

WSR 06-16-003**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY**

[Filed July 19, 2006, 3:28 p.m.]

Subject of Possible Rule Making: Smoking regulations.

Statutes Authorizing the Agency to Adopt Rules on this

Subject: RCW 28B.30.150 and chapter 70.160 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend the university's smoking rules in conformance with chapter 70.160 RCW.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969. There will be a public hearing to permit comment on the proposed rules and revisions. There will be an opportunity to provide written comments on the proposed rules.

July 18, 2006

Ralph T. Jenks, Director
Office of Procedures, Records, and
Forms and University Rules Coordinator

WSR 06-16-006**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed July 20, 2006, 9:49 a.m.]

Subject of Possible Rule Making: Secondary education—Standardized high school transcripts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.220 as amended by chapter 263, Laws of 2006, and recodified by section 418, chapter 263, Laws of 2006, transferring authority over transcripts from the state board of education to the superintendent of public instruction and also amended by chapter 115, section 6, Laws of 200 [2006].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of the rule is to conform with changes made by the legislature in 2006 to: (1) Transfer authority from the state board of education to the superintendent of public instruction and (2) to continue to require a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement for students entering ninth grade in the 2004-2005 school year and beyond and eliminate the inclusion of scale scores, scholar designation and whether or not an alternative assessment was used as required by the amendments to RCW 28A.305.220 by section 418, chapter 263, Laws of 2006.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Consult with the higher education coordinating board,

the state board for community and technical colleges and the work force training and education coordinating board as required by statute. Note that the current changes are technical, conforming the WAC to statute.

Process for Developing New Rule: Technical conforming to statutory changes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joe Wilhoft, Assistant Superintendent for Assessment and Research, Old Capitol Building, P.O. Box 47200, phone (360) 725-6336, fax (360) 664-0494.

July 17, 2006

Joe Wilhoft
Assistant Superintendent
for Assessment and Research

WSR 06-16-013**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed July 21, 2006, 1:47 p.m.]

Subject of Possible Rule Making: Definitions.

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: The ease of measuring the length of certain fish species may be facilitated by providing an alternative definition of length thereby reducing handling time and reducing the variance of the measured length where length is a component of the harvest/management strategy for conservation.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by September 15, 2006. Expected proposal filing on or after September 20, 2006.

July 21, 2006

Morris W. Barker
Rules Coordinator

WSR 06-16-014**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed July 21, 2006, 10:13 a.m.]

Subject of Possible Rule Making: Chapter 260-36 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: The agency and the industry are reviewing the collection of industrial insurance premiums required under RCW 51.16.210, which the commission is required to collect under RCW 67.16.300. As a result of this review, the commission anticipates the need to amend existing or adopt new sections in chapter 260-36 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of labor and industries.

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 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.

July 21, 2006
R. J. Lopez
Deputy Secretary

WSR 06-16-025

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

[Filed July 24, 2006, 4:20 p.m.]

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

- Preproposal statement of inquiry filed as WSR 04-04-096 on February 3, 2004 (chapter 388-526 WAC).
- Preproposal statement of inquiry filed as WSR 03-08-084 on April 1, 2003 (WAC 388-531-0275).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-16-030

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed July 25, 2006, 11:09 a.m.]

The department of licensing hereby withdraws WSR 05-21-134, CR-101 filed with your office on October 19, 2005. We no longer need to revise the rule.

Dale R. Brown
Vehicle Services
Rules Coordinator

WSR 06-16-055

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed July 27, 2006, 11:42 a.m.]

Subject of Possible Rule Making: Chapter 392-162 WAC, Special service program—Learning assistance program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to state law require an update of the WAC under ESSB 5877 of 2004, HB 1066 of 2005, and ESSB 6386 of 2006.

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 Gayle Pauley, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6100, gpauley@ospi.wednet.edu.

July 10, 2006
Dr. Terry Bergeson
State Superintendent

WSR 06-16-057

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed July 28, 2006, 8:35 a.m.]

The department of licensing hereby withdraws: WSR 99-18-126, CR-101 filed with your office on September 1, 1999.

WSR 99-10-057, CR-101 filed with your office on May 3, 1999.

WSR 03-22-043, CR-101 filed with your office on October 29, 2003.

We no longer need to revise the rule.

Dale R. Brown
Vehicle Services
Rules Coordinator

WSR 06-16-061

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

[Filed July 28, 2006, 11:15 a.m.]

The health and recovery services administration requests the withdrawal of preproposal statement of inquiry filed as

WSR 05-22-047 on October 27, 2005 (WAC 388-540-001 through 388-540-065).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-16-083

**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY**

[Filed July 31, 2006, 11:37 a.m.]

Subject of Possible Rule Making: Public records.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules are revised to update the procedures for requesting public records from Washington State University. The revision incorporates suggestions and wording from the model rules provided by the attorney general's office.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, e-mail jenks@wsu.edu. There will be a public hearing to permit comment on the proposed rules and revisions. There will be an opportunity to provide written comments on the proposed rules.

July 27, 2006

Ralph T. Jenks, Director
Office of Procedures, Records, and
Forms and University Rules Coordinator

WSR 06-16-084

**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY**

[Filed July 31, 2006, 11:38 a.m.]

Subject of Possible Rule Making: Campus traffic and parking regulations (WAC 504-15-940).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule regarding pedestrians is repealed, since regulations regarding this issue are included in the RCW.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, e-mail jenks@wsu.edu. There will be a public hearing to permit comment on the proposed rules and revisions. There will be an opportunity to provide written comments on the proposed rules.

July 27, 2006

Ralph T. Jenks, Director
Office of Procedures, Records, and
Forms and University Rules Coordinator

WSR 06-16-085

**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY**

[Filed July 31, 2006, 11:39 a.m.]

Subject of Possible Rule Making: Practice and procedure regarding parking appeals (WAC 504-04-010).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This housekeeping revision removes a dead link and replaces it with active links to rules regarding appeals of parking violations.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, e-mail jenks@wsu.edu. There will be a public hearing to permit comment on the proposed rules and revisions. There will be an opportunity to provide written comments on the proposed rules.

July 27, 2006

Ralph T. Jenks, Director
Office of Procedures, Records, and
Forms and University Rules Coordinator

WSR 06-16-088

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed July 31, 2006, 3:22 p.m.]

Subject of Possible Rule Making: Chapter 16-70 WAC, Animals diseases—Reporting, the department is proposing to amend the rules to bring them current with World Organization of Animal Health's list of notifiable diseases and to clarify the requirements for the reporting of emergency diseases.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposal is needed to bring current rules up-to-date regarding the diseases that are classified as notifiable and reportable and to clarify reporting requirements. The proposal will help protect the health, safety, and welfare of the state's animal population and industry. It will also help protect the health, safety, and welfare of the state's human population, as cases of diseases with zoonotic potential will be reported immediately.

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

Process for Developing New Rule: The Washington state department of agriculture staff will develop the rule proposal and will communicate with stakeholders, veterinary educational institutions, and other interested parties for their review and comment. Interested parties can also participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lynn Briscoe, Special Assistant to the State Veterinarian, P.O. Box 42560, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1987.

July 31, 2006

Dr. Leonard E. Eldridge DVM
State Veterinarian

WSR 06-16-089

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 31, 2006, 3:22 p.m.]

Subject of Possible Rule Making: Chapter 16-604 WAC, Public livestock markets, the department is proposing to rewrite the rules in clear and usable language and to correct references to the Code of Federal Regulation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 16-604 WAC contains several incorrect references to the Code of Federal Regulation. The proposed amendments will correct those references and will make the rules easier to understand and interpret.

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

Process for Developing New Rule: The Washington state department of agriculture staff will develop the rule proposal and will communicate with stakeholders and other interested parties for their review and comment. Interested parties can also participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal with the code reviser.

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

lication by contacting Lynn Briscoe, Special Assistant to the State Veterinarian, P.O. Box 42560, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1987.

July 31, 2006

Dr. Leonard E. Eldridge DVM
State Veterinarian

WSR 06-16-090

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 31, 2006, 3:23 p.m.]

Subject of Possible Rule Making: Chapter 16-610 WAC, Livestock inspection and identification, the department is proposing to update the livestock inspection and identification rules to update the fees for livestock inspection as established by legislation (ESB 6376). In addition, the department is proposing to include a penalty matrix for civil infractions of chapter 16.57 RCW, and to amend the rules regarding special open consignment horse sales.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending the rules to chapter 16-610 WAC, Livestock inspection and identification, is in response to a change in state law enacted by the legislature (ESB 6376). The proposal will amend the fees for livestock inspection so that they match those set in statute and will provide for the self-inspection of up to twenty-five head of cattle. On the advice of assistant attorney general and the officer of the courts, we are including the civil infraction schedule for violations of chapter 16.57 RCW in order to allow the department to pursue penalties for illegal actions. In addition, rules regarding special open consignment horse sales are needed to specify when and where these types of sales can be held.

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

Process for Developing New Rule: The Washington state department of agriculture staff will develop the rule proposal and will communicate with the livestock identification advisory board, stakeholders, and other interested parties for their review and comment. Interested parties can also participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Alexander, Livestock Identification Program Supervisor, P.O. Box 42560, 1111 Washington Street S.E., Olympia, WA 98504-2560, phone (509) 543-7383 or (360) 902-1987.

July 31, 2006

Dr. Leonard E. Eldridge DVM
State Veterinarian

WSR 06-16-091**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed July 31, 2006, 3:23 p.m.]

Subject of Possible Rule Making: Chapter 16-89 WAC, Sheep and goat scrapie disease control, the department is proposing to rewrite the rules in a clear and usable format, to correct references to federal documents, and to update disease-related requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending the current rules will correct references to federal documents such as the Uniform Methods and Rules, will bring the rules up-to-date regarding disease-related practices and requirements, and will put the rules in a clear and usable format that will make them easier to understand and interpret.

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

Process for Developing New Rule: The Washington state department of agriculture staff will develop the rule proposal and will communicate with stakeholders and other interested parties for their review and comment. Interested parties can also participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lynn Briscoe, Special Assistant to the State Veterinarian, P.O. Box 42560, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1987.

July 31, 2006

Dr. Leonard E. Eldridge DVM
State Veterinarian**WSR 06-16-092****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed July 31, 2006, 3:24 p.m.]

Subject of Possible Rule Making: Chapter 16-86 WAC, Brucellosis and tuberculosis in cattle and goats, the department is proposing to rewrite the rules in a clear and usable format, to update disease-related requirements, and to correct references to the federal Uniform Methods and Rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 16-86 WAC contains incorrect references to the Uniform Methods and Rules. Amending the current rules will correct those references, will bring the rules up-to-date regarding disease-related practices and requirements, and will put the rules in a clear and usable format that will make them easier to understand and interpret.

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

Process for Developing New Rule: The Washington state department of agriculture staff will develop the rule proposal and will communicate with stakeholders and other interested parties for their review and comment. Interested parties can also participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lynn Briscoe, Special Assistant to the State Veterinarian, P.O. Box 42560, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1987.

July 31, 2006

Dr. Leonard E. Eldridge DVM
State Veterinarian**WSR 06-16-098****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 1, 2006, 6:21 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.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035 and 51.16.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During hearings in May, the department proposed to merge five metal goods classifications into one classification with two subcodes. This proposal was scheduled to take effect on January 1, 2007. Two firms filed a petition opposing this proposal. Following a meeting with these two firms and an association, the department has elected to withdraw the proposal to merge these five classifications. The proposal in this filing will restore the five metal goods classifications in chapter 296-17 WAC.

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 solicit input from the business community by way of direct mailings, the internet, and/or informal public meetings. Labor and industries will use this input to formulate proposed changes to the existing rules and advise customers of future rule making by direct mailing and/or the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries will mail letters with proposed rule changes to affected employers. Employers will be encouraged to participate in the process to share ideas and/or attend meetings. Employers can obtain information and sub-

mit comments electronically to Moom235@lni.wa.gov or by calling (360) 902-4774 or by fax at (360) 902-4729.

August 1, 2006
 Gary Weeks
 Director

WSR 06-16-115
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Board of Osteopathic Medicine and Surgery)
 [Filed August 1, 2006, 12:35 p.m.]

The department of health and the board of osteopathic medicine and surgery would like to withdraw the following notice of inquiry (CR-101) because it is no longer valid. The board is waiting for additional information from the National Board of Osteopathic Medical Examiners (NBOME) relative to state boards utilizing the COMVEX-USA [COMSPEX-USA] examination. The NBOME is developing a contract for state boards that use the examination. The board wants to see the contents of the contract before pursuing a rules change. If they decide to use the examination, a new CR-101 will be filed.

WSR NUMBER	WSR DATE	SUBJECT
99-11-035	5/13/1999	COMSPEX-USA examination requirement for osteopathic practice

If you have any questions, please contact Arlene Robertson, Health Professions Quality Assurance, Program Manager, at (360) 236-4945.

M. C. Selecky
 Secretary

WSR 06-16-122
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
 [Filed August 1, 2006, 1:39 p.m.]

Subject of Possible Rule Making: Chapter 308-88 WAC, Rental care taxation and licensing and chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-88-020 Application and registration of rental vehicle businesses and 308-96A-180 Registration of rental vehicles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.87.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to correct language in these rules to comply with the way the department does business.

The rules will comply with the way the department does business and language will be corrected.

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, Assistant Director Office, Mailstop 48200, 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.

Julie Knittle, Administrator
 Title and Registration Services

WSR 06-16-123
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
 [Order 06-10—Filed August 1, 2006, 1:47 p.m.]

Subject of Possible Rule Making: Establishing a health technology assessment program to select health technologies that will undergo a scientific review by a contracted evidence based practice center; and establishing a health technology clinical committee that will use the review to make coverage decisions for state agencies that purchase health care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.013, 41.05.160, and 70.14.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2006 legislature enacted E2SHB 2575 (chapter 307, Laws of 2006), creating new sections in chapter 70.14 RCW (RCW 70.14.080 - 70.14.140) and amending RCW 41.05.013. This legislation requires the health care authority (HCA) to establish a new health technology assessment program and a health technology clinical committee. The agency must therefore adopt rules governing their operation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency regulates the administration of this new program or the new clinical committee. However, the HCA has a process to consult with the other agencies that purchase health care that will be impacted by the clinical committee coverage decisions. (e.g. department of social and health services, department of labor and industries, department of corrections, department of veterans affairs.)

Process for Developing New Rule: Stakeholder mailings and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leah Hole-Curry, HTA Director, 676 Woodland Square Loop S.E., P.O. Box 42712, Olympia, WA 98504-2712, voice (360) 923-2748, fax (360) 923-2766,

leah.hole-curry@hca.wa.gov. Information will be posed on the agency web site <http://www.hca.wa.gov/laws/>.

August 1, 2006
Beth Dupre
Rules Coordinator

WSR 06-16-124

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 1, 2006, 3:04 p.m.]

Subject of Possible Rule Making: The possible rule would define what is meant by the "home office" of a nursing facility. This term is a key element in determining whether a nursing facility is a "vital local provider" under RCW 74.46.020(61).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.46.800, to implement RCW 74.46.020(61), 74.46.506 (5)(i)(v), and 74.46.521(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In its last session, the legislature adopted chapter 258, Laws of 2006. Section 1 of that statute amended RCW 74.46.020 by adding the new designation of "vital local provider," or VLP, as subsection (61). In the calculation of its Medicaid per patient day rate for long-term care, a VLP is entitled to a potentially advantageous "hold harmless" provision in the determination of its direct care and operations component rates. Part of the test for qualifying as a VLP is to have a "home office" with an address in Washington state. However, there is no definition of "home office" in chapter 258, Laws of 2006, or elsewhere in chapter 74.46 RCW. The possible rule would define the term "home office."

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

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 Ed Southon, Staff Counsel, Nursing Home Rates Section, phone (360) 725-2472, fax (360) 493-9484, TTY (360) 493-2637, e-mail southeh@dshs.wa.gov.

July 25, 2006

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-16-125

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 1, 2006, 3:05 p.m.]

Subject of Possible Rule Making: Chapters 388-823, 388-825 and 388-830 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of these rules is to revise incorrect cross-references and to clarify incomplete sections of WAC.

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

Process for Developing New Rule: The department welcomes the public to participate in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Steve Brink, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3416, fax (360) 407-0955, e-mail brinksc@dshs.wa.gov.

July 25, 2007 [2006]

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-16-129

PREPROPOSAL STATEMENT OF INQUIRY EXECUTIVE ETHICS BOARD

[Filed August 1, 2006, 4:24 p.m.]

Subject of Possible Rule Making: (1) Amend chapter 292-100 WAC, Procedural rules, for consistency with the Administrative Procedure Act and board policies; (2) adopt rule for board dismissals due to revision of RCW 42.52.425; and (3) adopt rules for implementing RCW 42.52.560 Communications from an employee organization or charitable organization—Distribution by state employee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.52.360.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) To insure that the current WACs relating to enforcement activities are consistent with the Administrative Procedure Act; (2) the law was amended in 2005 that gave the board the authority to dismiss complaints. The current WAC addresses only complaints dismissed by the executive director; (3) develop procedures and definitions on communications by state employees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Chapter 217, Laws of 2006, none.

Process for Developing New Rule: The board will seek input from stakeholders and others who may be interested in this subject matter.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Harris, Executive Director, 2425 Bristol Court, 1st Floor, Olympia, WA 98504-0149, (360) 664-0871. Written comments must be delivered no later than August 31, 2006. Comments will be reviewed by the board at its September regular meeting. The board will then proceed with rule making.

July 28, 2006
Susan Harris
Executive Director

WSR 06-16-131

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed August 2, 2006, 9:14 a.m.]

Subject of Possible Rule Making: Game management unit boundaries, deer and elk area boundaries, landowner hunting permits, spring black bear seasons, auction, raffle, and special hunt opportunities, licensed game farms and shooting preserves.

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: Provides clarification and recreational opportunity.

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 Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515.

August 2, 2006
Morris W. Barker
Rules Coordinator

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Minor revisions to the rule to clarify and enhance the bidder pool for small works roster projects. Eliminates the requirement for submittal of an audited or reviewed financial statement as a condition for placement on a small works roster for projects expected to cost \$200,000 or less.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of general administration (GA), state parks and recreation commission, department of natural resources, department of fish and wildlife, and any institution of higher education. GA's chapter 236-28 WAC governs their small works process.

Process for Developing New Rule: Agency study; and discussion with potential contractors concerning [a] way to obtain a larger small works roster pool of bidders. Ongoing discussions with construction, facilities, and maintenance offices concerning requirements for inclusion on the small works rosters.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ken Walker, P.O. Box 47360, Olympia, WA 98504-7360, phone (360) 705-7017.

July 28, 2006
John F. Conrad
Assistant Secretary for
Engineering and Regional
Operations Division

WSR 06-16-136

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed August 2, 2006, 10:13 a.m.]

Subject of Possible Rule Making: WAC 468-15-040 Small works roster contractors questionnaire form—Information required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.04.155, 47.01.101, 47.28.030, and 47.28.-070.