WSR 07-24-004
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
[Filed November 26, 2007, 11:33 a.m.]

Subject of Possible Rule Making: The division of alcohol and substance abuse is amending certification requirements for chemical dependency service providers in chapter 388-805 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.96A.040 and 70.96A.090.

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

• Amending sections that refer to definitions, opiate treatment program certification, maintaining agency certification, suspending or revoking certification, agency administrator requirements and manual, personnel file, agency clinical manual, patients' rights, and opiate substitution medical management.

• Adding screening and brief intervention as a new certified type of chemical dependency treatment service.

• Adding language to assessment requirements for persons subject to driving under the influence (DUI) or physical control (PC) of a motor vehicle while impaired.

• Adding provision of reporting deaths of patients participating in opiate substitution treatment services.

• Amending sections for a clinical supervisor and chemical dependency professional supervision.

• Adding new language as appropriate.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Substance Abuse and Mental Health Services Administration also regulates opioid treatment programs, and they will be notified of the change in WAC requirements affecting opiate substitution treatment programs.

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 Deb Cummins, Certification Policy Manager, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 725-3716 or toll free 1-877-301-4557, fax (360) 438-8057, TTY Relay Operator 1-800-833-6388 (or 1-800-833-6384 for voice line), e-mail cummida@dshs.wa.gov.

November 26, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-24-014
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed November 27, 2007, 11:40 a.m.]

Subject of Possible Rule Making: School safety drills.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.320.125.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 180-41 WAC, previously under the auspices of the state board of education, addressed evacuation procedures for K-12 schools, and was repealed in 2006. The 2007 legislature passed SSB 5097, requiring significant changes to evacuation [evacuation] and building codes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state fire marshal's office (Washington state patrol); Washington state building code council.

Process for Developing New Rule: Legislative requirements of SSB 5097.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Craig D. Apperson, Director, School Safety Center, P.O. Box 47200, Olympia, WA 98504, phone (360) 725-6044, fax (360) 664-3573, e-mail craig.apperson@k12.wa.us.

November 26, 2007
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 07-24-020
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION
[Filed November 28, 2007, 9:22 a.m.]

Subject of Possible Rule Making: I.D. stamps for gambling equipment.

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: This proposal would require gambling equipment, such as tribal lottery systems, to have an I.D. stamp affixed to it by the manufacturer prior to selling or leasing the equipment in Washington state.

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; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400 (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

November 26, 2007
Dr. Terry Bergeson
Superintendent of
Public Instruction

Preproposal
WSR 07-24-021
Washington State Register, Issue 07-24

[Meetings on] January 11, 2008, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220; on February 15, 2008, at the Best Western, 2611 East E Street, Tacoma, WA 98421, (253) 272-7737; and on March 14, 2008, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000.

WSR 07-24-021
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION
[Filed November 28, 2007, 9:24 a.m.]

Subject of Possible Rule Making: State employee raffles.

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: During the 2007 legislative session, a law was passed authorizing executive branch state agencies to offer raffles under limited circumstances. This proposal would establish rules regarding raffles offered by executive branch state agencies.

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; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

November 28, 2007
Susan Arland
Rules Coordinator

WSR 07-24-031
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF CORRECTIONS
[Filed November 29, 2007, 8:44 a.m.]

Subject of Possible Rule Making: Amending chapter 137-08 WAC, Public records—Disclosure; adding a new section relating to electronic disclosure of public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090, 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is responding to a petition to adopt WAC 44-14-050, six comments on the rule and two sentences from another comment to the rules. The department intends to develop rules that meet the spirit of the Public Records Act and Governor Gregoire's direction of September 18, 2007, and that are specific, achievable and meaningful to the agency and the citizens who request the department's records.

Process for Developing New Rule: A public forum will be held in January 2008 to solicit comment. Parties interested in participating in the forum or providing comment on the development of a draft proposed rule should contact the rules coordinator at the address below. Following the forum, a proposed draft rule will be distributed to all interested parties and comments will be received and considered prior to filing the draft rule with the code reviser.

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, e-mail jrnispel@DOC1.wa.gov.

November 29, 2007
E. Vail
Secretary

WSR 07-24-061
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF FISH AND WILDLIFE
[Filed December 4, 2007, 8:38 a.m.]

Subject of Possible Rule Making: Deer and elk special permits and seasons, firearm restriction areas, small game seasons, landowner hunting permits, classification of wild birds, moose, bighorn sheep and mountain goat seasons and permit quotas, deer and elk area descriptions, hunting equipment restrictions, and game management unit boundary descriptions.


Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provides clarification and recreational opportunity.

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


Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by Dave Brittell, Wildlife Program Assistant Direc-
tor, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515.

December 4, 2007
Loreva M. Preuss
Rules Coordinator

WSR 07-24-068
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed December 4, 2007, 2:51 p.m.]

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

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to permanently adopt the emergency rule, which is being adopted on December 4, 2007. The purpose of the emergency rule is to correct language in WAC 296-46B-995, regarding appeals. The rule will amend the burden of proof from the appellant to the department for appeals heard before the office of administrative hearings (OAH) or directly by the electrical board. If there is an appeal from an OAH decision, the party aggrieved is responsible for the burden of proof.

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 electrical board will be used to develop these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail yous235@lni.wa.gov.

Judy Schurke
Director

WSR 07-24-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
[Filed December 4, 2007, 3:55 p.m.]

Subject of Possible Rule Making: Revisions to the Group A public water supplies regulations, chapter 246-290 WAC, are necessary to be consistent with United States Environmental Protection Agency (EPA) rules. The revisions to chapter 246-290 WAC will be to comply with the federal groundwater rule. The state board of health delegated rule-making authority to the department of health (the department) for this revision on October 10, 2007.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050 and 70.119A.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has entered into a primacy agreement with EPA to assume lead responsibilities for implementation of the federal Safe Drinking Water Act. The primacy agreement outlines a number of activities the department must do to maintain primacy in the state. The objective of the rule is to: (1) Establish a risk-targeted approach for groundwater systems that are susceptible to fecal contamination; (2) establish corrective action requirements to reduce cases of waterborne illnesses or death; and (3) make editorial changes for clarity and to correct technical errors.

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. The department will work with the regulated community and interested parties to develop the required rule revisions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department will distribute the draft rule to stakeholders to gather comments. The department will also use water tap articles and the department's web site to alert the public and water systems about the proposed changes. The department will post the rule on the web during both an informal and formal comment period. For more information, contact Theresa Phillips, Lead Rules Coordinator, Office of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, phone (360) 236-3147, or e-mail theresa.phillips@doh.wa.gov.

December 4, 2007
Mary C. Selecky
Secretary

WSR 07-24-081
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION COMMISSION
[Docket A-072162—Filed December 5, 2007, 9:20 a.m.]


Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4), 80.04.160, and 34.05.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since the commission adopted rules related to delegation of certain commission decisions in chapter 480-07 WAC, Procedural rules, effective September 21, 2006, commission staff have identified a variety of issues that suggest the commission should review the
delegation rules to promote efficiency in the conduct of business before the commission. At the same time, commission staff have also identified issues with other procedural rules in chapter 480-07 WAC.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Executive 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 January 8, 2008.

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 Tuesday, January 8, 2008.

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

- The docket number of this proceeding (A-072162).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at http://www.utc.wa.gov/. 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@utc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Executive Secretary. When contacting the commission, please refer to Docket A-072162 to ensure that you are placed on the appropriate service list. Questions may be addressed to Ann Rendahl, (360) 664-1144 or e-mail arendahl@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. Any person who comments will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the Records Center by any one of the following methods: (1) send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket A-072162, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket A-072162, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/072162>. Those parties who do not respond may not receive further mailings or information on the rule making.

December 5, 2007
Carole J. Washburn
by David W. Danner
Executive Secretary

WSR 07-24-090
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION
[Filed December 5, 2007, 11:06 a.m.]

Subject of Possible Rule Making: WAC 260-44-020 Weights for age.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule, in subsection (2) states that two-year-old fillies are allowed three pounds and three-year-old fillies and mares are allowed five pounds. The issue for rule making is whether or not this weight allowance should be mandatory or optional.

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


Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Deputy Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

December 5, 2007
R. J. Lopez
Deputy Secretary
Subject of Possible Rule Making: Chapter 246-205 WAC, Decontamination of illegal drug manufacturing or storage sites.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 64.44.070 Rules and standards: Chapter administration, property decontamination, independent third party sampling.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2006, the legislature revised chapter 64.44 RCW directing the department to establish rules for independent third-party sampling of clandestine drug labs (CDL) and to conduct background checks for all certified CDL staff. Currently, certified supervisors who oversee the clean up of a site can collect decontamination verification samples for that site. Establishing third party sampler certification will protect public health by eliminating a potential conflict of interest. Chapter 64.44 RCW also directs the department to establish decontamination standards. Evaluation of new science will ensure the decontamination standards are appropriate, achievable, and protective of public health.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate this subject.

Process for Developing New Rule: Joint collaborative rule making by the department of health and the state board of health, an informal advisory group will be created to include stakeholders from local health jurisdictions and certified clandestine drug lab decontamination personnel to develop changes to this rule. At the conclusion of the rule-drafting process by the informal advisory group, the draft rule will be sent to all interested parties for review and comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gregory McKnight, CDL Program Manager, Department of Health, P.O. Box 47825, Olympia, WA 98504-7825.

December 5, 2007
Mary C. Selecky
Secretary
Department of Health
Craig McLaughlin
Executive Director
State Board of Health

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

<table>
<thead>
<tr>
<th>WAC Number</th>
<th>WSR Number</th>
<th>WSR Date</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>246-976-830, 246-976-840, 246-976-850, 246-976-860, 246-976-870, 246-976-881</td>
<td>05-12-015</td>
<td>05/20/05</td>
<td>Designation standards for trauma rehabilitation services, WAC 246-976-830 through 246-976-860 and 246-976-881.</td>
</tr>
</tbody>
</table>

Please feel free to call Kathy Schmitt, Program Manager, Trauma Designation, Registry and Quality Assurance, Department of Health at 236-2869 if you have any questions regarding this request for withdrawal of WAC 246-976-830 through 246-976-860 and 246-976-881.

Mary C. Selecky
Secretary

Subject of Possible Rule Making: Rules related to trapping.

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: Department policy and public sentiment may change as the effect of new laws and regulations becomes clear.

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


Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sean Carrell, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2926, fax (360) 902-2155, e-mail at carrelsec@dfw.wa.gov. Contact by January 15, 2008. Expected proposal filing on or after January 20, 2008.

December 5, 2007
Loreva M. Preuss
Rules Coordinator
Subject of Possible Rule Making: Rules relating to the master hunter program.

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: Several rules cross-reference and/or relate to the department's "advanced hunter education program," which is now called the "master hunter program." The name must be changed in these rules; and other information may need to be revised to reflect changes in the law and in rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Fish and Wildlife Service regulates hunter education and provides grant money to the Washington department of fish and wildlife for hunter education. The department's master hunter program is one component of the five-year plan we are required to submit to the United States Fish and Wildlife Service to receive grant money from them.


Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mik Mikitik, WDFW Hunter Education, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-8113, fax (360) 902-2155, e-mail at mikitmjm@dfw.wa.gov. Contact by January 15, 2008. Expected proposal filing on or after January 20, 2008.

December 5, 2007
Loreva M. Preuss
Rules Coordinator