

**WSR 07-04-008**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Apprenticeship and Training Council)

[Filed January 25, 2007, 9:15 a.m.]

Subject of Possible Rule Making: Chapter 296-05 WAC, Apprenticeship rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.04 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will work with stakeholders to discuss changes to the rules regarding the demonstration of need for programs seeking geographical expansion, in WAC 296-05-316. Amendments need to be made in order for the rules to be consistent throughout the section as well as with the federal government's definition of need. The subcommittee may also review technical house-keeping changes. For example, the language regarding the 2004 limited training agent pilot has expired, and needs to be removed from the rules, which will provide clarity for the user.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None. However, the United States Department of Labor, Office of Apprenticeship, Training, Employer and Labor Services, which had federal apprenticeship oversight responsibility, will be provided a copy of the proposed rules.

Process for Developing New Rule: Interested parties and the public may also participate by providing written comments or giving oral testimony during the public hearing and comment 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, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail [yous235@lni.wa.gov](mailto:yous235@lni.wa.gov).

January 25, 2007  
 Melinda Nichols, Chair  
 Apprenticeship and Training Council

**WSR 07-04-016**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF CORRECTIONS**

[Filed January 25, 2007, 11:27 a.m.]

Subject of Possible Rule Making: Payment of benefits to department employees assaulted by offenders.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To extent the time period following the assault during which employees may apply for benefits and making other administrative changes.

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 invites interested parties to review and provide input on the proposed rules. Comments may be sent to John Nispel, rules coordinator at the address shown below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Nispel, Rules Coordinator, Department of Corrections, Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, phone (360) 725-8365, fax (360) 664-2009.

January 24, 2007

H. W. Clarke

Secretary

**WSR 07-04-017**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Health and Recovery Services Administration)

[Filed January 25, 2007, 2:21 p.m.]

Subject of Possible Rule Making: Chapter 388-530 WAC, Pharmacy services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.08.090, 74.09.530, and 74.09.-700.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to reorganize the sections, remove redundant or outdated sections, clarify the existing language, update coverage and authorization policy where needed, and add information on Medicare Part D, managed care, and dual eligible clients.

During the course of this review, the department may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services (CMS).

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, 626 8th Avenue S.E., Mailstop 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail [boedigwl@dshs.wa.gov](mailto:boedigwl@dshs.wa.gov).

January 25, 2007

Jim Schnellman, Chief

Office of Administrative Resources

**WSR 07-04-018****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed January 25, 2007, 2:23 p.m.]

Subject of Possible Rule Making: WAC 388-543-1100 Scope of coverage and coverage limitations for DME and related supplies, prosthetics, orthotics, medical supplies and related services, 388-543-1150 Limits and limitation extensions, 388-543-1600 Items and services which require prior authorization, 388-543-1700 When MAA covers rented DME, 388-543-2000 Wheelchairs, and 388-543-2800 Reusable and disposable medical supplies.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is making the following changes:

- Correcting cross references;
- Changing all references to "MAA" to "the department;"
- Clarifying the department's coverage of a speech generating device, wheelchair, and/or specialty bed for clients in a nursing facility;
- Removing lice comb from list of covered products because these combs are included with the "nontoxic gel" which is covered;
- Clarifying prescribing requirements for dual-eligible clients;
- Clarifying the department's policy on client's use of a combination of products; and
- Adding and removing items from the covered services list.

During the course of this review, the department may identify additional changes that are required in order to improve clarity or to update policy.

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

Process for Developing New Rule: Other [no further 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 Wendy L. Boedigheimer, Rules Program Manager, 626 8th Avenue S.E., P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

January 25, 2007

Jim Schnellman, Chief

Office of Administrative Resources

**WSR 07-04-020****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed January 25, 2007, 3:35 p.m.]

Subject of Possible Rule Making: WAC 388-501-0100 Subrogation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.185 Third party has legal liability to make payments—State acquires rights—Lien—Equitable subrogation does not apply; RCW 74.08.090 Rule-making authority and enforcement.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is being amended to further clarify the department's reimbursement policy for medical services paid on behalf of an injured client by the department when the injured client receives a settlement or judgment from a liable third party's insurer, or the injured client's own insurance.

During the course of this review, the department may identify additional changes that are required in order to improve clarity or to update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services (CMS).

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, 626 8th Avenue S.E., P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

January 25, 2007

Jim Schnellman, Chief

Office of Administrative Resources

**WSR 07-04-052****PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed January 31, 2007, 1:32 p.m.]

Subject of Possible Rule Making: Chapter 392-380 WAC, Public school pupils—Immunization requirement and life-threatening health condition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New language due to transfer of duties from the state board of education to the superintendent of public instruction under E2SHB 3098 section 909 through 911.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State board of education.

Process for Developing New Rule: Solicitation of public comments and recommendations in the course of amending the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending comments to Rules Coordinator, Office of Superintendent of Public Instruction, Administrative Resources, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201. Questions: Martin T. Mueller, Assistant Superintendent, Student Support, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6175.

January 31, 2007  
Dr. Terry Bergeson  
Superintendent of  
Public Instruction

#### WSR 07-04-055

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 07-05—Filed January 31, 2007, 4:14 p.m.]

Subject of Possible Rule Making: Department of ecology is beginning rule making to amend and propose new language in chapter 173-900 WAC, Electronic product recycling program, to implement chapter 70.95N RCW, passed by the 2006 legislature. This is phase 2 of the rule making and will focus on writing rules to implement the portions of the law that were not addressed in phase 1 such as more details on recycling plans; requirements for manufacturers, retailers, collectors, transporters and plan implementers; performance standards for processors; and warnings, penalties, and violations, associated with these requirements. This rule making will also make housekeeping changes and additional amendments to existing language to ensure consistency with phase 2.

It is the department's intention to develop these rules in a manner consistent with chapters 173-303 and 173-350 WAC, related to solid and hazardous waste and recycling. To that end, ecology will review chapters 173-303 and 173-350 WAC and propose as necessary to assure consistency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.95N RCW, Electronic product recycling.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are required by chapter 70.95N RCW that established an electronic product recycling program within the state. The legislature found that a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products must be established. The legislature further recognized that the system must encourage the design of electronic products that are less toxic and more recyclable. The legislature also found that the responsibility for this system must be

shared among all stakeholders, with manufacturers financing the collection, transportation, and recycling system.

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

Process for Developing New Rule: Ecology will continue to work with the advisory panel formed during phase 1 rule making to implement the law. During phase 2 ecology will hold two public meetings on rule language prior to the formal comment period. Ecology will post information on its web site and send information to interested parties. Ecology will hold public hearings on the rule language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jay Shepard, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, Street Address Washington Department of Ecology, 300 Desmond Drive, Lacey, WA, phone (360) 407-7040, fax (360) 407-6102, e-mail WA-RECYCLES-ELECTRONICS@ECY.WA.GOV, rule-making web site <http://www.ecy.wa.gov/programs/swfa/eproductrecycle/rulDev.html>, Listserv <http://listserv.wa.gov/archives/wa-recycles-electronics.html>.

January 31, 2007

Cullen Stephenson, Program Manager  
Solid Waste and Financial Assistance Program

#### WSR 07-04-057

##### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed February 1, 2007, 10:51 a.m.]

Subject of Possible Rule Making: General rules about the commission.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission is rewriting its rules manual using plain English techniques. We anticipate the project will be completed by January 1, 2008. The rules manual is being broken into sections and rewritten a section at a time. This filing is to provide notification that rules regarding general rules about the commission is currently under review and is now being rewritten in plain English. There may be some sustentative and policy decisions made by the commission during the rewrite. If so, those will be identified under the proposed rule-making CR-102 filing. The text of the rules will be posted on our web site approximately two weeks prior to each commission meeting they are discussed at. Please visit our web site at [www.wsgc.wa.gov/PublicMeetings](http://www.wsgc.wa.gov/PublicMeetings).

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Sharon

Reese, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3452; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail [Susana@wsgc.wa.gov](mailto:Susana@wsgc.wa.gov).

[Meetings on] April 13, 2007, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701; on May 11, 2007, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; and on July 13, 2007, at the La Quinta Inn and Suites, 1425 East 27th Street, Tacoma, WA 98421, (253) 383-0146.

February 1, 2007  
Susan Arland  
Rules Coordinator

### WSR 07-04-058

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed February 1, 2007, 10:51 a.m.]

Subject of Possible Rule Making: Manufacturers, distributors, and gambling service suppliers.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission is rewriting its rules manual using plain English techniques. We anticipate the project will be completed by January 1, 2008. The rules manual is being broken into sections and rewritten a section at a time. This filing is to provide notification that rules regarding manufacturers, distributors, and gambling service suppliers is currently under review and is now being rewritten in plain English. There may be some sustentative and policy decisions made by the commission during the rewrite. If so, those will be identified under the proposed rule-making CR-102 filing. The text of the rules will be posted on our web site approximately two weeks prior to each commission meeting they are discussed at. Please visit our web site at [www.wsgc.wa.gov/PublicMeetings](http://www.wsgc.wa.gov/PublicMeetings).

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Sharon Reese, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3452; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail [Susana@wsgc.wa.gov](mailto:Susana@wsgc.wa.gov).

[Meetings on] April 13, 2007, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701; on May 11, 2007, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; and on

July 13, 2007, at the La Quinta Inn and Suites, 1425 East 27th Street, Tacoma, WA 98421, (253) 383-0146.

February 1, 2007  
Susan Arland  
Rules Coordinator

### WSR 07-04-059

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed February 1, 2007, 10:51 a.m.]

Subject of Possible Rule Making: Punch boards and pull-tabs.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission is rewriting its rules manual using plain English techniques. We anticipate the project will be completed by January 1, 2008. The rules manual is being broken into sections and rewritten a section at a time. This filing is to provide notification that rules regarding punch boards and pull-tabs is currently under review and is now being rewritten in plain English. There may be some sustentative and policy decisions made by the commission during the rewrite. If so, those will be identified under the proposed rule-making CR-102 filing. The text of the rules will be posted on our web site approximately two weeks prior to each commission meeting they are discussed at. Please visit our web site at [www.wsgc.wa.gov/PublicMeetings](http://www.wsgc.wa.gov/PublicMeetings).

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Sharon Reese, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3452; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail [Susana@wsgc.wa.gov](mailto:Susana@wsgc.wa.gov).

[Meetings on] April 13, 2007, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701; on May 11, 2007, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; and on July 13, 2007, at the La Quinta Inn and Suites, 1425 East 27th Street, Tacoma, WA 98421, (253) 383-0146.

February 1, 2007  
Susan Arland  
Rules Coordinator

**WSR 07-04-064**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed February 1, 2007, 3:05 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 05-20-084 on October 4, 2005 (WAC 388-408-0035).

Jim Schnellman, Chief  
Office of Administrative Resources

**WSR 07-04-068**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed February 1, 2007, 3:39 p.m.]

The economic services administration requests the withdrawal of preproposal statement of inquiry filed as WSR 01-23-067 on November 20, 2001 (chapter 388-460 WAC).

Jim Schnellman, Chief  
Office of Administrative Resources

**WSR 07-04-065**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Division of Developmental Disabilities)  
[Filed February 1, 2007, 3:09 p.m.]

Subject of Possible Rule Making: Chapter 388-826 WAC, the division of developmental disabilities voluntary placement program rules will be amended to outline the foster care rate assessment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.13.350.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The foster care rate assessment is administered annually to licensed foster parents providing care for children and youth with developmental disabilities. Scores on the assessment determine the specialized service amount paid to the foster parent for care requirements of the child greater than those of children who are not disabled. An explanation of the assessment and scoring will help foster parents and others understand why they receive a particular rate.

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 Rita Dickey, Program Manager, Voluntary Placement Program, P.O. Box 45310, Olympia, WA 98504, phone (360) 725-3403, fax (360) 405-0955, e-mail dickerm@dshs.wa.gov.

February 1, 2007  
Jim Schnellman  
Office of Administrative Resources

**WSR 07-04-072**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**  
[Filed February 2, 2007, 3:23 p.m.]

Subject of Possible Rule Making: Chapter 16-80 WAC, Pseudorabies in swine.

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: The department proposes to amend chapter 16-80 WAC to bring it up-to-date with current standards and to make the language clear and usable. These changes are necessary to ensure consistency among animal health regulations and to safeguard the health, safety, and welfare of the swine industry and citizens of this state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA, APHIS.

Process for Developing New Rule: The Washington state department of agriculture staff with stakeholder participation.

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, phone (360) 902-1987.

February 2, 2007  
Dr. Leonard E. Eldridge, DVM  
State Veterinarian

**WSR 07-04-080**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed February 5, 2007, 11:26 a.m.]

Subject of Possible Rule Making: WAC 232-12-061 Tagging requirements of big game animals and turkeys.

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 current rule on this sub-

ject is unclear regarding tagging requirements of black bear and cougar. Clarification is needed for hunters and law enforcement.

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 Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail preusslmp@dfw.wa.gov. Contact by March 23, 2007. Expected proposal filing on or after April 4, 2007.

February 5, 2007  
Loreva M. Preuss  
Rules Coordinator

### WSR 07-04-086

#### PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE (Elections Division)

[Filed February 5, 2007, 4:02 p.m.]

Subject of Possible Rule Making: A variety of topics, including recounts, signature verification, motor voter, election reports, and voter intent.

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: Additional rules regarding a number of issues, including recounts, signature verification, motor voter, election report, and voter intent are 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 publication by contacting Tami Neilson, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4182.

February 5, 2006  
Steve Excell  
Assistant Secretary of State

### WSR 07-04-088

#### PREPROPOSAL STATEMENT OF INQUIRY DAIRY PRODUCTS COMMISSION

[Filed February 6, 2007, 11:57 a.m.]

Subject of Possible Rule Making: Rules to implement an increase in the current assessment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.44.060(1) and 15.44.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to increase the current assessment in RCW 15.44.080 in order to expand

and more effectively carry out the powers and duties vested to the Washington dairy products commission in RCW 15.44.060, such as the participation in federal and state agency hearings, meetings, and other proceedings in relation to the regulation of the production, manufacture, distribution, sale or use of dairy products, to provide educational meetings and seminars for the dairy industry on such matters, and to expend commission funds for such activities.

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

Process for Developing New Rule: Agency held public meetings to discuss the proposed rule with individuals affected and gather comments. One or more public hearings to be scheduled across the state.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Steve Matzen, Washington Dairy Products Commission, 4201 198th Street S.W., Suite 101, Lynnwood, WA 98036, phone (425) 672-0687, fax (425) 672-0674, smatzen@havemilk.com.

February 6, 2007  
Steve Matzen  
General Manager

### WSR 07-04-094

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed February 6, 2007, 1:25 p.m.]

Subject of Possible Rule Making: Chapter 296-817 WAC, Hearing loss prevention (noise).

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 language in the hearing loss prevention (noise) rule, chapter 296-817 WAC, to clarify technical requirements, reformat the rule under current agency guidelines, and update language for consistency with industry standards.

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 (OSHA), are known that regulate this subject.

Process for Developing New Rule: The department must adopt rules identical to or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules 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 Cindy Ireland, Project Manager, Division of Occupational Safety and Health (DOSH), P.O. Box

44620, Olympia, WA 98504-4620, (360) 902-5522, fax (360) 902-5529.

February 6, 2007  
Judy Schurke  
Acting Director

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

February 6, 2007  
Alan R. Lynn  
Rules Coordinator

### WSR 07-04-099

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed February 6, 2007, 4:02 p.m.]

Subject of Possible Rule Making: WAC 458-20-269  
Tax adjustments for aerospace manufacturers and processors for hire.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering a new rule to explain the tax adjustments available to manufacturers and processors for hire of commercial airplanes and components of such airplanes and to other eligible persons in the aerospace industry. These tax adjustments include:

- A reduced business and occupation (B&O) tax rate;
- A retail sales and use tax exemption for certain computer equipment;
- A B&O tax credit for preproduction development expenditures; and
- A B&O tax credit for property taxes or leasehold excise taxes paid on eligible property.

This rule explains who is eligible for the tax adjustments, what are the tax adjustments, the documentation requirements for claiming the adjustment, and the annual report requirement for claiming the adjustment.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Allan C. Lau, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-47453, phone (360) 570-6134, fax (360) 586-5543.

Public Meeting Location: Capital Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on March 14, 2007, at 1:30 p.m.

### WSR 07-04-101

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed February 6, 2007, 4:05 p.m.]

Subject of Possible Rule Making: WAC 458-20-276  
Tax incentives for biotechnology product and medical device manufacturers.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering a new rule to explain the tax deferral program, contained in chapter 82.75 RCW, which applies to businesses engaged in biotechnology product or medical device manufacturing in Washington. Issues that would be addressed in such a rule are anticipated to include what purchases are eligible, the application and review process, the requirement of recipients to file an annual survey, and the circumstances under which payment of the deferred taxes is or is not required.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Allan C. Lau, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-47453, phone (360) 570-6134, fax (360) 586-5543.

Public Meeting Location: Capital Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on March 13, 2007, at 10:00 a.m.

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

February 6, 2007  
Alan R. Lynn  
Rules Coordinator

**WSR 07-04-108**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket UT-070199—Filed February 7, 2007, 9:59a.m.]

Subject of Possible Rule Making: This rule making would consider amending subsection (8) of WAC 480-120-262 Operator service providers (OSPs), relating to emergency calls (E-911). Because of new technology, the rule's call transfer requirement may be obsolete.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 480-120-262(8) requires OSPs be capable of transferring an emergency call back to the 911 system with the call routed to the correct public safety answering point (PSAP) for the location of the caller. The evolution of OSP services to regional or national operations makes this requirement technically difficult. OSPs may no longer have the complement of customer information for a number of reasons, the most prevalent of which is a change in business practice that sees most OSP service outsourced, or provided by a business unit that operates under a separate line of business. Additionally, OSPs do not automatically connect a caller who has dialed "0" for an emergency, but advises the caller to hang up and dial 911. The requirement was adopted with the intent to promote access to emergency response. Due to E 911 capabilities today, the requirement may be obsolete. In addition, the state of Washington has installed "rapid transfer capability" that links all PSAPs in Washington and Oregon.

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 commission will ask for initial written comments, and will provide the opportunity for additional comments. The commission will conduct a workshop if there is stakeholder interest or disagreement.

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

Interested persons may file written comments on the CR-101 by **March 21, 2007**.

**WRITTEN COMMENTS:** Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **March 21, 2007**.

To assist us in evaluating whether to amend WAC 480-120-262(8), we request that you answer the following questions.

1. Within a two-week period, how many callers do you advise to hang up and call 911?

2. Within a two-week period, how many callers do you actually transfer to the 911 network?

3. What suggestions do you have for educating those who use operator services that 911 is a better option?

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Please provide electronic files in .pdf (Adobe Acrobat) and in .doc (MS Word 97 or later) to make them most useful to the commission. Comments may be submitted by electronic mail to the commission's records center at records@wutc.wa.gov. Please include:

- The docket numbers of this proceeding (UT-070199).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting electronic comments is by mailing/delivering an electronic copy on a compact disc or 3 1/2 inch, IBM-formatted, high-density disk. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.wutc.wa.gov/070199>.

If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at <records@wutc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole Washburn, executive secretary. When contacting the commission, please refer to Docket UT-070199 to ensure that you are placed on the appropriate service list. Questions may be addressed to Rebecca Beaton by phone at (360) 664-1287 or e-mail at rbeaton@wutc.wa.gov

**NOTICE**

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING** — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UT-070199, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket UT-070199, and the words "Please keep me on the mailing list" to <records@wutc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.wutc.wa.gov/070199>. **THOSE PARTIES WHO DO**



NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

February 7, 2007  
Carole J. Washburn  
Executive Secretary

**WSR 07-04-113**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ECOLOGY**

[Order 07-01—Filed February 7, 2007, 10:30 a.m.]

Subject of Possible Rule Making: Amendments to the State Environmental Policy Act rules, part nine, categorical exemptions, WAC 197-11-800 plus applicable definitions in part eight. The rule making intends to address the "exception" for "minor new construction" projects that require a water discharge permit for stormwater runoff.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.21C.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The categorical exemptions in WAC 197-11-800 (1) and (2) do not apply when a license governing discharges to water is required. As of December 2005, construction projects of one acre and larger usually require permit coverage under the state construction stormwater general permit. The issuance of this permit coverage for construction projects triggers SEPA review for activities that are otherwise categorically exempt under the "minor new construction" exemptions. The rule could be amended to clarify the exceptions provision in the rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State agencies must comply with ecology's SEPA rules as required by chapter 197-11 WAC. Ecology will provide state agencies with a copy of this notice, invite comments and inform them of any rules proposed and adopted by ecology amending chapter 197-11 WAC.

Process for Developing New Rule: Ecology staff will draft proposed amendments to the SEPA rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by submitting comments and questions to Annie Szvetcz, Department of Ecology, aszv461@ecy.wa.gov, P.O. Box 47703, Olympia, WA 98504, (360) 407-6932, fax 407-6904. Ecology invites the public to submit comments on the preproposal for rule making by March 16, 2007. Please visit ecology's SEPA web site, <http://www.ecy.wa.gov/programs/sea/sepa/rulemaking.html>, for more information on this rule making.

February 7, 2007  
Gordon White, Program Manager  
Shorelands and Environmental  
Assistance Program

**WSR 07-04-115**

**PREPROPOSAL STATEMENT OF INQUIRY  
PROFESSIONAL EDUCATOR  
STANDARDS BOARD**

[Filed February 7, 2007, 11:28 a.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Approval standards for performance-based preparation programs for teachers, administrators, and education staff associates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (360) 586-4548, nnishida@ospi.wednet.edu or pesb@ospi.wednet.edu. Rule changes are conducted at regular board meetings of the professional educator standards board. Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

February 7, 2007  
Nasue Nishida  
Policy and Research Analyst

**WSR 07-04-116**

**PREPROPOSAL STATEMENT OF INQUIRY  
PROFESSIONAL EDUCATOR  
STANDARDS BOARD**

[Filed February 7, 2007, 11:28 a.m.]

Subject of Possible Rule Making: Chapter 181-82A WAC, Performance-based teacher certificate endorsements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Stan-

dards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (360) 586-4548, nnishida@ospi.wednet.edu or pesb@ospi.wednet.edu. Rule changes are conducted at regular board meetings of the professional educator standards board. Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

February 7, 2007

Nasue Nishida

Policy and Research Analyst