

WSR 06-07-019
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Medical Quality Assurance Commission)
[Filed March 7, 2006, 7:31 a.m.]

Subject of Possible Rule Making: WAC 246-918-XXX Use of laser, light, radiofrequency, and plasma devices for physician assistants (medical quality assurance commission).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71A.020 and 18.130.050(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In January 2005, the medical quality assurance commission (commission) filed a CR-101 to begin the rule-making process on the use of lasers for both the physician and physician assistants. As the commission developed the concept, the commission found that separate rules were needed for physicians and physicians assistants. This CR-101 for physician assistants will accompany the existing CR-101 for physicians. Through public comments the commission determined not to group all devices as "lasers," but to specifically identify each class of device and changed the title from "use of lasers" to "use of lasers, light, radiofrequency, and plasma devices."

Process for Developing New Rule: The commission conducted public workshops and sent drafts to interested persons. The University of Washington's MEDEX program director assisted in developing rule language. There will be continued involvement and notifications sent through List-Serv.

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, P.O. Box 47866, Olympia, WA 98504, phone (360) 236-4788, fax (360) 236-4768, e-mail beverly.thomas@doh.wa.gov.

March 6, 2006
Blake T. Maresh
Executive Director

WSR 06-07-020
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Podiatric Medical Board)
[Filed March 7, 2006, 7:32 a.m.]

Subject of Possible Rule Making: WAC 246-922-001 Scope of practice (to include certified registered nurse anesthetists (CRNA) as appropriate practitioners to independently administer general or spinal anesthetic to podiatric patients).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.22.015, 18.22.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 246-922-001 requires physicians licensed under chapters 18.71 and 18.57 RCW to supervise nonphysicians administering general or spinal anesthesia to podiatric patients. October 8, 2003, Governor Locke exercised Washington's authority to exempt CRNAs from the Centers for Medicare and Medicaid Services rules.

CRNA's statute enables them to administer anesthesia without physician supervision (RCW 18.79.240 (1)(r)). The podiatry rule does not reflect the exemption. This has affected surgical settings where a CRNA is the only provider available to administer anesthesia. Amending the rule is the only option available to implement the exemption.

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 Arlene Robertson, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, office (360) 236-4945, fax (360) 236-2406, arlene.robertson@doh.wa.gov. Interested parties will be notified via listserv and surface mail when and how they can participate in the public rule-writing workshops.

March 6, 2006
Blake T. Maresh
Executive Director

WSR 06-07-030
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed March 7, 2006, 4:34 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 06-01-041 on December 15, 2005 (WAC 388-290-0125 and 388-292-0085).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-07-031
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
[Filed March 7, 2006, 4:35 p.m.]

The health and recovery services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 06-04-051 on January 27, 2006 (WAC 388-478-0075 and 388-478-0085).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-07-033
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed March 8, 2006, 7:42 a.m.]

Subject of Possible Rule Making: Creating a new chapter 246-225A WAC titled Radiation protection—Dental x-ray standards. Changes to existing chapter 245-225 WAC may also be required for consistency with the new dental chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.98.050(4) and 70.98.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, chapter 246-225 WAC contains requirements for all professions using x-rays in the healing arts. This rule making will create a separate, user-friendly chapter for dentists (chapter 246-225A WAC). We are proposing to add film processor quality assurance requirements as a mechanism to reduce patient exposure while retaining or improving the diagnostic quality of the dental radiograph. Other states (Illinois, New Jersey and Minnesota) include this issue in their regulations. We will also make the regulations outcome-based as appropriate. Subsequent rule makings will create new chapters for other professions that use x-ray.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other agencies in this state that regulate x-ray.

Process for Developing New Rule: Collaborative rule making. Dental x-ray registrants, members of the Washington state dental association, x-ray stakeholders, and interested parties will be invited to participate in an ad hoc workgroup for comments and discussion on the rule draft.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ellen Haars, X-ray Program Manager, at (360) 236-3237.

March 7, 2006
 Mary C. Selecky
 Secretary

WSR 06-07-038
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Filed March 8, 2006, 1:27 p.m.]

The department of ecology withdraws the following CR-101 filing, WSR 05-18-045, filed September 1, 2005, pertaining to revising rules related to the Shoreline Management Act.

The CR-101 is withdrawn to provide an expanded scope for proposed rule making. Preliminary comments on the pre-proposal statement of inquiry identified rule topics potentially warranting revision that are beyond the scope of the original CR-101.

Immediately after filing this withdrawal, ecology is filing a new CR-101 to amend existing provisions in chapters

173-18, 173-20, 173-22, and 173-27 WAC pertaining to the Shoreline Management Act (SMA).

Individuals desiring more information on this filing should contact Tom Clingman, Shorelands and Environmental Assistance Program, Washington State Department of Ecology, at (360) 407-7448 or via e-mail at tcli461@ecy.wa.gov.

Gordon White
 Program Manager
 Shorelands and Environmental
 Assistance Program

WSR 06-07-039
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 05-12—Filed March 8, 2006, 1:28 p.m.]

Subject of Possible Rule Making: Amend existing provisions in chapters 173-18, 173-20, 173-22, and 173-27 WAC pertaining to the Shoreline Management Act (SMA). Topics proposed for amendment include, but are not limited to: Definitions; rules describing "jurisdiction" (coverage) of the Shoreline Management Act; permit thresholds and procedures; and other amendments to ensure conformity with existing statutes, NOAA guidance, and hearing board and court decisions. Other updates are proposed to improve clarity of administration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.58 RCW, Shoreline Management Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rules delineating "shorelines of the state" have not been systematically updated since adoption in the 1970s. Beginning in 2006, ecology will be reviewing and approving updated shoreline master programs, which will include updated maps and descriptions of shorelines of the state. Revision of the rules is necessary to preclude any apparent conflict between the updated maps contained in new ecology-approved shoreline master programs and the outdated rule lists of shoreline water bodies. In addition, state and federal statutes have been amended and ecology is amending the rules listed above to ensure conformity with these changes. Outcome of hearing board and court cases on point with the existing rules need to be incorporated to ensure conformity with the case decisions. Additional revisions are proposed to improve clarity of administration.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of ecology is the state agency that regulates this subject area. The proposed amendments will not directly affect other state agencies.

Process for Developing New Rule: Consultation with counties, cities and other interested parties regarding the proposed revisions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information will be provided on the ecology web site. Initial comments from an earlier CR-101 on the topic

will be incorporated into the proposed rules. There will be public hearings when the draft rules are issued.

For more information, contact Tom Clingman, Shorelands and Environmental Assistance Program, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail tcli461@ecy.wa.gov, phone (360) 407-7448, fax (360) 407-6902.

March 2, 2006
Gordon White
Program Manager

WSR 06-07-050

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed March 9, 2006, 2:16 p.m.]

Subject of Possible Rule Making: Card rooms and card room employees.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from a card room employee. The petitioner does not think it is fair that his employer requires him to participate in card games with a player-supported jackpot, while he is on duty because he is not eligible to receive any of the PSJ winnings.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] April 14, 2006, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; on June 16, 2006, at the Marcus Whitman Hotel, 6 West Rose Street, Walla Walla, WA 99362, (509) 525-2200; and on July 14, 2006, the Hilton Hotel, 301 West 6th Street, Vancouver, WA 98660, (360) 993-4500.

March 8, 2006
Susan Arland
Rules Coordinator

WSR 06-07-056

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed March 10, 2006, 12:52 p.m.]

Subject of Possible Rule Making: Chapter 260-84 WAC, Penalties, to adopt into rule the model rules for penal-

ties for violation of equine medication rules recommended by the racing medication and training consortium and adopted by the Association of Racing Commissioners International. Chapter 260-70 WAC, Controlled medication program, to amend as appropriate sections of chapter 260-70 WAC that may be necessary to identify all the drugs and substances necessary to adopt the model penalty rules.

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 adopt the applicable model rules related to equine medication and penalties. This will assist the industry by creating consistency in equine rules and penalties from one jurisdiction to another.

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.

March 10, 2006
R. M. Leichner
Executive Secretary

WSR 06-07-057

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed March 10, 2006, 12:53 p.m.]

Subject of Possible Rule Making: Chapter 260-28 WAC, Owners, trainers and employees and chapter 260-70 WAC, Controlled medication program. Both chapters 260-28 and 260-70 WAC include rules addressing the trainer's responsibilities. The goal of the Washington horse racing commission is to move all rules related to the trainer's responsibilities from chapter 260-70 WAC to chapter 260-28 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: This effort will move all similar rules related to the responsibility of the trainer to one chapter as part of the agency's regulatory reform effort and adopt or organize agency rules in a clear and concise manner so that they are easily understood by the horsemen to whom they apply.

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 agency study.

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

lication by contacting 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.

March 10, 2006
R. M. Leichner
Executive Secretary

WSR 06-07-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed March 14, 2006, 4:19 p.m.]

Subject of Possible Rule Making: Residential services offered through companion homes and alternative living program, new chapter 388-821 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 71A.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Standards for these services are currently in chapter 388-825 WAC, Division of developmental disabilities (DDD) policy and the contract. Moving the standards into one chapter would make it easier for the users to access all the rules for these services. It would also increase compliance by reducing the confusion created by having the standards in three different documents.

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

Process for Developing New Rule: DDD will set up a committee to draft the new rules. The committee will include providers and staff. The final draft will be shared with stakeholders before filing the CR-102 proposed rule notice for formal comment 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 Saif Hakim, Program Manager, Mailstop 45310, Olympia, WA 98504-5310, phone (360) 725-3409, fax (360) 407-0955, TTY 1-800-422-7930, e-mail hakims@dshs.wa.gov.

March 14, 2006
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-07-090
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed March 15, 2006, 12:17 p.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc. and chapter 308-93 WAC, Vessel registration and certificates and title, to include but not limited to WAC 308-56A-310 Personal prop-

erty lien—Chattel landlord and 308-93-445 Personal property lien—Chattel landlord.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to make additions to the rule to comply with ESSB 5402, 59th legislative, 2006 regular session, expanding the requirements to transfer title.

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

Process for Developing New Rule: Committee with stakeholder review.

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

D. McCurley, Administrator
Title and Registration Services

WSR 06-07-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed March 15, 2006, 2:04 p.m.]

Subject of Possible Rule Making: WAC 246-809-130 Supervised postgraduate experience (for licensed marriage and family therapists), 246-809-230 Supervised postgraduate experience (for licensed mental health counselors), and 246-809-321 Education requirements and supervised postgraduate experience (for licensed social workers).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.225.040 and 18.225.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 18.225 RCW requires that individuals must obtain supervised postgraduate experience in order to become licensed marriage and family therapists, licensed mental health counselors, and licensed social workers. It was determined that rule making was necessary and a CR-101 was filed as WSR 01-22-068 on November 1, 2004. During that rule-making process it was determined that additional amendments need to be made to the three current rules on postgraduate experience for marriage and family therapists, mental health, and social workers (WAC 246-809-130, 246-809-230, and 246-809-320). This CR-101 on supervised postgraduate experience will accompany the existing CR-101 (WSR 01-22-068).

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 pub-

lication. Interested parties were involved in the rule-making process as initiated under WSR 01-22-068, which determined that these WACs needed to be amended also. Interested parties have already been involved, no additional workshops have been scheduled. Interested parties will continue to be notified through notifications as part of the interested parties listserv. In addition, they will also be able to provide comments during the public hearing process.

Information may be submitted to Holly Rawnsley, Program Manager, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4912, fax (360) 236-4909, e-mail Holly.Rawnsley@doh.wa.gov.

March 15, 2006
 B. White
 for M. C. Selecky
 Secretary

WSR 06-07-094
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed March 15, 2006, 2:10 p.m.]

The department of health would like to withdraw the following notice of inquiry (CR-101):

WAC NUMBER	WSR NUMBER	WSR DATE	SUBJECT
246-808-XXX	00-22-123	11/1/2000	Independent chiropractic examinations

Since the filing of WSR 00-22-123, the chiropractic quality assurance commission has decided not to pursue rule making until the chiropractic scope of practice has been modified.

If you have any questions, please contact Karen Kelley, program manager for the chiropractic quality assurance commission at (360) 236-4856.

M. C. Selecky
 Secretary

WSR 06-07-095
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[R 2006-03—Filed March 15, 2006, 3:21 p.m.]

Subject of Possible Rule Making: Declare that the Washington essential property insurance inspection and placement program must apply to all counties within Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Presently, only properties in all or part of three counties designated "urban areas" in the WAC are eligible to apply for coverage in the FAIR plan.

Certain properties outside of these designated areas cannot obtain property coverage and do not have access to the FAIR plan. This causes contract problems and economic insecurity for property owners outside the boundaries of the defined "urban areas." Expanding the geographic area of the FAIR plan to include all counties in Washington helps address this problem.

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 submit written comments by May 11, 2006.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

March 13, 2006
 Mike Kreidler
 Insurance Commissioner

WSR 06-07-096
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[R 2006-01—Filed March 15, 2006, 3:23 p.m.]

Subject of Possible Rule Making: Implementation of underwriting laws included in 2SHB 2292 Health Care Liability Reform.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060; sections 206 and 211 - 213 of 2SHB 2292.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 2292 requires the commissioner to adopt rules needed to implement the act, including, but not limited to, rules that define the components of a risk profile under this act.

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 send written comments by May 11, 2006.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

March 13, 2006
 Mike Kreidler
 Insurance Commissioner

WSR 06-07-097
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[R 2006-02—Filed March 15, 2006, 3:26 p.m.]

Subject of Possible Rule Making: Implementation of 2SHB 2292 Health Care Liability Reform.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060; sections 201 - 210 of 2SHB 2292.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 2292 requires the commissioner to adopt rules [that] are needed to implement the act, including, but not limited to, rules that:

- Identify which insuring entity or self-insurer has the primary obligation to report closed claims.
- Protect information that could result in the ability to identify a claimant, health care provider, health care facility, or self-insurer involved in a particular claim or collection of claims.
- Specify standards and methods for the reporting by claimants, insuring entities, self-insurers, facilities, and providers.

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 send written comments by April 21, 2006.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

March 13, 2006

Mike Kreidler

Insurance Commissioner

WSR 06-07-099
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. A-060357—Filed March 15, 2006, 3:32 p.m.]

Subject of Possible Rule Making: Develop rules to implement provisions of SHB 2426, passed by the legislature on March 3, 2006. Consider a rule to state ministerial delegation now effected by order.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4), 80.04.160, and section 2, SHB 2426, 2006 session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature in SHB 2426 of the 2006 legislative session authorized the commission to delegate certain functions by rule or order, and directed the commission to promulgate rules to identify a notice process to enable persons affected by a proposal to ensure that commissioners personally considered the matter. Rules may also

be appropriate to specify the details of the process by which initial orders become final under section 5(3) of the law.

Process for Developing New Rule: Agency study; and the commission will schedule a workshop on May 11, 2006, and may schedule an additional workshop with representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal. The commission will ask for initial written comments by April 24, 2006, and may provide the opportunity for additional comments, if needed.

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

WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP

Please file written comments with the commission no later than **April 24, 2006**, for consideration at a **May 11, 2006, stakeholder workshop**.

Electronic filing. Please send us your comments electronically. **You do not need to send paper copies.**

- If possible, please send comments via the commission's web portal (www.wutc.wa.gov/e-filing).
- If you aren't able to use the web portal, you may send comments by electronic mail to the commission's records center at records@wutc.wa.gov.
- You may mail or deliver an electronic copy to the address above, on a 3 1/2 inch, IBM-formatted, high-density disk. Please use WORD 97 or later and, if convenient, .pdf (Adobe Acrobat) format.
- The commission will always accept a paper document. Send or deliver it to the address above.

Please include this information with your comments:

- The docket number of this proceeding (A-060357).
- Your name and contact information, so we can respond to you and attribute your comments.
- The name of the person or entity who sponsors the comments, if you are sending them for another person or organization.
- The title and date of the comment or comments.

We will post comments on the commission's web site along with other information about the rule making, including schedule information and discussion drafts. The web site is located at <http://www.wutc.wa.gov/060357>.

We also expect to invite additional comments later in the rule making. We will use the contact information you provide with your comments to send you a notice of the opportunity to comment. If you don't submit comments, you may watch the web site for schedule information, and if you ask, we will put you on a list to receive docket information. Please look to the notice box below to see how to get further notices and information.

You may also ask questions about this docket by contacting Bob Wallis at (360) 664-1142 or bwallis@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.

IF YOU COMMENT, you will continue to receive notices and information.

IF YOU DON'T COMMENT, but want to remain on the mailing list for this rule making, please ask the records center by any of the following methods:

(1) E-mail your name and e-mail address to records@wutc.wa.gov. Simply say, "Please keep me on the mailing list for Docket No. A-060357."

(2) Send a note to the commission offices with your name and e-mail address (or a copy of your mailing label), asking "Please keep me on the mailing list for Docket No. A-060357."

Please note that all information in the mailings will be available through the commission's internet web site at <<http://www.wutc.wa.gov/060357>>.

IF YOU DO NOT RESPOND, YOU MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ABOUT THE RULE MAKING.

March 15, 2006
Carole J. Washburn
Executive Secretary

WSR 06-07-105**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed March 16, 2006, 2:16 p.m.]

Subject of Possible Rule Making: Title 390 WAC, rule relating to informal settlement—Cases resolvable by stipulation prior to an enforcement hearing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission (PDC) will consider possible rule amendments changing the timeframe in which stipulated agreements which include civil penalties shall be provided to the commission. The rules are designed to provide guidance and clarification to the general public and persons subject to the disclosure law.

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

Process for Developing New Rule: At its meeting on April 27, 2006, the commission is expected to discuss and possibly approve draft language on the above referenced rule topic. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by April 24, 2006, to Doug Ellis, PDC, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by Monday, April 17, 2006, will be provided to commissioners in advance of the meeting. A formal public hearing is expected to occur later this year.

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

March 16, 2006
Vicki Rippie
Executive Director

WSR 06-07-106**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed March 16, 2006, 4:52 p.m.]

Subject of Possible Rule Making: Chapter 468-70 WAC, Motorist information signs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.36.030 Traffic control devices—Specifications to counties and cities—Signs, banners over highways, RCW 47.36.360 Motorist information signs—"RV" logo.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is necessary to incorporate revised federal regulations concerning motorist information signs, as set forth in the 2003 Manual on Uniform Traffic Control Devices (MUTCD) published by the Federal Highway Administration; and to conform with section 1, chapter 398, Laws of 2005 (state of Washington).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Highway Administration (FHWA) publishes the Manual on Uniform Traffic Control Devices (MUTCD). MUTCD Chapter 2F establishes national standards for motorist information signs. The Washington state department of transportation receives concurrence from the FHWA before adopting final rule.

Process for Developing New Rule: Chapter 468-70 WAC has a thirty-one year history and is based on Washington state law and national signing standards included in the Federal Manual on Uniform Traffic Control Devices. This rule will amend chapter 468-70 WAC to incorporate newly revised state and federal motorist information sign provisions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Provide comments or questions concerning this possible rule-making to Mr. Michael J. Dornfeld, WSDOT, P.O. Box 47344, Olympia, WA 98504-7344, phone (360) 705-7288, fax (360) 705-6826, e-mail dornfem@wsdot.wa.gov.

March 9, 2006
John F. Conrad, Assistant Secretary
Engineering and Regional Operations

WSR 06-07-108
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed March 17, 2006, 9:56 a.m.]

Subject of Possible Rule Making: Raffle rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0277, 9.46.0315, and 9.46.-0321.

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

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

There may be some sustentative and policy decisions made by the commission during the rewrite. If so, those will be identified under the proposed rule making CR-102 filing. The text of the rules will be posted on our web site approximately two weeks prior to each commission meeting they are discussed at. Please visit our web site at www.wsgc.wa.gov/PublicMeetings.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Beth Heston, Rules Simplification Project Manager, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Bethh@wsgc.wa.gov.

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

March 15, 2006
 Susan Arland
 Rules Coordinator

WSR 06-07-109
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed March 17, 2006, 9:57 a.m.]

Subject of Possible Rule Making: Fund-raising events.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0233.

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

rewriting its rules manual using plain English techniques. We anticipate the project will be completed by January 1, 2008.

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

There may be some sustentative and policy decisions made by the commission during the rewrite. If so, those will be identified under the proposed rule making CR-102 filing. The text of the rules will be posted on our web site approximately two weeks prior to each commission meeting they are discussed at. Please visit our web site at www.wsgc.wa.gov/PublicMeetings.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Beth Heston, Rules Simplification Project Manager, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Bethh@wsgc.wa.gov.

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

March 15, 2006
 Susan Arland
 Rules Coordinator

WSR 06-07-110
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed March 17, 2006, 9:58 a.m.]

Subject of Possible Rule Making: Bingo.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.0205.

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

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

There may be some sustentative and policy decisions made by the commission during the rewrite. If so, those will be identified under the proposed rule making CR-102 filing.

The text of the rules will be posted on our web site approximately two weeks prior to each commission meeting they are discussed at. Please visit our web site at www.wsgc.wa.gov/PublicMeetings.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Beth Heston, Rules Simplification Project Manager, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Bethh@wsgc.wa.gov.

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

March 15, 2006
Susan Arland
Rules Coordinator

WSR 06-07-111

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed March 17, 2006, 9:59 a.m.]

Subject of Possible Rule Making: Card rooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0325, and 9.46.0282.

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

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

There may be some sustentative and policy decisions made by the commission during the rewrite. If so, those will be identified under the proposed rule making CR-102 filing. The text of the rules will be posted on our web site approximately two weeks prior to each commission meeting they are discussed at. Please visit our web site at www.wsgc.wa.gov/PublicMeetings.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

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

lication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Beth Heston, Rules Simplification Project Manager, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Bethh@wsgc.wa.gov.

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

March 15, 2006
Susan Arland
Rules Coordinator

WSR 06-07-120

PREPROPOSAL STATEMENT OF INQUIRY TRANSPORTATION IMPROVEMENT BOARD

[Filed March 20, 2006, 3:31 p.m.]

Subject of Possible Rule Making: Amending Title 479 WAC to update program changes that may include, but not be limited to, program name changes, deleting programs no longer funded by the transportation improvement board (repealed by passage of I-695), and incorporating policy language into WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.26.010, 47.26.080, 47.26.084, 47.26.086, 47.26.115, 47.26.164, 47.26.340, and 47.26.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Administrative Procedure Act, RCW 34.05.010, provides the definitions of agency policy and agency rule. At the advice of our assistant attorney general, it was recommended to incorporate our board policies into WACs as our current board policies are binding requirements (definition of a rule). This provides clear, defined rules for customer agencies to follow and to better understand the legislative intent of the transportation improvement board's programs; helps to establish mandatory standards for customer agencies; maintains the service provided to customer agencies in a consistent manner; and addresses general "housekeeping" issues in order to maintain accuracy.

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 submitting written comments to Rhonda Reinke, Chief Administrative Officer, Washington State Transporta-

tion Improvement Board, P.O. Box 40901, Olympia, WA 98504-0901, fax (360) 586-1165.

March 17, 2006
Stevan Gorcester
Executive Director

WSR 06-07-123

**PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL**

[Filed March 21, 2006, 7:51 a.m.]

Subject of Possible Rule Making: Amendment of chapter 51-13 WAC, Washington State Ventilation and Indoor Air Quality Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.190 and 19.27.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.074, to review revisions made to the codes by the national model code committees, and to review and consider proposals for statewide code amendments. The estimated effective date of the new codes is July 1, 2007.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2967, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

March 10, 2006
J. P. Neff
Council Chair

WSR 06-07-124

**PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL**

[Filed March 21, 2006, 7:52 a.m.]

Subject of Possible Rule Making: Adoption and amendment of the 2006 International Mechanical Code and International Fuel Gas Code; 2006 National Fuel Gas Code (NFPA 54); and 2004 Liquefied Petroleum Gas Code (NFPA 58).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national model code committees, and to review and consider proposals for statewide code amendments. The estimated effective date of the new codes is July 1, 2007.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2967, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

March 10, 2006
J. P. Neff
Council Chair

WSR 06-07-125

**PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL**

[Filed March 21, 2006, 7:52 a.m.]

Subject of Possible Rule Making: Adoption and amendment of the 2006 International Fire Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national model code committees, and to review and consider proposals for statewide code amendments. The estimated effective date of the 2006 codes is July 1, 2007.

Process for Developing New Rule: Technical Advisory Group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2967, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

March 10, 2006
J. P. Neff
Council Chair

WSR 06-07-126

**PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL**

[Filed March 21, 2006, 7:53 a.m.]

Subject of Possible Rule Making: Adoption and amendment of the 2006 International Building Code and International Residential Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington State Building

Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national model code committees, and to review and consider proposals for statewide code amendments. The estimated effective date of the 2006 codes is July 1, 2007.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2967, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

March 10, 2006

J. P. Neff

Council Chair

WSR 06-07-127

PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed March 21, 2006, 7:54 a.m.]

Subject of Possible Rule Making: Adoption and amendment of the 2006 International Existing Building Code and update of the Washington State Historic Building Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national model code committees, and to review and consider proposals for statewide code amendments. The estimated effective date of the 2006 codes is July 1, 2007.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2967, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

March 10, 2006

J. P. Neff

Council Chair

WSR 06-07-128

PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed March 21, 2006, 7:55 a.m.]

Subject of Possible Rule Making: Adoption and amendment of the 2006 Uniform Plumbing Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national model code committees, and to review and consider proposals for statewide code amendments. The estimated effective date of the 2006 codes is July 1, 2007.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2967, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

March 10, 2006

J. P. Neff

Council Chair

WSR 06-07-129

PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed March 21, 2006, 7:56 a.m.]

Subject of Possible Rule Making: Amendment of chapter 51-11 WAC, Washington State Energy Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.025, 19.27A.045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.-074, to review revisions made to the codes by the national model code committees, and to review and consider proposals for state wide code amendments. The estimated effective date of the new codes is July 1, 2007.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2967, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

March 10, 2006

J. P. Neff

Council Chair

WSR 06-07-136
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed March 21, 2006, 11:07 a.m.]

Subject of Possible Rule Making: WAC 415-108-575
 How is the compensation adjustment for elected officials computed?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.40.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Active PERS members who hold elective offices according to RCW 41.40.023 may retire from PERS and continue working in their elective positions if they meet certain conditions. One condition is that they do not earn more than fifteen thousand dollars per year in compensation for their elective service, adjusted annually for inflation by the director. This rule explains how the compensation threshold is adjusted, and provides the 2006 compensation threshold.

Process for Developing New Rule: The department of retirement systems (DRS) will develop the draft rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Leslie Saeger, Rules and Contracts Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail leslies@drs.wa.gov.

March 17, 2006

Leslie Saeger
 Rules Coordinator

WSR 06-07-138
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 21, 2006, 11:24 a.m.]

Subject of Possible Rule Making: Industrial insurance premium rates, chapter 296-17 WAC, General reporting rules, classifications, audit and record keeping, rates and rating system for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), 51.16.100, and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compen-

sation classification plan and set premium rates that maintain actuarial solvency of the accident and medical aid funds. By law, the plan must be consistent with recognized principles of insurance and rates adjusted annually or as needed to ensure solvency of the insurance trust funds.

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: Parties interested in the development of these rules may contact the individual listed below. Interested parties may also participate during the public comment period by submitting written comments or giving 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 Bill Moomau, Classification Services, P.O. Box 44148, Olympia, WA 98504-4148, phone (360) 902-4774, fax (360) 602-4729, e-mail moom235@Lni.wa.gov.

March 21, 2006

Gary Weeks

Director

WSR 06-07-139
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 21, 2006, 11:24 a.m.]

Subject of Possible Rule Making: Excavating and trenching; chapter 296-45 WAC, Safety standards for electrical workers; chapter 296-843 WAC, Hazardous waste operations; chapter 296-155 WAC, Safety standards for construction work; and chapter 296-821 WAC, Excavating and trenching.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 19.17.050 [49.17.050], and 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to rewrite and clarify requirements relating to excavation, trenching, and shoring that are currently contained in Part N, chapter 296-155 WAC, Safety standards for construction work. Current requirements will be repealed and published in a separate chapter 296-821 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 these subjects.

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 may contact the person 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 Jim Hughes, Project Manager, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4504, fax (360) 902-5619, e-mail HUGW235@LNI.WA.GOV.

March 21, 2006
Gary Weeks
Director

WSR 06-07-145

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Health and Recovery Services Administration)
[Filed March 21, 2006, 4:20 p.m.]

Subject of Possible Rule Making: The mental health division is planning to amend sections of chapter 388-865 WAC affected by changes to chapters 71.24 and 71.05 RCW as amended by ESSB 1290 (chapter 503, Laws of 2005), ESSB 5763 (chapter 504, Laws of 2005) and 2SSB 6793 (Laws of 2006). The affected sections include, but are not limited to WAC 388-865-0105, 388-865-0201, 388-865-0203, 388-865-0205, 388-865-0210, 388-865-0220, 388-865-0222, 388-865-0245, 388-865-0270, 388-865-0275, 388-865-0430, 388-865-0440, 388-865-0452, 388-865-0466, 388-865-0468, and 388-865-0575. The department gives notice that in the process of amending the above-mentioned rules, it may become aware of related rules that need amendment to maintain consistency and to comply with the statutes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.24.035, 71.05.560.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Multiple sections of chapter 388-865 WAC are no longer accurate or applicable because of the changes made to chapters 71.24 and 71.05 RCW by ESSB 1290, ESSB 5763 and 2SSB 6793. Revised rules are needed to be consistent with the statutes. Any sections that are no longer necessary or appropriate will be repealed.

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. Draft material and information on 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 publication by contacting Paul DesJardien, Program Administrator, Rules Development and Implementation, DSHS Mental Health Division, P.O. Box 45320, Olympia, WA 98504-

5230, phone (360) 902-0873, fax (360) 902-0809, desjajp@dshs.wa.gov.

March 20, 2006
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-07-146

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Economic Services Administration)
[Filed March 21, 2006, 4:22 p.m.]

Subject of Possible Rule Making: WAC 388-478-0055
How much do I get from my state supplemental payments (SSP)?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change is necessary to increase state supplemental payments to individuals residing in nursing facilities by \$2.06 effective July 1, 2006, as mandated by the 2005-07 revised omnibus operating budget - 2006 supplemental (ESSB 6386).

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 Logan MacGregor, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4605, fax (360) 413-3493, e-mail macgrld@dshs.wa.gov.

March 20, 2006
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-07-147

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Economic Services Administration)
[Filed March 21, 2006, 4:24 p.m.]

Subject of Possible Rule Making: The department is reviewing policy options on how to treat certain types of income and resources when determining eligibility for the Washington Basic Food program (Basic Food), cash assistance programs, medical programs for children, pregnant

women and families. Based on this review, the department may amend the following sections and related rules: WAC 388-450-0015 What types of income does the department not use to figure out my benefits?, 388-450-0035 Educational benefits, 388-470-0045 How do my resources count toward the resource limits for cash assistance and family medical programs?, and 388-470-0055 How do my resources count toward the resource limit for Basic Food?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.500, 74.04.510, 74.08.090, P.L. 107-171.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Sections 4102 and 4107 of Public Law 107-171 allows states to exclude certain types of income or resources for the food stamp program when the state agency excludes the income or resource for their TANF or Medicaid programs. The department is reviewing the impact of excluding all sources of educational income, excluding all or a portion of interest or dividend income, and excluding all retirement savings for TANF or Medicaid and extending this exclusion to the Washington Basic Food program. The changes the department may propose as a result of this review would reduce the administrative burden for relatively small sources of income and allow low-income individuals and families to receive benefits from the department without depleting retirement resources.

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

The department adopts regulations for cash, Basic Food, and medical assistance in a state plan that is consistent with federal requirements in public law, the code of federal regulations, and other federal guidance on department-administered programs.

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

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

March 20, 2006

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-07-152

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 06-01—Filed March 22, 2006, 9:08 a.m.]

Subject of Possible Rule Making: The rule making will propose a new rule, chapter 173-502 WAC, for establishing a reservation for the beneficial use of rooftop rainwater in the San Juan County water resource inventory area (WRIA 2). The rule will outline rainwater catchment system conditions and reporting requirements for rainwater permits under the reservation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.27A.020, 90.03.010, 90.03.250, 90.82.130 (3)(a), and 90.54.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The reservation will establish a more efficient permit process for rooftop rainwater catchment than the existing water rights application process. The proposed rule will provide rainwater for areas with limited water resources and will allow ecology to work cooperatively with San Juan County to regulate rainwater catchment in WRIA 2.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This rule is being developed in coordination with the recommendations of the San Juan County water resource management committee under the watershed planning process, chapter 90.82 RCW. The committee is comprised of representatives from the department of ecology, county and city government, water utilities and residents of San Juan County. The department of ecology will work with committee members to develop and implement the rule.

Process for Developing New Rule: Ecology will work with members of the San Juan County water resource management committee, residents of San Juan County, and other interested parties to develop the rule conditions and reporting requirements for rooftop rainwater catchment systems in WRIA 2. The rule development process will include public workshops, public hearings, and outreach materials to provide information and gather comments on the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Roma Call, Department of Ecology, NWRO Water Resources, 3190 160th Avenue S.E., Bellevue, WA 98008-5452, (425) 649-7005, rca1461@ecy.wa.gov.

March 20, 2006

Kenneth O. Slattery
Program Manager

WSR 06-07-153

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed March 22, 2006, 9:09 a.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to creating a new rule to establish the criteria

for approving vessel carbon monoxide warning stickers developed by vessel manufacturers to be used in lieu of the ones provided by the department of licensing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.02 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rule making is required to establish what a vessel manufacturer must have on their carbon monoxide warning sticker to be able to meet the requirements described in SB 6364 passed by the 59th legislature, 2006 regular session.

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

Process for Developing New Rule: Committee with stakeholder review.

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

D. McCurley, Administrator
Title and Registration Services

WSR 06-07-159

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed March 22, 2006, 10:20 a.m.]

Subject of Possible Rule Making: WAC 458-40-610 Timber excise tax—Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-40-610 (Rule 610) provides definitions of terms used in chapter 458-40 WAC when describing the policies and procedures for the taxation of timber harvested from public and private forest lands. The department is considering a rewrite of the small harvester harvesting and marketing costs definition (subsection (9)) to clarify that costs associated with conversions are not deductible as harvesting and marketing costs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meetings. Written comments on and/or requests for copies of the rule may be directed to Mark E. Bohe, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6133, fax (360) 586-5543, e-mail MarkBohe@dor.wa.gov.

Public Meeting Location: Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on April 27, 2006, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date at TTY 1-800-451-7985 or (360) 570-6175.

March 22, 2006

Alan R. Lynn
Rules Coordinator

WSR 06-07-160

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed March 22, 2006, 10:22 a.m.]

Subject of Possible Rule Making: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.091 requires the department to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values on which the timber excise tax is calculated. As to the second half 2006 stumpage value adoption (WAC 458-40-660), beside the stumpage values itself, we are proposing to redefine the "Volume per Acre" harvest adjustment classes for the Eastside (SVA 6 & 7), to simplify the reporting. Currently we have three classes with a lot of reporting falling on the break between classes 2 and 3, at 3 MBF per acre.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at

the public meeting. A preliminary draft of the proposed changes will be available upon request shortly before the public meeting. Written comments on and/or requests for copies of the rule may be directed to Mark E. Bohe, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, e-mail MarkBohe@dor.wa.gov, phone (360) 570-6133, fax (360) 586-5543.

Public Meeting Location: Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on April 27, 2006, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date at TTY 1-800-451-7985 or (360) 570-6175.

March 22, 2006

Alan R. Lynn
Rules Coordinator

WSR 06-07-169

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 22, 2006, 11:17 a.m.]

Subject of Possible Rule Making: Chapter 16-401 WAC, Nursery inspection fees. The department is reviewing its nursery inspection fees and may propose to raise them. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.13, 15.14, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current fee income is not adequate to cover costs associated with providing program services.

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. 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 Tom Wessels, Program Manager, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

March 21, 2006

Mary A. Martin Toohey
Assistant Director

WSR 06-07-170

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 22, 2006, 11:19 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests (WAC 16-470-900 through 16-470-921). The department is reviewing its fees for plant pathology services performed by the plant services and pest programs and may proposed to raise them. 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: Current plant pathology fee income is not adequate to cover costs associated with providing program services. RCW 17.24.131 Requested inspections—Fee for service—Disbursements in lieu of fee, states that the director may prescribe a fee for plant pathology services that "shall, as closely as practical, cover the costs of the service rendered, including the salaries and expenses of the personnel involved."

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. 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 Tom Wessels, Program Manager, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

March 21, 2006

Mary A. Martin Toohey
Assistant Director