 24, 2005, a new law, SSB 5105, amending Title 81 RCW took effect. It amends RCW 81.66.060, 81.68.030, 81.68.040, 81.77.030, 81.77.040, and 81.84.020, and adds a new section to chapters 81.70 and 81.68 RCW. Under SSB 5105, the commission is no longer required to hold a hearing before it can suspend or revoke a certificate, or consider a request for a certificate to operate in a territory served by an existing certificate holder. Instead, the commission is only required to provide notice and an opportunity for a hearing. RCW 81.68.030 and 81.68.040, and the new section added to chapter 81.68 RCW, will not be included in this rule making. They will be addressed in the bus rules rule making currently open, Docket TC-020497.

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; and the commission will ask for initial written comments, and will provide the opportunity for additional comments. The commission will conduct a workshop if there is stakeholder interest or disagreement.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150. Interested persons may file written comments on the CR-101 by **October 26, 2005**.

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 **October 26, 2005**. **Please submit comments in Word format to facilitate creation by commission staff of summaries.**

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. Please provide electronic files in .pdf (Adobe Acrobat) and in .doc (MS Word 97 or later) to make them most useful to the commission. Comments may be submitted by

electronic mail to the commission's records center at records@wutc.wa.gov. Please include:

- The docket numbers of this proceeding (T-051359).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting electronic comments is by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk. 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.wutc.wa.gov/051359>.

If you are unable to file your comments electronically or to submit them on a disk, 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@wutc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole Washburn, Executive Secretary. When contacting the commission, please refer to Docket No. T-051359 to ensure that you are placed on the appropriate service list. Questions may be addressed to Sharyn Bate by phone at (360) 664-1295 or e-mail at sbate@wutc.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 No. T-051359, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. T-051359, and the words "Please keep me on the mailing list" to <records@wutc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.wutc.wa.gov/051359>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

October 5, 2005
Carole J. Washburn
Executive Secretary

WSR 05-20-096

PREPROPOSAL STATEMENT OF INQUIRY FOREST PRACTICES BOARD

[Filed October 5, 2005, 9:11 a.m.]

Subject of Possible Rule Making: The Forest Practices Board is considering amending rules related to determining perennial initiation points on a Type Np water.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.90.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 222-16-030 and 222-16-031 currently provide for water typing default basin sizes for western and eastern Washington on Type Np/Type 4 (perennial nonfish habitat) streams. The default option is for landowners who cannot identify the uppermost point of perennial flow with simple, nontechnical observations.

Pursuant to RCW 76.09.370, the Forest Practices Board incorporates a scientific-based adaptive management process to determine the effectiveness of the 2001 forest practices rules in aiding Washington's salmon recovery effort. Under this adaptive management process, a scientific study has been completed by the Forest Practices Board's Cooperative Monitoring, Evaluation, and Research Committee, *Type N Stream Demarcation Study, Phase I: Pilot Results*. It indicates that the default basin sizes available for use in determining stream perennial initiation points are incorrect. The board is considering eliminating the default basin sizes in the rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Forest Practices Board adopts rules pertaining to water quality protection with agreement from the Washington Department of Ecology.

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. Mail, e-mail, or fax comments to Forest Practices Board, c/o Patricia Anderson, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-47012 [98504-7012], fax (360) 902-11428 [902-1428], e-mail forest.practicesboard@wadnr.gov.

October 4, 2005
Leonard Young, Acting
for Pat McElroy, Chair

WSR 05-20-097

PREPROPOSAL STATEMENT OF INQUIRY FOREST PRACTICES BOARD

[Filed October 5, 2005, 9:12 a.m.]

Subject of Possible Rule Making: The Forest Practices Board is considering amending chapter 222-30 WAC, Timber harvesting, related to riparian desired future condition performance targets. The board is also considering minor clarifications to other rules within this chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.90.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to RCW 76.09.370, the Forest Practices Board incorporates a scientific-based adaptive management process to determine the effectiveness of the 2001 forest practices rules in aiding Washington's salmon recovery effort. Under this adaptive management process, a scientific study has been completed by the Forest Practices Board's Cooperative Monitoring, Evaluation, and Research Committee, *Validation of the Western Washington Riparian Desired Future Condition (DFC) Performance Targets in the Washington State Forest Practices Rules with Data From Mature, Unmanaged, Conifer-Dominated Riparian Stands*. The study's findings show that basal area per acre of mature, unmanaged conifer-dominated riparian stands is significantly different from the values used in the rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Forest Practices Board adopts rules pertaining to water quality protection with agreement from the Washington Department of Ecology.

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. Mail, e-mail, or fax comments to Forest Practices Board, c/o Patricia Anderson, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-47012 [98504-7012], fax (360) 902-11428 [902-1428], e-mail forest.practicesboard@wadnr.gov.

October 4, 2005

Leonard Young, Acting
for Pat McElroy, Chair

2005. Expected proposal filing on or after November 18, 2005.

October 5, 2005

Evan Jacoby
Rules Coordinator

WSR 05-20-111

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed October 5, 2005, 10:51 a.m.]

Subject of Possible Rule Making: Personal use fishing rules.

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: Provide recreational opportunity for persons with limited capability to access certain waters.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by November 17, 2005. Expected proposal filing on or after November 18, 2005.

October 5, 2005

Evan Jacoby
Rules Coordinator

WSR 05-20-110

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed October 5, 2005, 10:50 a.m.]

Subject of Possible Rule Making: Personal use fishing rules.

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: Establish reciprocity with Oregon for personal use shellfish licenses.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by November 17,

WSR 05-20-112

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed October 5, 2005, 10:52 a.m.]

Subject of Possible Rule Making: Landowner access permits, multiple season drawing opportunity, license and permit refund and exchange.

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: Provide recreational opportunity and establish rules for issuance of recreational licenses and permits consistent with RCW 77.32.050.

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 pub-

lication by contacting Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515. Contact by November 17, 2005. Expected proposal filing on or after November 18, 2005.

October 5, 2005
Evan Jacoby
Rules Coordinator

WSR 05-20-115

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed October 5, 2005, 11:19 a.m.]

Subject of Possible Rule Making: Washington state digital archives; collecting and managing records at the digital archives.

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: These rules will:

- Define terms related to acquiring and archiving public records in electronic formats;
- Describe required procedures and protocols related to acquiring, transferring and archiving public records in electronic formats at the Washington state digital archives;
- Describe agency duties and responsibilities with respect to digital archives and records;
- Address document authentication, chain of custody, and use of encryption for records at the digital archives.

Process for Developing New Rule: Negotiated rule making; and initial proposed rule language will be developed by the Office of the Secretary of State (OSOS). OSOS will create a stakeholder group of known interested parties. OSOS will take comment [comments] from other interested parties before and after publication in the register. Finally, public comment will be taken at public hearings prior to final adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shane Hamlin, P.O. Box 40220, Olympia, WA 98504-0220, phone (360) 902-4141, fax (360) 586-5629, e-mail shamlin@secstate.wa.gov.

October 5, 2005
Steve Excell
Assistant Secretary of State

WSR 05-20-116

PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed October 5, 2005, 11:19 a.m.]

Subject of Possible Rule Making: Disclosure of records that are seventy-five years old, or older, and in the possession of the state archives.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 40.14.130, 40.14.020.

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

- Pursuant to RCW 40.14.030(2), specifies circumstances in which it is permissible to open for public inspection records deemed confidential, privileged, or exempt (under state or federal law) from public disclosure but which also have significant historical value and are in the possession of the state archives;
- Provides structured processes for the opening of such records under the specified circumstances.

Process for Developing New Rule: Negotiated rule making; and initial proposed rule language will be developed by the Office of the Secretary of State (OSOS). OSOS will create a stakeholder group of known interested parties. OSOS will take comment [comments] from other interested parties before and after publication in the register. Finally, public comment will be taken at public hearings prior to final adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shane Hamlin, P.O. Box 40220, Olympia, WA 98504-0220, phone (360) 902-4141, fax (360) 586-5629, e-mail shamlin@secstate.wa.gov.

October 5, 2005
Steve Excell
Assistant Secretary of State

