

WSR 06-18-005**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

(Elections Division)

[Filed August 23, 2006, 3:40 p.m.]

Subject of Possible Rule Making: Voter registration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: United States district court for the western district of Washington issued a preliminary injunction on August 1, 2006, enjoining enforcement of RCW 29A.08.107. *Washington Association of Churches, et al. v. Sam Reed*, No. C06-0726RSM. These rules implement that preliminary injunction.

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 Pam Floyd, P.O. Box 40232, Olympia, WA 98504, (360) 725-5781, fax (360) 664-2971.

August 23, 2006

Steve Excell

Assistant Secretary of State

WSR 06-18-024**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed August 25, 2006, 3:20 p.m.]

Subject of Possible Rule Making: Charitable and non-profit licensees.

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 changes to rules regarding pull-tab games offered by nonprofit and charitable licensees.

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

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

[Meetings on] October 13, 2006, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 851-5402; on November 17, 2006, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220; and on January 13, 2007, at the DoubleTree

Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220.

August 24, 2006

Susan Arland

Rules Coordinator

WSR 06-18-025**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed August 25, 2006, 3:22 p.m.]

Subject of Possible Rule Making: Charitable and non-profit licensees.

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 changes to rules regarding cash flow requirements.

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

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

[Meetings on] October 13, 2006, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 851-5402; on November 17, 2006, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220; and on January 13, 2007, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220.

August 24, 2006

Susan Arland

Rules Coordinator

WSR 06-18-026**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed August 25, 2006, 3:23 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 from Leading Edge Software requesting changes to rules to allow electronic internal controls programs to be used.

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

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

[Meetings on] October 13, 2006, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 851-5402; on November 17, 2006, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220; and on January 13, 2007, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220.

August 24, 2006
Susan Arland
Rules Coordinator

WSR 06-18-027

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed August 25, 2006, 3:24 p.m.]

Subject of Possible Rule Making: All licensees - license fee increase per I-601.

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: Licensing fees need to be adjusted to reflect cost of regulating charitable/nonprofits, commercial establishments, and individuals.

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

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

[Meetings on] October 13, 2006, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 851-5402; on November 17, 2006, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220; and on January 13, 2007, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220.

August 24, 2006
Susan Arland
Rules Coordinator

WSR 06-18-028

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed August 25, 2006, 3:25 p.m.]

Subject of Possible Rule Making: Reconsideration hearings as described in the Administrative Procedure Act.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule change, under authority of RCW 9.46.070, 9.46.140, and the Administrative Procedure Act (RCW 34.05.470), authorizes the director to schedule petitions for reconsideration before the commission. This proposed rule change also clarifies the process for petitioners.

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

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

[Meetings on] October 13, 2006, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 851-5402; on November 17, 2006, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220; and on January 13, 2007, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220.

August 24, 2006
Susan Arland
Rules Coordinator

WSR 06-18-029

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed August 25, 2006, 3:26 p.m.]

Subject of Possible Rule Making: Charitable and non-profit licensees.

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: In 2004, the commission conducted a study of charitable and nonprofit licensees and their industry trends. The commission will be looking at possible rule changes based on findings and recommendations that are the result of the study.

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

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

[Meetings on] October 13, 2006, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 851-5402; on November 17, 2006, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220; and on January 13, 2007, at the DoubleTree Guest Suites, 16500 Southcenter Parkway, Seattle, WA 98188, (206) 575-8220.

August 24, 2006
Susan Arland
Rules Coordinator

WSR 06-18-036

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed August 29, 2006, 8:32 a.m.]

Subject of Possible Rule Making: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.091 requires the department to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. This valuation is for the 1st half of 2007 stumpage value adoption (WAC 458-40-660).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

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 will be available upon request shortly before the public meeting. Written comments on and/or requests for copies of the rule may be directed to Mark Bohe, Interpretations and Technical Advice Division, P.O. Box 47453, Olym-

pia, WA 98504-47453 [98504-7453], e-mail markbohe@dor.wa.gov, phone (360) 570-6133, fax (360) 586-5543.

Public Meeting Location: Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on October 18, 2006, at 10:00 a.m.

August 29, 2006
Alan R. Lynn
Rules Coordinator

WSR 06-18-040

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 06-13—Filed August 29, 2006, 4:26 p.m.]

Subject of Possible Rule Making: This rule making will amend chapter 173-322 WAC, Remedial action grants and loans. The rule making will propose amendments to:

- Create provisions for an extraordinary financial hardship loan program with deferred terms and conditions that may not be indefinite;
- Address that extraordinary financial hardship loans must be approved by the director;
- Address "general housekeeping" issues such as providing definition and reference clarifications.

The anticipated revisions will impact small governmental entities with limited finances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The Model Toxics Control Act (MTCA), chapter 70.105D RCW, provides the statutory authority for this rule. Specifically, RCW 70.105D.070(7) provides ecology authority to adopt rules for grant or loan issuance and performance for grant and loan programs.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule revisions are necessary to create provisions for an extraordinary financial hardship loan program with deferred terms and conditions that may not be indefinite. Extraordinary financial hardship loans must be approved by the director. This rule making would allow small governmental entities with limited finances more loan options. The difference between the regular loans and the hardship loans is the complete inability to repay the loan under present circumstances (from any source of finding, whether insurance, bonds, taxes, etc.) and the director approval to grant deferred terms and conditions. Other changes envisioned are minor and involve definition and reference clarifications.

Process for Developing New Rule: This rule making is to amend an existing rule. The public will be provided the opportunity to comment on the proposed rule. A minimum of one public hearing will be conducted. Additionally, the proposed amendments will be posted on the department web site and will be provided to parties that have identified themselves as interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathi Scanlan, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98605-

7600 [98506-7600], phone (360) 407-6559, e-mail ksca461@ecy.wa.gov.

August 29, 2006

Cullen D. Stephenson, Program Manager
Solid Waste and Financial Assistance Program

WSR 06-18-052

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 30, 2006, 11:47 a.m.]

Subject of Possible Rule Making: Chapter 180-38 WAC, Pupils—Immunization requirement and life-threatening health condition, transfer to chapter 392-380 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Language from chapter 180-38 WAC is being adopted as new language in chapter 392-380 WAC as required by the transfer of duties from the state board of education to the superintendent of public instruction under E2SHB 2098 sections 909 through 911.

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

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

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

Questions: Marcia L. Riggers, Assistant Superintendent, Student Support and Operations, Office of the Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6175.

August 30, 2006

Marty Daybell
Superintendent of
Public Instruction

WSR 06-18-061

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC EMPLOYMENT RELATIONS COMMISSION

[Filed September 1, 2006, 8:57 a.m.]

Subject of Possible Rule Making: Revision of rules that govern agency practices and procedures for all types of cases, including rules for representation cases, unit clarification cases, unfair labor practice cases, impasse resolution rules, grievance arbitration rules, and union security dispute rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.58.050, 28B.52.065, 41.56.090, 41.59-110, 41.76.060, 41.80.900.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Repeal out-of-date or unnecessary rules, adjust rules to reflect current operation of the agency, and adjust and enact rules necessary to administer chapter 41.80 RCW. Commission rules also need some revision to streamline some internal processes to accommodate a growing clientele.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agency regulates this subject with respect to Washington public employees.

Process for Developing New Rule: Agency study; and commission staff brought representatives from both labor and management together to discuss clientele concerns with the current rules and to discuss potential changes that commission staff and clientele would like to see enacted.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ken Latsch, 112 North Henry Street, Suite 300, P.O. Box 40919, Olympia, WA 98504-4919, (360) 570-7320; or Karl Nagel, [112] North Henry Street, Suite 300, P.O. Box 40919, Olympia, WA 98504-4919, (360) 570-7317.

September 1, 2006

Kenneth J. Latsch
Operations Manager

WSR 06-18-068

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed September 5, 2006, 9:10 a.m.]

Subject of Possible Rule Making: Amendments to chapter 196-27A WAC, Rules of professional conduct.

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: Amendments to chapter 196-27A WAC are needed to address explicit acts of misconduct that pertain to the professional practice of engineers.

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. Comments may be submitted through regular mail, phone, fax, or e-mail to 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.

September 5, 2006

George A. Twiss
Executive Director

WSR 06-18-069**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed September 5, 2006, 9:11 a.m.]

Subject of Possible Rule Making: Amendments to chapter 196-12 WAC, Registered professional engineers.

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 the existing chapter that pertain to the professional practice of engineers.

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. Comments may be submitted through regular mail, phone, fax, or e-mail to 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.

September 5, 2006

George A. Twiss

Executive Director

WSR 06-18-083**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed September 5, 2006, 2:05 p.m.]

Subject of Possible Rule Making: Amending WAC 388-112-0270 Who must take residential care administrator training and when? and 388-112-0250 What is CPR training?; and adding sections in chapter 388-112 WAC, Residential long-term care services, related to requirements for HIV/AIDS training.

Other WAC chapters may be amended as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 18.20.090, 70.128.040, chapter 70.128 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 249, Laws of 2006 (RCW 70.128.120) requires that all adult family home providers take the residential care administrator training prior to being licensed. The purpose of the new language in WAC 388-112-0270 is to add this requirement. The purpose for new language in WAC 388-112-0250 is to clarify that CPR training must include written and skills tests. The purpose of new rules in chapter 388-112 WAC is to add content requirements for HIV/AIDS training.

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 Tiffany Sevruk, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2538, fax (360) 407-7582, e-mail sevruta@dshs.wa.gov.

September 5, 2006

Andy Fernando, Manager

Rules and Policies Assistance Unit

WSR 06-18-084**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed September 5, 2006, 2:06 p.m.]

Subject of Possible Rule Making: WAC 388-501-0100 Subrogation and 388-505-0540 Assignment of rights and cooperation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500; 42 U.S.C. 7 Sec. 1396e Enrollment of Individuals under Group Health Plans.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision to WAC 388-501-0100 is needed to further reduce expenditures for premiums and cost-sharing by requiring Title XIX clients to enroll in available employer-based health care with the state's premium assistance, if needed, when such assistance is cost-effective to the state. Additional language must also be added to WAC 388-505-0540 which would give DSHS authorization to contact the employers of Title XIX clients when they apply for medical assistance to check on availability of employer-based health care.

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

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

September 5, 2006

Andy Fernando, Manager

Rules and Policies Assistance Unit

WSR 06-18-090**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed September 5, 2006, 3:56 p.m.]

Subject of Possible Rule Making: WAC 458-20-258
Travel agents and tour operators.

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 458-20-258 ("Rule
258") does not reflect current law, under which travel agents
and tour operators now pay the same business and occupation
tax rate. See RCW 82.04.260(5) and chapter 148, Laws of
1996. For this reason, an amendment to Rule 258 may be
necessary. Additionally, the department is requesting com-
ments from interested parties on the following issues:

1. Under what circumstances, if any, is a travel agent or
tour operator that arranges hotel accommodations for guests
in the business of furnishing lodging and obligated to collect
sales and hotel-motel taxes?

2. Must the state of Washington allow apportionment of
gross income for travel agents and tour operators? If ap-
portionment is required, what method(s) should be allowed?

3. What standard must be applied to determine when
"gross commissions" by travel agents are reported instead of
gross income?

4. What characteristics qualify an entity as a travel agent
or tour operator?

5. What other issues should be addressed if the depart-
ment proposes an amendment to Rule 258?

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: 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 pub-
lication. Written comments may be submitted by mail, fax,
or at the public meeting. Oral comments will be accepted at
the public meeting. Written comments may be directed to
Nathan Schreiner, Interpretations and Technical Advice
Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail
NathanS@dor.wa.gov, phone (360) 570-6136, fax (360) 586-
5543.

Public Meeting Location: Capital Plaza Building, 4th
Floor, Executive Large Conference Room, 1025 Union Ave-
nue S.E., Olympia, WA, on October 10, 2006, at 10:00 a.m.

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.

September 5, 2006
Alan R. Lynn
Rules Coordinator

WSR 06-18-095**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed September 6, 2006, 8:20 a.m.]

Subject of Possible Rule Making: WAC 458-20-131
Games of chance.

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

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: The department is consider-
ing a revision to this rule to recognize chapter 369, Laws of
2005 (ESHB 1031). This legislation established a specific
business and occupation (B&O) tax for income derived from
contests of chance (codified as RCW 82.04.285). This
income was previously subject to the 1.5% service and other
activities B&O tax. Chapter 369 also imposes a new B&O
tax on income from parimutuel wagering (codified as RCW
82.04.286), which was previously exempt from B&O tax.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: 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 pub-
lication. Written comments may be submitted by mail, e-
mail, fax or at the public meeting. Oral comments will be
accepted at the public meeting. A preliminary discussion
draft of a possible new or revised rule(s) is available upon
request. Written comments on and/or requests for copies of
the draft may be directed to Gayle Carlson, Interpretations
and Technical Advice Division, P.O. Box 47453, Olympia,
WA 98504-7453, phone (360) 570-6126, e-mail GayleC@
dor.wa.gov, fax (360) 586-5543.

Date and Location of Public Meeting: Capital Plaza
Building, 4th Floor Large Conference Room, 1025 Union
Avenue S.E., Olympia, WA, on October 11, 2006, at 9:30
a.m.

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

September 6, 2006
Alan R. Lynn
Rules Coordinator

WSR 06-18-100**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed September 6, 2006, 10:16 a.m.]

The department of ecology is withdrawing the CR-101
Preproposal statement of inquiry filed on June 7, 2006, as
WSR 06-12-121. Immediately following this withdrawal,
ecology is filing a new proposal [preproposal] statement of

inquiry. This new filing clarifies the department's statutory authority for this rule making.

S. A. Clark
Air Quality Program Manager

WSR 06-18-101

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 06-11—Filed September 6, 2006, 10:17 a.m.]

Subject of Possible Rule Making: This rule making proposes to adopt requirements for mercury emissions from coal-fired power plants into chapters 173-406 and 173-400 WAC. A new federal rule establishes a national cap on mercury emissions and gives each state a mercury budget. States may adopt the federal rules or they may adopt rules that are more stringent. The rule making will determine Washington state requirements in place of the federal rule, opt out of mercury trading and establish emission standards through a phased approach. This rule making will develop a methodology to distribute mercury emission credits in Washington state. This rule may also adopt by reference requirements for new coal-fired electrical generating units under the NSPS program, with adoption of more stringent requirements being evaluated.

This action will also change the name of chapter 173-406 WAC from the acid rain rule to the electric generating unit rule, and replace the current requirements for the acid rain program with adoption by reference of the federal requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.331, 70.94.141, 70.94.154, and 70.94.-860.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will implement the federal clean air mercury rules adopted by the Environmental Protection Agency (EPA) in May 2005. The federal rules have state air agency requirements that begin in 2006 and source specific requirements that begin in 2009. EPA's rules will apply in Washington if we fail to adopt our own by November 2006. We intend to complete the rule-making process as soon as possible, knowing that the state rules will substitute for the federal rules once EPA approves them. The Washington state rules will establish our procedure to distribute mercury emission credits to coal-fired power plants and determine when emissions trading will and will not be allowed in Washington. Establishing a stringent emission limit would be part of the mercury emissions distribution plan and will require TransAlta, currently the sole coal-fired power plant in Washington, to install controls to meet the limit.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: EPA Region 10, energy facility site evaluation council (EFSEC), and the department of community, trade and economic development will be involved in this effort. They will be part of the stakeholder group assisting with the rule development effort. EFSEC has independent authority to regulate

new energy facilities in Washington state. EFSEC and ecology will be working closely with each other to propose rules in tandem that represent the Washington state approach to regulating mercury emissions from existing and future coal-fired power plants.

Process for Developing New Rule: This rule making is to amend an existing rule. Amendments to the rule will be drafted and reviewed internally and by an advisory group. The public will be provided with the opportunity to comment on the proposed rule. At least one public hearing will be held. The proposed amendments will be posted on the agency web site and provided to parties that have identified themselves as interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elena Guilfoil, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6855, fax (360) 407-7534, e-mail EGUI461@ecy.wa.gov, or accessing the ecology web site <http://www.ecy.wa.gov/law/rules/index.html>.

August 22, 2006
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