

**WSR 05-21-006****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed October 6, 2005, 1:53 p.m.]

Subject of Possible Rule Making: WAC 458-20-250 ((Refuse)) Solid waste collection ((business—Core deposits and credits, battery core charges, and tires)) tax and 458-20-272 Tire fee—Battery core charges—Core deposits or credits.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 2085, 2005 regular session, imposes a tire fee on the retail sale of new replacement tires. The department previously adopted new WAC 458-20-272 (Rule 272) on an emergency basis to explain the fee and its interaction with state excise taxes. A revised WAC 458-20-250 (Rule 250) was also adopted on an emergency basis to remove language addressing a previous tire fee.

The department plans to proceed with adopting permanent Rule 272 to explain the seller's responsibility for collecting the fee from the buyer, how the fee is reported, and what tires are subject to the fee. It anticipates incorporating information about special provisions in law for battery core charges and core deposits, which are currently addressed in Rule 250. The department plans to revise Rule 250 to update the information about the solid waste collection tax and to remove information that will be addressed in Rule 272. The updating and reorganization of this information will make the information more accessible to affected taxpayers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None. Although the Department of Ecology regulates and studies waste tire removal, the Department of Revenue is solely responsible for the collection and administration of the fee.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Nathan Schreiner, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, e-mail NathanS@dor.wa.gov, fax (360) 586-5543. Copies of draft rules are available for viewing and printing on our web site at <http://dor.wa.gov/content/laws/RuleMaking/default.aspx>.

Public Meeting Location: Capital Plaza Building, 4th Floor, Large L&P Conference Room, 1025 Union Avenue S.E., Olympia, WA, on November 16, 2005, at 9:30 a.m.

October 6, 2005

Alan R. Lynn  
Rules Coordinator**WSR 05-21-021****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed October 10, 2005, 10:02 a.m.]

Subject of Possible Rule Making: WAC 260-36-085 License and fingerprint fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As required by WAC 260-36-085 the commission plans to review license and fingerprint fees to determine if they need to be adjusted to comply with RCW 67.16.020 and within the limitations of the fiscal growth factor as provided in RCW 43.135.055.

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 Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, [rlopez@whrc.state.wa.us](mailto:rlopez@whrc.state.wa.us).

October 7, 2005

R. M. Leichner  
Executive Secretary**WSR 05-21-080****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed October 17, 2005, 9:56 a.m.]

On April 5, 2005, the Washington Utilities and Transportation Commission filed a preproposal statement of inquiry (CR-101) regarding natural gas decoupling, at WSR 05-08-114, WUTC Docket No. UG-050369. The commission has decided not to proceed with this rule-making proceeding and requests that the preproposal statement of inquiry published in WSR 05-08-114 be withdrawn. The commission has sent a notice of the withdrawal of the proposal rule to all interested persons in the rule-making docket.

Questions regarding this matter should be addressed to Karen Caille at (360) 664-1136.

Carole J. Washburn  
Executive Secretary

**WSR 05-21-081****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed October 17, 2005, 3:39 p.m.]

Subject of Possible Rule Making: WAC 458-20-257 Warranties and maintenance agreements.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-20-257 (Rule 257) explains the business and occupation (B&O), retail sales, and use tax reporting responsibilities of persons selling warranties or maintenance agreements. Sections 101 through 112, chapter 514, Laws of 2005, changed, effective July 1, 2005, the definition of a retail sale to include sales of extended warranties. The result is that retail sales tax applies when an extended warranty is sold to a consumer. The income received from these sales was previously subject to the service and other activities B&O tax.

The department previously amended Rule 257 on an emergency basis to recognize these provisions of chapter 514. The department is engaging in this rule making to amend the current permanent rule to reflect this law change. The department also anticipates revising and reorganizing the rule to provide the information in a more useful manner.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of possible rule changes is available for viewing and printing on the department's web site at <http://dor.wa.gov/content/laws/RuleMaking/default.aspx>. Written comments may be directed to Chris Coffman, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, e-mail [ChrisC@dor.wa.gov](mailto:ChrisC@dor.wa.gov), phone (360) 570-6150, fax (360) 586-5543.

Public Meeting Location: Capital Plaza Building, L&P Large Conference Room, 4th Floor, 1025 Union Avenue S.E., Olympia, WA, on November 29, 2005, at 1:00 p.m.

October 17, 2005

Alan R. Lynn

Rules Coordinator

**WSR 05-21-088****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed October 18, 2005, 9:55 a.m.]

Subject of Possible Rule Making: Amendments to asbestos, chapter 296-62 WAC, General occupational health standards; chapter 296-65 WAC, Asbestos removal and encapsulation; chapter 296-307 WAC, Safety standards for agriculture, Part Y-6; and chapter 296-841 WAC, Respiratory hazards.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to rewrite and clarify requirements relating to asbestos. This rule making is part of our long-term plan to rewrite our general occupational and health rules. This proposal will move all requirements relating to asbestos from chapters 296-62 and 296-65 WAC and place them into two new chapters. There will be no increases in requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Occupational Safety and Health Administration (OSHA), is the only other agency known to regulate the safety and health of employees as it relates to asbestos exposure.

Process for Developing New Rule: Parties interested in the development of these proposed rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jamie Scibelli, WISHA Services Division, Department of Labor and Industries, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4568, fax (360) 902-5619, e-mail [Scij235@lni.wa.gov](mailto:Scij235@lni.wa.gov).

October 18, 2005

Gary Weeks

Director

**WSR 05-21-093****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed October 18, 2005, 1:30 p.m.]

Subject of Possible Rule Making: The department is amending sections in chapter 388-535 WAC regarding the adult dental program; with possible new sections in chapter 388-535 WAC relating to the adult dental program.

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

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

these rules to update and clarify current policy regarding the adult dental program.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules Program Manager, P.O. Box 45533, Medical Assistance Administration, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

October 18, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

ulations, and other federal guidance on department-administered programs.

**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 John Camp, Policy Analyst, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4616, fax (360) 493-3493, e-mail campjx@dshs.wa.gov.

October 18, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

#### WSR 05-21-094

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed October 18, 2005, 1:31 p.m.]

**Subject of Possible Rule Making:** The department is amending income-related rules in chapter 388-450 WAC for cash and food assistance programs in order to update references and reflect department policy for how the department treats income for department programs. This includes, but is not limited to amending WAC 388-450-0005 Income—Ownership and availability, 388-450-0015 What types of income are not used when figuring out my benefits?, 388-450-0080 What is self-employment income?, 388-450-0085 How we count your self-employment income, and 388-450-0175 GA-U earned income incentive and deduction.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.050, 74.04.500, 74.04.510, 74.08.090.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department plans to update references to other department rules and reflect current policy [on] how the department considers various sources of income in determining eligibility and benefits for department programs.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the food stamp program in the Federal Register. Rules published in the Federal Register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices to inform states of new program requirements that are not yet in the United States Code of Federal Regulations. DSHS incorporates these regulations and exercises state options by adopting administrative rules for food assistance benefits in Washington state.

The department adopts regulations for cash, Basic Food, and medical assistance in a state plan that is consistent with federal requirements in public law, the Code of Federal Reg-

#### WSR 05-21-095

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed October 18, 2005, 1:33 p.m.]

**Subject of Possible Rule Making:** The department is amending rules in chapters 388-400 and 388-418 WAC to update rule references and streamline the six-month reporting process for people who receive benefits from more than one program. This includes, but is not limited to amending WAC 388-400-0005 Who is eligible for temporary assistance for needy families?, 388-400-0025 Who is eligible for general assistance unemployable?, 388-400-0040 Am I eligible for benefits through the Washington Basic Food program?, 388-418-0007 When do I have to report changes in my circumstances?, 388-418-0011 What is a six-month report, and do I have to complete one in order to keep getting benefits?, and 388-418-0020 How does the department determine the date a change affects my benefits?

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.050, 74.04.500, 74.04.510, 74.08.090.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The changes will be to update references to other department rules and streamline the process for individuals and families who receive benefits from more than one program and must complete a six-month report. Currently, someone receiving benefits from more than one program could receive multiple six-month reports.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the food stamp program in the Federal Register. Rules published in the Federal Register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices to inform states of new program requirements that are not yet in the United States Code of Federal Regulations.

DSHS incorporates these regulations and exercises state options by adopting administrative rules for food assistance benefits in Washington state.

The department adopts regulations for cash, Basic Food, and medical assistance in a state plan that is consistent with federal requirements in public law, the Code of Federal Regulations, and other federal guidance on department-administered programs.

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 John Camp, Policy Analyst, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4616, fax (360) 493-3493, e-mail campjx@dshs.wa.gov.

October 18, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 05-21-096**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed October 18, 2005, 1:35 p.m.]

The Economic Services Administration requests the withdrawal of the following preproposal statements of inquiry:

- Preproposal filed as WSR 00-09-036 on April 14, 2000 (new WAC chapter, Cash overpayment rules).
- Preproposal filed as WSR 01-23-065 on November 20, 2001 (chapter 388-448 WAC).
- Preproposal filed as WSR 02-08-054 on April 1, 2002 (WAC 388-450-0135).
- Preproposal filed as WSR 02-11-061 on May 10, 2002 (WAC 388-454-0006 and 388-454-0025).
- Preproposal filed as WSR 02-11-125 on May 21, 2002 (WAC 388-448-0180).
- Preproposal filed as WSR 02-14-159 on July 2, 2002 (chapter 388-490 WAC).
- Preproposal filed as WSR 03-14-080 on June 27, 2003 (WAC 388-468-0005).
- Preproposal filed as WSR 03-19-031 on September 9, 2003 (WAC 388-434-0005).
- Preproposal filed as WSR 03-19-035 on September 9, 2003 (WAC 388-472-0005).
- Preproposal filed as WSR 03-24-100 on December 3, 2003 (chapters 388-446 and 388-464 WAC).

- Preproposal filed as WSR 04-07-164 on March 23, 2004 (WAC 388-408-0015).

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 05-21-119**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed October 18, 2005, 4:57 p.m.]

Subject of Possible Rule Making: State delisting of the Aleutian Canada goose and listing as endangered or threatened the Mazama pocket gopher, streaked horned lark, and Taylor's checkerspot butterfly.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Mazama pocket gopher, streaked horned lark, and Taylor's checkerspot butterfly are imperiled species in Washington. State listing as endangered or threatened is needed to prevent these species from further declines and to initiate state recovery efforts to increase population numbers and distribution. Delisting of the Aleutian Canada goose is needed because its population numbers have increased as a result of recovery actions and it has achieved recovery objectives. It no longer meets the definition of a state threatened species.

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 Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515.

October 18, 2005

Evan Jacoby  
Rules Coordinator

**WSR 05-21-134**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed October 19, 2005, 9:23 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-96A-400 Excise tax exemption—Indians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is required to apply the exemption to local motor vehicle excise taxes. Currently the rule only gives the exemption for RTA excise tax

and does not include the Seattle Monorail Project or other future local taxing authorities.

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 Dale R. Brown, Management Analyst, Policy and Project Office, Mailstop 48001, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-0140, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

October 19, 2005  
D. McCurley, Administrator  
Title and Registration Services

