

WSR 06-11-001
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed May 4, 2006, 8:28 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-96A-530 Veteran remembrance license plate emblem.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.110, 46.16.335, 46.16.276.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is required to add which emblems are available for purchase. This amendment establishes in rule which campaign medal emblems are available to those qualified.

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

Process for Developing New Rule: Committee with stakeholder review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dale R. Brown, Management Analyst, Vehicle Services, Assistant Director's Office, Mailstop 48001, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-0140, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

May 1, 2006

Katherine Vasquez
for Deborah McCurley, Administrator
Title and Registration Services

WSR 06-11-005
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed May 4, 2006, 8:34 a.m.]

Subject of Possible Rule Making: Promotions for gambling activities.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency will review rules relating to promotions connected to gambling activities.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] June 16, 2006, at the Marcus Whitman Hotel, 6 West Rose Street, Walla Walla, WA 99362, (509) 525-2200; on July 14, 2006, at the Hilton Hotel, 301 West 6th

Street, Vancouver, WA 98660, (360) 993-4500; and on August 11, 2006, at the Red Lion Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, (509) 663-0711.

May 2, 2006

Susan Arland
Rules Coordinator

WSR 06-11-006
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed May 4, 2006, 8:35 a.m.]

Subject of Possible Rule Making: Card rooms - logo cards and log chips.

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 Mr. Logerwell. The petitioner requests that logo cards and logo chips that have been discontinued from use in a card room be specifically exempted from the definition of gambling equipment.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] June 16, 2006, at the Marcus Whitman Hotel, 6 West Rose Street, Walla Walla, WA 99362, (509) 525-2200; on July 14, 2006, at the Hilton Hotel, 301 West 6th Street, Vancouver, WA 98660, (360) 993-4500; and on August 11, 2006, at the Red Lion Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, (509) 663-0711.

May 2, 2006

Susan Arland
Rules Coordinator

WSR 06-11-007
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed May 4, 2006, 8:36 a.m.]

Subject of Possible Rule Making: Card games operated by charitable and nonprofit organizations.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency will review rules relating to charitable and nonprofit organizations and the card games they can operate without a gambling license.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] June 16, 2006, at the Marcus Whitman Hotel, 6 West Rose Street, Walla Walla, WA 99362, (509) 525-2200; on July 14, 2006, at the Hilton Hotel, 301 West 6th Street, Vancouver, WA 98660, (360) 993-4500; and on August 11, 2006, at the Red Lion Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, (509) 663-0711.

May 2, 2006
Susan Arland
Rules Coordinator

WSR 06-11-010

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed May 4, 2006, 1:13 p.m.]

Subject of Possible Rule Making: Title 390 WAC, rules relating to out-of-state political committees, amending WAC 390-16-050 to conform with legislative changes in 3SHB 1226 and clarifying RCW 42.17.093 as it relates to a corporation which has a place of business in the state of Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370 and new section 3 of 3SHB 1226.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission will consider possible new rules and rule amendments to update provisions of WAC 390-16-050 and provide guidance and clarification to the general public and persons subject to RCW 42.17.093.

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

Process for Developing New Rule: At its meeting on June 29, 2006, the commission is expected to discuss and possibly approve draft language on the above referenced rule topic. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by June 26, 2006, to Doug Ellis, PDC, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by Monday, June 19, 2006, will be provided to commissioners in advance of the meeting. A formal public hearing is expected to occur later this year.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Assistant Director Doug Ellis at P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

May 4, 2006

Douglas J. Ellis
Assistant Director

WSR 06-11-011

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed May 4, 2006, 1:14 p.m.]

Subject of Possible Rule Making: Title 390 WAC, new rules relating to limited liability partnerships (LLPs), limited liability companies (LLCs), and/or similar entities, and reporting requirements for the personal financial affairs statements (PDC F-1 forms) pursuant to RCW 42.17.241, conversion of long-standing interpretive statements into rules, amending WAC 390-37-140 to allow for modification renewals to be heard in single commissioner hearings and possible repeal of WAC 390-28-060.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370 and 42.17.241(l) [(l)](n).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission (PDC) will consider possible new rules and rule amendments to update provisions of F-1 reporting rules including modification procedures. The rules are designed to provide guidance and clarification to the general public and persons subject to the disclosure law.

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

Process for Developing New Rule: At its meeting on June 29, 2006, the commission is expected to discuss and possibly approve draft language on the above referenced rule topic. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by June 26, 2006, to Doug Ellis, PDC, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by Monday, June 19, 2006, will be provided to commissioners in advance of the meeting. A formal public hearing is expected to occur later this year.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Assistant Director Doug Ellis at P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

May 4, 2006

Douglas J. Ellis
Assistant Director

WSR 06-11-017**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 4, 2006, 2:51 p.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registrations and certificates of title, to include but not limited to WAC 308-93-010 Definitions, 308-93-030 Vessel subject to excise tax, registration and titling, vessels exempted from registration, excise tax and titling, 308-93-055 Foreign vessels operating in this state—Identification document required, and 308-93-090 Leased or rented vessels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.070 and 88.02.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is required to change the language from "jetski" to "personal watercraft" in these rules and change language, making the rules easier to understand and including a vessel type instead of model.

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

Process for Developing New Rule: Committee with stakeholder review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dale R. Brown, Management Analyst, Vehicle Services, Assistant Director's Office, mailstop 48001, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-0140, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

May 4, 2006

Eric Anderson

for Deborah McCurley, Administrator
Title and Registration Services

WSR 06-11-021**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Veterinary Board of Governors)

[Filed May 4, 2006, 3:53 p.m.]

Subject of Possible Rule Making: Chapter 246-933 WAC, Veterinarians; chapter 246-935 WAC, Veterinary technicians; and chapter 246-937 WAC, Veterinary medication clerks. The veterinary board of governors is considering developing rules that will define sexual misconduct for veterinarians, veterinary technicians and veterinary medication clerks. The board will also consider establishing sanctions for practitioners who do engage in sexual misconduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, there is no rule defining sexual misconduct for veterinary professions. Rules would help assure clear and consistent definitions of sexual misconduct and appropriate sanctions for individuals who engage in sexual misconduct.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Public meetings will be held in different locations statewide. Written comments may be sent to Judy Haenke, P.O. Box 47868, Olympia, WA 98604-7868 [98504-7868], (360) 236-4947, fax (360) 586-4359, or e-mail judy.haenke@doh.wa.gov.

May 4, 2006

Steven Saxe

Executive Director

WSR 06-11-022**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Board of Pharmacy)

[Filed May 4, 2006, 3:55 p.m.]

Subject of Possible Rule Making: WAC 246-863-XXX Pharmacist licensing, 246-901-XXX Ancillary personnel, and 246-858-XXX Pharmacist—Internship requirements—Standards of professional conduct. The board of pharmacy is considering developing rules that will define sexual misconduct standards for pharmacist and pharmacy ancillary personnel regulated by the board. The board will also consider standardizing sanctions for practitioners who engage in sexual misconduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, the profession does not have rules defining sexual misconduct. Without rules, practitioners do not know the standards to which they are held and any disciplinary action may be inconsistent. Rules on this subject will help assure clear and consistent definitions of sexual misconduct and appropriate sanctions for individuals who engage in sexual misconduct. Developing rules will ensure public safety and may help providers avoid sexual misconduct.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Public meetings will be held in various areas of the state. Written comments may be sent to Judy Haenke, Program Manager, P.O. Box 47863, Olympia, WA 98504-7870, phone (360) 236-4947, fax (360) 586-4359, e-mail judy.haenke@doh.wa.gov.

May 4, 2006

Steven Saxe

Executive Director

WSR 06-11-024
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 06-07—Filed May 5, 2006, 10:48 a.m.]

Subject of Possible Rule Making: Department of ecology is proposing new rules to regulate electronic product recycling. These rules will implement ESSB 6428, passed by the 2006 legislature.

This rule making will occur in two phases. The first phase will focus on the registration and renewal portions of the law, fee structure, brand labeling and other related requirements. This will be followed by a second phase that will address the remaining rules required by the law, such as more details on recycling plans, requirements for manufacturers and retailers, collectors, transporters and plan implementers and performance standards for processors. It is the department's intention to develop these rules in a manner consistent with all agency regulatory rules such as, but not limited to, chapters 173-303 and 173-350 WAC, related to solid and hazardous waste and recycling. To that end the department will review and possibly amend other administrative rules, to assure consistency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 183, Laws of 2006 (ESSB 6428).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are required by the new law that creates an electronic product recycling program within the state. The legislature found that a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products must be established. The legislature further recognized that the system must encourage the design of electronic products that are less toxic and more recyclable. The legislature also found that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the collection, transportation, and recycling system.

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

Process for Developing New Rule: Ecology will form an advisory committee made up of representatives of electronics manufacturers, retailers, environmental groups, local governments, nonprofit organizations, recycling industry and other interested parties. In addition, ecology will post information on its web site and send information to interested parties. Ecology will hold public hearings on the rule language. The rule will be developed in two phases. Phase 1 will deal with manufacturer registration and fees due to the department of ecology. Phase 2 will deal with the balance of the required rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Ecology will post information on its web site, send information to interested parties, and form an advisory committee. Ecology will hold public hearings on rule language.

Primary contact: Jay Shepard, mailing address: Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, street address: Washington Department of Ecology, 300 Desmond Drive, Lacey, WA, phone (360) 407-7040, fax (360) 407-6102, e-mail WA-RECYCLES-ELEC-

TRONICS@ECY.WA.GOV, Listserv <http://listserv.wa.gov/archives/wa-recycles-electronics.html>.

May 5, 2006

Cullen D. Stephenson
 Program Manager
 Solid Waste and Financial
 Assistance Program

WSR 06-11-054
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH

[Filed May 11, 2006, 3:33 p.m.]

Subject of Possible Rule Making: Amending chapter 246-650 WAC, Newborn screening, to include additional disorders to the mandatory conditions for newborn screening conducted by the department of health.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.83.030 and 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A study commissioned by the federal Health Resources and Services Administration has recommended that every state should screen newborns for a standard panel of disorders. This panel has been endorsed by the American Academy of Pediatrics and the national March of Dimes. Of the twenty-nine disorders recommended, sixteen are not currently screened for in Washington. The board intends to evaluate the evidence about these disorders against their criteria for adding disorders to the newborn screening program.

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

Process for Developing New Rule: A panel of technical experts will evaluate the evidence supporting inclusion of the disorders. If supported by their findings, a broadly representative advisory group will be convened to further review [and] make recommendations for the board to consider.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Meetings will be open, and any written information or findings will be available to the public. Interested parties can contact Michael Glass, Director Newborn Screening, Washington Department of Health, 1610 N.E. 150th Street, Shoreline, WA 98155, voice (206) 418-5470, fax (206) 418-5415, e-mail mike.glass@doh.wa.gov; or Tara Wolff, Health Policy Advisor, Washington State Board of Health, 101 Israel Road S.E., P.O. Box 47990, Olympia, WA 98504, voice (360) 236-4101, fax (360) 236-4088, e-mail tara.wolff@doh.wa.gov.

May 11, 2006

Craig McLaughlin
 Executive Director

WSR 06-11-055
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 11, 2006, 3:38 p.m.]

The department of health would like to withdraw the examining board of psychology's statement of inquiry (CR-101), which was filed on November 3, 1998, as WSR 98-22-088.

The examining board of psychology has decided not to pursue rule making on this CR-101 because the rule topics addressed under WSR 98-22-088 are being covered in other rule packages.

If you have any questions, please contact Holly Rawnsley, program manager, examining board of psychology at (360) 236-4912.

Mary C. Selecky
Secretary

WSR 06-11-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 12, 2006, 9:55 a.m.]

Subject of Possible Rule Making: The department will amend all necessary sections in Title 388 WAC to implement annual adjustments to standards for WASHCAP (Washington combined application project) and the Washington Basic Food program. Changes include updates to the following standards for federal fiscal year 2007: Income standard, maximum allotment, maximum shelter deduction standard, standard deduction, standard utility allowances, WASHCAP shelter cost standard, and WASHCAP opt-out standard. These changes include amendments to the following WAC sections and any related rules: WAC 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food?, 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food?, 388-450-0195 Utility allowances for Basic Food programs, 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food?, 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?, and 388-492-0070 How are my WASHCAP benefits calculated?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These standards are required by federal regulations and approved department waivers. These standards must be adjusted annually in order to determine a client's eligibility and benefit level for WASHCAP or the Washington Basic Food program.

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) annually adjust income and payment standards, the standard deduction, and maximum shelter deductions for the upcoming federal fiscal year. FNS also requires that the department adjust the food stamp utility allowance and WASHCAP standards on an annual basis. DSHS adopts the new FNS standards into administrative rule. The department adjusts WASHCAP standards as required under the department's approved waiver based on changes to the consumer price index. The department determines the Basic Food standard utility allowance by applying the consumer price index to a utility market basket survey and adopting the new amounts under administrative rule.

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 John Camp, Policy Analyst, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4616, fax (360) 493-3493, e-mail campjx@dshs.wa.gov.

May 10, 2006

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-11-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed May 12, 2006, 9:57 a.m.]

Subject of Possible Rule Making: WAC 388-825-120 When can I appeal department decisions through an administrative hearing process?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules clarify that a client has the right to an administrative hearing if the department reduces or terminates services that were previously authorized through an exception to rule.

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 department welcomes the public to participate in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Steve Brink, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olym-

pia, WA 98504-5310, phone (360) 725-3416, fax (360) 407-0955, e-mail brinksc@dshs.wa.gov.

May 10, 2006

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-11-065

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 06-08—Filed May 12, 2006, 1:37 p.m.]

Subject of Possible Rule Making: Amendments to chapter 173-160 WAC, Minimum standards for construction and maintenance of water wells and chapter 173-162 WAC, Rules and regulations governing the regulations and licensing of well contractors and operators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.104 RCW, Water Well Construction Act (1971).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology has been directed by the 2005 legislature to revise the existing well construction and licensing rules. Additionally, ecology has been meeting with the technical advisory committee for the last year to make other revisions that will make the rule easier to understand, improve organization and readability, address technical issues and other driller concerns, and enhance public health and welfare.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of health, through their wellhead protection program, does regulate well siting. The department of health's wellhead protection program manager is a member of the technical advisory group. This group has been providing input for rule changes for the last year and will continue to assist ecology in revising these rules.

Process for Developing New Rule: Standard rule making, a technical advisory group which was established by the legislature assisted the department of ecology in the development of these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate through a series of workshops and hearings to be held this spring and fall, through written inquiries to the department, and by attending the technical advisory group meetings. The contact person for ecology is Richard Szymarek, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-47600, phone (360) 407-6648, fax (360) 407-7162, e-mail rszy460@ecy.gov [rszy461@ecy.wa.gov].

May 11, 2006

Kenneth O. Slattery
Program Manager

WSR 06-11-071

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed May 15, 2006, 2:57 p.m.]

Subject of Possible Rule Making: Chapter 16-54 WAC, Animal importation, the department is reviewing its animal importation rules and may propose to amend them using plain talk language, to update them with current disease information, and to correct references to changed federal regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36, 16.57, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules on this subject need to be amended with current information in order to prevent the entry of contagious animal diseases into the state, to safeguard the state's livestock and the livestock industry, to maintain the state's disease-free certifications, and to correct outdated information.

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. The affected stakeholders will have an opportunity to submit written comments on the proposed rules during the public comment period, and will be able to present written and 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 Lynn Briscoe, Special Assistant to the State Veterinarian, Washington State Department of Agriculture, Animal Services Division, P.O. Box 42577, Olympia, WA 98504, phone (360) 902-1987.

May 8, 2006

Lynn M. Briscoe
Special Assistant to
the State Veterinarian

WSR 06-11-074

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 16, 2006, 8:21 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-96A-306, 308-96A-311, 308-96A-312, 308-96A-313, 308-96A-314, and 308-96A-316.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.381.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is required to clean up language, add "Is legally blind and has limited mobility" to the list of reasons for disabled parking privileges. The rules for parking privileges for individuals with disabilities will be moved to a new chapter to make it easier for the public to find information.

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

Process for Developing New Rule: Committee with stakeholder review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dale R. Brown, Management Analyst, Policy and Project Office, Mailstop 48001, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-0140, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

May 16, 2006

D. McCurley, Administrator
Title and Registration Services

WSR 06-11-079

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

(Geologist Licensing Board)

[Filed May 16, 2006, 3:39 p.m.]

Subject of Possible Rule Making: Revision to chapter 308-15 WAC, Geologist licensing services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086, 18.220.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing rules will be reviewed in accordance with the Governor's Executive Order 06-02 regarding regulatory improvement. New sections addressing potential board member ethics implications of board members financial, employment and similar relationships with members of the regulated professions will be developed.

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 Joe Vincent, Administrator, Geologist Licensing Program, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 664-1386, fax (360) 664-1495, e-mail geologists@dol.wa.gov. Persons may comment by mail, fax, phone or e-mail. Draft language of any changes will be sent to persons on the board's Listserve and mailing list.

May 16, 2006

Joe Vincent Jr.
Administrator

WSR 06-11-084

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 16, 2006, 4:24 p.m.]

Subject of Possible Rule Making: Adding and amending sections in chapter 388-106 WAC, Long-term care services, other WAC chapters may be opened as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, chapters 74.39, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to clarify:

- What may change the maximum number of hours a long-term care client can receive for in-home personal care services;
- What may change the maximum payment rate that will be paid for residential personal care services; and
- A client's administrative hearing rights if in-home personal care hours or increased residential payment rate approved as an exception to rule is reduced or terminated.

Process for Developing New Rule: DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rule with the office of the code reviser with a notice of proposed rule making, and send the proposal to everyone currently on the mailing list and anyone else 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 Tiffany Sevruck, Home and Community Services Division, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2538, fax (360) 407-7582, e-mail sevruta@dshs.wa.gov.

May 15, 2006

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-11-085

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed May 16, 2006, 4:24 p.m.]

Subject of Possible Rule Making: WAC 388-503-0505 General eligibility requirements for medical programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.040, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As a condition of eligibility for Medicaid, clients who are entitled to Medicare benefits will be required to apply for and enroll in Medicare Part A, Part B and Part D.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The health and recovery services administration (HRSA) will coordinate with the Centers for Medicare and Medicaid (CMS) during the rule-making process.

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 the 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 Carole McRae, Program Manager, Health and Recovery Services Administration, 626 8th Avenue S.E., Olympia, WA 98504-5538, phone (360) 725-1250, fax (360) 664-0910, TTY 1-800-848-5429, e-mail mcraeca@dshs.wa.gov.

May 15, 2006

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-11-086

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF CORRECTIONS**

[Filed May 17, 2006, 9:25 a.m.]

Subject of Possible Rule Making: Amendments to chapter 137-25 WAC, Serious infractions and chapter 137-28 WAC, Prisons discipline.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.09.130, 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Make technical corrections to the 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: The department invites interested parties to review and provide input on the proposed rules. Comments may be sent to John Nispel, rules coordinator at the address shown below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Nispel, Rules Coordinator, Department of Corrections, Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, phone (360) 725-8365, fax (360) 664-2009.

May 12, 2006

H. W. Clarke
Secretary

WSR 06-11-089

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed May 17, 2006, 11:49 a.m.]

The department of health would like to withdraw the following notice of inquiry (CR-101) because it is no longer valid.

| WAC NUMBER | WSR NUMBER | WSR DATE | SUBJECT |
|-------------|------------|----------|----------------------------------|
| 246-847-010 | 03-08-031 | 3/27/03 | Occupational therapy definitions |

If you have any questions, please contact Vicki Brown, Program Manager, at (360) 236-4865.

Mary C. Selecky
Secretary

WSR 06-11-090

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed May 17, 2006, 11:50 a.m.]

Subject of Possible Rule Making: Chapter 246-843 WAC, Nursing home administrators, the board of nursing home administrators is considering developing rules that will define sexual misconduct for nursing home administrators. The board will also consider establishing sanctions for practitioners who engage in sexual misconduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.050 and 18.52.061.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, there are no rules defining sexual misconduct for nursing home administrators. Rules would help assure clear and consistent definitions of sexual misconduct and appropriate sanctions for individuals who engage in sexual misconduct.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Public meetings will be held in both eastern and western Washington. Written comments may be sent to Kendra Pitzler, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4723, fax (360) 236-4738 or e-mail to kendra.pitzler@doh.wa.gov.

May 15, 2006

Susan Quigley, Chair
Board of Nursing Home Administrators

WSR 06-11-091**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Board of Osteopathic Medicine and Surgery)

[Filed May 17, 2006, 11:51 a.m.]

Subject of Possible Rule Making: Osteopathic Physicians, WAC 246-853-XXX Sexual misconduct, 246-853-XXX Abuse osteopathic physician assistants, 246-854-XXX Sexual misconduct, and 246-854-XXX Abuse.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005, 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of osteopathic medicine and surgery is considering developing rules to define and establish sanctions on inappropriate conduct, including sexual misconduct, abuse, and patient relationships. The board's intent is to protect the public from practitioners who use their position to foster inappropriate conduct. While the board has established guidelines regarding sexual misconduct, the policy must be in rule to create clear, enforceable standards of conduct.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies have the authority to regulate this subject matter for osteopathic physicians and osteopathic physician assistants.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Arlene Robertson, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, (360) 236-4945, fax (360) 236-2406, office [e-mail] arlene.robertson@doh.wa.gov. Interested parties will be notified via listserv and surface mail of rule-writing workshops they can participate in. Stakeholders may also submit written comments for consideration.

May 16, 2006
Blake T. Maresh
Executive Director

WSR 06-11-092**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Board of Hearing and Speech)

[Filed May 17, 2006, 11:52 a.m.]

Subject of Possible Rule Making: Hearing and speech, WAC 246-828-XXX Sexual misconduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.35.161 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of hearing and speech (board) is considering proposing a new section in the hearing and speech rules. The rule being considered would define activities by practitioners that are sexual misconduct and define appropriate sanctions. The purpose of regulating hearing and speech practitioners in this manner, is to protect

the public from any potential unethical practitioners who may use their position to foster inappropriate conduct. The rules would create enforceable standards and promote the highest degree of professional conduct.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen Kelley, Board of Hearing and Speech Program Manager, P.O. Box 47869, Olympia, WA 98504-7869, office (360) 236-4950, fax (360) 236-4918. Stakeholders will be notified of the rule proposal via listserv and surface mail. Stakeholders will also be given an opportunity to submit written comments and participate in the public rule-writing workshop.

May 16, 2006
Karen Kelley
Program Manager

WSR 06-11-093**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Podiatric Medical Board)

[Filed May 17, 2006, 11:54 a.m.]

Subject of Possible Rule Making: Podiatric physicians, WAC 246-922-XXX Sexual misconduct and 246-922-XXX Abuse.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.22.015, 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The podiatric medical board is considering developing rules to define and establish sanctions on inappropriate conduct, including sexual misconduct, abuse, and patient relationships. The board's intent is to protect the public from podiatric physicians who may use their position to foster inappropriate conduct. While the board has established guidelines regarding sexual misconduct, the policy must be in rule to create clear, enforceable standards of conduct.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies have the authority to regulate this subject matter for podiatric physicians.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Arlene Robertson, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, (360) 236-4945, fax (360) 236-2406, office [e-mail] arlene.robertson@doh.wa.gov. Interested parties will be notified via listserv and surface mail of rule-writing workshops they can participate

in. Stakeholders may also submit written comments for consideration.

May 16, 2006
Blake T. Maresh
Program Manager

Wenatchee Avenue, Wenatchee, WA 98801, (509) 663-0711.

May 16, 2006
Susan Arland
Rules Coordinator

WSR 06-11-094
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed May 17, 2006, 2:37 p.m.]

Please withdraw our preproposal statement of inquiry CR-101 for bail bond recovery agents, chapter 308-19 WAC. The subject was regarding the amending prelicense training requirements. The WSR number is 06-05-044.

If you have questions or need anything else, please call Sherri Lonsbery at (360) 664-6624.

Sherri Lonsbery
Licensing Manager

WSR 06-11-095
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed May 17, 2006, 2:38 p.m.]

Subject of Possible Rule Making: Punchboards and pull-tabs.

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 Joan Mell, attorney representing ZDI Gaming, Inc., a licensed manufacturer. The petitioner requests rules be amended to allow gift cards and gift certificates to be used to participate in a gambling activity. The petitioner also requests rules be amended to allow pull-tab winnings under \$20 to be awarded on a gift card.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] June 16, 2006, at the Marcus Whitman Hotel, 6 West Rose Street, Walla Walla, WA 99362, (509) 525-2200; on July 14, 2006, at The Hilton Hotel, 301 West 6th Street, Vancouver, WA 98660, (360) 993-4500; and on August 11, 2006, at the Red Lion Hotel, 1225 North

WSR 06-11-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)

[Filed May 17, 2006, 4:34 p.m.]

Subject of Possible Rule Making: WAC 388-408-0055 Medical assistance units (MAU).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and HB 2376 (chapter 24, Laws of 2006).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With the passage of HB 2376 eliminating the possibility of premiums for Medicaid children, the WAC will be amended to allow families to be considered as one medical assistance unit (MAU) when all family members are found Medicaid eligible.

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 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 Joanie Scotson, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1330, fax (360) 664-0910, e-mail scotsjk@dshs.wa.gov.

May 17, 2006
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-11-109
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed May 18, 2006, 8:41 a.m.]

Subject of Possible Rule Making: Charitable and non-profit organizations.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission is rewriting its rules manual using plain English techniques. We anticipate the project will be completed by January 1, 2008.

The rules manual is being broken into sections and rewritten a section at a time. This filing is to provide notification that rules regarding raffles is currently under review and is now being rewritten in plain English.

We are currently reviewing rules relating to charitable and nonprofit organizations.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] June 16, 2006, at the Marcus Whitman Hotel, 6 West Rose Street, Walla Walla, WA 99362, (509) 525-2200; on July 14, 2006, at The Hilton Hotel, 301 West 6th Street, Vancouver, WA 98660, (360) 993-4500; and on August 11, 2006, at the Red Lion Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, (509) 663-0711.

May 16, 2006
Susan Arland
Rules Coordinator

WSR 06-11-110

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed May 18, 2006, 8:42 a.m.]

Subject of Possible Rule Making: Unlicensed activities. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.0355.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission is rewriting its rules manual using plain English techniques. We anticipate the project will be completed by January 1, 2008.

The rules manual is being broken into sections and rewritten a section at a time. This filing is to provide notification that rules regarding raffles is currently under review and is now being rewritten in plain English.

We are currently reviewing rules relating to unlicensed activities.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules

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

[Meetings on] June 16, 2006, at the Marcus Whitman Hotel, 6 West Rose Street, Walla Walla, WA 99362, (509) 525-2200; on July 14, 2006, at The Hilton Hotel, 301 West 6th Street, Vancouver, WA 98660, (360) 993-4500; and on August 11, 2006, at the Red Lion Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, (509) 663-0711.

May 16, 2006
Susan Arland
Rules Coordinator

WSR 06-11-111

PREPROPOSAL STATEMENT OF INQUIRY FOREST PRACTICES BOARD

[Filed May 18, 2006, 12:27 p.m.]

Subject of Possible Rule Making: Amend chapters 222-16, 222-10, and 222-38 WAC related to Taylor's checkerspot butterfly habitat conservation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In January 2006, the Washington fish and wildlife commission listed the Taylor's checkerspot butterfly (*Euphydryas editha taylori*) as a state endangered species. The listing became effective on March 2, 2006. The forest practices board determined there is sufficient potential risk to this species from certain forest practices to consider rule making.

Process for Developing New Rule: The forest practices board has directed the department of natural resources to consult with department of fish and wildlife experts and landowners and other stakeholders to determine an appropriate protection approach.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Mail, fax, or e-mail comments to Patricia Anderson, Forest Practices Board Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forestpracticesboard@wadnr.gov.

May 10, 2006
Pat McElroy
Chair

WSR 06-11-127

PREPROPOSAL STATEMENT OF INQUIRY COMMUNITY COLLEGES OF SPOKANE

[Filed May 22, 2006, 9:47 a.m.]

Subject of Possible Rule Making: Creating a new student code of conduct, repealing the former student code of conduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW, authorizing college district boards of trustees to oversee college districts.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current code of conduct is antiquated, unclear and confusing. The district would like to completely overhaul the code to provide more clarity and precision to better serve students and the college personnel that work with the student code of conduct.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Other state college districts and universities regulate this subject for their own students.

Process for Developing New Rule: Agency study. A district-wide task force involving Spokane Community College, Spokane Falls Community College, the Institute for Extended Learning, and the attorney general's office has been developing a draft of a new code and are presenting it to various district and college committees and groups.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. District board of trustees meetings, district council meetings, Scott Morgan, COO, P.O. Box 6000, Spokane, WA 99217-6000, smorgan@ccs.spokane.edu, (509) 434-5060; or Christine Pearl, COO, P.O. Box 6000, Spokane, WA 99217-6000, cpearl@ccs.spokane.edu, (509) 434-5006.

May 18, 2006

W. Scott Morgan
Chief Operations Officer, CCS

WSR 06-11-134
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed May 23, 2006, 8:48 a.m.]

The department of licensing hereby withdraws WSR 03-01-006 filed with your office on December 5, 2002.

Dale R. Brown
Vehicle Services
Rules Coordinator

WSR 06-11-155
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Basic Health)

[Order 06-05—Filed May 24, 2006, 7:26 a.m.]

Subject of Possible Rule Making: Basic health eligibility, granting enrollment priority status to members of the Washington National Guard and Reserves who served in specified military operations, and their spouses and dependents.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.060 and chapter 343, Laws of 2006.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2006 legislature passed chapter 343, Laws of 2006, granting enrollment priority status to members of the Washington National Guard and Reserves who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle, and their spouses and dependents. Basic health rules must be revised consistent with this requirement.

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 or process.

Process for Developing New Rule: Stakeholder mailings and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bob Longhorn, P.O. Box 42686, Olympia, WA 98504-2686, fax (360) 923-2605, e-mail Rlon107@hca.wa.gov. Information regarding this rule making will be posted on the agency web site, <http://www.hca.wa.gov/laws/>.

May 24, 2006

Cyndi Presnell
Assistant Rules Coordinator

WSR 06-11-159
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed May 24, 2006, 8:34 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-210 Ownership in doubt, 308-56A-150 Certificate of vehicle inspection, and 308-56A-115 Vehicles from jurisdiction other than Washington.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Add language to the rule to include eliminating certain vehicle use classes from requiring a Washington state patrol (WSP) vehicle identification number (VIN) inspection. This rule will make clear which vehicles must have a WSP VIN inspection.

The purpose for the change is to reduce record retention for vehicle/vessel microfiche from twenty years to six years (plus current year) to be in compliance with records management laws. To offset the workload increase for WSP, the rule change will eliminate certain types of inspection currently required by rule e.g., mopeds, small personal use trailers, and off-road vehicles, travel trailers, campers, and motor homes over ten years old.

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

Process for Developing New Rule: Committee with stakeholder review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Dale R. Brown, Management Analyst, Policy and Project Office, Mailstop 48001, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-0140, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

May 23, 2006

Julie Knittle, Administrator
Title and Registration Services

98504-7453, e-mail margaretpa@dor.wa.gov, phone (360) 570-6123, fax (360) 586-5543.

Public Meeting Location: Capital Plaza Building, 4th Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 28, 2006, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7499.

May 24, 2006

Alan R. Lynn
Rules Coordinator

WSR 06-11-169

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed May 24, 2006, 9:49 a.m.]

Subject of Possible Rule Making: WAC 458-20-185
Tax on tobacco products.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-20-185 (Rule 185) provides tax-reporting information to persons who sell, use, handle, possess, transport, store, or distribute tobacco products. The rule explains who is liable for the tax, how and when the tax imposed by chapter 82.26 RCW is to be paid, and the record-keeping requirements.

The department anticipates revising Rule 185 to update existing information and incorporate significant legislative amendments to chapter 82.26 RCW. As part of this process, the department is also reconsidering the allowance of credits for tobacco products tax previously paid on products that are sold to federal government entities or by non-Indians to Indian tribal entities for resale. The department believes these credits may not be authorized by current statute, and invites comments on this issue.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: While the department of revenue has the exclusive authority to administer the tobacco products tax program, the liquor control board has primary authority for enforcement of the tobacco products tax laws. The department has and will continue to consult with the liquor control board during any rule-making activity.

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 possible rule changes is available for viewing and printing on our web site at <http://dor.wa.gov/content/laws/RuleMaking/default.aspx>. Written comments on and/or requests for copies of the rule may be directed to Margaret J. Partlow, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA

WSR 06-11-170

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed May 24, 2006, 9:51 a.m.]

Subject of Possible Rule Making: WAC 458-20-186
Tax on cigarettes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 82.01.060(2), and 82.24.235.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-20-186 (Rule 186) provides tax-reporting information to persons who sell, use, consume, handle, possess, or distribute cigarettes. The rule explains who is liable for the tax, how and when the cigarette tax imposed by chapter 82.24 RCW is to be paid, and the record-keeping requirements. It also explains the application process for wholesale and retail cigarette vendor licenses, and the responsibilities of persons making "delivery sales" into this state. It includes references to statutory fees, bonding requirements, and explains the conditions for and process of application for reinstatement of a license following a revocation under the Administrative Procedure Act.

The department anticipates revising Rule 186 to update existing information and incorporate legislative amendments to chapter 82.24 RCW. The department also plans to clarify that the "stamping allowance" for wholesalers is income, not merely a discount on the price of the stamps; accordingly, it is subject to business and occupation tax.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: While the department of revenue has the exclusive authority to administer the cigarette tax program, the liquor control board has primary authority for enforcement of the cigarette tax laws. The department has and will continue to consult with the liquor control board during any rule-making activity.

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 possible rule

changes is available for viewing and printing on our web site at <http://dor.wa.gov/content/laws/RuleMaking/default.aspx>. Written comments on and/or requests for copies of the rule may be directed to Margaret J. Partlow, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, e-mail margaretpa@dor.wa.gov, phone (360) 570-6123, fax (360) 586-5543.

Public Meeting Location: Capital Plaza Building, 4th Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 28, 2006, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7499.

May 24, 2006
Alan R. Lynn
Rules Coordinator

WSR 06-11-173

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed May 24, 2006, 10:13 a.m.]

Subject of Possible Rule Making: WAC 16-390-230
What is the fee for an apple pest certification? The department is reviewing the apple pest certification fee rule and may propose to increase it. In addition, the department may amend the existing language 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 15.17, 17.24, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The apple maggot is an invasive insect pest native to eastern North America. Its hosts include apples, crabapple, and native hawthorn. In its larval development stage it can cause extensive damage to fruit. It is economically significant to the Washington apple crop not only due to its ability to cause physical crop damage, but also because fruit from apple-maggot free areas or locations has greater market access for international shipments. The apple pest certification fee is used to fund annual surveys for apple maggot. Data collected from last summer's apple maggot survey provided evidence that the state's apple maggot population has expanded its range. Because of this, additional resources will be needed to conduct expanded future apple maggot surveys in order to comply with international standards. In addition, the program has experienced increased costs of inputs, particularly gasoline. Changes to the existing rule may be needed to help manage and prevent the possible movement of apple maggot from infested areas into uninfested areas, secure our continued access to international and interstate markets, and protect the commercial tree fruit industry from an economically significant pest.

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 stake-

holders, including the WSDA apple maggot working group. 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, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Brad White, Pest Program Manager, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2071, fax (360) 902-2094, e-mail bwhite@agr.wa.gov.

May 24, 2006
Mary A. Martin Toohey
Assistant Director

WSR 06-11-179

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed May 24, 2006, 11:17 a.m.]

Subject of Possible Rule Making: The department will be adopting and amending rules to ensure employers are paying the correct amount of unemployment insurance taxes as established in state and federal law. Subjects of potential rule making include the requirements of successor employers to notify the department of an ownership transfer, the tax rate that will be assigned a successor employer, and defining the terms employer fraud and misrepresentation, predecessor and successor employers, significant purpose, and simultaneous acquisition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, and section 4, chapter 47, Laws of 2006.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 6359 was passed by the 2006 legislature to conform to federal law, Public Law 108-295, regulating the transfer of ownership between employers. The law requires that an employer's unemployment experience be transferred from a predecessor employer to the successor employer. In addition, experience may not be transferred solely to give the employer a more favorable tax rate. The rules will specify the department's notification and reporting requirements for successor employers and clarify terms used in state law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: The department will hold informal meetings with stakeholders to obtain input on the proposed rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. ***Persons interested in attending meetings to discuss the proposed rules should contact:*** Juanita Myers, Unemployment Insurance Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jmyers@esd.wa.gov.

May 23, 2006
Karen T. Lee
Commissioner

nical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, e-mail RichardC@dor.wa.gov, phone (360) 664-0331, fax (360) 586-5543.

Public Meeting Location: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 29, 2006, at 1:30 p.m.

Assistance for Persons With Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

May 24, 2006
Alan R. Lynn
Rules Coordinator

WSR 06-11-180

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed May 24, 2006, 11:29 a.m.]

Subject of Possible Rule Making: WAC 458-20-254 Recordkeeping.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule explains the record-keeping requirements for taxpayers who are liable for any taxes administered by the department of revenue. The rule also discusses records kept on microfilm/microfiche, records kept using an automated data process (ADP) accounting system, options for providing records by out-of-state businesses, and the consequences of failing to maintain and disclose complete and accurate records.

The department is considering a revision to this rule to include a discussion of electronic records since more and more business records are kept in this manner. In addition, businesses very seldom use microfilm/microfiche anymore.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The record-keeping requirements of other state agencies pertain to very specific activities, while the department of revenue's requirements are more general. The record-keeping requirements of the department of revenue are in line with those of the Internal Revenue Service.

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 possible rule changes is available for viewing and printing on our web site at <http://dor.wa.gov/content/laws/RuleMaking/default.aspx>. Written comments on and/or requests for copies of the rule may be directed to Richard Cason, Interpretations and Tech-

WSR 06-11-181

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed May 24, 2006, 11:29 a.m.]

Subject of Possible Rule Making: New rule or rules dealing with exemption of intangible personal property from property taxation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.08.010, 84.08.070, and 84.36.865.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The statute exempting intangible personal property, RCW 84.36.070, was substantially amended in 1997 and no rules have been adopted since then to clarify what the exemption entails, particularly with respect to the valuation of centrally assessed utilities. A rule or rules could assist taxpayers, the department, and assessors by providing guidelines for assessing complex properties that include intangible personal 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. The department anticipates making available a preliminary draft of possible rule(s) for viewing and printing on our web site at <http://dor.wa.gov/content/laws/RuleMaking/default.aspx> by June 12th. Written comments on and/or requests for copies of the draft rule(s) 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 Conference Room, 1025 Union Avenue S.E., Olympia, WA, on June 29, 2006, at 9:30 a.m.

Assistance for Persons With Disabilities: Contact Sandy Davis no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7499.

May 24, 2006
Alan R. Lynn
Rules Coordinator