

**WSR 06-06-008**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)  
[Filed February 17, 2006, 11:29 a.m.]

The aging and disability services administration requests the withdrawal of the following preproposal statements of inquiry:

- Preproposal statement of inquiry filed as WSR 99-21-038 on October 15, 1999 (WAC 388-79-030 and 388-79-040).
- Preproposal statement of inquiry filed as WSR 98-16-022 on July 28, 1998 (chapters 388-15 and 388-17 WAC).
- Preproposal statement of inquiry filed as WSR 96-15-105 on July 22, 1996 (chapter 388-76 WAC).

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 06-06-009**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Management Services Administration)  
[Filed February 17, 2006, 11:30 a.m.]

The management services administration requests the withdrawal of the following preproposal statement of inquiry:

- Preproposal statement of inquiry filed as WSR 00-24-036 on November 29, 2000 (chapter 388-02 WAC).

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 06-06-010**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Health and Recovery Services Administration)  
[Filed February 17, 2006, 11:31 a.m.]

The health and recovery services administration requests the withdrawal of the following preproposal statements of inquiry:

- Preproposal statement of inquiry filed as WSR 00-01-156 on December 21, 1999 (WAC 388-87-0019 and 388-87-0045).

- Preproposal statement of inquiry filed as WSR 99-13-190 on June 23, 1999 (WAC 388-539-0500, 388-86-018, and 388-87-048).

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 06-06-011**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Children's Administration)  
[Filed February 17, 2006, 11:32 a.m.]

The children's administration requests the withdrawal of the following preproposal statements of inquiry:

- Preproposal statement of inquiry filed as WSR 99-01-114 on December 18, 1998 (chapter 388-70 WAC).
- Preproposal statement of inquiry filed as WSR 99-17-053 on August 13, 1999 (chapter 388-24 WAC).
- Preproposal statement of inquiry filed as WSR 99-01-166 on December 23, 1998 (Indian child welfare).

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 06-06-012**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed February 17, 2006, 11:33 a.m.]

The economic services administration requests the withdrawal of the following preproposal statement of inquiry:

- Preproposal statement of inquiry filed as WSR 98-15-102 on July 17, 1998 (division of child support fine enforcement).

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 06-06-018**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**  
[Filed February 21, 2006, 11:37 a.m.]

Subject of Possible Rule Making: Chapter 196-31 WAC, Practice permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.210 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Repeal of practice permits for on-site wastewater treatment system designers currently codified in chapter 196-31 WAC. This chapter is no longer

needed, as the practice permits were an interim authorization, and they ended on June 30, 2003.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting George Twiss, Executive Director, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1575, fax (360) 664-2551, e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov).

February 21, 2006  
George A. Twiss  
Executive Director

### WSR 06-06-028

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed February 22, 2006, 11:41 a.m.]

Subject of Possible Rule Making: WAC 212-17-295, 212-17-310, 212-17-315, 212-17-321, 212-17-323, 212-17-327, fireworks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 43.43 and 70.77 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify and amend safety rules to meet the 2000 edition of the National Fire Protection Association standard #1123 for outdoor public fireworks displays shot from barges of floating vessels.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of labor and industries, United States Consumer Products Safety Commission, and United States Department of Alcohol, Tobacco, and Firearms.

Process for Developing New Rule: Agency study; and study and recommendation by the office of the state fire marshal with input from the fireworks stakeholders group.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington State Patrol, Larry Glenn, Acting Chief Deputy State Fire Marshal, P.O. Box 42600, Olympia, WA 98504-2600, [Larry.glenn@wsp.wa.gov](mailto:Larry.glenn@wsp.wa.gov), (360) 570-3133, or fax (360) 570-3136.

February 21, 2006  
Paul S. Beckley  
for John R. Batiste  
Chief

### WSR 06-06-033

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed February 23, 2006, 3:27 p.m.]

Subject of Possible Rule Making: Develop proposed rule language contained in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations, not required to apply for national pollutant discharge

elimination system permit regarding: (1) Number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.31923.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The statute provides that the information is to be disclosed only in ranges, and in a manner that will provide meaningful information to the public while ensuring confidentiality of business information. Therefore, proposed rules will be developed in range format and shared with stakeholders in order to achieve the direction required by law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington conservation commission and Washington conservation districts.

Process for Developing New Rule: The department will begin the process of preparing draft range data for the information required in the statute through a coordinated outreach plan with the applicable state, local agencies and stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Norman, Washington State Department of Agriculture, Administrative Regulations Program, P.O. Box 42560, Olympia, WA 98504-2460, fax (360) 902-2092, phone (360) 902-2043, [tnorman@agr.wa.gov](mailto:tnorman@agr.wa.gov).

February 22, 2006  
Jerry Buendel  
Assistant Director

### WSR 06-06-034

#### PREPROPOSAL STATEMENT OF INQUIRY HIGHER EDUCATION COORDINATING BOARD

[Filed February 23, 2006, 4:11 p.m.]

Subject of Possible Rule Making: To amend WAC 250-40-040 (3)(a).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.15.012 and 28B.15.013.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision of RCW 28B.12.-060 (3)(a) placing priority on providing: Work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.012 and 28B.15.013, particularly former foster youth as defined in RCW 28B.92.-060, except resident students defined in RCW 28B.15.012 (2)(g).

Process for Developing New Rule: Advisory board/RCW revision.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Betty Gebhardt, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-

3430, e-mail [bettyg@hecb.wa.gov](mailto:bettyg@hecb.wa.gov), phone (360) 753-7852, fax (360) 753-7807.

February 23, 2006  
Betty Gebhardt  
Associate Director

**WSR 06-06-035**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**

[Filed February 23, 2006, 4:14 p.m.]

Subject of Possible Rule Making: Chapter 250-65 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.102.030.

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

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

Process for Developing New Rule: Technical corrections.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by submitting written comments to John Klacik, Higher Education Coordinating Board, 919 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430.

February 23, 2006  
Betty Gebhardt  
Associate Director

**WSR 06-06-036**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**

[Filed February 23, 2006, 4:18 p.m.]

Subject of Possible Rule Making: Chapter 250-20 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.92 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1. Considering changes to the state need grant award amount to recognize the tuition charged to students engaged in the community college applied baccalaureate degree program.

2. Adding a definition of "less-than-halftime pilot project" to implement the project authorized in chapter 229, Laws of 2005.

3. Making minor technical changes and corrections.

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

Process for Developing New Rule: Technical corrections and additions for program operations to adjust to recent legislation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by submitting written comments to John Klacik, Higher Education Coordinating Board, 919 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430.

February 23, 2006  
Betty Gebhardt  
Associate Director

**WSR 06-06-045**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed February 24, 2006, 10:41 a.m.]

Subject of Possible Rule Making: Grading and testing of real estate licensing examinations, WAC 308-124A-430.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To insure the real estate examination encompasses current 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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jerry McDonald, P.O. Box 2445, Olympia, WA 98507, phone (360) 664-6524, fax (360) 570-7051, e-mail [jmcdonald@dol.wa.gov](mailto:jmcdonald@dol.wa.gov).

February 24, 2006  
Jerry McDonald  
Assistant Administrator

**WSR 06-06-049**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed February 27, 2006, 4:11 p.m.]

Subject of Possible Rule Making: Recreational fishing rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recreational fishing rules, other than seasons and exceptions to statewide rules, are found in WAC 232-12-619 and chapter 220-56 WAC. These rules need to be reconciled and duplication should be eliminated. A review of recreational rules will be made to see if further consolidation is warranted.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by April 13, 2006. Expected proposal filing on or after April 14, 2006.

February 27, 2006

Evan Jacoby

Rules Coordinator

### WSR 06-06-051

#### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed February 28, 2006, 7:48 a.m.]

Subject of Possible Rule Making: Chapter 246-272C WAC, a new chapter establishing standards for sewage (septic) tanks. WSR 04-03-010 listed standards for large on-site sewage systems (LOSS) and sewage tanks as the subject of possible rule making. This statement of inquiry establishes a separate rule making for sewage tank standards. The LOSS rule making will continue under WSR 04-03-010.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under recently adopted on-site sewage system rules, chapter 246-272A WAC, sewage tanks must be reviewed and approved by the department of health (DOH). Chapter 246-272C WAC will establish criteria for the approval of sewage tanks. Currently there are design criteria and standards for sewage tanks in guidance. DOH finds this guidance should be placed in rule to be enforceable as intended under chapter 246-272A 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: DOH and the state board of health will seek the input of interested parties into the development of these rules. Most communication will be electronic and through mailings. Please contact the individuals listed below to participate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mamdouh El-Aarag, Department of Health, 1500 West 4th Avenue, Suite 403, Spokane, WA 99204, (509) 456-2754, el-aarag.mamdouh@doh.wa.gov; and Ned Therien, State Board of Health, P.O. Box 47990, Tumwater, WA 98504, (360) 236-4103, ned.therien@doh.wa.gov.

February 24, 2006

Craig McLaughlin

Executive Director

### WSR 06-06-052

#### PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

(Elections Division)

[Filed February 28, 2006, 9:06 a.m.]

Subject of Possible Rule Making: Implementation of a primary election system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Emergency rules for the pick-a-party primary system were adopted in 2004 and 2005, but permanent rules must be adopted. Rules will be based on the outcome of the pending appeal of *Washington State Republican Party v. Logan*, 377 F. Supp. 2d 907 (W.D. Wash. 2005).

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 Tami Neilson, Policy Analyst, P.O. Box 40220, Olympia, WA 98504-0220, phone (360) 902-4182, fax (360) 586-5629, tneilson@secstate.wa.gov.

February 28, 2006

Steve Excell

Assistant Secretary of State

### WSR 06-06-053

#### PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

(Elections Division)

[Filed February 28, 2006, 9:06 a.m.]

Subject of Possible Rule Making: Implementation of 2006 elections legislation and miscellaneous procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules will further implement laws passed by the 2006 legislature. Additional miscellaneous provisions will be adopted, such as requiring inspectors to return poll books with election supplies, processing voter registration transfers and cancellations, and requiring auditors to respond to election review reports.

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 Tami Neilson, Policy Analyst, P.O. Box 40220, Olympia, WA 98504-0220, phone (360) 902-4182, fax (360) 586-5629, tneilson@secstate.wa.gov.

February 28, 2006

Steve Excell

Assistant Secretary of State

**WSR 06-06-054****PREPROPOSAL STATEMENT OF INQUIRY****SECRETARY OF STATE**

(Elections Division)

[Filed February 28, 2006, 9:07 a.m.]

Subject of Possible Rule Making: Implementation of rules regarding the counting of ballots.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules will address issues such as physically counting ballots when poll site ballot counters are used, comparing ballot counts at poll sites and the counting center, aggregating precinct results, calculations for levy requirements, and address confidentiality program participants.

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 Sheryl Moss, P.O. Box 40232, Olympia, WA 98504-0232, e-mail smoss@secstate.wa.gov, phone (360) 902-4146, fax (360) 664-6419.

February 28, 2006

Steve Excell

Assistant Secretary of State

**WSR 06-06-055****PREPROPOSAL STATEMENT OF INQUIRY****SECRETARY OF STATE**

(Elections Division)

[Filed February 28, 2006, 9:08 a.m.]

Subject of Possible Rule Making: Implementation of vote by mail rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules will outline procedures regarding voting by mail, such as providing notice of ballot drop site locations, issuing absentee ballots, and voters who have already deposited a ballot at a drop site.

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 Sheryl Moss, P.O. Box 40232, Olympia, WA 98504-0232, e-mail smoss@secstate.wa.gov, phone (360) 902-4146, fax (360) 664-6419.

February 28, 2006

Steve Excell

Assistant Secretary of State

**WSR 06-06-056****PREPROPOSAL STATEMENT OF INQUIRY****SECRETARY OF STATE**

(Elections Division)

[Filed February 28, 2006, 9:09 a.m.]

Subject of Possible Rule Making: Implementation of voting equipment rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules will outline procedures regarding voting equipment, such as the removal of digital recording equipment devices from service, and logic and accuracy tests.

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 Tami Neilson, Policy Analyst, P.O. Box 40220, Olympia, WA 98504-0220, phone (360) 902-4182, fax (360) 586-5629, tneilson@secstate.wa.gov.

February 28, 2006

Steve Excell

Assistant Secretary of State

**WSR 06-06-073****PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed February 28, 2006, 4:20 p.m.]

Subject of Possible Rule Making: The department is proposing new rules to establish minimum standards for programs receiving funds from the domestic violence prevention account.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.123.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules will include the intent of the funding, definitions of who can be served by these funds and the services that can be provided, and the minimum experience and training standards for staff who are providing the services.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is consulting with representatives from the Washington Coalition Against Domestic Violence; the office of crime victims advocacy in the department of community, trade, and economic development; and the department of health.

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

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

lication by contacting Maureen Kelly, Program Manager, DSHS Children's Administration, P.O. Box 45710, Olympia, WA 98504-5710, e-mail kelm300@dshs.wa.gov, phone (360) 902-7901, fax (360) 902-7903, TTY (360) 902-7906.

February 24, 2006

Andy Fernando, Manager  
Rules and Policies Assistance Unit

#### WSR 06-06-074

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

(Health and Recovery Services Administration)

[Filed February 28, 2006, 4:21 p.m.]

Subject of Possible Rule Making: WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level (FPL) and 388-478-0085 Medicare savings programs—Monthly income and countable resources standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 42 U.S.C. 9902(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these WACs to explain the basis of each standard and to remove the actual numbers since these standards are based on the federal poverty level (FPL). This will avoid having to amend the rule each year when the FPL changes.

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 Wendy Forslin, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1328/1343, fax (360) 664-0910, TTY 1-800-848-5429, e-mail forslwlc@dshs.wa.gov.

February 28, 2006

Andy Fernando, Manager  
Rules and Policies Assistance Unit

#### WSR 06-06-086

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 1, 2006, 10:50 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agriculture pests, the department is reviewing the apple maggot and plum curculio provisions of its agricultural quarantine rule and may propose to modify

conditions and boundaries established in the rule. 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 17.24 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Data collected from the 2005 apple maggot trapping program provides evidence that the state's apple maggot population has altered its range. In addition, new information may support a need to change provisions with regard to industry practices and host species. Changes to the existing rule may better prevent or minimize possible movement of apple maggot and/or plum curculio from infested areas into uninfested area, secure access to international and interstate markets, and protect the commercial tree fruit industry from an economically significant pest by quarantine modification.

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, 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.

March 1, 2006

Mary A. Martin Toohey  
Assistant Director

#### WSR 06-06-107

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 1, 2006, 11:48 a.m.]

Subject of Possible Rule Making: WAC 16-302-410 Standards for sod quality seed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, 15.49.370(3), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposal will modify the grass seed sod contaminate list to include all species of the genus *Vulpia*, rather than just a single species. This is necessary to ensure that seed labeled as Washington sod

quality is free of these objectionable plants. This will allow the turf seed producers of this state to market seed that has been tested and found free of other grass species that are detrimental in sod production.

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 Washington state department of agriculture staff will develop the specific rule proposal. In turn, seed industry representatives and the advisory committee will review and comment on the proposed rule amendments. Interested parties can participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal 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 Fawad Shah, Washington State Department of Agriculture, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 225-2636, e-mail Fshah@agr.wa.gov.

February 28, 2006  
Robert W. Gore  
Assistant Director

#### WSR 06-06-108

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 1, 2006, 11:49 a.m.]

Subject of Possible Rule Making: WAC 16-302-480 Field standards for rapeseed certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposal is necessary to ensure that there are adequate isolation distances from other Crucifer species that can cross-pollinate with rapeseed (canola). This rule change has become necessary due to the increased production of other Crucifer species in Washington. By ensuring that a new planting of rapeseed (canola) is properly isolated from all contaminating pollen sources, the integrity of the certification process is upheld.

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 Washington state department of agriculture staff will develop the specific rule proposal. In turn, seed industry representatives and the advisory committee will review and comment on the proposed rule amendments. Interested parties can participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal 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 Fawad Shah, Washington State Department of Agriculture, Seed Program, 21 North 1st Ave-

nue, Suite 203, Yakima, WA 98902, (509) 225-2636, e-mail Fshah@agr.wa.gov.

February 28, 2006  
Robert W. Gore  
Assistant Director

#### WSR 06-06-109

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 1, 2006, 11:49 a.m.]

Subject of Possible Rule Making: WAC 16-302-225 Land requirements for alfalfa seed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposal is in response to industry request to modify the certification standards for alfalfa seed production. This will simplify the language restricting the length of time between plantings of different varieties that differ in dormancy ratings. This will align the language in Washington's certification rules to match that of neighboring states.

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 Washington state department of agriculture staff will develop the specific rule proposal. In turn, seed industry representatives and the advisory committee will review and comment on the proposed rule amendments. Interested parties can participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal 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 Fawad Shah, Washington State Department of Agriculture, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 225-2636, e-mail Fshah@agr.wa.gov.

February 28, 2006  
Robert W. Gore  
Assistant Director

#### WSR 06-06-110

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 1, 2006, 11:49 a.m.]

Subject of Possible Rule Making: Amend WAC 16-414-005 by including Rainier cherries or other light sweet cherry varieties under the "mature" soluble solids requirements. Amend WAC 16-414-011 thereby including size requirements for the Rainier cherry or other light sweet cherry varieties and WAC 16-461-010 which will require Rainier or other light sweet cherry varieties to meet WAC 16-414-05

[16-414-055] "mature" and WAC 16-414-011(3) size requirements. Eliminate the container requirements (WAC 16-414-085) for shipping sweet cherries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and packs and chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments will bring the Rainier cherry and other light sweet cherry varieties under state requirements for soluble solids "mature" and establish a size requirement which is currently required under federal Marketing Order 923. Removing the container requirements will allow growers/packers and shippers to pack and market various types of containers that may be requested or required by buyers and the consuming public.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture (WSDA) Marketing Order 923. The fruit and vegetable inspection program will provide USDA with copies of any proposed rule amendments for their review and comment.

Process for Developing New Rule: In response to a request from the Washington State Horticulture Association, WSDA staff will develop the rule proposal. In turn, industry representatives will review and comment on the proposed rule amendments. Interested parties can participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal 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 Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1833, fax (360) 902-2085, e-mail [jquigley@agr.wa.gov](mailto:jquigley@agr.wa.gov).

March 1, 2006  
Robert W. Gore  
Assistant Director

#### WSR 06-06-111

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 1, 2006, 11:50 a.m.]

Subject of Possible Rule Making: WAC 16-302-385 Grass seed standards for certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, 15.49.370(3), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposal is in response to industry request to modify the certification standards for fescue seed to require additional testing that can detect the presence of other contaminating species within a seed lot. These contaminants cannot be distinguished visually. This will not only bring Washington grass certification standards in alignment with other states, it will increase the quality of certified seed produced in this state.

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 Washington state department of agriculture staff will develop the specific rule proposal. In turn, seed industry representatives and the advisory committee will review and comment on the proposed rule amendments. Interested parties can participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal 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 Fawad Shah, Washington State Department of Agriculture, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 225-2636, e-mail [Fshah@agr.wa.gov](mailto:Fshah@agr.wa.gov).

February 28, 2006

Robert W. Gore  
Assistant Director

#### WSR 06-06-112

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed March 1, 2006, 11:51 a.m.]

Subject of Possible Rule Making: Amending WAC 308-15-100 What is a brief adjudicative proceeding (BAP)?, 308-15-101 When can a brief adjudicative proceeding (BAP) be requested?, and 308-15-103 How are brief adjudicative proceedings (BAPs) conducted?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.220.040 and 18.220.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of an effort to standardize the processes used by programs to administer brief adjudicative proceedings, the board will evaluate these rules to determine if appropriate amendments can be made.

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 Jr., Administrator, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 664-1386, fax (360) 664-1495.

March 1, 2006

Joe Vincent Jr.  
Administrator



**WSR 06-06-113**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed March 1, 2006, 11:51 a.m.]

Subject of Possible Rule Making: Amending WAC 308-12-210 Application of brief adjudicative proceedings, 308-12-220 Preliminary record in brief adjudicative proceedings, and 308-12-230 Conduct of brief adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.08.340 Board of registration—Rules—Executive secretary.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of an effort to standardize the processes used by programs to administer brief adjudicative proceedings, the board will evaluate these rules to determine if appropriate amendments can be made.

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 Jr., Administrator, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 664-1386, fax (360) 664-1495.

March 1, 2006  
Joe Vincent Jr.  
Administrator

**WSR 06-06-114**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed March 1, 2006, 11:52 a.m.]

Subject of Possible Rule Making: Amending WAC 308-13-210 Application of brief adjudicative proceedings, 308-13-220 Preliminary record in brief adjudicative proceedings, and 308-13-230 Conduct of brief adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.96.060 Board—Rules—Quorum—Hearings.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of an effort to standardize the processes used by programs to administer brief adjudicative proceedings, the board will evaluate these rules to determine if appropriate amendments can be made.

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 Jr., Administrator, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 664-1386, fax (360) 664-1495.

March 1, 2006  
Joe Vincent Jr.  
Administrator