

WSR 05-23-006**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed November 3, 2005, 10:41 a.m.]

Subject of Possible Rule Making: Chapter 260-48 WAC, Mutuels.

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: To update sections contained within this chapter.

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 Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6323 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

November 2, 2005

R. M. Leichner
Executive Secretary

WSR 05-23-011**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed November 4, 2005, 11:36 a.m.]

Subject of Possible Rule Making: The department is amending rules related to transitional food assistance in chapter 388-489 WAC and other rules having an impact on eligibility for transitional food assistance. This may include, but is not limited to, amending WAC 388-406-0055 When do my benefits start?, 388-408-0035 Who is in my assistance unit for Basic Food?, 388-489-0005 Who is eligible for transitional food assistance?, 388-489-0010 How is my transitional food assistance benefit calculated?, 388-489-0015 How long will my family receive transitional food assistance?, 388-489-0020 Am I required to report changes in my household's circumstances while on transitional food assistance?, and 388-489-0025 Can my transitional food assistance benefits end before the end of my five-month transition period?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.010, Public Law 107-171.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes will be to amend department rules regarding which families who leave the temporary assistance for needy families (TANF), tribal TANF, or state family assistance are eligible to receive food stamp benefits through the transitional food assistance (TFA) program.

The department is reviewing options selected in the initial implementation of TFA and plans to make adjustments to program eligibility and rules consistent with the TFA programs purpose of providing stable food benefits to families leaving the temporary assistance for needy families (TANF) or tribal TANF programs while receiving Basic Food.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the food stamp program in the Federal Register. Rules published in the Federal Register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices to inform states of new program requirements that are not yet in the United States Code of Federal Regulations.

DSHS incorporates these regulations and exercises state options by adopting administrative rules for food assistance benefits in Washington state.

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.

November 4, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-23-021**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed November 7, 2005, 9:10 a.m.]

Subject of Possible Rule Making: Chapter 260-34 WAC, Drug and alcohol testing of licensees.

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: To update sections contained within the chapter.

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 Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way East, Suite 209, Olympia, WA 98516-

5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

November 4, 2005
R. M. Leichner
Executive Secretary

5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

November 4, 2005
R. M. Leichner
Executive Secretary

WSR 05-23-022

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed November 7, 2005, 9:11 a.m.]

Subject of Possible Rule Making: Chapter 260-40 WAC, Entries, starts, declarations and scratches.

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: To update sections contained within the chapter.

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 Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way East, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

November 4, 2005
R. M. Leichner
Executive Secretary

WSR 05-23-024

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed November 7, 2005, 9:16 a.m.]

Subject of Possible Rule Making: Chapter 260-84 WAC, Penalties.

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: To update sections contained within the chapter.

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 Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way East, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

November 4, 2005
R. M. Leichner
Executive Secretary

WSR 05-23-023

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed November 7, 2005, 9:14 a.m.]

Subject of Possible Rule Making: Chapter 260-70 WAC, Controlled medication program.

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: To update sections contained within the chapter.

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 Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way East, Suite 209, Olympia, WA 98516-

WSR 05-23-036

**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Basic Health)

[Order 05-06—Filed November 8, 2005, 4:29 p.m.]

Subject of Possible Rule Making: Basic Health rules regarding eligibility based on income and other factors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules need to be evaluated and possibly revised to ensure that they support the intent of the program. Issues to be evaluated include the definition of income, with particular attention to whether clarification is needed regarding specific income sources, such as capital gains, the calculation of self-employment income, and the methodology to be used with one-time payments. Other issues regarding eligibility determinations may also be evaluated as they arise during this review.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:

cies: No other federal or state agencies regulate 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 Roseanne Reynolds, P.O. Box 42686, Olympia, WA 98504-2686, fax (360) 412-4276, e-mail Rrey107@hca.wa.gov. Information regarding this rule making will be posted on the agency web site <http://www.hca.wa.gov/laws>.

November 8, 2005
Pete Cutler
Rules Coordinator

WSR 05-23-037

**PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed November 9, 2005, 10:53 a.m.]

Subject of Possible Rule Making: Exempting the requirement for the Praxis II when an applicant holds national board certification in the subject for which an endorsement is sought.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210, 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: An exemption to the requirement for passing a Praxis II series exam when an applicant holds national board certification in that same subject are for which the applicant is seeking endorsement seems reasonable to study.

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

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Professional Educator Standards Board, Old Capitol Building, 600 Washington Street South, Room 249, P.O. Box 47236, Olympia, WA 98504-7236. For telephone assistance contact Esther Baker at (360) 725-6277.

November 8, 2005
Esther Baker
Program Director
Teacher Assessments

WSR 05-23-050

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed November 9, 2005, 4:13 p.m.]

Subject of Possible Rule Making: Pilchard emerging commercial fishery rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Annual modifications of the emerging commercial fishery rules for pilchard (sardine) may be needed. Consideration will be given to issuance of replacement permits, permit renewal criteria, and allowable alternative uses of sardines.

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 Phil Anderson, Intergovernmental Management Program Special Assistant, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2720. Contact by January 5, 2006. Expected proposal filing on or after January 6, 2006.

November 9, 2005
Evan Jacoby
Rules Coordinator

WSR 05-23-076

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Health and Recovery Services Administration)

[Filed November 15, 2005, 4:21 p.m.]

The Health and Recovery Services Administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 99-20-010 on September 24, 1999 (WAC 388-513-1380); and the preproposal statement of inquiry filed as WSR 02-10-041 on April 24, 2002 (WAC 388-513-1350, 388-513-1380).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-23-077
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed November 15, 2005, 4:22 p.m.]

The Economic Services Administration requests the withdrawal of the following Preproposal Statements of Inquiry:

- Preproposal Statement of Inquiry filed as WSR 99-07-039 on March 12, 1999 (WAC 388-330-010 through 388-330-060).
- Preproposal Statement of Inquiry filed as WSR 99-17-055 on August 13, 1999 (WAC 440-44-025 and 440-44-026).
- Preproposal Statement of Inquiry filed as WSR 00-10-061 on April 28, 2000 (WAC 440-44-026).
- Preproposal Statement of Inquiry filed as WSR 00-10-062 on April 28, 2000 (WAC 440-44-025).
- Preproposal Statement of Inquiry filed as WSR 00-16-054 on July 26, 2000 (WAC 388-470-0075).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-23-089
PREPROPOSAL STATEMENT OF INQUIRY
ENVIRONMENTAL HEARINGS OFFICE
[Filed November 16, 2005, 4:04 p.m.]

Subject of Possible Rule Making: WAC 371-08-555.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 43.21B and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 371-08 WAC was previously amended to conform to 2004 SSB 5590 and to make minor changes in the procedural rules of the Pollution Control Hearings Board (PCHB). The rule amended failed to amend WAC 371-08-555, which governs appeals of PCHB decisions to superior court.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Office of Attorney General (AGO), Ecology Division, notified the board that the rule amendment failed to amend WAC 371-08-555. The Environmental Hearings Office (EHO) will work with the AGO and other interested parties in this rule-making process.

Process for Developing New Rule: The EHO will distribute proposed rule language to a list of interested parties and notify the public of the rule making on the EHO web site.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bill Clarke, Environmental Hearings

Office, P.O. Box 40903, Lacey, WA 98504-0903, e-mail eho@eho.wa.gov, phone (360) 459-6327, fax (360) 438-6388.

November 15, 2005
Bill Clarke
Director

WSR 05-23-094
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
[Filed November 17, 2005, 10:34 a.m.]

The Department of Health would like to withdraw the following notice of inquiry (CR-101) because it is longer valid.

The original proposal was to amend continuing education requirements for dispensing opticians by creating categories of approved continuing education and setting a maximum allowable number of hours within those categories. Stakeholder meetings held subsequent to the filing of WSR 05-13-185, did not provide evidence that current continuing education requirements were inadequate, or that there was sufficient support for adopting continuing education categories and category limitations. For this reason, the CR-101 for WAC 246-824-075 is no longer needed.

WAC NUMBER	WSR NUMBER	WSR DATE	SUBJECT
246-824-075	05-13-185	6/22/05	Continuing education requirements for dispensing opticians.

If you have any questions please contact Judy Haenke, Dispensing Optician Program Manager, at (360) 236-4947.

Mary C. Selecky
Secretary

WSR 05-23-095
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Medical Quality Assurance Commission)
[Filed November 17, 2005, 10:34 a.m.]

Subject of Possible Rule Making: WAC 246-919-360 Examinations accepted for reciprocity or waiver.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017 and 18.130.050(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Medical Quality Assurance Commission (commission) has determined to initiate the rule-making process to repeal the exclusionary language regarding the Florida and Hawaii state examinations. The commission has based their decision on the following: (1) Physicians who became licensed based on either of these state examinations have had ample opportunity to establish a record of good practice; and (2) the original exclusionary language may not have been based on patient protection.

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 of Health received a Petition for Adoption, Amendment, or Repeal of a State Administrative Role [Rule] received July 5, 2005, from H. Hollis Caffee, MD. There will be an open public rule workshop in Tumwater on January 19, 2006.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beverly A. Thomas, Program Manager, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504, fax (360) 236-2406, phone (360) 236-4788.

October 13, 2005
Blake T. Maresh
Executive Director

WSR 05-23-096

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed November 17, 2005, 10:35 a.m.]

Subject of Possible Rule Making: Revise and update chapter 246-320 WAC, Hospital licensing regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.41 RCW and RCW 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The hospital rules have not been reviewed since 1998. Opening the rules will provide an opportunity to simplify language, utilizing plain talk principles, for increased clarity and ensuring the desired outcome while providing clear and concise information/instructions.

The department intends to amend the rules to reflect changes required by 2005 legislation including: HB 1533, which changed the mandated hospital survey frequency from twelve months to every eighteen months; SSB 5065, which requires hospitals to maintain policies and procedures for providing notice to patients or their families of unanticipated outcomes; and SSB 5492 requiring hospitals to report, to the department, any restriction of a health care practitioner's clinical privileges.

The department may revise existing or adopt new hospital construction requirements in-line with the "Guidelines for Design and Construction of Hospital and Health Care Facilities." These construction guidelines were developed by the Facilities Guidelines Institute with assistance from the United States Department of Health and Human Services.

Additionally, the department will consider adopting the twenty-seven reportable events developed by the national quality forum. These reportable events would replace the current definition for, "adverse events." The department would collect and analyze reports for the purpose of improving health care services and public/patient safety.

In response to a request by the Washington State Nursing Association, the department may examine current hospital staffing requirements to determine whether they need to be updated.

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 Allen Spaulding, Rules Coordinator, Facilities and Services Licensing, 310 Israel Road S.E., Tumwater, WA 98501-7852, e-mail al.spaulding@doh.wa.gov, (360) 236-2929.

November 14, 2005

Mary C. Selecky
Secretary

WSR 05-23-109

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed November 18, 2005, 10:11 a.m.]

Subject of Possible Rule Making: The Division of Child Support (DCS) is making amendments in chapter 388-14A WAC, amending WAC 388-14A-1055 Can the division of child support collect support owed or assigned to another state?, to correct a reference to the United States Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.21.016, 34.05.020, 74.08.090, 74.20.040 (3), 74.20A.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current version of the rule refers to a section of Title 42 U.S. Code which no longer exists and must be updated.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs.dcs, or on the DSHS Economic Services Administration's policy review web site, which can be found at <http://www1.dshs.wa.gov/esa/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to 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 Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-

mail nkoptur@dshs.wa.gov, toll-free 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

November 18, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-23-110
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed November 18, 2005, 10:12 a.m.]

Subject of Possible Rule Making: The department must amend WAC 388-406-0005 Can I apply for cash, medical, or Basic Food?, to implement new legislation enacted as RCW 74.09.555. Related rules may be amended as determined during the rule filing process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.555.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is directed to adopt rules to ensure acceptance and processing of medical assistance applications by people with a serious mental illness so that medical benefits are reinstated when they leave a public institution.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Sevin, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4614, fax (360) 493-3493, e-mail sevindj@dshs.wa.gov.

November 18, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-23-118
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed November 21, 2005, 9:15 a.m.]

Subject of Possible Rule Making: Chapter 260-44 WAC.

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: To update sections contained within the chapter.

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 Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way East, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

November 18, 2005

R. J. Lopez
Administrative Services Manager

WSR 05-23-131
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed November 21, 2005, 4:20 p.m.]

The Aging and Disability Services Administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 05-19-123 on September 20, 2005 (chapter 388-828 WAC).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-23-132
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed November 21, 2005, 4:20 p.m.]

Subject of Possible Rule Making: Creating a new chapter 388-820 WAC for the Division of Development Disabilities (DDD) support intensity scale assessment module and revising and/or adopting other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In June 2003, the Joint Legislative Audit and Review Committee (JLARC) recommended that DSHS develop an assessment process for developmentally disabled clients designed to be consistently applied to all clients in all parts of the state. Part of developing this assessment process includes defining requirements for administering a newly developed support intensity scale assessment module to clients who are authorized to receive supported living services. Rules are needed to govern and

support the implementation of the support intensity scale assessment requirements. Adoption of these rules will help promote consistent application and understanding of the division's support intensity scale assessment process in determining an eligible client's service level/rate for supported living services. As needed, the department may revise and/or adopt other related DDD rules to support implementation of the support intensity scale assessment module.

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 a later date, the department will file proposed rules and a proposed rule-making notice for publication in the Washington State Register, invite public comments, and hold a public hearing. The proposal will be sent to everyone on the mailing list to receive rule-making notices on this subject, and to anyone who requests the proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark R. Eliason, Policy Manager, DDD Assessment Project, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-2517, fax (360) 407-0955, e-mail eliasmr2@dshs.wa.gov.

November 21, 2005
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-23-133

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Aging and Disability Services Administration)

[Filed November 21, 2005, 4:24 p.m.]

Subject of Possible Rule Making: Creating a new chapter 388-828 WAC for the Division of Developmental Disabilities (DDD) assessment and revising and/or adopting other related rules as appropriate. (Note: This preproposal statement of inquiry replaces the one filed as WSR 05-19-123 on September 20, 2005.)

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In June 2003, the Joint Legislative Audit and Review Committee (JLARC) recommended that DSHS develop an assessment process for developmentally disabled clients designed to be consistently applied to all clients in all parts of the state. Part of developing this assessment process includes defining requirements for administering a newly developed DDD assessment to DDD eligible clients. Rules are needed to govern and support the implementation of the DDD assessment requirements. Adoption of these rules will help promote consistent application and understanding of the division's DDD assessment process. As needed, the department may revise and/or adopt other related DDD rules to support implementation of the DDD assessment.

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 a later date, the department will file proposed rules and a proposed rule-making notice for publication in the Washington State Register, invite public comments, and hold a public hearing. The proposal will be sent to everyone on the mailing list to receive rule-making notices on this subject, and to anyone who requests the proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark R. Eliason, Policy Manager, DDD Assessment Project, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-2517, fax (360) 407-0955, e-mail eliasmr2@dshs.wa.gov.

November 21, 2005
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-23-139

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

[Filed November 22, 2005, 9:23 a.m.]

Subject of Possible Rule Making: Chapter 296-59 WAC, Safety standards for ski area facilities and operations, and chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The National Ski Area Association, in conjunction with the Washington Avalanche Control Council, recommended that the department adopt language that increases fuse length burn time from seventy to ninety seconds and to eliminate the relighting of fuses based on a fatality in the industry.

Currently the use of explosives for avalanche control only applies to ski operations. The scope will be changed to apply to all avalanche control operations using explosives in the state of Washington. The department is proposing moving the avalanche control language from chapter 296-59 WAC, Safety standards for ski area facilities and operations into chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives.

References will also be updated throughout other WISHA rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies, other than Occupational Safety and Health Administration (OSHA), are known that regulate this subject.

Process for Developing New Rule: The department must adopt rules identical to or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules for proposal

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beverly Clark, Administrative Regulatory Analyst, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, (360) 902-5516, fax (360) 902-5529.

November 22, 2005
Gary Weeks
Director

WSR 05-23-140
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 22, 2005, 9:24 a.m.]

Subject of Possible Rule Making: Chapter 296-24 WAC, Safety standards for general safety and health; chapter 296-62 WAC, General occupational health standards; and chapter 296-818 WAC, Abrasive blasting.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WISHA is proposing to rewrite and clarify requirements relating to the abrasive blasting rules. This rule making is part of our long-term goal to rewrite our general occupational safety and health rules. In addition, the department may eliminate unnecessary requirements and outdated terminology. Also, L&I will update references to these rules throughout the rest of WISHA's standards. This proposal will move all abrasive blasting requirements relating to general industries from chapter 296-24 WAC, Safety standards for general safety and health and chapter 296-62 WAC, General occupational health standards, and place them in a new chapter (chapter 296-818 WAC).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies (other than OSHA) are known to regulate worker safety and health for this subject.

Process for Developing New Rule: The department must adopt rules identical to or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cindy Ireland, Administrative Regulations Analyst, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-

4620, phone (360) 902-5522, fax (360) 902-5619, e-mail mooc235@lni.wa.gov.

November 22, 2005
Gary Weeks
Director

WSR 05-23-141
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 22, 2005, 9:24 a.m.]

Subject of Possible Rule Making: Chapter 296-15 WAC, Workers' compensation self insurance rules and regulations, this chapter governs employers who are permitted to self-insure their workers' compensation obligation pursuant to Title 51 RCW. This filing includes two new sections: Default of a self-insured employer's obligation and financial watch.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.14.020, 51.32.190, 51.14.090, and 51.14.095.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: At the request of the Insolvency Trust Board, the department has agreed to define in rule "default" and "financial watch." This rule making will define "default" and "financial watch" and establish guidelines if a self-insured employer defaults on their workers' compensation obligation or if they experience a negative financial situation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local or federal agency regulates this subject.

Process for Developing New Rule: Labor and industries will work with representatives of the labor and self-insured employer communities on all changes to the self insurance regulations. A public hearing will be held in Tumwater after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jean Vanek, Self Insurance Section, Department of Labor and Industries, P.O. Box 44890, Olympia, WA 98504-4892, phone (360) 902-6907, fax (360) 902-6900, vanj235@lni.wa.gov.

November 22, 2005
Gary Weeks
Director

WSR 05-23-147
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed November 22, 2005, 9:28 a.m.]

Subject of Possible Rule Making: Clarifying and correcting errors made in the 2004 rewrite of chapter 468-38

WAC. It appears that six sections of the chapter will be amended to fulfill the clarifying and correcting purpose.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Without further clarification and correcting the rules, in part, are at risk of misinterpretation creating burden on both administrative and enforcement activities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Highway Administration (FHWA) and the Washington State Patrol (WSP). FHWA is used as a compliance resource during rule development. WSP has a primary review and comment role during rule development.

Process for Developing New Rule: Need for clarification and error correction is the direct result of user input, both internal and external. Where further clarification is needed there will be some adoption of office policy and some negotiation where the law allows latitude to do so. The process includes regulatory and industry review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barry Diseth, Commercial Vehicle Services, Department of Transportation, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 705-7805, fax (360) 705-6836, e-mail disethb@wsdot.wa.gov.

November 21, 2005

John F. Conrad

Assistant Secretary

Engineering and

Regional Operations

WSR 05-23-148

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed November 22, 2005, 11:23 a.m.]

Subject of Possible Rule Making: A number of amendments will be made to chapter 308-125 WAC to incorporate the new appraiser qualifications criteria established by the Appraiser Qualifications Board and to implement changes requiring that real estate appraiser trainees become registered required by RCW 18.140.280 which includes two new sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.150.030 (1), (7), (8) and (15).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement changes in the Appraiser Qualifications Board's real property appraiser qualifications criteria and changes required by the enactment of HB 1395; to eliminate redundancy between RCW and WAC and to streamline and clarify existing language.

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 Ralph C. Birkedahl, Real Estate

Appraiser Program, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 664-6504, fax (360) 570-4981.

November 21, 2005

Ralph C. Birkedahl

Acting Program Manager

WSR 05-23-151

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed November 22, 2005, 12:33 p.m.]

Subject of Possible Rule Making: Revise chapter 246-101 WAC, Notifiable conditions, to (a) retain confidential asymptomatic HIV cases by name and (b) expand HIV laboratory test reporting. Requirements to convert names to code and the designation of certain values of CD4s and viral loads as reportable are contained in this chapter. WAC sections included in revision are WAC 246-101-201, 246-101-520, and 246-101-635.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.24.125 Reporting requirements for sexually transmitted disease.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington may lose federal funding if the rules are not changed. (a) FFY 07 Ryan White Act funding is based on HIV cases reported to the Centers for Disease Control and Prevention (CDC). Washington's current name-based reporting system requires conversion of name to code within ninety days of a report and the CDC does not accept our data because of this conversion. (b) The Council of State and Territorial Epidemiologists recommends that states require reporting of all HIV related lab tests. This revision will allow more complete ascertainment of all HIV cases, reliably portray our state epidemic and assure that Washington does not lose HIV care funding.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agency has rules that regulate this subject. However, the federal CDC establishes policies for HIV reporting - including a policy to accept only HIV case surveillance data collected, reported, and maintained in state/local HIV/AIDS surveillance systems using confidential name-based methods.

Process for Developing New Rule: Collaborative rule making. The board and the department will work together and consult with interested public and private groups, associations and others to develop the proposed rule. Open stakeholder meetings will be held prior to the official rules hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Peppert, Manager HIV Prevention, Washington State Department of Health, P.O. Box 47840, phone (360) 236-3427, fax (360) 236-3400, e-mail john.peppert@doh.wa.gov; or Craig McLaughlin, Executive Director, Washington State Board of Health, P.O. Box

47990, phone (360) 236-4106, fax (360) 236-4088, e-mail craig.mclaughlin@doh.wa.gov.

November 22, 2005
Craig McLaughlin
Executive Director

WSR 05-23-168

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed November 23, 2005, 10:35 a.m.]

Subject of Possible Rule Making: WAC 260-12-180 Safety equipment and 260-28-230 Trainer—Duty to register personnel—Occupational licenses—Safety equipment.

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: To amend WAC 260-12-180 to require safety equipment to be approved by the American Society for Testing and Materials rather than the commission. To amend WAC 260-28-230 to remove references to safety equipment being approved by the commission and to better clarify the trainer's responsibilities related to licensing of his/her employees.

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 Robert J. Lopez, Administrative Services Manager, 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.

November 23, 2005
R. J. Lopez
Administrative Services Manager

WSR 05-23-169

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed November 23, 2005, 10:36 a.m.]

Subject of Possible Rule Making: Chapter 260-32 WAC, Jockeys, apprentices, and agents.

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: To update sections in this chapter as part of the agency's effort toward regulatory reform.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, 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.

November 23, 2005
R. J. Lopez
Administrative Services Manager

WSR 05-23-170

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed November 23, 2005, 10:37 a.m.]

Subject of Possible Rule Making: Chapter 260-48 WAC, Mutuels.

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: To update sections in this chapter as part of the agency's effort toward regulatory reform and to adopt portions of the model rules related to "Choose N" and "Group Bets."

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, 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.

November 23, 2005
R. J. Lopez
Administrative Services Manager

WSR 05-23-171

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed November 23, 2005, 10:38 a.m.]

Subject of Possible Rule Making: Chapter 260-44 WAC, Weights and equipment.

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: To update sections in this chapter as part of the agency's effort toward regulatory reform.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, 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.

November 23, 2005

R. J. Lopez

Administrative Services Manager

chapter as part of the agency's effort toward regulatory reform.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, 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.

November 23, 2005

R. J. Lopez

Administrative Services Manager

WSR 05-23-172

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed November 23, 2005, 10:39 a.m.]

Subject of Possible Rule Making: WAC 260-60-430 Claimed horse—Subsequent entry.

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: To amend or repeal this rule to conform with the needs of the industry.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, 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.

November 23, 2005

R. J. Lopez

Administrative Services Manager

WSR 05-23-173

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed November 23, 2005, 10:40 a.m.]

Subject of Possible Rule Making: Chapter 260-80 WAC, Corruption and prohibited practices.

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: To update sections in this

WSR 05-23-175

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. T-051359—Filed November 23, 2005, 11:04 a.m.]

Subject of Possible Rule Making: This rule making would consider amending sections of chapter 480-31 WAC, Private, nonprofit transportation providers and chapter 480-70 WAC, Solid waste collection companies; to reflect recent changes to chapters 81.66 and 81.77 RCW, relating to notice and opportunity for hearing prior to suspension or revocation of a certificate, and in conjunction with a request for a certificate to operate in a territory served by an existing certificate holder. **This notice supplements the original CR-101 filed at WSR 05-20-093 to consider adding new language or sections to implement the statutory amendments. In addition, this notice removes chapter 480-51 WAC, Commercial ferries, from this inquiry. In other respects the original CR-101 at WSR 05-20-093 remains applicable.**

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On July 24, 2005, a new law, SSB 5105, amending Title 81 RCW, took effect. RCW 81.66.060, 81.77.030, and 81.77.040, are among the statutes amended by SSB 5105. Under SSB 5105, the commission is no longer required to hold a hearing in every case before it can suspend or revoke a certificate, or consider a request for a certificate to operate in a territory served by an existing certificate holder. Instead, the commission is only required to provide notice and an opportunity for a hearing, and then provide a hearing if one is requested.

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

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments. The

commission will conduct a workshop if there is stakeholder interest or disagreement.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150. Interested persons may file written comments on the CR-101 by **December 21, 2005**.

For specific information regarding opportunities for written comment and to ensure receipt of further information concerning this rule making, please see below.

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 **December 21, 2005**. **Please submit comments in Word format to facilitate creation by commission staff of summaries.**

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Please provide electronic files in .pdf (Adobe Acrobat) and in .doc (MS Word 97 or later) to make them most useful to the commission. Comments may be submitted by electronic mail to the commission's records center at records@wutc.wa.gov. Please include:

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

An alternative method for submitting electronic comments is by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.wutc.wa.gov/051359>.

If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at <records@wutc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole Washburn, Executive Secretary. When contacting the commission, please refer to Docket No. T-051359 to ensure that you are placed on the appropriate service list. Questions may be addressed to Sharyn Bate by phone at (360) 664-1295 or e-mail at sbate@wutc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON

WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. T-051359, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. T-051359, and the words "Please keep me on the mailing list" to <records@wutc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.wutc.wa.gov/051359>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

November 23, 2005

Carole J. Washburn
Executive Secretary

WSR 05-23-176

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF NATURAL RESOURCES

[Filed November 23, 2005, 11:24 a.m.]

Subject of Possible Rule Making: Washington Department of Natural Resources (DNR) is considering amending chapter 332-41 WAC, SEPA policies and procedures rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.21C RCW. The state Department of Ecology's SEPA rules WAC 197-11-902(2), 197-11-904(1), and the Administrative Procedure Act, chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to the state Department of Ecology's SEPA rules, chapter 43.21C RCW and chapter 197-11 WAC, for which DNR's SEPA policies and procedures rules are promulgated from, have changed since chapter 332-41 WAC was last amended. The department's SEPA policies and procedures rules have not been updated since 1992, and most of the chapter has been in effect since 1984. Since then, referenced RCWs and WACs have been recodified and changes to the public land definition have occurred. Language needs additional clarification in some parts of chapter 332-41 WAC also.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Department of Ecology's (ecology's) SEPA rules (chapter 43.21C RCW and chapter 197-11 WAC) regulates agencies' SEPA policies and procedures rules. Any updates to DNR's SEPA policies and procedures rules will need to be consistent with ecology's SEPA rules. Ecology will have the opportunity to review any updates prior to DNR adopting any amendments during the CR-102 process.

Process for Developing New Rule: A hearing will be held during the CR-102 process and the public comment period to allow the public and other state agencies an opportunity to provide input to any amendments that are proposed to chapter 332-41 WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington Department of Natural Resources, Cynthia R. Pratt, Environmental and Legal Strategies Section, Asset Management and Planning Division, P.O. Box 47014, Olympia, WA 98504-7014, Cynthia.pratt@wadnr.gov, (360) 902-1633.

November 23, 2005
Bonnie Bunning
Executive Director of
Policy and Administration

