

WSR 06-13-010
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 9, 2006, 9:44 a.m.]

Subject of Possible Rule Making: WAC 388-448-0100 Progressive evaluation process (PEP) step VI - How we evaluate capacity to perform relevant past work.

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 would replace the reference to the Dictionary of Occupational Titles with O*Net; according to the Department of Labor, the Dictionary of Occupational Titles has not been updated since 1991, will not be updated in the future, and has been replaced by O*Net.

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) 493-3493, e-mail macgrld@dshs.wa.gov.

June 8, 2006

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-13-011
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 9, 2006, 9:46 a.m.]

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

- Preproposal statement of inquiry filed as WSR 99-17-024 on August 10, 1999 (WAC 388-290-400, 388-290-525, 388-290-850, 388-290-920, and 388-290-950).
- Preproposal statement of inquiry filed as WSR 04-17-105 on August 17, 2004 (WAC 388-295-6011).
- Preproposal statement of inquiry filed as WSR 05-08-059 on March 31, 2005 (chapter 388-295 WAC).

- Preproposal statement of inquiry filed as WSR 06-01-042 on December 15, 2005 (chapter 388-296 WAC).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-13-013
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Dental Quality Assurance Commission)

[Filed June 9, 2006, 1:38 p.m.]

Subject of Possible Rule Making: WAC 246-817-XXX Sexual misconduct, the dental quality assurance commission (DQAC) is considering developing rules that will define sexual misconduct standards for dentists regulated by the commission. The commission will also consider standardizing sanctions for practitioners who engage in sexual misconduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365.

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

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. This topic will be discussed on DQAC meeting agendas and notice will be distributed to interested persons via List-Serv. Written comments may be sent to Lisa Anderson, Program Manager, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4863, fax (360) 664-9077, e-mail lisa.anderson@doh.wa.gov.

June 7, 2006

Joy N. King
Executive Director

WSR 06-13-025
PREPROPOSAL STATEMENT OF INQUIRY
ATTORNEY GENERAL'S OFFICE

[Filed June 13, 2006, 2:52 p.m.]

Subject of Possible Rule Making: Model rules for providing electronic records under the Public Records Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 4, chapter 483, Laws of 2005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature required the attorney general to adopt the Public Records Act model rules on a number of topics, including special issues involving requests for, and disclosure of, electronic records. RCW 42.17.348(2). On November 23, 2005, the attorney general proposed a set of model rules on various topics including electronic records. The section on electronic records, proposed WAC 44-14-050, proposed the following:

- The process for requesting electronic records is the same as the process for requesting paper records.
- An agency is not required to create a public record, create a data base, or reformat or alter an existing data base in a manner not maintained by the agency for its business purposes, nor is an agency required to write code to respond to a public records request.
- An agency may choose to provide an electronic record in a printed, instead of electronic, format.
- An agency may choose to reformat or customize existing electronic records to respond to requests for information. (The proposed model rule set forth a number of criteria to guide the agency in determining whether to provide such customized access.)
- The agency may charge the requestor for the costs of customized access.

While some of the comments received were in favor of the proposed model rule on electronic records, the majority of public comments criticized the approach and indicated the need for an alternate approach to responding to requests for electronic records.

Therefore, on January 31, 2006, the attorney general adopted the proposed model rules on other topics but withdrew the electronic records portion from the proposed rule. A previous CR-101 for the model rules on electronic records was submitted shortly after January 31, 2006, but expired in June 2006. This second CR-101 reinitiates a separate rule-making proceeding to adopt Public Records Act model rules on electronic records. The proposed rule would add new sections in WAC 44-10-050 (the section reserved for electronic records) and would amend other portions of the model rules affecting electronic records (such as WAC 44-14-07003 (copying costs of electronic records) and WAC 44-14-03001(1) (defining "public record")). We are reinitiating a separate rule-making proceeding to allow the public to submit comments on possible alternate approaches with the intent to develop a model rule on electronic records that will describe best practices on public records processing to aid records requestors and agencies.

The attorney general solicits comments on a proposal that would have the following elements:

- An electronic data base is a "public record" under the Public Records Act.
- The agency will provide records in an electronic data base if so requested.
- If the information requested from the data base has not previously been retrieved by the agency or is not of the type of information typically retrieved by the agency in its normal course of business, the agency nevertheless will retrieve the information and pro-

vide it to the requestor if it is possible to do so without the need of outside programming assistance.

- The costs for electronic copies or retrieval of information that may be charged to the requestor.
- Other issues affecting the provision of electronic records.

The attorney general encourages other proposals as well. Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Legislative mandate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Any person wishing to submit written comments should send them to Greg Overstreet, Special Assistant Attorney General for Government Accountability, P.O. Box 40100, Olympia, WA 98504-0100, (360) 586-4802 (voice), (360) 664-0228 (fax), grego@atg.wa.gov. The attorney general also will hold one or more informal workshops at which interested persons may meet and discuss possible approaches to public disclosure issues involving electronic records. Any person interested in participating in such workshops should contact Greg Overstreet. Information on the electronic records model rules will be available as it is developed at www.atg.wa.gov/records/modelrules.

June 12, 2006

Rob McKenna
Attorney General

WSR 06-13-030

PREPROPOSAL STATEMENT OF INQUIRY ENERGY FACILITY SITE EVALUATION COUNCIL

[Filed June 14, 2006, 10:05 a.m.]

Subject of Possible Rule Making: Within Title 463 WAC; adopt new rules in accordance with chapter 80.70 RCW; adopt and revise rules to implement recent changes to chapter 80.50 RCW; and adopt, revise, or repeal rules to enhance the siting of new energy facilities and regulation of permitted facilities. The subjects under consideration will include but not necessarily be limited to: (1) Expedited processing, (2) timing of environmental review and land use determinations, (3) preemption, (4) carbon dioxide mitigation, (5) amendments and termination of site certification agreements, (6) potential site studies, (7) use of consultants, and (8) fees and allocation of costs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.50.040(1) and 80.70.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Governor's executive order on regulatory reform, ongoing review of siting procedures, recent legislation, and acquisition of funding to implement chapter 80.70 RCW. The adoption of new rules, revisions of existing rules, and repeal of some rules will provide better guidance, clarify the energy facility site evaluation council's (EFSEC) processes, and implement new legislation. All of

this will help streamline the EFSEC's siting and regulatory process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of ecology and the department of fish and wildlife may regulate one or more of the subjects listed above. These agencies have membership on EFSEC. These agencies as well as other state agencies such as the department of natural resources, health, transportation, community trade and economic development, and the utilities and transportation commission will automatically be notified of the rule making.

Process for Developing New Rule: EFSEC will first develop proposals for new and revised rules and identify rules to repeal. These proposals will be discussed at one or more of its monthly meetings to elicit council member and public comments. Based on comments regarding the proposals, EFSEC will develop proposed draft rules and issue a CR-102 with the rules it intends to adopt and repeal. At least one public hearing will be held on the proposed rules contained in the CR-102. EFSEC will consider all the public comments and issue a CR-103 adopting the final rules. Based on level of interest on a specific subject, EFSEC may choose to issue a separate CR-102 for proposed rule(s) that pertain to one or more of the specific subjects listed above. If there is a low level of concern or interest in one or more of the proposed rules, EFSEC may adopt a specific rule at an earlier date than those that elicit more comment and controversy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. EFSEC has developed a list of persons interested in the council's rule making and all persons on that list will receive notices and information regarding this notice. Any person wanting to be put on the rule-making list should call (360) 956-2121 or e-mail EFSEC at efsec@cted.wa.gov and request to be placed on the rule-making list. Persons on this list will be notified of the comment periods and public meetings associated with this rule-making process. Specific questions may be directed to Allen Fiksdal, EFSEC Manager, P.O. Box 43172, Olympia, WA 98504-3172, phone (360) 956-2152, e-mail allenf@cted.wa.gov.

June 14, 2006
Allen J. Fiksdal
EFSEC Manager

WSR 06-13-031
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed June 14, 2006, 11:04 a.m.]

The department of licensing hereby withdraws WSR 06-11-017 filed with your office on May 4, 2006.

Dale R. Brown
Vehicle Services
Rules Coordinator

WSR 06-13-047

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 16, 2006, 10:01 a.m.]

Subject of Possible Rule Making: Dental hygiene, WAC 246-815-030 Education requirements for licensure applicants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.29.130 and 18.29.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending the current rule language for accreditation standards. There are new dental hygiene schools from which we cannot accept students for licensure because the schools were accredited by the American Dental Commission on Dental Accreditation after 1993.

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 Vicki Brown, Department of Health, Dental Hygiene Program, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4865, fax (360) 664-9077. This notice will also be sent via e-mail to all individuals on the dental hygiene ListServ.

June 15, 2006
Mary C. Selecky
Secretary

WSR 06-13-048

WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 16, 2006, 10:02 a.m.]

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

WAC NUMBER	WSR NUMBER	WSR DATE	SUBJECT
246-809-XXX	04-17-052	8/10/04	Maintenance and retention of records
246-809-XXX	04-17-053	8/10/04	Sexual misconduct

Since the filing of WSR 04-17-052 and 04-17-053, the licensed counselors program has decided not to pursue rule making because the rule topics addressed were covered in another rule package. These rules were filed on the CR-103 rule-making order as WSR 06-09-032 and went into effect on May 13, 2006.

If you have any questions, please contact Holly Rawnsley, Program Manager, Licensed Counselors Program, at (360) 236-4912.

Mary C. Selecky
Secretary

**WSR 06-13-049
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed June 16, 2006, 10:03 a.m.]

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

WAC NUMBER	WSR NUMBER	WSR DATE	SUBJECT
246-924-351	04-20-048	10/1/04	Rules of ethical conduct
246-924-352	04-20-048	10/1/04	Definitions
246-924-353	04-20-048	10/1/04	Competence
246-924-354	04-20-048	10/1/04	Maintenance and retention of records
246-924-355	04-20-048	10/1/04	Continuity of care
246-924-356	04-20-048	10/1/04	Impaired objectivity
246-924-357	04-20-048	10/1/04	Multiple relationships
246-924-358	04-20-048	10/1/04	Sexual misconduct
246-924-359	04-20-048	10/1/04	Client welfare
246-924-361	04-20-048	10/1/04	Exploiting supervisees and research subjects
246-924-363	04-20-048	10/1/04	Protecting confidentiality of clients
246-924-364	04-20-048	10/1/04	Fees
246-924-365	04-20-048	10/1/04	Assessment procedures
246-924-366	04-20-048	10/1/04	Fraud, misrepresentation, or deception
246-924-367	04-20-048	10/1/04	Aiding illegal practice

Since the filing of WSR 04-20-048, the examining board of psychology has decided not to pursue rule making because some of the rule topics have been covered in other rule-making activity and other rule topics are not being pursued by the board at this time.

If you have any questions, please contact Holly Rawnsley, Program Manager, Examining Board of Psychology, at (360) 236-4912.

Mary C. Selecky
Secretary

**WSR 06-13-050
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed June 16, 2006, 11:44 a.m.]

Subject of Possible Rule Making: Chapter 392-160 WAC, Special service program/transitional bilingual.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.180 RCW, Transitional bilingual instruction program.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules need to be updated to be aligned with RCW 28A.180.060.

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 Alfonso Anaya, P.O. Box 47200, Olympia, WA 98504-7200, aanaya@ospi.wednet.edu, (360) 725-6146.

June 14, 2006
Alfonso Anaya, Director
Migrant/Bilingual Education

**WSR 06-13-051
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed June 16, 2006, 1:57 p.m.]

Subject of Possible Rule Making: Permitting business to provide tire chain installation and/or removal services on highway right-of-way.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 47.04 RCW and RCW 47.32.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to establish the basic program requirements. Inclusion of program requirements in WAC will help enforce program requirements if service provider noncompliance occurs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Highway Administration (FHWA) has jurisdiction to approve the implementation of this program. Communication and coordination with FHWA is currently taking place and a submittal for formal approval will be submitted to FHWA once the program components are further developed.

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 Enrico Baroga, Washington State Department of Transportation, P.O. Box 47358, Olympia, WA 98504-7358, phone (360) 705-7864, fax (360) 705-6823, e-mail barogar@wsdot.wa.gov.

June 12, 2006
John F. Conrad
Assistant Secretary for
Engineering and Regional Operations

**WSR 06-13-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed June 16, 2006, 2:00 p.m.]

Subject of Possible Rule Making: WAC 468-300-010, 468-300-020, 468-300-040, and 468-300-220.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030, 47.60.326.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review of Washington state ferries' fuel expenditures has necessitated discussion of a potential ferry fare increase.

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 Mr. Ray Deardorf, Planning Director, Washington State Ferries, 2901 Third Avenue, Suite 500, Seattle, WA 98121-3014, phone (206) 515-3491, fax (206) 515-3499.

A. Daniel O'Neal, Chair
Transportation Commission

WSR 06-13-054
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

(Architect Licensing Board)
[Filed June 16, 2006, 4:24 p.m.]

Subject of Possible Rule Making: Revision to chapter 308-12 WAC, Architect licensing services.

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: Existing rules will be reviewed in accordance with the Governor's Executive Order 06-02 regarding regulatory improvement.

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, e-mail architects@dol.wa.gov. Persons may comment by mail, fax, phone, or e-mail. Draft language of any changes will be sent to persons on the board's Listserv and mailing list.

June 16, 2006
Dennis McPhee
Program Manager

WSR 06-13-064
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed June 19, 2006, 2:38 p.m.]

The department of licensing hereby withdraws WSR 05-10-067, CR-101 filed with your office on May 3, 2005, and WSR 04-09-031, CR-101 filed with your office April 13, 2004.

Dale R. Brown
Vehicle Services
Rules Coordinator

WSR 06-13-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 19, 2006, 2:39 p.m.]

Subject of Possible Rule Making: Hunters with disabilities rule.

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: Eastern Washington hunters with disabilities have complained that the current rule requiring vehicles to be completely removed from a public highway does not allow hunting where the vehicle can only be partially removed from the highway. A modification will be proposed to allow hunting by persons with disabilities from vehicles removed as far as is practicable from nonpaved public highways, but would continue to prohibit shooting along or across the highway.

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 Penny Cusick, Special Assistant to the Director for Human Resources, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2280. Contact by August 3, 2006. Expected proposal filing on or after August 4, 2006.

June 19, 2006
Evan Jacoby
Rules Coordinator

WSR 06-13-071**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 20, 2006, 8:18 a.m.]

Subject of Possible Rule Making: WAC 308-65-080 and 308-65-140.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.79.080 and 46.79.030(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Hulk haulers reporting to the department of licensing (DOL) the vehicles they sell out of state would facilitate DOL in having a more accurate database of vehicles in state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state patrol (WSP) is interested in this reporting and have been consulted. Also, the proposed amendment to WAC 308-65-140 was requested by the WSP.

Process for Developing New Rule: These WAC amendments were requested by the title services section of DOL and the WSP.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kim Johnson, Dealer Services, P.O. Box 9039, Olympia, WA 98504-9039, (360) 586-6703.

June 19, 2006

Will Wright

for Daniel Devoe, Administrator
Dealer and Manufacturer Services**WSR 06-13-072****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 20, 2006, 8:19 a.m.]

Subject of Possible Rule Making: WAC 308-90-120.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule would provide that the required deposit trust account be maintained in an in-state bank. This aligns with comments by certain of our advising AGs, and in the interest of consumer protection.

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

Process for Developing New Rule: In the interest of providing further protection for the investments of the citizenry.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kim Johnson, Dealer Services, P.O. Box 9039, Olympia, WA 98507-9039, fax (360) 586-6703.

June 19, 2006

D. A. Devoe, Administrator
Dealer and Manufacturer Services**WSR 06-13-073****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 20, 2006, 8:20 a.m.]

Subject of Possible Rule Making: These are amendments to the vehicle dealer WAC 308-66-110, 308-66-210, 308-66-120, and 308-66-177.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.70.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments to the first three sections are housekeeping in nature. They align the WAC with present practice. The amendment to WAC 308-66-177 is to further define the requirement in RCW 46.70.180(9) for a deposit trust account.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies in this aspect of vehicle dealer regulation. The department of licensing (DOL) master licensing services (MLS) is interested in our handling of the subject matter of the first three amendments. We coordinate with MLS representatives on a daily basis.

Process for Developing New Rule: Amendments to the first three sections are housekeeping and in cooperation with DOL MLS. The amendment to the trust account rule is based on comments by certain AG advisors.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kim Johnson, Dealer Services, P.O. Box 9039, Olympia, WA 98507-9039, fax (360) 586-6703.

June 19, 2006

D. A. Devoe, Administrator
Dealer and Manufacturer Services**WSR 06-13-078****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

(Board of Boiler Rules)

[Filed June 20, 2006, 9:20 a.m.]

Subject of Possible Rule Making: Board of boiler rules—Substantive, chapter 296-104 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to make clarification and technical changes to the Board of boiler rules—Substantive, chapter 296-104 WAC, based on actions and requests of the board of boiler rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The board of boiler rules will review and approve all rule changes. Other interested parties and the public may also participate 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 Sally Elliott, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, (360) 902-6411, fax (360) 902-5292, yous235@lni.wa.gov.

June 20, 2006
Craig Hopkins, Chair
Board of Boiler Rules

WSR 06-13-080

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 20, 2006, 9:21 a.m.]

Subject of Possible Rule Making: Chapter 296-15 WAC, Workers' compensation self insurance rules and regulations, this chapter governs employers who are permitted to self-insure their workers' compensation obligation pursuant to Title 51 RCW. This filing includes modifications to existing sections regarding requirements for department-approved claims administrators.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: At the request of the self-insured community, the department has agreed to evaluate the need for, and potentially implement, a continuing education model in place of, or in conjunction with, the current requirements for recertification of department-approved claims administrators.

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

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

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

June 20, 2006
Gary Weeks
Director

WSR 06-13-081

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 20, 2006, 9:22 a.m.]

Subject of Possible Rule Making: Chapter 296-62 WAC, General occupational health standards and chapter 296-859 WAC, Methylene chloride.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries (L&I) is proposing to rewrite and clarify requirements relating to the methylene chloride rules. This rule making is part of our long-term goal to rewrite our general occupational safety and health rules. The department may eliminate unnecessary requirements and outdated terminology. Also, L&I will update references to these rules throughout the rest of the department of occupational safety and health's standards. The proposal will move all methylene chloride requirements from chapter 296-62 WAC, General occupational health standards, and place them in new chapter 296-859 WAC, Methylene chloride.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beverly Clark, Administrative Regulations Analyst, Department of Labor and Industries, DOSH Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5516, fax (360) 902-5619, e-mail clah235@lni.wa.gov.

June 20, 2006
Gary Weeks
Director

WSR 06-13-082

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 20, 2006, 9:23 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, classifications, audit and

recordkeeping, rates and rating system for workers compensation insurance, safe patient handling.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.16.100 and chapter 195, Laws of 2006 (ESHB 1672).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By January 1, 2007, chapter 195, Laws of 2006 (ESHB 1672) known as the safe patient handling law, requires the department to develop rules to provide a reduced workers compensation premium for hospitals that implement a safe patient handling program.

Labor and industries is required by law to establish and maintain a workers compensation classification plan that classifies all occupations or industries with the state and sets basic rates of premium for these classifications that are distributed fairly.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of health is responsible for regulating hospitals. Department of labor and industries will coordinate activities with the department of health and survey hospitals to determine if they are in compliance with the safe patient handling law and eligible for the reduced premium rate.

Process for Developing New Rule: The department will survey the applicable hospitals to identify the equipment they have and determine that a safe patient handling program has been established.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A survey regarding equipment and the safe patient handling program will be sent to all affected hospitals by Ninica Howard of the SHARP program. Contact information, Ninica Howard, SHARP Program, P.O. Box 4330, Olympia, WA 98504-4330, phone (360) 902-5657, e-mail HOWO235@lni.wa.gov.

Employers contact employer services at (360) 902-4774 or by fax at (360) 902-4729.

June 20, 2006
Gary Weeks
Director

WSR 06-13-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed June 20, 2006, 9:24 a.m.]

Subject of Possible Rule Making: 2007 Industrial insurance premium rates, chapter 296-17 WAC, General reporting rules, classifications, audit and recordkeeping, 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), 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' compensation 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. Labor and industries is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and injury prevention.

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: Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends and financial markets. Labor and industries will work with the workers' compensation advisory committee and retrospective rating advisory committee as changes are developed. The public can participate in these discussions by attending committee meetings. The meeting schedules can be found at <http://lni.wa.gov/ClaimsIns/Insurance/Learn/Wcac/Default.asp> and <http://lni.wa.gov/ClaimsIns/Insurance/Reduce/Qualify/AdvComm/default.asp>.

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) 902-4729, e-mail moom235@lni.wa.gov. Labor and industries is tentatively planning to hold formal public hearings October 11, 12, 13 and November 6, 2006, in Spokane, Yakima, Mt. Vernon, and Tumwater. Public hearings are anticipated to begin at 10 a.m. and last until all public comments are received.

June 20, 2006
Gary Weeks
Director

WSR 06-13-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed June 20, 2006, 9:25 a.m.]

Subject of Possible Rule Making: WAC 296-20-03002 Treatment not authorized and 296-20-03014 Which drugs have specific limitations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The decision in *Roller v. Department of Labor and Industries*, 128 Wash. App. 922, 117 P.3d 385 (2005) stated that it was not clear that intrathecal pumps were noncovered health care treatments. This rule will make it clear that the department and self-insured will not pay for intrathecal pumps and the medications administered via intrathecal pumps. The anticipated effect would be safer and more efficacious treatment.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington workers' compensation benefits as well as the benefits paid to victims of crimes are both governed by Title 51 RCW, Washington's Industrial Insurance Act. There are no other state or federal agencies responsible for interpreting and enforcing the provisions of this act.

Process for Developing New Rule: Parties interested in participating in the development of these rules may contact the person listed below. The public may also participate by providing written comments during the comment period or giving oral testimony at public hearings. The rule will be developed in consultation with major stakeholders and the following interested parties: Workers' compensation advisory committee.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka, Department of Labor and Industries, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, phone (360) 902-4941, or fax (360) 902-6315.

June 20, 2006

Gary Weeks

Director

WSR 06-13-087

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 20, 2006, 11:10 a.m.]

Subject of Possible Rule Making: Chapter 392-145 WAC, Transportation—Operation rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions need to be made to chapter 392-145 WAC to update out-of-date language, add new requirements and definitions and rearrange sections to assist individuals in finding information more efficiently.

Process for Developing New Rule: Other [no information supplied by agency].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allan J. Jones, Director, Pupil Transportation and Traffic Safety Education, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, fax (360) 586-6124.

June 19, 2006

Marty Daybell

for Dr. Terry Bergeson

Superintendent of

Public Instruction

WSR 06-13-088

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Economic Services Administration)

[Filed June 20, 2006, 1:03 p.m.]

Subject of Possible Rule Making: The department plans to amend rules related under chapter 388-444 WAC related to the food stamp employment and training program. This may include amending the following sections and related rules: WAC 388-444-0005 The food stamp employment and training (FS E&T) program—General requirements, 388-444-0010 Clients who are required to register for work and must participate in FS E&T, 388-444-0015 When are clients not required to register for work or participate in FS E&T (exempt clients)?, 388-444-0020 When must clients register for work but are not required to participate in the food stamp employment and training program (FS E&T)?, 388-444-0025 Payments for FS E&T related expenses, 388-444-0030 Work requirements for persons who are able-bodied adults without dependents (ABAWDS), 388-444-0035 When am I (able-bodied adult with no dependents) exempt from ABAWD provisions?, 388-444-0040 Work programs for ABAWDs in the food stamp employment and training program, 388-444-0045 Regaining eligibility for food assistance, 388-444-0050 Good cause for failure to register for work or for not participating in the FS E&T program, 388-444-0055 What are the penalties for refusing or failing to comply?, 388-444-0060 FS E&T—Unsuitable employment, 388-444-0065 What happens if I quit my job?, 388-444-0070 Good cause for quitting a job?, and 388-444-0075 What are the disqualification periods for quitting a job without good cause?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.075, 74.04.500, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These planned changes are to support expansion of the food stamp employment and training pilot project as approved by the United States Department of Agriculture, Food and Nutrition Service. The department will also amend rules to clarify department policy regarding program requirements and make rules consistent with federal requirements under 7 C.F.R. 273.7 Work provisions and 7 C.F.R. 273.24 Time limit for able-bodied adults. Rule changes proposed under this filing will be consistent with the food stamp employment and training state plan and federal regulations governing the food stamp employment and training program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) 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 (C.F.R.). FNS also issues administrative notices and memos to inform states of program requirements that are not yet in C.F.R. as well as standards that are not formally adopted under the federal rule-making process. DSHS incorporates these regulations, federal standards, policy guidance, and exercises state options

by implementing an approved state plan and adopting administrative [rules] for people who receive Basic Food in Washington state.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nick Espinosa, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4620, fax (360) 493-3493, e-mail EspinCJ@dshs.wa.gov.

June 20, 2006

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-13-098

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 21, 2006, 9:06 a.m.]

Subject of Possible Rule Making: Chapter 308-20 WAC, Cosmetology, barber, manicurist, esthetician rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.16.030, 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend, repeal, and retain current rules which may no longer be needed or need further written clarification as per the governor's directive on state rules review.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of licensing is working with the department of health to assure there is no conflicting rules in relation to the use of devices used by the medical and esthetic professions.

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 Sandra Gonzales, Business and Professions Division, Cosmetology Program, P.O. Box 9026, Olympia, WA 98507-9026, phone (360) 664-6649, fax (360) 570-4957, e-mail sgonzales@dol.wa.gov. Additional information will be posted on the cosmetology internet web site as it becomes available at <http://www.dol.wa.gov/plss/cosfront.htm>.

June 21, 2006
Trudie Touchette
Administrator