

**WSR 06-09-003**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed April 7, 2006, 10:16 a.m.]

Subject of Possible Rule Making: Update of rules relating to public records disclosure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.250, 42.17.260, 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of these rules is to establish the procedures the department of licensing will follow in order to provide full access to public records.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: All state agencies will be developing rules on this subject.

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 Walt Fahrner, 1125 Washington Street S.E., P.O. Box 48016, Olympia, WA 98504-8016, (360) 902-3640, fax (360) 753-7500, e-mail wfahrner@dol.wa.gov.

April 7, 2006  
Walt Fahrner  
Administrator

**WSR 06-09-005**

**PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed April 7, 2006, 10:46 a.m.]

Subject of Possible Rule Making: Chapter 392-210 WAC, Student testing and evaluation—Washington state honors award program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.600.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are out-of-date and need to be revised. Minor edits need to be made. Additional language will be added to clarify that both public and private high school students are eligible to participate in the Washington state honors award program. The arts will be added to the list of academic core subjects that are part of the honors award eligibility criteria. Two nationally recognized tests, the scholastic aptitude test (SAT) and the American college test (ACT), replace the out-dated Washington precollege test as part of the honors award eligibility criteria.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gayle Pauley, Director of Title I/LAP & Title V, Office of Superintendent of Public Instruction,

phone (360) 725-6100, fax (360) 586-3305, gpauley@ospi.wednet.edu.

February 24, 2006  
Terry Bergeson  
Superintendent of  
Public Instruction

**WSR 06-09-013**

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

(Aging and Disability Services Administration)

[Filed April 10, 2006, 4:30 p.m.]

Subject of Possible Rule Making: 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 1915(c) of the Social Security Act.

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 1915(c) of the Social Security Act.

Process for Developing New Rule: The department welcomes public participation 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.

April 10, 2006  
Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 06-09-014**

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

(Economic Services Administration)

[Filed April 10, 2006, 4:33 p.m.]

Subject of Possible Rule Making: New sections and/or amendments in chapter 388-14A WAC to enable the division

of child support (DCS) to comply with chapter 26.21A RCW, the Uniform Interstate Family Support Act, which is effective January 1, 2007, under HB 3048, which was passed in the 2006 legislative session (chapter 96, Laws of 2006).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220(2), 43.20A.550, 74.04.055, 74.08.-090, 74.20.040, 74.20A.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state legislature has adopted the updated Uniform Interstate Family Support Act (UIFSA) as chapter 26.21A RCW, effective January 1, 2007. DCS anticipates that new and amended rules will be required in order to allow the Washington child support program to comply with UIFSA under our state plan under Title IV-D of the federal Social Security Act.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS division of child support (DCS) headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at [www.wa.gov/dshs/dcs](http://www.wa.gov/dshs/dcs), or on the DSHS economic services administration's policy review web site, which can be found at <http://www1.dshs.wa.gov/esa/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to 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 Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail [nkoptur@dshs.wa.gov](mailto:nkoptur@dshs.wa.gov), toll-free 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

April 5, 2006

Andy Fernando, Manager  
Rules and Policies Assistance Unit

#### **WSR 06-09-018**

##### **PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING**

[Filed April 11, 2006, 1:27 p.m.]

Subject of Possible Rule Making: Chapter 308-94A WAC, Off-road and nonhighway vehicles, to include but not limited to WAC 308-94A-005 Certificates of ownership and registration.

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: During normal review of the rules we found that language and clarity needed to be addressed. Rule making is required to correct language and clarify the WAC.

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

Process for Developing New Rule: Committee with stakeholder review.

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, Vehicle Services, Assistant Director's 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](mailto:DBROWN@dol.wa.gov).

April 11, 2006

D. McCurley, Administrator  
Title and Registration Services

#### **WSR 06-09-019**

##### **PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING**

[Filed April 11, 2006, 1:29 p.m.]

Subject of Possible Rule Making: Chapter 308-94 WAC, Snowmobiles, to include but not limited to WAC 308-94-030 Snowmobile registration application—Registration year.

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: During normal review of the rules we found that language needed to be added to the rule to make if [it] more clear. Rule making is required to clarify language and to make it easier to understand.

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

Process for Developing New Rule: Committee with stakeholder review.

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, Vehicle Services, Assistant Director's 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](mailto:DBROWN@dol.wa.gov).

April 11, 2006

D. McCurley, Administrator  
Title and Registration Services

#### **WSR 06-09-022**

##### **WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING**

[Filed April 11, 2006, 2:35 p.m.]

Please withdraw our preproposal statement of inquiry, CR-101 for private investigators, chapter 18.185 RCW. The

subject was for a fee increase and the WSR number is WSR 06-08-027.

Please call Mary Haglund at (360) 664-6658 if you need further information.

Mary Haglund, Program Manager  
Public Protection Services Section

### WSR 06-09-037

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 13, 2006, 4:25 p.m.]

Subject of Possible Rule Making: WAC 388-454-0006  
The department makes background checks on adults who are acting in place of a parent without court-ordered custody, and related WAC, governing the requirement for background checks on adult caregivers applying for TANF (temporary assistance to needy families) on behalf of unrelated children in their care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and 74.15.-030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The *In Loco Parentis* background check WAC needs to be changed to achieve consistency with comparable WAC governing the working connections child care program (WAC 388-290-0143 and related WAC) and to promote the health and safety of children being cared for by nonrelative caregivers.

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 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, Policy Analyst, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4617, fax (360) 493-3493, e-mail berrytj@dshs.wa.gov.

April 13, 2006

Andy Fernando, Manager  
Rules and Policies Assistance Unit

### WSR 06-09-040

#### PREPROPOSAL STATEMENT OF INQUIRY

#### HORSE RACING COMMISSION

[Filed April 14, 2006, 8:42 a.m.]

Subject of Possible Rule Making: WAC 260-80-140  
Disturbing the peace.

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: The current language is ambiguous and outdated and needs to be revised.

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 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.

April 13, 2006

R. M. Leichner  
Executive Secretary

### WSR 06-09-044

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF LICENSING

[Filed April 14, 2006, 1:45 p.m.]

Subject of Possible Rule Making: Chapter 196-30  
WAC, Fees for on-site wastewater treatment designers and inspectors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.210 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To repeal portions of the rules that pertain to on-site practice permits, which ended on June 30, 2003.

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 George A. Twiss, Executive Director, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1575, fax (360) 664-2551, e-mail engineers@dol.wa.gov. Comments may be submitted through regular mail, phone, fax or e-mail.

April 14, 2006

George A. Twiss  
Executive Director

**WSR 06-09-045****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed April 14, 2006, 1:46 p.m.]

Subject of Possible Rule Making: Chapter 196-23 WAC, Stamping and seals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Repeal of WAC 196-23-030 and 196-23-050 and move to chapter 196-25 WAC.

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 George A. Twiss, Executive Director, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1575, fax (360) 664-2551, e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov). Comments may be submitted through regular mail, phone, fax or e-mail.

April 14, 2006  
George A. Twiss  
Executive Director

**WSR 06-09-047****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed April 14, 2006, 1:50 p.m.]

Subject of Possible Rule Making: Chapter 196-25 WAC, Business practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of an effort to better organize existing and future rules under existing chapter headings that pertain to the professional practice of engineers and land surveyors.

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 George A. Twiss, Executive Director, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1575, fax (360) 664-2551, e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov). Comments may be submitted through regular mail, phone, fax or e-mail.

April 14, 2006  
George A. Twiss  
Executive Director

**WSR 06-09-046****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed April 14, 2006, 1:48 p.m.]

Subject of Possible Rule Making: Chapter 196-33 WAC, Rules of professional practice for licensees designing on-site wastewater treatment systems.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.210 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revise WAC 196-33-400 and 196-33-500 to better define the language regarding the use of seals and stamps.

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 George A. Twiss, Executive Director, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1575, fax (360) 664-2551, e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov). Comments may be submitted through regular mail, phone, fax or e-mail.

April 14, 2006  
George A. Twiss  
Executive Director

**WSR 06-09-051****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ECOLOGY**

[Order 06-04—Filed April 14, 2006, 3:30 p.m.]

Subject of Possible Rule Making: This rule making would be directed towards correcting deficiencies noted by EPA in their formal disapproval (March 22, 2006) of Washington's 2003 revisions to the state surface water quality standards (chapter 173-201A WAC).

This proposed corrective rule would:

(a) Change the designated uses for many rivers from "spawning and noncore rearing" to "spawning and core rearing."

(b) Change a small number of rivers to the "native char" designated use-type.

(c) Add spawning locations and timing windows where explicit spawning/incubation temperature criteria would apply.

(d) Correct miscellaneous minor (typographic) errors introduced during the 2003 rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.035 provides clear and direct authority for ecology to revise the water quality standards for this purpose.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Portions of the surface water quality standards (chapter 173-201A WAC) adopted in 2003 have been disapproved by the United States Environmental

Protection Agency (EPA). Federal law (the Clean Water Act) requires that revisions of state water quality standards be approved by EPA prior to being used by the state for federal Clean Water Act actions. This rule proposal is designed to bring about the required EPA approval so that the state will have legally effective water quality standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Developing and administering surface water quality standards to protect water quality and meet the objectives of the federal Clean Water Act is a unique responsibility assigned to the department of ecology in chapter 90.48 RCW.

Process for Developing New Rule: Proposed changes in aquatic life protection will be based on information supplied by the EPA as part of their disapproval of ecology's 2003 rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information on the planned rule making and the public review and comment opportunities will be maintained on ecology's web site at <http://www.ecy.wa.gov/programs/wq/swqs>. Ecology will also send a link to the e-mail listserve for water quality standards. Notices will be directly provided using the existing water quality standards mail list and e-mail listserve.

Information can also be obtained by contacting Mark Hicks, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, e-mail [mhic461@ecy.wa.gov](mailto:mhic461@ecy.wa.gov), phone (360) 407-6477, fax (360) 407-6426.

April 10, 2006

David C. Peeler

Water Quality Program Manager

#### **WSR 06-09-055**

#### **PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed April 17, 2006, 11:41 a.m.]

Subject of Possible Rule Making: WAC 392-121-200 through 392-121-299, Finance—General apportionment—Certificated instructional staff.

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: Rule changes are needed to implement legislation in 2005 which changed the governance of K-12 education and realigned the powers and duties of the state board of education and the professional educator standards board. References to rules regarding the certification and continuing education of certificated instructional staff are updated from Title 180 WAC under the state board of education to Title 181 WAC under the professional educator standards board.

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.

April 10, 2006

Marty Daybell

for Dr. Terry Bergeson

Superintendent of

Public Instruction

#### **WSR 06-09-056**

#### **PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed April 17, 2006, 11:42 a.m.]

Subject of Possible Rule Making: Skills center incentive payment.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A subsection in WAC 392-121-465, Formula for and distribution of state moneys for the state incentive grants for increased enrollment in vocational skills centers program, to be amended to implement language in the 2006 budget that directs OSPI to develop criteria to award incentive grants to encourage school districts to increase enrollment in vocational skills centers.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new rules and consideration of 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 sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200 [98504-7200], fax (360) 664-3683. For telephone assistance contact Calvin W. Brodie, (360) 725-6300.

April 10, 2006

Marty Daybell

for Dr. Terry Bergeson

Superintendent of

Public Instruction

#### **WSR 06-09-057**

#### **PREPROPOSAL STATEMENT OF INQUIRY HIGHER EDUCATION COORDINATING BOARD**

[Filed April 17, 2006, 2:03 p.m.]

Subject of Possible Rule Making: Amendatory changes to state residency rules in response to legislation enacted in the 2005 session (ESHB 1607).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.15.0131.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1607 changed eligibility for "resident" status for tuition and fee purposes of tribal members. The legislation strikes a specific listing of eligible tribes in statute and replaces it with a definition of eligible federally recognized tribes whose "traditional and customary tribal boundaries included portions of the state of Washington, or whose tribe was granted reserved lands within the state of Washington."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington's public two-year and four-year colleges and universities administer residency rules in order to determine the appropriate tuition charges to students. The office of the attorney general provides legal counsel to institutions in these decisions. The higher education coordinating board rules will be developed in consultation with these agencies.

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 Randy Spaulding, Ph.D., Senior Associate Director for Academic Affairs, 917 Lakeridge Way S.W., Olympia, WA 98504, (360) 753-7823.

March 22, 2006  
Randy Spaulding  
Senior Associate Director  
for Academic Affairs

**WSR 06-09-065**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 18, 2006, 9:26 a.m.]

In accordance with RCW 34.05.335(1), the department of labor and industries withdraws the preproposal statement of inquiry filed as WSR 05-23-140 on December 6, 2005. The WACs related to this rule filing are chapter 296-24 WAC, Safety standards for general safety and health, chapter 296-62 WAC, General occupational health standards, and chapter 296-818 WAC, Abrasive blasting.

Carmen Moore  
Rules Coordinator

**WSR 06-09-066**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 18, 2006, 9:27 a.m.]

In accordance with RCW 34.05.335(1), the department of labor and industries withdraws the preproposal statement of inquiry filed as WSR 05-24-083 on December 6, 2005. The WACs related to this rule filing are chapter 296-24

WAC, Safety standards for general safety and health, chapter 296-155 WAC, Safety standards for construction, and chapter 296-800 WAC, Safety and health core rules.

Carmen Moore  
Rules Coordinator

**WSR 06-09-067**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 18, 2006, 9:28 a.m.]

Subject of Possible Rule Making: Chapter 296-46B WAC, Electrical safety standards, administration, and installation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to review the electrical rule for additions, revisions, and possible fee changes. The rule making will also incorporate amendments from the passage of SHB 1841 and SSB 6225, which passed the 2006 legislature. SHB 1841 requires electrical trainees to show sixteen hours of trainee continuing education prior to being allowed to renew their training certificate (two-year renewal). SSB 6225 requires the plumbing program to create specialties for domestic water and farm irrigation systems plumbers.

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 electrical board and the electrical technical advisory committee will be used to develop these rules.

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.

April 18, 2006  
Gary Weeks  
Director

**WSR 06-09-068**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 18, 2006, 9:28 a.m.]

Subject of Possible Rule Making: Chapter 296-400A WAC, Plumber certification rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.106 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to incorporate amendments to the plumber certification rules from the passage of SSB 6225, which passed the 2006 legislature. SSB 6225 requires the plumbing program to create specialties for domestic water and farm irrigation systems plumbers.

The department will also review the plumber certification rules for housekeeping changes in order to further clarify the 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 state advisory board of plumbers will be utilized to develop these rules. Other interested parties and the public may also participate 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 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).

April 18, 2006

Gary Weeks

Director

#### **WSR 06-09-077**

##### **PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING**

[Filed April 18, 2006, 1:58 p.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-96A-096 Registration requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making expands the exemptions of this rule. Allowing military spouses and dependents with valid licenses to be exempt from the requirement of a current Washington driver's license. This will make the vehicle rule consistent with drivers rule.

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

Process for Developing New Rule: Committee with stakeholder review.

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, Vehicle Services, Assistant Director's 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](mailto:DBROWN@dol.wa.gov).

April 18, 2006

D. McCurley, Administrator  
Title and Registration Services

#### **WSR 06-09-078**

##### **PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING**

[Filed April 18, 2006, 1:59 p.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-93-030 Vessels subject to excise tax, registration and titling and 308-93-070 Application for certificate of ownership/registration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.070 and 88.02.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to specify the vessel registration certificate must be carried on board the vessel for which it is issued at all times. We explain what must be on the registration but not where to carry this information. This will allow law enforcement another tool for boating safety.

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

Process for Developing New Rule: Committee with stakeholder review.

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, Vehicle Services, Assistant Director's 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](mailto:DBROWN@dol.wa.gov).

April 18, 2006

D. McCurley, Administrator  
Title and Registration Services

#### **WSR 06-09-084**

##### **PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF**

##### **SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed April 18, 2006, 4:18 p.m.]

Subject of Possible Rule Making: The department is considering amending chapter 388-76 WAC, Adult family homes minimum licensing requirements.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending chapter 388-76 WAC to simplify language,

eliminate question and answer format, reorganize and renumber the chapter, clarify issues that have been brought to the attention of the department, and update rules to comply with statute changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of community, trade and economic development (DCTED) adopts rules amending the International Residential Code as they pertain to adult family homes; department of health (DOH) adopts rules relating to medication administration, infectious diseases and medical professional standards; department of labor and industries (L&I) regulates worker safety and training issues; Washington state patrol (WSP) regulates criminal background checks. DCTED, DOH, L&I and WSP will be asked to comment on draft and proposed rules that might affect relevant subjects.

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 Roger A. Woodside, Program Manager, Department of Social and Health Services, 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 (877) 905-0454, e-mail woodsr@dshs.wa.gov.

Public meetings have been scheduled to obtain input from stakeholders for consideration. The meetings are scheduled from 9:00 a.m. to noon on **May 30, 2006, Seattle**, Region 4 DSHS/ADSA Office (King County); on **May 31, 2006, Vancouver**, American Legion Post 14, 4607 N.E. Street, James Road; on **June 5, 2006, Arlington**, Region 3 DSHS/ADSA Office, 3906 172nd Street N.E., #100; on **June 8, 2006, Yakima**, Yakima Regional Medical Center, 110 South 9th Avenue; on **June 9, 2006, Spokane**, Sacred Heart Medical Center, 101 West Eighth Avenue; on **June 13, 2006, Tacoma**, Tacoma DSHS/ADSA Office, Centennial Building, 1940 South State Street.

Additional public meetings may be held if necessary.

April 17, 2006

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 06-09-093**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ECOLOGY**

[Order 06-05—Filed April 19, 2006, 9:46 a.m.]

Subject of Possible Rule Making: This proposed rule making would amend one section of chapter 173-134A WAC. A formal petition for amendment rule making was received by ecology on January 3, 2006, and amended in a letter dated January 11, 2006. Ecology has agreed to initiate

rule making as petitioned. The petitioned amendments pertain to language within WAC 173-134A-080. The proposed amendments would change the following:

Current requirements	Proposed language
Only water that has been put to "beneficial use" *may be transferred as to the place of use and purpose of use.	Would allow water not yet put to beneficial use to transfer as to the place of use.
All permits are provided three years to put water to beneficial use. After three years, the unused (unperfected) water is returned to the artificially stored ground water.	Would allow flexible development schedules for all nonagricultural permits on a case-by-case basis.
None	A nonagricultural permit development schedule may be extended for good cause on a case-by case basis.

Additional amendments to chapter 173-134A WAC may be identified during a public scoping process on the rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.21A.064(9), 43.21A.080, 90.54.040(2), and 90.44.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of chapter 173-134A WAC is to set forth rules for ecology to administer, regulate, and manage all ground waters within the Quincy Basin (QB) ground water subarea, including commingled public ground waters and artificially stored ground waters. The department of ecology works in cooperation with the affected entities including the Bureau of Reclamation to implement protection to the public interest and private rights.

The current rule language limits the development schedule to three years and the ability to change only a water right that has been put to beneficial use for all entities. Nonagricultural entities including the business community, developers, and municipalities generally require greater flexibility in their development schedules and changing inchoate water rights, depending on the scale of the project.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Bureau of Reclamation (bureau) is identified as the water right holder and owner of the artificially stored ground water. Ecology plans to coordinate the rule-making process with the bureau. Ecology has and will continue to request the bureau's response to draft rule language and its participation in the rule-making activities.

Process for Developing New Rule: Ecology will hold public workshops and hearings to provide information to interested parties and to receive comments on the scope of the rule making. An informational flyer will also be sent out. Information will also be posted on ecology's web site.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janet Carlson, either by phone (509) 329-3421, by e-mail at jaca461@ecy.wa.gov, or by mail at



Janet Carlson, Eastern Regional Office, Department of Ecology, North Monroe Street, Spokane, WA 99205-1295. They may also participate in the public workshops and public hearings and provide comments to internet postings of the proposed amendments.

April 19, 2006  
Kenneth O. Slattery  
Program Manager

at Spokane Community College, Lair Building 6, Room 06-124A, North 1810 Greene Street, Spokane, WA, on May 18, 2006, at 1:30 p.m.

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

April 19, 2006  
Alan R. Lynn  
Rules Coordinator

### WSR 06-09-099

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed April 19, 2006, 11:21 a.m.]

Subject of Possible Rule Making: WAC 458-20-273 Customers' cost recovery incentive payments with credit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5101, chapter 300, Laws of 2005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering adopting a new rule to effectuate new legislation promoting the use and manufacture of alternative renewable energy systems in the state of Washington through the development of a customers' cost recovery incentive payments program with a corresponding credit to participating light and power businesses. Specifically, a credit of up to \$2,000 annually will be paid to customers for measured electric generation from qualified solar, wind, and anaerobic digester energy systems. The light and power businesses pay the incentive payments to their qualifying customers and then receive a credit equal to the amount of payments made on their public utility tax. The amount of payments one light and power business may make is limited by the higher of \$25,000 or 0.25% of the business' taxable power sales due under RCW 82.16.020 (1)(b). Participation by the light and power businesses in this program is discretionary.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Mark E. Bohe, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-47453 [98504-7453], phone (360) 570-6133, e-mail MarkBohe.[@]dor.wa.gov, fax (360) 586-5543.

Public Meeting Location: Capital Plaza Building, 4th Floor, Large Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on May 16, 2006, at 10:00 a.m.; and

### WSR 06-09-101

#### PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed April 19, 2006, 11:31 a.m.]

Subject of Possible Rule Making: WAC 314-24-150 Wine records, 314-24-190 Wine supplier and distributor price posting, 314-20-050 Beer distributors—Records, 314-20-100 Beer supplier and distributor price posting, 314-19-015 What are the monthly reporting and tax payment requirements?, 314-19-020 What if a licensee doesn't report or pay the taxes due, or reports or pays late?, 314-16-160 Purchases—Reports, and 314-13-010 Who can retail licensees purchase beer, wine, and spirits from?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 and chapter 302, Laws of 2006 (2SSB 6823).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature in 2SSB 6823 (2006 session) gave both in-state and out-of-state wineries and breweries to sell their own production to licensed beer and wine retailers in Washington. Rules must be changed to be consistent with these new provisions.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Madson, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail rules@liq.wa.gov.

April 19, 2006  
Merritt D. Long  
Chairman

### WSR 06-09-102

#### PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed April 19, 2006, 11:32 a.m.]

Subject of Possible Rule Making: WAC 314-07-010 Definition (public institution), 314-07-020 Liquor license qualifications and application process, and 314-07-055 Temporary retail license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 and chapter 359, Laws of 2006 (SSB 6540).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature in SSB 6540 (2006 session) made changes to improve and streamline the liquor licensing process: (1) Extended the comment period for local governments, churches and schools on license applications, (2) authorized use of methods to notify churches, schools, and public institutions other than certified mail, (3) authorized license applicants to begin application process during the thirty day residency waiting period, and (4) authorized the board to issue a temporary license on applications for premises not previously licensed to sell alcohol. Rules must be changed to be consistent with these new provisions.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Madson, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail rules@liq.wa.gov.

April 19, 2006  
Merritt D. Long  
Chairman

### WSR 06-09-103

#### PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed April 19, 2006, 11:33 a.m.]

Subject of Possible Rule Making: WAC 314-24-040 Wine labels—Certificate of approval, 314-24-090 Wine labels, 314-24-150 Wine records, 314-24-240 Delivery conditions, 314-24-250 Labeling requirements for private wine shippers, and chapter 314-19 WAC, Wine tax reporting and payment requirements. New rules may be needed for payment of taxes by out-of-state wineries, reporting by out-of-state wineries, and late reporting or payment of taxes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 and chapter 49, Laws of 2006 (ESB 6537).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature in ESB 6537 (2006 session) extended the privilege of shipping wine directly from the winery to consumers currently held by in-state wineries to other United States wineries. These wineries must now pay a fee for this privilege and must collect state taxes on these transactions. Rules must be changed to be consistent with these new provisions.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Pamela Madson, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail rules@liq.wa.gov.

April 19, 2006  
Merritt D. Long  
Chairman

### WSR 06-09-104

#### PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed April 19, 2006, 11:34 a.m.]

Subject of Possible Rule Making: WAC 314-20-025 Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Spirit, beer and wine restaurant operation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 and chapter 44, Laws of 2006 (HB 3154).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature in HB 3154 (2006 session) authorized a domestic brewery or microbrewery holding a spirits, beer, and wine restaurant license to sell kegs of its own production "to go" and to sell its beer in small containers from the tap in the restaurant "to go." Rules must be changed to be consistent with these new provisions.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Madson, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail rules@liq.wa.gov.

April 19, 2006  
Merritt D. Long  
Chairman

### WSR 06-09-105

#### PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed April 19, 2006, 11:35 a.m.]

Subject of Possible Rule Making: WAC 314-12-140 Prohibited practices and 314-050-020 [314-05-020] What is a special occasion license?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.28.010, chapter 43, Laws of 2006 (SHB 3128).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature in SHB 3128 (2006 session) created two new exceptions to the tied-house statute allowing wineries to serve on boards of directors of nonprofit organizations when the organizations hold retail

liquor licenses. Rules must be changed to be consistent with these new exceptions.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Madson, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail [rules@liq.wa.gov](mailto:rules@liq.wa.gov).

April 19, 2006  
Merritt D. Long  
Chairman