

WSR 07-04-001
EXPEDITED RULES
SECRETARY OF STATE
 (Elections Division)
 [Filed January 24, 2007, 3:17 p.m.]

Title of Rule and Other Identifying Information: Changing dates to correspond with primary date change.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Amber Cervantes, Office of the Secretary of State, P.O. Box 40220, Olympia, WA 98504-0220, AND RECEIVED BY April 9, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes consist of amending the dates in current rules to correspond with chapter 344, Laws of 2006, legislation changing the date of the primary and other election deadlines. In addition, one rule is repealed as it is extremely outdated and is no longer applicable.

Reasons Supporting Proposal: It is essential that the administrative rules support the changes to the Revised Code of Washington with regards to changing election related events and deadlines to correspond with the date change of the primary election.

Statutory Authority for Adoption: RCW 29A.04.611; chapter 344, Laws of 2006.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Office of the secretary of state, governmental.

Name of Agency Personnel Responsible for Drafting: Amber Cervantes, Legislative Building, Olympia, (360) 902-4165; Implementation and Enforcement: Katie Blinn, Legislative Building, Olympia, (360) 902-4168.

January 24, 2007
 Sam Reed
 Secretary of State

AMENDATORY SECTION (Amending WSR 06-14-049, filed 6/28/06, effective 7/29/06)

WAC 434-215-005 Filing information—Questionnaire—Compiling and dissemination. Prior to ~~((April))~~ March 1 of each year, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW ~~((29A.04.320))~~ 29A.04.321 and 29A.04.330. The purpose of the questionnaire shall be to confirm information which the auditor may disseminate to the public regarding the filing for elective offices. The questionnaire should request, as a minimum, confirmation of

offices to be filled at the general election that year, the name of the incumbent, and the annual salary for the position at the time of the filing period. Responses should be received prior to ~~((May))~~ April 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.

AMENDATORY SECTION (Amending WSR 06-14-049, filed 6/28/06, effective 7/29/06)

WAC 434-215-020 Declaration of candidacy—Precinct committee officer. Declarations of candidacy for the office of precinct committee officer, shall be filed in substantially the following form:

((STRICKEN GRAPHIC _____))

Filing Data For Office Use Only

Date _____	Fee Paid \$ _____	Filing No. _____	Precinct # _____
Paid By (check one)			
<input type="checkbox"/> Check	<input type="checkbox"/> Cash	<input type="checkbox"/> Other	
Clerk/Cashier Initials _____		Voter Registration # _____	

**DECLARATION OF CANDIDACY
PRECINCT COMMITTEE OFFICER**

I, _____, declare that I am a registered voter residing at:
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

(STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) (ZIP CODE) WA

(MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE) WA

(TELEPHONE NUMBER) (EMAIL ADDRESS)

that, at the time of filing this declaration, I am a registered voter in _____ precinct and that I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of Precinct Committee Officer to be elected at the Primary Election to be held on the _____ day of September, 2006, and hereby request that my name be printed upon the official Primary Election ballot as a candidate of the _____ party, and:

I am submitting the sum of one dollar, the fee required by RCW 29A.24.091.

Please print my name on the ballot **exactly** as follows: _____

Further, I declare, under penalty of perjury, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

X _____
(SIGNATURE OF CANDIDATE) (DATE)

_____ STRICKEN GRAPHIC))

Filing Data For Office Use Only

Date _____	Fee Paid \$ _____	Filing No. _____	Precinct # _____
Paid By (check one)			
<input type="checkbox"/> Check	<input type="checkbox"/> Cash	<input type="checkbox"/> Other	Clerk/Cashier Initials _____ Voter Registration # _____

DECLARATION OF CANDIDACY
PRECINCT COMMITTEE OFFICER

I, _____, declare that I am a registered voter residing at:
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

(STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) WA (ZIP CODE)

(MAILING ADDRESS) (CITY) (COUNTY) WA (ZIP CODE)

(TELEPHONE NUMBER) (EMAIL ADDRESS)

that, at the time of filing this declaration, I am a registered voter in _____ precinct and that I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of Precinct Committee Officer to be elected at the Primary Election, and hereby request that my name be printed upon the official Primary Election ballot as a candidate of the _____ party, and:

I am submitting the sum of one dollar, the fee required by RCW 29A.24.091.

Please print my name on the ballot **exactly** as follows: _____

Further, I declare, under penalty of perjury, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

X _____
(SIGNATURE OF CANDIDATE) (DATE)

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number. County auditors may design and use a declaration of candidacy different in form and style from that specified by this rule as long as it contains all of the information required by this rule.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-260-030 Scheduled reviews—Auditor request. Not later than (~~June~~) May 1, any county auditor may request that the secretary of state designate his or her county for an election review. The secretary of state shall, whenever practical, honor that request.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-260-040 Election reviews—Secretary of state to designate. Not later than (~~June~~) May 15 the secretary of state shall notify, in writing, the counties selected for an election review and the chairs of the state committees of any major political party. The notification shall include the date and time the review is scheduled to begin. Whenever possible, election reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor, except that those parts of the review process dealing with the actual conduct and canvassing of the election itself must be conducted between election day and the certification of the election returns. In designating counties to be reviewed, the secretary shall take into consideration any complaints filed with his or her office pursuant to the provisions of RCW 29A.04.570 (1)(b).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-326-900	Reimbursement of county auditors and the department of licensing for costs associated with implementation of this chapter.
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AMENDATORY SECTION (Amending WSR 05-18-022, filed 8/29/05, effective 9/29/05)

WAC 434-335-030 Initial application for certification. Any person or corporation (applicant) owning or representing a voting system or a vote tabulating system, part of a system, equipment, materials or procedure may apply in writing to the secretary of state for certification December 1st and ending (~~May~~) June 30th the following year. Certification examinations and hearings are only conducted between January 1st and (~~July~~) September 15th of each year.

(1) The application must include, but is not limited to, the following information:

(a) Description of the applicant, business address, customer references, and list of election products.

(b) Description of the equipment under review, version numbers, release numbers, operating and maintenance manuals, training materials, and technical and operational specifications.

(c) Documentation of all other states that have tested, certified and used the equipment in a binding election, and the length of time used in that state. The information for each

state must include the version numbers of the operating system, software, and firmware, the dates and jurisdictions, and any reports compiled by state or local governments concerning the performance of the system.

(d) A monetary deposit as described in WAC 434-335-080.

(e) A copy of a letter from the applicant to each independent testing authority (ITA) which:

(i) Directs the ITA to send a copy of the completed ITA qualification report to the secretary of state;

(ii) Authorizes the ITA to discuss testing procedures and findings with the secretary of state; and

(iii) Authorizes the ITA to allow the secretary of state to review all records of any qualification testing conducted on the equipment.

(f) A technical data package (TDP) conforming to the 2002 *FEC Federal Voting Systems Standards (FVSS)*, Vol. II, Sec. 2 standards that includes:

(i) Identification of all COTS hardware and software products and communications services used in the operation of the voting system (ref. FVSS, 2.2.1.e);

(ii) A system functionality description (ref. FVSS, 2.3);

(iii) A system security specification (ref. FVSS, 2.6);

(iv) System operations procedures (ref. FVSS, 2.8);

(v) System maintenance procedures (ref. FVSS, 2.9);

(vi) Personnel deployment and training requirements (ref. FVSS, 2.10);

(vii) Configuration management plan (ref. FVSS, 2.11);

(viii) System change notes (if applicable, ref. FVSS, 2.13);

(ix) A system change list, if any, of modifications currently in development; and

(x) A system usability testing report.

(2) The source code of an electronic voting system must be placed in escrow and be accessible by the secretary of state under prescribed conditions allowing source code review for system verification.

(3) All documents, or portions of documents, containing proprietary information are not subject to public disclosure. The secretary of state must agree to use proprietary information solely for the purpose of analyzing and testing the system, and to the extent permitted by law, may not use the proprietary information or disclose it to any other person or agency without the prior written consent of the applicant.

AMENDATORY SECTION (Amending WSR 06-11-042, filed 5/10/06, effective 6/10/06)

WAC 434-335-190 Restricted period. No modification, change, or other alteration to voting or vote tabulating system, equipment, or component may be installed in a county between (~~July~~) June 15th and November 30th of the same year.

WSR 07-04-007
EXPEDITED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed January 24, 2007, 4:53 p.m.]

Title of Rule and Other Identifying Information: Chapter 181-01 WAC, WEST-B exemption.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Nasue Nishida, Professional Educator Standards Board, P.O. Box 42736, Olympia, WA 98504, AND RECEIVED BY April 9, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Clean up language to make chapter consistent throughout.

Reasons Supporting Proposal: Clarifies the chapter.

Statutory Authority for Adoption: RCW 28A.410.010.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Professional educator standards board.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nasue Nishida, P.O. Box 42736, Olympia, WA 98504, (360) 725-6275.

January 24, 2007

Nasue Nishida

Policy and Research Analyst

Chapter 181-01 WAC

WEST-B (~~EXEMPTION~~) ASSESSMENT PROGRAM

AMENDATORY SECTION (Amending WSR 06-24-084, filed 12/5/06, effective 1/5/07)

WAC 181-01-001 WEST-B (~~exemption~~) extension.

Candidates who are prepared and/or certified out-of-state applying for a Washington state residency teaching certificate under WAC 181-79A-257 (1)(b) or 181-79A-260 have up to one calendar year from issuance of temporary permit to pass the WEST-B basic skills test, provided that they have completed all other requirements for residency certification other than passage of the WEST-B and are thus eligible for a temporary permit under WAC 181-79A-128.

AMENDATORY SECTION (Amending WSR 05-04-024, filed 1/25/05, effective 2/25/05)

WAC 181-01-004 Appeals process. The Washington professional educator standards board may permit exceptions from the assessment requirements under RCW 28A.410.220

(1) and (2) on a case-by-case basis. Consistent with the discretion accorded to the professional educator standards board in RCW 28A.410.220(3), the exemptions and extensions provided for in WAC 181-01-001 (~~through 181-01-003~~), 181-01-002, 181-02-001 and 181-02-002, shall be the sole exceptions to the WEST-B and WEST-E assessment requirements.

WSR 07-04-041
EXPEDITED RULES
COMMISSION ON
JUDICIAL CONDUCT

[Filed January 30, 2007, 2:07 p.m.]

Title of Rule and Other Identifying Information: WAC 292-10-010 Purpose and 292-10-020 Public records available, the rules are being amended to update RCW references, making them consistent with the recent recodification of the Revised Code of Washington relating to public records and public disclosure.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO J. Reiko Callner, Executive Director, Commission on Judicial Conduct, P.O. Box 1817, Olympia, WA 98507, AND RECEIVED BY April 9, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 292-10-010 and 292-10-020 are amended to update the RCW references due to a recent recodification of the Revised Code of Washington relating to public records and public disclosure. The recodification was effective July 1, 2006.

Reasons Supporting Proposal: These changes have no substantive impact, but make the agency's administrative code references consistent with state law.

Statutory Authority for Adoption: Article IV, Section 31, Washington State Constitution; chapters 42.56, 2.64 RCW.

Statute Being Implemented: RCW 42.56.040 - 42.56.-550.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Commission on judicial conduct, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: J. Reiko Callner, 210 11th Avenue S.W., #400, Olympia, WA 98501, (360) 753-4585.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fis-

cal Matters: No change; no fiscal impact; updates WAC references to make them consistent with current statutes.

January 29, 2007
J. Reiko Callner
Executive Director

AMENDATORY SECTION (Amending Order 3, filed 2/5/91, effective 3/8/91)

WAC 292-10-010 Purpose. The purpose of this chapter is to implement those provisions of RCW ((42.17.250)) 42.56.040 through ((42.17.340)) 42.56.550 relating to access to public records.

AMENDATORY SECTION (Amending Order 3, filed 2/5/91, effective 3/8/91)

WAC 292-10-020 Public records available. All commission public records are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 2.64.111 and ((42.17.310)) 42.56.210. In accordance with chapter 256, Laws of 1990, work and home addresses of any person requesting in writing that their addresses be kept private because disclosure would endanger life, safety or property, shall be omitted from all documents in public files.

**WSR 07-04-103
EXPEDITED RULES
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2006-12—Filed February 7, 2007, 7:18 a.m.]

Title of Rule and Other Identifying Information: WAC 284-24-120 (6)(c), corrects the definition of motor vehicle service contract reimbursement insurance in the regulation providing for suspension of filing requirements for large commercial accounts to match a newly-enacted law.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kacy Scott, Office of the Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0258, fax (360) 586-3109, e-mail KacyS@oic.wa.gov, AND RECEIVED BY April 10, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule will correct the definition of "motor vehicle service contract reimbursement insurance" in the regulation providing

for suspension of filing requirements for large commercial accounts.

Reasons Supporting Proposal: Chapter 48.96 RCW was repealed under SHB 2553 during the 2006 legislative session. This rule making will correct an out-of-date reference to the definition of motor vehicle service contract reimbursement insurance in WAC 284-24-120.

Statutory Authority for Adoption: RCW 48.02.060 and 48.19.080.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Lee Barclay, P.O. Box 40255, Olympia, WA 98504, (360) 725-7115; Implementation: Beth Berendt, P.O. Box 40255, Olympia, WA 98504, (360) 725-7117; and Enforcement: Carol Sureau, P.O. Box 40255, Olympia, WA 98504, (360) 725-7050.

February 7, 2007
Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2003-04, filed 12/23/03, effective 1/23/04)

WAC 284-24-120 Suspension of rate filing requirements—Large commercial accounts. (1) Under RCW 48.19.080, the rate filing requirements in chapter 48.19 RCW are suspended with respect to large commercial property casualty accounts.

(2) For purposes of this section, "large commercial property casualty account" means insurance coverage that:

(a) Involves the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, 48.11.070, and/or 48.11.080; and

(b) Is purchased by a business, not-for-profit organization, or public entity with enough insurance buying experience to negotiate with insurers in a largely unregulated environment and that meets any two of the following criteria:

(i) Annual premiums of one hundred thousand dollars or more, excluding workers compensation insurance issued by the department of labor and industries and types of insurance listed in subsection (6) of this section;

(ii) Net revenues or sales in excess of one hundred million dollars;

(iii) More than two hundred employees;

(iv) Net worth over fifty million dollars;

(v) Is a not-for-profit organization or public entity with an annual budget or assets of at least forty-five million dollars;

(vi) Is a municipality with a population over fifty thousand.

(3) Before an insurer issues coverage in reliance on this section, the insurer or its agent shall notify the insured in writing that the rates have not been and will not be filed for the commissioner's approval.

(4) Property rates used on large commercial property casualty accounts will not be audited by the Washington Insurance Examining Bureau under WAC 284-20-006.

(5) The commissioner retains the right and ability to examine the rates used on large commercial property casualty accounts to ascertain whether they meet the requirements of RCW 48.19.020 and other statutes. The insurer shall maintain records supporting the rating and premium determination of each policy issued in reliance on this section. These records shall be retained by the insurer for a minimum of three years and made available at all reasonable times for the commissioner's examination.

(6) Subsection (1) of this section does not apply to:

(a) Professional liability insurance, including medical malpractice insurance;

(b) Directors' and officers' liability insurance purchased by individuals;

(c) ~~((Motor vehicle service contract reimbursement insurance, as defined in RCW 48.96.010(4); and))~~ Reimbursement insurance policies that reimburse service contract providers or protection product guarantee providers for contractual obligations assumed under a service contract or protection product guarantee; and

(d) Master policies under which certificates of coverage are issued to individual consumers, households, businesses, or other organizations.

safety hazard," as defined by P.L. 91-458, Sec. 205 (49 U.S.C. Sec. 20106).

In June 2006, the legislature adopted revisions to RCW 81.48.040, including a clear process for railroads to follow to increase train speeds. WAC 480-62-155 Train speeds, outlined the previous procedure used when the commission considered whether to alter train speed limits, either upon petition or upon its own motion. Because the revisions to RCW 81.48.040 established a new train speed increase process, this rule is no longer necessary.

Reasons Supporting Proposal: The rule is no longer necessary due to changed circumstances surrounding train speed regulation in Washington.

Statutory Authority for Adoption: RCW 81.48.030, 81.48.040, 34.05.353.

Statute Being Implemented: Not applicable.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington utilities and transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting: Betty Young, Compliance Specialist, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1202; Implementation and Enforcement: Carole J. Washburn, Executive Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1174.

February 7, 2007

Carole J. Washburn
Executive Secretary

WSR 07-04-110

EXPEDITED RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Docket TR-070198—Filed February 7, 2007, 10:05 a.m.]

Title of Rule and Other Identifying Information: Repeal WAC 480-62-155 Train speeds.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Executive Secretary, Docket No. TR-070198, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, AND RECEIVED BY April 9, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 81.48.030 and 81.48.040 direct the commission to set train speed limits in cities and towns and at grade crossings consistent with the hazards presented and the practical operation of trains. However, the Federal Railroad Safety Act prohibits states from issuing more stringent requirements on any subject already addressed by Federal Railroad Administration (FRA) rules. Because FRA rules already establish train speed limits, the commission may only take action to reduce train speeds when "necessary to reduce or eliminate an essentially local