

**WSR 08-05-004**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)

[Filed February 6, 2008, 3:51 p.m.]

Subject of Possible Rule Making: The department is amending chapter 388-845 WAC, Division of developmental disabilities home and community based services waivers.

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: These rules are necessary to amend the procedures for administering the home and community based services waivers. They incorporate changes reflected in the waivers approved by the federal Centers for Medicare and Medicaid Services under Section 19.15(c) of the Social Security Act. They also clarify the existing rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department coordinates its rules with and receives approval from the federal Centers for Medicare and Medicaid Services for the administration of waivers under Section 19.15(c) of the Social Security Act.

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).

February 6, 2008  
 Stephanie E. Schiller  
 Rules Coordinator

**WSR 08-05-008**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed February 7, 2008, 2:10 p.m.]

Subject of Possible Rule Making: The Washington state parks and recreation commission (WSPRC) is considering rule making related to the process of certification of recreational conveyances as defined in chapter 352-44 WAC and specifically under the provisions of WAC 352-44-020, which includes the certification of such devices as ski lifts, ski tows, j-bars, t-bars, ski mobiles, chair lifts, and similar devices and equipment used in snow ski areas.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030, 79A.05.070, 79A.40.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The WSPRC is responsible for the certification of safe and adequate facilities operated

for the conveyance of persons generally associated with winter sports activities. The commission is reviewing current rules to determine the need to amend these rules to better accommodate the annual certification of recreational conveyances. By changing the certificate dates from January 1 through December 31 of the same year as currently stated in WAC 352-44-020 to November 1 of the current year through October 31 of the following year, we ensure that all lifts are inspected and certified as safe prior to the beginning of the operating year, which generally runs from November of the current year through March of the following year.

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. To obtain additional information to participate in the decisions on rule making, or to comment on the commission rules being reviewed, contact Dale Broyles, Facilities Manager, WSPRC, P.O. Box 42650, 7150 Cleanwater Drive S.W., Olympia, WA 98504-2650, phone (360) 902-8543, fax (360) 902-8666, e-mail [Dale.Broyles@parks.wa.gov](mailto:Dale.Broyles@parks.wa.gov).

February 7, 2008

J. M. French, Administrator  
 Statewide Recreation Programs

**WSR 08-05-030**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed February 12, 2008, 11:39 a.m.]

Subject of Possible Rule Making: Sex education - definition and requirements for providing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision of WAC 392-410-140 go [to] reflect provisions of ESSB 5297 related to newly defined requirements for sexuality education in public schools in Washington state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State department of health (DOH) is required to review sexuality education programs for medical and scientific accuracy. DOH staff will review drafting of rules for consistency with agency responsibilities.

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: Notices will be sent to organizations of draft revision and hearing location and date: Legislative caucus staff; Washington Association of School Administrators, Dr. Paul Rosier, [prosier@wasa-oly.org](mailto:prosier@wasa-oly.org); Washington State School Directors Association, Martharose Laffey, <http://www.wssda.org>; Washington Education Association, Lisa

Kodama, lkodama@washingtonea.org; Washington State PTA, Kim Howard, khoward@wastatepta.org; School Nurse Organization of Washington, Donna Burr, burrdonna@yahoo.com; and Principals Associations, Jerry Bender, http://awsp.org. Public hearings to be schedule[d] for draft revisions.

January 8, 2008  
Dr. Terry Bergeson  
Superintendent of  
Public Instruction

### WSR 08-05-031

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed February 12, 2008, 12:00 p.m.]

Subject of Possible Rule Making: Card rooms.

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: We have received a petition for rule change requesting that electronic poker tables, including electronic facsimilies of cards and gambling chips, be authorized for used [use] in licensed card rooms.

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; or Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] March 14, and April 11, 2008, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on May 9, 2008, at the Red Lion Hotel, 2325 North 20th Avenue, Pasco, WA 99301, (509) 547-0701.

February 12, 2008  
Susan Arland  
Rules Coordinator

### WSR 08-05-038

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed February 13, 2008, 12:01 p.m.]

Subject of Possible Rule Making: Card rooms and promotions.

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: We have received a petition

for rule change requesting that additional entries into a promotional contest of chance be based on wagers or time spent participating in a licensed gambling activity.

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; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] March 14, and April 11, 2008, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on May 9, 2008, at the Red Lion Hotel, 2325 North 20th Avenue, Pasco, WA 99301, (509) 547-0701.

February 13, 2008  
Susan Arland  
Rules Coordinator

### WSR 08-05-041

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 13, 2008, 3:00 p.m.]

Subject of Possible Rule Making: The division of employment and assistance programs is proposing to amend WAC 388-310-2100 WorkFirst career services, in order to allow adults who receive diversion cash assistance (DCA) and are working thirty or more hours per week to enroll in the WorkFirst career services program. The WorkFirst career services program provides up to six months of basic needs payments, wage progression services and job retention services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050 and 74.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change is needed to offer WorkFirst career services to employed adults who receive diversion cash assistance. Currently, only families who exit TANF/SFA are eligible for the WorkFirst career services program. The program is administered by the employment security department (ESD).

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

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 Jenny Egan Grayum, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4583, fax (360) 413-3293, e-mail grayuje@dshs.wa.gov.

February 13, 2008  
Stephanie E. Schiller  
Rules Coordinator

#### WSR 08-05-042

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 13, 2008, 3:04 p.m.]

**Subject of Possible Rule Making:** The division of employment and assistance programs is proposing to amend WAC 388-450-0175 Does the department offer an income deduction as an incentive for GA-U clients to work, in order to clarify that the income deductions described only apply to general assistance cash program.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** This rule change is needed to clarify that the work incentive deductions in WAC 388-450-0175 only apply to determinations of eligibility and benefit level for the general assistance program and accompanying cash grant. Deductions in this section are not applicable or permissible for the Basic Food program as outlined by federal regulations in 7 C.F.R. 273.

**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 Melissa Mathson, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4563, fax (360) 413-3293, e-mail mathsmc@dshs.wa.gov.

February 13, 2008  
Stephanie E. Schiller  
Rules Coordinator

#### WSR 08-05-043

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed February 13, 2008, 3:06 p.m.]

**Subject of Possible Rule Making:** The department is amending WAC 388-32-0020 What is the purpose of the family reconciliation services program?, 388-32-0025 Who may receive FRS services?, and 388-32-0030 What FRS services does the department provide?

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 13.32A.040, 74.13.031, and 74.08.090.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department is amending these rules to reflect efforts to best serve the needs of families served by children's administration (CA). These changes will support access to appropriate services for families with adolescents across programs in the children's administration and to increase the consistency in the manner services are offered across regions.

**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 Tim Kelly, Children's Administration, P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-7772, fax (360) 902-7903, e-mail ketd300@dshs.wa.gov.

February 13, 2008  
Stephanie E. Schiller  
Rules Coordinator

#### WSR 08-05-044

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed February 13, 2008, 3:07 p.m.]

**Subject of Possible Rule Making:** Update chapter 388-25 WAC and add a new subdivision entitled financial support of foster children.

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

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The amended and updated rules will establish, aid, explain and strengthen services provided by the department and its partners for the protection and care of children needing out-of-home placement.

Process for Developing New Rule: Negotiated rule making, 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 Carrie Kendig, Department of Social and Health Services, Permanency/Placement Services, P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-7568, fax (360) 902-7903, e-mail cken300@dshs.wa.gov.

February 13, 2008  
Stephanie E. Schiller  
Rules Coordinator

#### WSR 08-05-045

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed February 13, 2008, 3:10 p.m.]

Subject of Possible Rule Making: Create a new WAC for guardianship subsidies in chapter 388-27 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: No rules currently exist governing guardianship subsidy. Rules will provide clarity and guidance to persons receiving guardianship subsidy.

Process for Developing New Rule: Negotiated rule making. 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 Lonnie Locke, Department of Social and Health Services, Permanency/Placement Services, P.O. Box 45713, Olympia, WA 98504-5713, phone (360) 902-7932, fax (360) 902-7903, e-mail lolo300@dshs.wa.gov.

February 13, 2008  
Stephanie E. Schiller  
Rules Coordinator

#### WSR 08-05-094

**PREPROPOSAL STATEMENT OF INQUIRY  
WESTERN WASHINGTON UNIVERSITY**

[Filed February 15, 2008, 10:09 a.m.]

Subject of Possible Rule Making: Chapter 516-56 WAC, University housing and dining.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules for university housing and dining need to be amended to be consistent with the department's revised mission statement.

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

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 Willy Hart, Director, University Residences, Western Washington University, 516 High Street, MS-9195, Bellingham, WA 98225-9195, phone (360) 650-2953, fax (360) 650-6890.

February 15, 2008  
Suzanne M. Baker  
Rules Coordinator

#### WSR 08-05-101

**PREPROPOSAL STATEMENT OF INQUIRY  
UNIVERSITY OF WASHINGTON**

[Filed February 15, 2008, 3:55 p.m.]

Subject of Possible Rule Making: A new chapter on an alternative contracting process previously filed under RCW 34.05.350, as chapter 478-350 WAC, Alternative contracting process for the University of Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.20.130 and 28B.20.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed alternative contracting process for the University of Washington is necessary in order to provide the university with a contracting and construction process that is consistent with the university's statutory authority and is sufficiently flexible to allow university construction projects to move forward in a cost-effective manner when projects undertaken by other agencies or private developers create conflicts that could increase the time for completion of the university project and [as] well as the cost of the university project. This new chapter will establish rules for a fair, open, and efficient design and construction method by which the University of Washington may, under limited circumstances, move expeditiously and efficiently to contract for capital projects in a way that protects the best interests of the university and assures the delivery of quality work and products at a reasonable price under the most advantageous terms.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

cies: This rule may be of interest to the department of general administration and the department of labor and industries. In an effort to coordinate with these agencies the University of Washington will provide them with copies of the proposed rule.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, director of rules coordination by one of the following routes: Mail: University of Washington, Rules Coordination Office, Box 355509, Seattle, WA 98195-5509; e-mail [rules@u.washington.edu](mailto:rules@u.washington.edu); or fax (206) 221-6917.

February 15, 2008  
Rebecca Goodwin Deardorff  
Director of Rules Coordination

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.

February 19, 2008  
Judy Schurke  
Director

### WSR 08-05-102

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

[Filed February 19, 2008, 8:10 a.m.]

Subject of Possible Rule Making: Chapter 296-17A WAC, Classifications 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 classifications: Housekeeping editing updates are being proposed to three classes: WAC 296-17A-2004, 296-17A-3303, and 296-17A-3304.

Housekeeping clarification updates/changes/notes are being proposed to nine classes: WAC 296-17A-0607, 296-17A-1401, 296-17A-2102, 296-17A-3404, 296-17A-4906, 296-17A-5003, 296-17A-6602, 296-17A-6603, and 296-17A-7202.

Proposing to create one new subclassification: WAC 296-17A-0202.

Proposing to repeal one subclassification: WAC 296-17A-3402-11.

Proposing to repeal one classification: WAC 296-17A-4801 effective January 1, 2009.

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.

### WSR 08-05-104

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 19, 2008, 8:41 a.m.]

Subject of Possible Rule Making: The division of employment and assistance programs is proposing to amend WAC 388-466-0005 Immigration status requirements for refugee assistance, 388-466-0120 Refugee cash assistance, 388-466-0130 Refugee medical assistance, 388-424-0010 Citizenship and alien status—Eligibility restrictions for temporary assistance for needy families program and medical benefits, including nonemergency Medicaid and state children's health insurance program (SCHIP), 388-424-0020 How does my alien status impact my eligibility for the federally funded Washington Basic Food program benefits?, 388-505-0110 Medical assistance coverage for adults not covered under family medical programs, and other related WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.320, 74.09.035, and 74.09.522.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change is needed to allow Iraqi/Afghan special immigrants to be eligible for refugee cash assistance and refugee medical assistance and services as allowed under federal law. The amendments will also reflect that Iraqi/Afghan special immigrants are eligible for entitlement programs, as cited in the Consolidated Appropriations Act, 2008. The preproposal statement of inquiry is in response to the Consolidated Appropriations Act, 2008, which was signed into law on December 26, 2007, guidance from Brent Orrell, acting director of the office of refugee resettlement, and the National Defense Bill which passed on January 28, 2008.

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 Tom Berry, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4617, fax (360) 413-3293, e-mail [berrytj@dshs.wa.gov](mailto:berrytj@dshs.wa.gov).

February 19, 2008  
Stephanie E. Schiller  
Rules Coordinator

#### WSR 08-05-107

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

[Filed February 19, 2008, 8:57 a.m.]

Subject of Possible Rule Making: Chapter 296-126 WAC, Standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of the rule making is to incorporate current administrative policies into the child labor rules at the request of the employment law advisory committee (ELAC). The rules were also reviewed and amended for clarity of [and] ease of use. A number of changes are necessary to update the state regulations to be compatible with federal law and to remove jeopardy for Washington employers.

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

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).

February 19, 2008  
Judy Schurke  
Director

#### WSR 08-05-115

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

[Filed February 19, 2008, 9:55 a.m.]

Subject of Possible Rule Making: Review the current fees that exist in the rules for elevators (chapter 296-96 WAC), factory assembled structures (chapters 296-150C, 296-150F, 296-150M, 296-150T, and 296-150V WAC), and plumber certification (chapter 296-400A WAC) for possible increases.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.106, 43.22, and 70.87 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to review the fees for the elevator, factory assembled structures, and plumber certification programs for possible increases. Fee increases for these programs is necessary to cover the costs for ongoing services and delivery.

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 will solicit input from the elevator advisory committee, factory assembled structures advisory board, and the plumber's advisory board. Other 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).

February 19, 2008  
Judy Schurke  
Director

#### WSR 08-05-117

### WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed February 19, 2008, 3:13 p.m.]

This memo serves as notice that the department is withdrawing the CR-101 for WAC 246-935-010 which was filed February 28, 2007, and published in WSR 07-06-028. The original intent of the preproposal was to develop and update definitions of terms or tasks for veterinary technicians referred to in WAC 246-935-050.

The department would like to withdraw this CR-101 and reopen it to also allow for coordination of changes to WAC 246-935-0040. This will allow the department to include definitions of terms and tasks under that WAC. For this reason, the CR-101 for WAC 246-935-010 is being withdrawn.

Individuals requiring information on this rule should contact Janette Benham, program manager for the veterinary board of governors, at (360) 236-4947.

Mary C. Selecky  
Secretary

**WSR 08-05-119**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH  
(Veterinary Board of Governors)**  
[Filed February 19, 2008, 3:17 p.m.]

Subject of Possible Rule Making: WAC 246-935-010 Definitions, 246-935-040 Responsibilities of veterinarians supervising a veterinary technician or an unregistered assistant, and 246-935-050 Animal health care tasks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to a petition from the Washington State Association of Veterinary Technicians, this rule was recently amended to include authority for veterinary technicians to suture prepared wounds. As part of the rule-making process of considering the petition, the veterinary board of governors undertook review of the entire rule for the purpose of clarifying animal health care tasks authorized for veterinary technicians and unregistered assistants. The purpose of this proposal is to continue the review of rules to clarify health care tasks that may be performed by veterinary technicians and unregistered assistants.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by providing comments on proposed language which will be sent to interested persons through Listserv and by regular mail. Send written comments to Janette Benham, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, (360) 236-4947, fax (360) 586-4359 or e-mail janette.benham@doh.wa.gov.

February 19, 2008  
Judy Haenke  
Acting Executive Director

**WSR 08-05-128**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**  
[Filed February 20, 2008, 10:30 a.m.]

Subject of Possible Rule Making: The department is considering a possible new rule to be adopted in chapter 458-20 WAC, explaining certain small business relief provided to eligible taxpayers implementing new local retail sale[s] tax

sourcing requirements under RCW 82.32.730 and 82.32.490. An "eligible taxpayer" is a taxpayer that:

(a) Immediately before July 1, 2008, was registered with the department and engaged in making sales of tangible personal property that the taxpayer delivered to physical locations away from its place of business; and

(b) During the calendar year in which RCW 82.14.490 becomes effective:

(i) Has a physical presence in Washington;

(ii) Has gross income of the business less than five hundred thousand dollars;

(iii) Has at least five percent of its gross income from sales subject to sales tax derived from sales of tangible personal property delivered to physical locations away from its place of business; and

(iv) Has at least one percent of its gross income from sales subject to sales tax derived from deliveries of tangible personal property to destinations in local jurisdictions imposing sales tax other than the one to which the taxpayer reported the most local sales tax.

This rule would implement RCW 82.32.760 and provide a schedule of monetary allowances to be paid to certified service providers providing services under RCW 82.32.760.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 82.01.060, 82.32.715.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department believes a rule is needed to set monetary allowances payable by Washington to certified service providers providing services to eligible taxpayers under RCW 82.32.760.

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/agenda.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, phone (360) 570-6136, fax (360) 586-0127.

Public Meeting Location: Capital Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on March 21, 2008, at 9:30 a.m. - 10:30 a.m. PST.

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.

February 20, 2008  
Alan R. Lynn  
Rules Coordinator

**WSR 08-05-129****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed February 20, 2008, 10:33 a.m.]

Subject of Possible Rule Making: The department is considering a possible new rule to be adopted in chapter 458-20 WAC explaining compensation (monetary allowance) paid to Model 2 volunteer sellers under RCW 82.32.715. Model 2 sellers are sellers that use certified automated systems for at least part of their sales and use tax functions but retain responsibility for remitting their sales and use taxes. Model 2 sellers are volunteer sellers if they meet specific requirements established under authority of the streamlined sales and use tax agreement of which Washington is an associate member.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 82.01.060, 82.32.715.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department believes a rule is needed to set monetary allowances payable by Washington to Model 2 volunteer sellers under RCW 82.32.715.

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/agenda.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) 586-0127.

Public Meeting Location: Capital Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on March 21, 2008, at 11:00 a.m. - 12:00 p.m. PST.

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.

February 20, 2008

Alan R. Lynn

Rules Coordinator