

WSR 07-18-005**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2007-10—Filed August 22, 2007,
4:10 p.m.]

Subject of Possible Rule Making: Rules relating to the possible adoption of the 2001 CSO preferred class structure mortality table, or some variation in the table, in determining reserve liabilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is commenced in response to a petition for rule making submitted by the American Council of Life Insurers (ACLI) on June 27, 2007 (Commissioner's file Number P.40). The 2001 CSO preferred class structure mortality table was adopted as a model regulation by the National Association of Insurance Commissioners (NAIC) at its meeting in June of 2007. More than forty United States states and the District of Columbia have either adopted or begun proceedings to adopt this table. According to the ACLI, the use of this table will allow insurers to deliver products to the marketplace at a lower cost than would otherwise be possible. The ACLI further states that if Washington does not adopt the table, it could negatively affect the cost of insurance in this state.

The office of the insurance commissioner (OIC) agreed to commence rule making in response to ACLI's petition. During the development of a possible rule, the OIC will consider the NAIC model regulation and suggestions from insurers who would use the table and from the public before deciding on adoption of a regulation permitting use of this table.

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

Process for Developing New Rule: During the development of a possible rule, the OIC will consider the NAIC model regulation and suggestions from insurers who would use the table and from the public before deciding on adoption of a regulation permitting use of this table. Interested persons are urged to contact the OIC, by submitting written comments by September 24, 2007, to Kacy Scott, P.O. Box 40260, Olympia, WA 98504-0260, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40260, Olympia, WA 98504-0260, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

August 22, 2007
Mike Kreidler
Insurance Commissioner

WSR 07-18-007**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed August 23, 2007, 8:42 a.m.]

Subject of Possible Rule Making: WAC 260-44-150 Horseshoes.

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: To amend this section to adopt the model rule regarding restrictions on the use of toe-grabs.

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.

August 23, 2007
R. J. Lopez
Deputy Secretary

WSR 07-18-011**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed August 23, 2007, 11:48 p.m.]

Subject of Possible Rule Making: WAC 260-70-680 Uniform classification guidelines.

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: To adopt the new uniform classification proposed by the Racing Medication and Testing Consortium and adopted by the Association of Racing Commissioners International as a model medication 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: 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.

August 23, 2007
R. J. Lopez
Deputy Secretary

WSR 07-18-012
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed August 23, 2007, 2:18 p.m.]

Subject of Possible Rule Making: Title 390 WAC, amending WAC 390-16-105 Mini campaign reporting—Eligibility, 390-16-111 Mini campaign reporting—Special fund raising events, and 390-16-125 Mini campaign reporting—Exceeding limitations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission will consider possible rule amendments to revise monetary reporting thresholds and criteria for changing from mini to full reporting.

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 commission is expected to discuss and possibly approve draft language on the above referenced rule topics at its meeting on September 27, 2007. A formal public hearing is expected on December 6, 2007.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting PDC Assistant Director Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

August 23, 2007
 Vicki Rippie
 Executive Director

WSR 07-18-014
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 24, 2007, 10:14 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for worker's compensation insurance and chapter 296-17A WAC, Classifications for Washington worker's compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.06.035 and 51.06.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed rule making is in response to a petition filed by the Building Industry Association of Washington (BIAW) requesting the department consider permitting the assignment of classification 5206-79 for permanent yard or shop operations to sand and gravel companies defined in WAC 296-17A-0112.

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

Process for Developing New Rule: The department of labor and industries will solicit input from the business community by way of direct mailings, the internet, and/or informal public meetings. Labor and industries will use this input to formulate proposed changes to the existing rules and advise customers of future rule making by direct mailing and/or the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries will mail letters with ideas on possible rule changes to affected employers. Employers will be encouraged to participate in the process to share ideas and/or attend meetings. Employers can obtain information on our process at the employer services web site (www.lni.wa.gov/insuranceservices/employerservices) and can submit comments electronically to moom235@lni.wa.gov or by calling (360) 902-4774 or by fax at (360) 902-4729.

August 24, 2007

Judy Schurke
 Director

WSR 07-18-016
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 24, 2007, 1:46 p.m.]

Subject of Possible Rule Making: New chapter 246-XXX WAC relating to certification of animal massage practitioners.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESB 5403 (chapter 70, Laws of 2007).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESB 5403 chapter 70, Laws of 2007, directs the secretary to adopt rules necessary to implement a program for certification of animal massage practitioners. Rules are needed to assure only qualified animal massage practitioners are certified in Washington state. These rules will not apply to animal massage practitioners receiving an endorsement for animal massage on their license for human massage therapy under chapter 18.108 RCW and chapter 246-830 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: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons can participate in the development of new rules by attending rule-making workshops and providing comments on proposed language which will be sent to interested persons through listserv and by regular mail. Request to join the listserv or send written comments to Judy Haenke, Program Manager, P.O. Box 47868, Olympia,

WA 98504-7868, (360) 236-4947, fax (360) 586-4359 or e-mail judy.haenke@doh.wa.gov.

August 24, 2007
Mary C. Selecky
Secretary

WSR 07-18-026
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 27, 2007, 3:58 p.m.]

The Washington department of fish and wildlife is withdrawing the CR-101 filed as WSR 07-12-035 on May 30, 2007. We will refile a new CR-101 later today.

Loreva M. Preuss
Criminal Justice Liaison and
Administrative Regulations Coordinator
Enforcement Program

WSR 07-18-028
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 27, 2007, 4:52 p.m.]

Subject of Possible Rule Making: WAC 220-56-145 Possession of gamefish, food fish or shellfish in unlawful condition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current WAC does not require people who are ashore and done fishing for the day to retain proof that they have complied with number, species, size, weight, sex, or wild or hatchery origin restrictions on fish. This has led to ongoing violations of number, species, size, weight, sex, and wild or hatchery origin restrictions on species that are becoming increasingly depleted, such as halibut and lingcod.

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 Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail at preuslmp@dfw.wa.gov. Contact by October 15, 2007. Expected proposal filing on or after October 24, 2007.

August 27, 2007
Loreva M. Preuss
Rules Coordinator

WSR 07-18-039
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed August 29, 2007, 10:43 a.m.]

Subject of Possible Rule Making: Chapter 16-59 WAC, Importation and movement of poultry and hatching eggs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: An emergency rule was filed on July 17, 2007, relating to pullorum-typhoid testing for poultry shown at public exhibition. The department intends to adopt this rule as a permanent rule. In addition, chapter 16-59 WAC is scheduled for agency review and may be amended to update requirements, remove importation requirements that already exist in chapter 16-54 WAC, Animal importation, and increase the rules' readability and clarity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA APHIS). Draft rules will be shared with USDA APHIS.

Process for Developing New Rule: The Washington state department of agriculture staff will develop the rule proposal with the input of industry. Interested parties can participate in the public hearing/public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lynn Briscoe, Washington State Department of Agriculture, P.O. Box 42560, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1987.

August 24, 2007
Leonard E. Eldridge, DVM
State Veterinarian

WSR 07-18-040
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed August 29, 2007, 10:43 a.m.]

Subject of Possible Rule Making: Chapter 16-610 WAC, Livestock brand inspection, the department is reviewing chapter 16-610 WAC to determine if rule making should be initiated to clarify rules regarding the change or addition of sales days at public livestock markets.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Confusion exists regarding the requirements and process of changing or adding sales days at public livestock markets. A new rule would clearly outline the requirements and process, resulting in less confusion and better facilitation between the Washington state department of agriculture (WSDA) and its stakeholders.

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 WSDA staff will develop the rule proposal and will communicate with stakeholders regarding the proposal. Interested parties can participate in the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Alexander, Livestock Brand Inspection Program Supervisor, P.O. Box 42560, 1111 Washington Street S.E., Olympia, WA 98504-2560, phone (509) 543-7383 or (360) 902-1987.

August 22, 2007
Leonard E. Eldridge, DVM
State Veterinarian

WSR 07-18-041

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed August 29, 2007, 10:44 a.m.]

Subject of Possible Rule Making: Chapter 16-42 WAC, Biological products.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A part of the Washington state department of agriculture's (WSDA) ongoing rules review and regulatory improvement process, the department is considering amending chapter 16-42 WAC for readability and clarity.

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

Process for Developing New Rule: WSDA staff will develop the rules proposal. Interested parties may participate in the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lynn Briscoe, Washington State Department of Agriculture, P.O. Box 42560, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1987.

August 24, 2007
Leonard E. Eldridge, DVM
State Veterinarian

WSR 07-18-042

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed August 29, 2007, 10:44 a.m.]

Subject of Possible Rule Making: Chapter 16-74 WAC, Livestock testing—Duties of owners.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A part of the Washington state department of agriculture's (WSDA) ongoing rules

review and regulatory improvement process, the department is considering amending chapter 16-74 WAC for readability and clarity.

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

Process for Developing New Rule: WSDA staff will develop the rules proposal. Interested parties may participate in the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lynn Briscoe, Washington State Department of Agriculture, P.O. Box 42560, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1987.

August 24, 2007
Leonard E. Eldridge, DVM
State Veterinarian

WSR 07-18-044

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed August 29, 2007, 11:10 a.m.]

Subject of Possible Rule Making: Downlisting of the bald eagle from state threatened to state sensitive.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to delisting of the bald eagle by the USFWS and recovery of bald eagle populations, a revision of WAC 232-12-011 is necessary to downlist the bald eagle from state threatened to state sensitive.

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.

August 29, 2007
Loreva M. Preuss
Rules Coordinator

WSR 07-18-045

PREPROPOSAL STATEMENT OF INQUIRY LOWER COLUMBIA COLLEGE

[Filed August 29, 2007, 3:19 p.m.]

Subject of Possible Rule Making: Adopting new student code of conduct, repealing former student conduct code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current conduct code is antiquated, unclear and confusing. The college would like to completely overhaul the code to provide more clarity for expected conduct and procedural steps to better serve students and college personnel who work with the code of conduct.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Education - student rights under FERPA; state and local law enforcement.

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 Mary L. Harding, Vice-President for Student Success, (360) 442-2301 or mharding@lowercolumbia.edu. All receive mail at P.O. Box 3010, 1600 Maple Street, Longview, WA 98632. District board of trustees meetings, (360) 442-2100.

August 29, 2007

J. McLaughlin, President
Vice-President for Student Success

WSR 07-18-071

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed September 4, 2007, 10:52 a.m.]

Subject of Possible Rule Making: WAC 220-55-065 Fishing for shellfish, freshwater fish or saltwater fish by persons with a disability.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1079, which was effective on July 22, 2007, requires the department to define who is "a person with a disability," and to develop rules for conduct of persons with a disability and those persons' designated harvesters who fish and harvest shellfish. This proposal will accomplish these requirements.

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 Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail at preuslmp@dfw.wa.gov. Contact by October 15, 2007. Expected proposal filing on or after October 24, 2007.

September 4, 2007

Loreva M. Preuss
Rules Coordinator

WSR 07-18-072

PREPROPOSAL STATEMENT OF INQUIRY

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 4, 2007, 11:43 a.m.]

Subject of Possible Rule Making: Rules implementing the collection of evidence (COE) an alternative assessment to the Washington assessment of student learning (WASL). The rules may also include eligibility criteria to access the process for students to appeal the score they receive on the COE.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.655.061 and 28A.655.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The superintendent of public instruction is required to implement objective alternative assessment methods for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school WASL. The COE may require a student to comply with eligibility criteria in addition to that set forth in statute. Additionally, the superintendent is required to develop a process for students to appeal the score they receive on the WASL and may provide for an appeals process for the COE implemented by OSPI. A student may use the COE to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the WASL at least once. If the student successfully meets the state standards on the COE (and other options) then the student shall earn a certificate of academic achievement.

Process for Developing New Rule: The process for developing the COE has included consultation with state and national experts in all three content areas (reading, writing and mathematics). A pilot project was implemented evaluating the COE. The collection of work samples alternative assessment method was approved by the state board of education using a process that included consultation with district superintendents, school principals, other educators and the public.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amanda Mount, CAA Analyst, Office of Superintendent of Public Instruction, P.O. [Box] 47200, Olympia, WA 98504-7200, (360) 725-6037, TDD (360) 664-3631, fax (360) 725-6332, e-mail amanda.mount@k12.wa.us, www.k12.wa.us/assessment/CAAoptions.

August 31, 2007

Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 07-18-076
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed September 4, 2007, 1:58 p.m.]

Subject of Possible Rule Making: The state parks and recreation commission is considering amending chapter 352-28 WAC following an agency study on issues related to the management, sale and removal of its natural resources materials, and the collection of fauna as a part of agency-approved research permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.075 and chapter 441, Laws of 2007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To define and establish limits and procedures for the utilization and management of natural resources, including trees, nontree vegetation, and fungi, and codify the collection of fauna from state parks through the research permit process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state parks and recreation commission has lead agency jurisdiction over the public use of natural resources on agency property. The department of natural resources' natural heritage program needs to be consulted on select management actions taken in natural areas of the park system. The Washington department of natural resources needs to provide a collection permit for any fauna collected on lands managed by state parks and needs to be consulted on select management actions related to species of concern and their habitats.

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 Fimbel, Chief, Resource Stewardship, Washington State Parks, Headquarters, 7150 Cleanwater Drive, Olympia, WA 98504, phone (360) 902-8592, fax (360) 902-8517, e-mail robert.fimbel@parks.wa.gov.

September 4, 2007

J. M. French

Administrator of Statewide
Recreation Programs