

**WSR 07-15-011**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 (Securities Division)  
 [Filed July 9, 2007, 12:29 p.m.]

Subject of Possible Rule Making: The securities division is considering amending its rules to clarify that a person who uses a professional designation or otherwise conducts himself in a manner that would lead a reasonable person to believe that he offers financial planning services or advice may be holding himself out as a financial planner and subject to investment adviser registration in accordance with RCW 21.20.005(6) and 21.20.040(3).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division notes the growth in the use of professional designations which state or imply that a person has special expertise, certification, or training in financial planning. The division has also learned of other activities by persons who are not registered as investment advisers that may lead a reasonable person to believe that the unregistered person offers financial planning services or advice. It appears that rule making is necessary in order to clarify that the use of these designations and other conduct may necessitate registration as an investment adviser in accordance with RCW 21.20.005(6) and 21.20.040(3).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Broker-dealers, investment advisers and their representatives are subject to regulation by the Securities and Exchange Commission (SEC) under federal law. Broker-dealers and their representatives are also subject to regulation by the NASD, a self-regulatory organization authorized under federal law. The only direct regulation of the use of designations by the SEC or the NASD pertains to the use of the term "investment counsel."

Process for Developing New Rule: The division is soliciting comments from interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Faith L. Anderson, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, phone (360) 725-7825, fax (360) 704-6480, e-mail fanderson@dfi.wa.gov.

July 6, 2007  
 Michael E. Stevenson  
 Director of Securities

**WSR 07-15-012**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 (Securities Division)  
 [Filed July 9, 2007, 12:30 p.m.]

Subject of Possible Rule Making: The securities division is considering amending its investment adviser rules in chapter 460-24A WAC to clarify that the misleading use of professional designations is prohibited.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division notes the growth in the use of professional designations which state or imply that a person has special expertise, certification, or training in financial planning. Use of such professional designations in connection with the offer or sale of securities or the rendering of investment advice by broker-dealers, investment advisers and their representative who do not possess special expertise, certification or training may result in the deception of investors.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Broker-dealers, investment advisers and their representatives are subject to regulation by the Securities and Exchange Commission (SEC) under federal law. Broker-dealers and their representatives are also subject to regulation by the NASD, a self-regulatory organization authorized under federal law. The only direct regulation of the use of designations by the SEC or the NASD pertains to the use of the term "investment counsel."

Process for Developing New Rule: In addition to soliciting comments from interested persons, the division will review laws from other states. If available, the division will also review any model rule developed by the North American Securities Administrators Association.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Faith L. Anderson, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, phone (360) 725-7825, fax (360) 704-6480, e-mail fanderson@dfi.wa.gov.

July 6, 2007  
 Michael E. Stevenson  
 Director of Securities

**WSR 07-15-016**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)  
 [Filed July 10, 2007, 3:57 p.m.]

Subject of Possible Rule Making: The department is amending chapter 388-827 WAC, State supplementary payment (SSP) program.

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 division of developmental disabilities (DDD) implemented the rules concerning the DDD assessment on June 1, 2007. These rules are necessary to conform with the requirements contained in chapter 388-828 WAC. Other changes in this chapter clarify existing rules.

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](mailto:brinksc@dshs.wa.gov).

July 10, 2007  
Stephanie E. Schiller  
Rules Coordinator

#### WSR 07-15-017

##### PREPROPOSAL STATEMENT OF INQUIRY

##### HEALTH CARE AUTHORITY

(Community Health Services)

[Order 07-06—Filed July 10, 2007, 4:12 p.m.]

Subject of Possible Rule Making: Establish a process and standards for providing funding for the health literacy program established pursuant to SHB 1128. Chapter 182-20 WAC will be amended to implement the health literacy program with educational, outreach and funding application process and standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2007 legislature created a health literacy program and appropriated funds in the 2008-2009 biennium to HCA. Community health services (CHS) will establish a health care literacy program and hire two new staff to administer the program in a public-private partnership with UCLA Health Care Institute to improve health care literacy. The proposed rules will establish requirements to apply for grants, deliver a health literacy curriculum, and collaborate with statewide partners.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: (1) Department of social and health services (DSHS) and (2) department of health (DOH). HCA will share rule development drafts with DSHS and DOH staff.

Process for Developing New Rule: Stakeholder mailing 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 Connie Mix Clark, Community Health Services, P.O. Box 42721, Olympia, WA 98504-2721, (360) 923-2753, e-mail [ccla107@hca.wa.gov](mailto:ccla107@hca.wa.gov).

July 10, 2007  
Jason Siems  
Rules Coordinator

#### WSR 07-15-024

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF

##### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 12, 2007, 8:53 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-97-077 Nursing home resident protection program and other related sections; and amending other sections as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.34 RCW, Abuse of vulnerable adults; chapter 18.51 RCW, Nursing homes; and chapter 74.42 RCW, Nursing homes—Resident care, operating standards; 42 C.F.R. 488.335, 42 C.F.R. 483.156.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules:

- To simplify and clarify existing due process for rights of individuals accused of abusing, neglecting, exploiting or financially exploiting vulnerable adults in nursing homes; and
- To improve protection of vulnerable adults who reside in nursing homes from abuse, neglect, exploitation and financial exploitation through investigations and agency findings.

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

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 Lisa Yanagida, Residential Care Services, Aging and Disability Services Administration, Department of Social and Health Services, P.O. Box 45600, Olympia, WA 98513, phone (360) 725-2589, fax (360) 438-7903, TTY 1-877-905-0454, e-mail [yanagln2@dshs.wa.gov](mailto:yanagln2@dshs.wa.gov).

July 13 [12], 2007  
Stephanie E. Schiller  
Rules Coordinator

**WSR 07-15-025**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)

[Filed July 12, 2007, 8:57 a.m.]

Subject of Possible Rule Making: The department is:

- Adding new sections to chapter 388-78A WAC, Boarding home licensing rules, to clarify due process rights of persons investigated for alleged abuse, neglect, exploitation and financial exploitation of a boarding home resident and amending other related sections; and
- Amending other sections as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 74.34 RCW, Abuse of vulnerable adults and chapter 18.20 RCW, Boarding homes.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- To clarify the due process rights of persons investigated by the department for alleged abuse, neglect, exploitation and financial exploitation of a boarding home resident; and
- To improve protection of vulnerable adults who reside in boarding homes from abuse, neglect, exploitation and financial exploitation through investigations and agency findings.

Process for Developing New Rule: The department received funding to fully implement chapter 74.34 RCW. 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 Todd Erik Henry, Boarding Home Program, Residential Care Services, Aging and Disability Services Administration, Department of Social and Health Services, P.O. Box 45600, Olympia, WA 98513, phone (360) 725-2580, fax (360) 438-7903, TTY 1-877-905-0454, e-mail henryte@dshs.wa.gov.

July 12, 2007  
 Stephanie E. Schiller  
 Rules Coordinator

**WSR 07-15-026**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)

[Filed July 12, 2007, 9:00 a.m.]

Subject of Possible Rule Making: The department is:

- Adding new sections to chapter 388-76 WAC, Adult family home minimum licensing requirements, to

clarify due process rights of persons investigated for alleged abuse, neglect, exploitation and financial exploitation of an adult family home resident and amending other related sections; and

- Amending other sections as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040 and chapter 74.34 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending rules:

- To clarify the due process rights of persons investigated by the department for alleged abuse, neglect, exploitation and financial exploitation of an adult family home resident; and
- To improve protection of vulnerable adults who reside in adult family homes from abuse, neglect, exploitation and financial exploitation through investigations and agency findings.

Process for Developing New Rule: Negotiated rule making; and 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 Roger A. Woodside, Program Manager, DSHS, Residential Care Services, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3204, fax (360) 438-7903, TTY 1-877-905-0454, e-mail woodsr@dshs.wa.gov.

July 12, 2007  
 Stephanie E. Schiller  
 Rules Coordinator

**WSR 07-15-027**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed July 12, 2007, 10:02 a.m.]

Subject of Possible Rule Making: WAC 220-130-040(2) Application period for aquatic lands enhancement account (ALEA) grants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.100.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule on this subject, which sets the application period for ALEA grants from January 2 to March 31, needs to be changed so a December 1 - February 28 application period can be set. The current end date of March 31 does not allow enough time for adequate preparation and execution of the application review and scoring process.

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 Joshua Nicholas, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2685, fax (360) 902-2183, e-mail at nichojn@dfw.wa.gov. Contact by August 31, 2007. Expected proposal filing by September 5, 2007.

July 12, 2007

Josh Nicholas

Cooperative Projects Coordinator

### WSR 07-15-028

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF FISH AND WILDLIFE

[Filed July 12, 2007, 10:10 a.m.]

Subject of Possible Rule Making: Declaration of an emerging commercial fishery for red rock crab in Puget Sound.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.65.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Commercial interest in harvesting the red rock crab was presented to the fish and wildlife commission and the commission instructed the department to look into the potential for such a commercial fishery development. Under such an approach, an experimental fishery that limits participation will develop the information as to whether this concept has potential for long-term commercial viability.

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 August 28, 2007. Expected proposal filing on or after August 31, 2007.

July 12, 2007

Loreva M. Preuss

Rules Coordinator

### WSR 07-15-029

#### WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF FISH AND WILDLIFE

[Filed July 12, 2007, 11:04 a.m.]

The Washington department of fish and wildlife is withdrawing the CR-101 filed as WSR 07-11-034, filed on May 8, 2007. We will refile a new CR-101 later today.

Loreva M. Preuss

Criminal Justice Liaison and

Administrative Regulations Coordinator

Enforcement Program

### WSR 07-15-034

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF FISH AND WILDLIFE

[Filed July 12, 2007, 3:37 p.m.]

Subject of Possible Rule Making: Ballast water and aquatic invasive species.

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: E2SSB 5923 passed the 2007 Washington legislature and has been signed into law. This bill requires Washington department of fish and wildlife (WDFW) to enact rules for enforcement and control of ballast water and aquatic invasive species.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Patrol, the U.S. Coast Guard, and other state and federal agencies. The WDFW will adopt standards in consultation with these federal and state agencies to ensure consistency with the Federal Clean Water Act and standards set by the U.S. Coast Guard.

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 Allen Pleus, Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2724, e-mail at pleusaep@dfw.wa.gov. Contact by August 15, 2007. Expected proposal filing on or after September 5, 2007.

July 12, 2007

Loreva M. Preuss

Rules Coordinator

**WSR 07-15-044**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed July 13, 2007, 11:26 a.m.]

Subject of Possible Rule Making: WAC 392-121-280 Finance—General apportionment—Certificated instructional staff (placement on LEAP salary allocation documents—Documentation required).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions will update the documentation requirements regarding guidance on recognizing, for state funding purposes, up to two years experience for educational staff associates (ESAs) for service in nonschool positions. ESAs are certificated instructional staff that are occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists. These revisions will implement E2SHB 1432, as passed during the 2007 legislative session.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Bunda, (360) 725-6308.

July 13, 2007  
 Dr. Terry Bergeson  
 Superintendent of  
 Public Instruction

**WSR 07-15-048**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)

[Filed July 13, 2007, 1:31 p.m.]

Subject of Possible Rule Making: Amending sections within chapter 388-106 WAC, Long-term care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is revising sections within chapter 388-106 WAC to amend the in-home classifications to allow for the additional consideration of hours for clients with complex behavioral and cognitive issues and for clients with extremely high needs for assistance with activities of daily living.

Other policy changes that arise during this rule making may be incorporated. Other WAC chapters may need to be updated as a result of this rule making.

Process for Developing New Rule: DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained

from the department representative listed below. At a later date, DSHS will file the proposed rules with the office of [the] code reviser with a notice of proposed rule making and send the proposal to everyone currently on the mailing list and anyone else 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 Kristi Knudsen, P.O. Box 45600, Olympia, WA 98504, phone (360) 725-3213, fax (360) 438-8633, TTY (360) 493-2637, e-mail knudskl@dshs.wa.gov.

July 13, 2007  
 Stephanie E. Schiller  
 Rules Coordinator

**WSR 07-15-049**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)

[Filed July 13, 2007, 1:32 p.m.]

Subject of Possible Rule Making: Amending sections within chapter 388-106 WAC, Long-term care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is revising sections within chapter 388-106 WAC as follows:

- Clarifying requirements related to children's medic-aid personal care (MPC) assessments.
- Amending personal emergency response (PERS) language to clarify that two people who live together who are unable to secure help in an emergency may now be eligible for a PERS unit, and adding PERS medication management language.

Other policy changes that arise during this rule making may be incorporated. Other WAC chapters may need to be updated as a result of this rule making.

Process for Developing New Rule: DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rules with the office of [the] code reviser with a notice of proposed rule making and send the proposal to everyone currently on the mailing list and anyone else 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 Kristi Knudsen, P.O. Box 45600, Olympia, WA 98504, phone (360) 725-3213, fax (360) 438-8633, TTY (360) 493-2637, e-mail knudskl@dshs.wa.gov.

July 13, 2007  
 Stephanie E. Schiller  
 Rules Coordinator

**WSR 07-15-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed July 16, 2007, 11:42 a.m.]

Subject of Possible Rule Making: Rules requiring external display of shellfish/seaweed license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1082 requires the department to drop the requirement under RCW 77.32.520 that personal use shellfish and seaweed licenses be visible on the licensee at all times.

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 August 31, 2007. Expected proposal filing on or after September 5, 2007.

July 16, 2007  
 Loreva M. Preuss  
 Rules Coordinator

**WSR 07-15-067**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed July 17, 2007, 8:59 a.m.]

Subject of Possible Rule Making: Chapter 296-155 WAC, Safety standards for construction work.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 27, Laws of 2007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is in response to chapter 27, Laws of 2007 (ESHB 2171) requiring the department of labor and industries to have rules relating to certification of crane inspectors and cranes. The legislature intends to promote the safe condition and operation of cranes used in construction work by establishing certification requirements for construction cranes. The legislature intends that standards for safety of construction cranes and for certification of personnel operating cranes in construction work be established.

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 OSHA) are known to regulate worker safety and health for this subject.

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 Cindy Ireland, Safety and Health Specialist, Department of Labor and Industries, Division of Occupational Safety and Health (DOSH), P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5522, fax (360) 902-5619, e-mail mooc235@lni.wa.gov.

July 17, 2007  
 Judy Schurke  
 Director

**WSR 07-15-069**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed July 17, 2007, 9:55 a.m.]

Subject of Possible Rule Making: Chapter 296-15 WAC, Workers' compensation self insurance rules and regulations,

this chapter governs employers who are permitted to self-insure their workers' compensation obligation pursuant to Title 51 RCW. This filing includes modifications to existing sections regarding financial requirements for an employer to become certified to self-insure.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to a request from stakeholders, the department has agreed to review and possibly modify our current minimum financial requirements for an employer to become self-insured. The department will also correct clerical errors in WAC 296-15-024 and 296-15-027.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jean M. Vanek, Department of Labor and Industries, Self Insurance Section, P.O. Box 44890, Olympia, WA 98504-4890, phone (360) 902-6907, fax (360) 902-6977, Vanj235@Lni.wa.gov.

July 17, 2007  
 Judy Schurke  
 Director

**WSR 07-15-070****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed July 17, 2007, 9:58 a.m.]

Subject of Possible Rule Making: Chapter 296-17A WAC, General reporting classifications for workers' compensation insurance and chapter 296-17 WAC, General reporting rules, audits, recordkeeping, rates and rating system for Washington 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: Labor and industries is required by law to establish and maintain a workers' compensation classification plan that classifies all occupations or industries within the state and sets basic rates of premium for the classifications that are distributed fairly (RCW 51.16.-035). The department has conducted a review of various classifications and determined that certain classifications are in need of revision for purposes of clarification. Revisions are being considered for the following industries: Community action councils; logging machine operators; ecological surveyors; printing and copying; sign painting; safety inspectors; shop classifications; state government classifications; construction superintendent; vinyl windows; automobile and boat sales; craft stores; motorcycle dealers; horseracing; bus companies; farms NOC; and wording or small housekeeping changes to other classifications.

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 classifications 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 ideas on possible 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 on our process at the employer services web site [www.lni.wa.gov/insuranceservices/employerservices](http://www.lni.wa.gov/insuranceservices/employerservices) and can submit comments electronically to [moom235@lni.wa.gov](mailto:moom235@lni.wa.gov) or by calling (902)[(360)] 902-4774 or by fax at (360) 902-4729.

July 17, 2007  
Judy Schurke  
Director

**WSR 07-15-071****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed July 17, 2007, 10:58 a.m.]

Subject of Possible Rule Making: 2008 industrial insurance premium rates, chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan and to set premium rates that maintain actuarial solvency of the accident and medical aid funds. By law, the plan must be consistent with recognized principles of insurance and rates adjusted annually or as needed to ensure solvency of the insurance trust funds. Labor and industries is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and injury.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries is planning to hold formal public hearings in Yakima, Spokane, Mt. Vernon, Tumwater, and Tukwila. Inquiries can be directed to Bill Moomau, Classification Services, P.O. Box 44148, Olympia, WA 98504-4148, phone (360) 902-4774, fax (360) 902-4729, e-mail [moom235@lni.wa.gov](mailto:moom235@lni.wa.gov).

July 17, 2007  
Judy Schurke  
Director

**WSR 07-15-073****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed July 17, 2007, 1:52 p.m.]

Subject of Possible Rule Making: Manufacturers.

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: This rule change would require manufacturers of Tribal Lottery Systems (TLS), computerized keno, and other electronic and mechanical equipment operating at tribal casinos to take active steps to correct any equipment or component that is not in compliance or they will be subject to administrative action. This rule also includes the procedures and timelines for reporting, correcting, and preventing noncompliance of gambling equipment.

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] August 10, 2007, at the Hilton, 301 West 6th Street, Vancouver, WA 98660, (360) 993-4500; on September 14, 2007, at the Hilton Garden Inn, 401 East Yakima Avenue, Yakima, WA 98901, (509) 494-5004; and on October 12, 2007, at the Red Lion, 303 West North River Drive, Spokane, WA 99201, (509) 326-8000.

July 17, 2007  
Susan Arland  
Rules Coordinator

**WSR 07-15-074****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed July 17, 2007, 2:13 p.m.]

Subject of Possible Rule Making: Amending WAC 296-20-01001 Medical advisory industrial insurance committee, as a result of new legislation that passed this latest session (ESSB 5290) that formed a new industrial insurance medical advisory committee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5290 (chapter 282, Laws of 2007), RCW 51.04.020, 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5290 establishes a medical advisory committee to advise the department on medical issues to assure workers receive safe, effective treatment in a cost-effective manner. This rule considers the var-

ious details with regard to the administration and function of the new committee.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This law establishes an advisory committee that is specific to Washington workers' compensation benefits and is governed by Title 51 RCW, Washington's Industrial Insurance Act. There are no other state or federal agencies responsible for interpreting and enforcing the provisions of this act.

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

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

July 17, 2007  
Judy Schurke  
Director

**WSR 07-15-075****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed July 17, 2007, 2:15 p.m.]

Subject of Possible Rule Making: Amending WAC 296-20-0100 Chiropactic advisory committee, as a result of legislation that passed this latest session (ESSB 5290) that establishes the industrial insurance chiropactic advisory committee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5290 (chapter 282, Laws of 2007), RCW 51.04.020, 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5290 establishes a chiropactic advisory committee to advise the department on chiropactic issues to assure workers receive safe, effective treatment in a cost-effective manner. This rule considers the various details with regard to the administration and function of the new committee.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This law establishes an advisory committee that is specific to Washington workers' compensation benefits and is governed by Title 51 RCW, Washington's Industrial Insurance Act. There are no other state or federal agencies responsible for interpreting and enforcing the provisions of this act.

Process for Developing New Rule: Parties interested in participating in the development of these rules may contact the person listed below. The public may also participate by providing written comments during the comment period or



giving oral testimony at public hearings. The rule will be developed in consultation with major stakeholders, including the workers' compensation advisory committee.

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

July 17, 2007  
Judy Schurke  
Director

**WSR 07-15-079**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**

[Filed July 17, 2007, 2:10 p.m.]

Subject of Possible Rule Making: Chapter 490-105 WAC adopt new rules and/or revise existing rules that set standards for private vocational schools. The subjects under consideration will be: (1) Financial responsibility, (2) tuition refund deadlines, (3) applicants' ability to benefit, (4) "at risk" schools, and (5) faculty qualifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28C.10.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is in response to the legislature's adoption of SB 5402 which increased the agency's oversight of private vocational schools. These rules will enhance the agency's oversight of schools and give it additional tools to deal with schools that are in distress.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Accredited schools are also regulated by the United States Department of Education with regard to their delivery of federal student aid. Certain types of schools are also regulated to some degree by other state agencies such as the department of health (massage schools), department of social and health services (certified nursing assistant schools), and the gambling commission (gaming schools). These agencies will be notified of this rule making.

Process for Developing New Rule: Preferred rules were developed with input from the Northwest Career Colleges Federation and the private vocational school advisory committee. A summary of the preferred rules were presented to the workforce board at its June 28, 2007, meeting. The agency will develop proposed rules and issue a CR-102 with the rules it intends to adopt. Public hearings will then be held. The workforce board will adopt rules after considering public input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. All private vocational schools regulated by the workforce board, the federation of private career schools and colleges, and other state agencies involved with regulating

some aspect of private vocational school education will be notified of the public hearings and encouraged to attend. Specific questions may be directed to Peggy Rudolph, Workforce Training and Education Coordinating Board, (360) 586-8682, prudolph@wtb.wa.gov.

July 17, 2007  
Peggy Rudolph  
Program Specialist

**WSR 07-15-081**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)

[Filed July 18, 2007, 8:47 a.m.]

Subject of Possible Rule Making: The department is adding and amending sections within chapter 388-828 WAC, Division of developmental disabilities (DDD) assessment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 71A.16 RCW, RCW 71A.12.030, 71A.12.-040, and Title 71A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 388-828 WAC, the DDD assessment, this rule will amend, repeal and add new sections to chapter 388-828 WAC. The amendments and new sections will include the algorithm to determine residential service levels, and other changes, clarifications and corrections necessary. This rule will incorporate the emergency CR-103 to amend the individual and family services assessment filed under WSR-07-14-081 and the emergency CR-103 to amend the income reporting requirements filed under WSR 07-15-054. Other policy changes that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

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 Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Lacey, WA 98504, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

July 17, 2007  
Stephanie E. Schiller  
Rules Coordinator

**WSR 07-15-082**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed July 18, 2007, 8:47 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, nasue.nishida@k12.wa.us or pesb@k12.wa.us. 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.

July 18, 2007  
 Nasue Nishida  
 Policy and  
 Research Analyst

**WSR 07-15-083**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed July 18, 2007, 8:48 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 Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (360) 586-4548, nasue.nishida@k12.wa.us or pesb@k12.wa.us. 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.

July 18, 2007  
 Nasue Nishida  
 Policy and  
 Research Analyst

**WSR 07-15-084**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 07-11—Filed July 18, 2007, 9:30 a.m.]

Subject of Possible Rule Making: This rule making proposes to adopt an emissions performance standard (EPS) for greenhouse gases (GHGs) for all baseload electric generation for which electric utilities enter into long-term financial commitments on or after July 1, 2008. This rule making will amend chapter 173-407 WAC, Carbon dioxide mitigation program and chapter 173-218 WAC, Underground injection control program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 6001, Climate change - mitigating impacts, adopted 2007 legislative session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Emissions of CO<sub>2</sub> and other GHGs are a major contributor to global warming and climate change. The proposed rules to implement an EPS for baseload power plants in ESSB 6001 will begin to address the impacts of climate change in Washington. Reducing GHG emissions from power plants supports the goals of Executive Order 07-02 to reduce GHG emissions within Washington over the next several decades. These goals were also adopted within ESSB 6001.

ESSB 6001 sets a deadline of June 30, 2008, to adopt a GHG EPS by rule for all baseload electric generation for which electric utilities enter into long-term financial commitments on or after July 1, 2008. At a minimum, this rule must:

- Implement and enforce EPS,
- Establish criteria for evaluating carbon sequestration plans, and
- Establish an output-based methodology for calculating emissions of GHGs for a cogeneration facility.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of ecology's air quality and water quality programs and the energy facility site evaluation council (EFSEC) will work closely together throughout the process to coordinate the development and adoption of rules by both agencies.

Process for Developing New Rule: The proposed rule will be drafted and reviewed by a stakeholder group and internally by staff. The public will have the opportunity to

comment on the proposed rule. At least one public hearing will be held and the proposed amendments will be posted on the agency web site and provided to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Pritchett, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6082, fax (360) 407-7534, npri461@ecy.wa.gov. Interested parties can access more information on this rule making by contacting the ecology staff member listed above or accessing the ecology web site <http://www.ecy.wa.gov/laws-rules/index.html>.

July 17, 2007

Stuart A. Clark

Air Quality Program Manager

### WSR 07-15-092

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 18, 2007, 10:29 a.m.]

**Subject of Possible Rule Making:** The department intends to amend chapter 16-461 WAC, Inspection requirements for fruits and vegetables. The amendments are to remove or rewrite the exemption allowed under WAC 16-461-010 (2)(b).

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 15.17 RCW, Standards of grades and packs and chapter 34.05 RCW, Administrative Procedure Act.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Currently, the rule allows for an exemption of issuance of certificates of compliance when lots are transferred between warehouses. The department intends to amend the rule so that a certificate of compliance is mandatory for each individual load, even when shipped from one individual or warehouse to another. The new process would mitigate the potential for duplicate reporting and additional inspection fees.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Washington state department of agriculture's fruit and vegetable inspection program operates under a cooperative agreement with the United States Department of Agriculture, Agricultural Marketing Service, Fruit and Vegetable Programs, Fresh Products Branch.

**Process for Developing New Rule:** Washington state department of agriculture staff members will develop the rule proposal. Industry representatives may review and comment on the proposed rule amendments and interested parties can participate in the public hearing and comment process, the dates of which will be announced when the agency 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 Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, P.O. Box 42560, Olym-

pia, WA 98504-2560, phone (360) 902-1833, fax (360) 902-2085, e-mail [jquigley@agr.wa.gov](mailto:jquigley@agr.wa.gov).

July 17, 2007

Dennis Hannapel  
Assistant Director

### WSR 07-15-094

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed July 18, 2007, 10:43 a.m.]

**Subject of Possible Rule Making:** Amend WAC 458-16-270 Schools and colleges, this section explains the property tax exemption available under the provisions of RCW 84.36.050 to property owned by or used for a nonprofit school or college.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 84.36.865, 84.36.040, and 84.36.050.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** This rule needs to be updated to recognize legislative changes that were enacted in chapter 226, Laws of 2006 (SHB 2804).

**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. The department expects to provide a preliminary draft of possible changes at the public meeting. Written comments may be directed to James A. Winterstein, Property Tax Division, P.O. Box 47471, Olympia, WA 98504-7471, e-mail [JimWi@dor.wa.gov](mailto:JimWi@dor.wa.gov), phone (360) 570-5880, fax (360) 586-7602.

**Public Meeting Location:** Capitol Plaza Building, 4th Floor, Executive Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on August 29, 2007, at 9:00 a.m.

July 17, 2007

Alan R. Lynn  
Rules Coordinator

### WSR 07-15-095

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed July 18, 2007, 10:45 a.m.]

**Subject of Possible Rule Making:** A possible amendment to existing WAC 458-20-145 Local sales and use tax, explaining local sales and use tax sourcing rules for retail sales in Washington. This potential amended rule would

describe Washington's new destination-based sourcing rules enacted in section 501, chapter 6, Laws of 2007 (SSB 5089). The department is also considering addressing certain tax credits available to eligible taxpayers and interest and penalty abatement provisions related to changes from existing sourcing rules to destination-based sourcing as described in SSB 5089, sections 1601 and 1602.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department believes a rule amendment is needed to explain destination-based sourcing principles to taxpayers and related exceptions under SSB 5089. Destination-based sourcing under SSB 5089 becomes effective July 1, 2008. The revised rule will help taxpayers determine where to source retail sales so that the appropriate local sales or use tax can be collected and remitted.

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/FindALawOrRule/RuleMaking/default.aspx>. Written comments on and/or requests for copies of the rule may be directed to Tim Jennrich, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail [TimJe@dor.wa.gov](mailto:TimJe@dor.wa.gov), phone (360) 570-6136, fax (360) 586-5543.

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.

Public Meeting Locations: Burien (Seattle area), Criminal Justice Training Commission, 19010 1st Avenue South, Room C-151, phone (206) 835-7300, on August 21, 2007 (Tuesday), at 10:00 a.m.; in Olympia, General Administration Building, 210 11th Avenue and Columbia Street S.W., 1st Floor Auditorium, phone (360) 902-0990, on August 23, 2007 (Thursday), at 1:30 p.m.; in Pasco, Columbia Basin Community College, 2600 North 20th Avenue, Gjerde Multipurpose Facility, phone (509) 547-0511, on August 27, 2007 (Monday), at 2:00 p.m.; and in Spokane, Spokane Falls Community College, 3410 West Fort George Wright Drive, Lounge AB, phone (509) 434-5162, on August 28, 2007 (Tuesday), at 10:30 a.m.

July 18, 2007  
Alan R. Lynn  
Rules Coordinator