

WSR 07-01-001

**PREPROPOSAL STATEMENT OF INQUIRY
UNIVERSITY OF WASHINGTON**

[Filed December 6, 2006, 4:02 p.m.]

Subject of Possible Rule Making: The University of Washington's animal control policy, currently WAC 478-124-060 through 478-124-100.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The University of Washington's animal control policy is currently part of chapter 478-124 WAC, General conduct code for the University of Washington. The university proposes removing the policy from this chapter and creating a separate, new chapter specifically for animal control issues. Additionally, these rules would address animal control issues at all three UW campuses and field locations, and expand the rules to address new animal control issues that have arisen since the rules were adopted in 1973.

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. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, director of rules coordination, by one of the following routes: Mail University of Washington, Rules Coordination Office, Box 355509, Seattle, WA 98195-5509; e-mail rules@u.washington.edu; or fax (206) 221-6917.

December 6, 2006

Rebecca Goodwin Deardorff
UW Director of Rules Coordination

WSR 07-01-013

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed December 7, 2006, 4:50 p.m.]

Subject of Possible Rule Making: Chapter 180-105 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering technical and substantive amendments to this chapter.

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 Edie Harding, Executive Director, State Board of Education, P.O. Box 47206, Olympia, WA

98504-7206, (360) 725-6025, fax (360) 586-2357, Edie.harding@k12.wa.us, regarding any proposed changes.

December 7, 2006
Edith W. Harding
Executive Director

WSR 07-01-050

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

[Filed December 14, 2006, 2:03 p.m.]

Subject of Possible Rule Making: Housekeeping change to bring definition of coastal waters in line with the areas that describe coastal water catch areas.

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: Reduce confusion on rules that are not in agreement.

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

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 February 5, 2007. Expected proposal filing on or after February 7, 2007.

December 8, 2006
Loreva M. Preuss
Rules Coordinator

WSR 07-01-063

**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY**

[Filed December 18, 2006, 8:58 a.m.]

Subject of Possible Rule Making: Chapter 504-15 WAC, Campus traffic and parking regulations.

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: Campus traffic and parking regulations are being updated.

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

Process for Developing New Rule: 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 T. Jenks, Director, Office of Procedures, Records, and Forms and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone

(509) 335-2005, fax (509) 335-3969, and e-mail jenks@wsu.edu.

A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

December 14, 2006

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

WSR 07-01-068

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF EARLY LEARNING

[Filed December 18, 2006, 11:40 a.m.]

Subject of Possible Rule Making: WAC 170-296-0020, 170-296-0450, 170-296-0520, and possible other sections in chapter 170-296 WAC dealing with method of entry, times of entry, and access to records in licensed family child care homes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend WAC 170-296-0450 and 170-296-0520, and create a new section to come into compliance with an oral ruling in *DeLaO v. Arnold-Williams and Fernandez v. DSHS* requiring the department to place limits on the times of inspection and areas that can be inspected in licensed family home child care. The federal district court ruling will invalidate portions of chapter 74.15 RCW and existing rules unless these limits on time and area are not placed into rule. This would affect the ability of the department to perform the inspections that help ensure the health, safety, and general welfare of children in licensed child care.

Process for Developing New Rule: Negotiated rule making; DEL will use negotiated rule making to gather wide input on these rules. We will host meetings where participants will help write the rules. Information about the negotiations will be available on our web site as locations are identified, <http://www.del.wa.gov/ccel/rules/Rules.shtml#licensing>. We hope for a large turnout of parents, child care providers, and others with an interest in our children.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joel Roalkvam, P.O. Box 40970, Olympia, WA 98504-0970, phone (360) 725-4568, fax (360) 413-3482, e-mail licensing.concerns@del.wa.gov.

December 18, 2006

Jone M. Bosworth
Executive Director

WSR 07-01-100

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed December 19, 2006, 2:23 p.m.]

Subject of Possible Rule Making: WAC 296-20-135 Conversion factors, 296-23-220 Physical therapy rules, and 296-23-230 Occupational therapy rules. Medical aid rules, updates regarding rate setting for most professional health care services for injured workers. These updates may also impact rates for health care services provided to crime victims.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The affected rules describe elements used in the process of updating the maximum allowable payments for most professional health care services. These elements are set in rule in order to follow the established methodologies of labor and industries and maintain consistency with the health care authority and health and recovery services administration. Specifically, the proposed rule changes will do the following:

1. WAC 296-20-135: Update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services. The conversion factors will be updated to correspond to changes in the medical procedure codes, the relative value units, and anesthesia base units. These changes will enable the department to continue a reimbursement methodology consistent with other state agencies. Cost-of-living increases may be incorporated into the changes in the conversion factors.

2. WAC 296-23-220 and 296-23-230: Update the maximum daily reimbursement level for physical and occupational therapy services so the department may, if necessary, give cost-of-living increases to affected 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: The department is working with external stakeholders through its anesthesia and reimbursement technical advisory groups on updates to conversion factors and to the physical and occupational therapy maximum daily reimbursement level. The department coordinates these updates with the health care authority, the health and recovery services administration and the Centers for Medicare and Medicaid Services to insure consistent health care purchasing policies when possible. The proposed changes will be presented to the advisory groups and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Davis, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6687, fax (360) 902-4249.

December 19, 2006

Judy Schurke
Acting Director

WSR 07-01-101
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed December 19, 2006, 2:25 p.m.]

Subject of Possible Rule Making: Heat-related illness prevention, chapter 296-62 WAC, General occupational health standards and chapter 296-800 WAC, Safety and health core rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is reviewing the rules relating to preventing heat-related illnesses. We are currently working with stakeholders to determine a permanent rule-making solution on heat-related illnesses. This rule making would help reduce the number of serious injuries and fatalities by increasing worker protection from heat-related illnesses.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies are known to regulate exposure to workplace heat-related illness hazards in Washington state.

Process for Developing New Rule: 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 Jamie Scibelli, Project Manager, Division of Occupational Safety and Health (DOSH), P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4568, fax (360) 902-5529, e-mail scij235@lni.wa.gov.

December 19, 2006
 Judy Schurke
 Acting Director

WSR 07-01-103
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE
 (Elections Division)
 [Filed December 19, 2006, 2:50 p.m.]

Subject of Possible Rule Making: A variety of election issues will be addressed, such as recounts, vote by mail, ballots, and filing fee petitions.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarification is needed for upcoming elections.

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 pub-

lication by contacting Tami Neilson, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4182.

December 19, 2006
 Steve Excell
 Assistant Secretary of State

WSR 07-01-105
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
 [Filed December 19, 2006, 3:35 p.m.]

Subject of Possible Rule Making: Chapter 16-30 WAC, Restricted feedlots, the department is proposing to establish restricted holding facilities for dairy cattle entering Washington state, to eliminate the category II restricted feedlot, and to update and rewrite current sections using plain language.

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: Eliminating the category II restricted feedlot and establishing a restricted holding facility for dairy cattle entering Washington state is necessary to control brucellosis, tuberculosis, and other communicable livestock diseases.

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

Process for Developing New Rule: Rule language will be developed by Washington state department of agriculture staff with stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lynn Briscoe, 1111 Washington Street S.E., Olympia, WA 98504-2560, phone (360) 902-1987, fax (360) 902-2092, e-mail lbriscoe@agr.wa.gov.

December 19, 2006
 Leonard Eldridge, DVM
 State Veterinarian

WSR 07-01-118
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE
 [Filed December 20, 2006, 11:19 a.m.]

Subject of Possible Rule Making: WAC 458-61A-113 Real estate excise tax on sales of standing timber.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.45.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-61A-113 provides reporting information to persons who sell standing timber in Washington. The rule explains who is liable for the tax imposed by chapter 82.45 RCW, and how and when the tax is paid.

The department anticipates revising WAC 458-61A-113 to update existing information, to better reflect current indus-

try practices, and to provide clear direction to both taxpayers and the department's auditors regarding the correct treatment of these sales for state tax purposes.

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 possible rule changes is available for viewing and printing on our web site at <http://dor.wa.gov/content/laws/RuleMaking/default.aspx>. Written comments on and/or requests for copies of the rule may be directed to Margaret J. Partlow, Policy Counsel, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail margaretpa@dor.wa.gov, phone (360) 570-6123, fax (360) 586-5543.

Public Meeting Location: Capital Plaza Building, 4th Floor Large Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on January 24, 2007, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7499.

December 20, 2006

Alan R. Lynn
Rules Coordinator