

WSR 06-17-003
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed August 2, 2006, 2:19 p.m.]

The department of licensing hereby withdraws WSR 03-23-099, CR-101 filed with your office on November 18, 2003. We no longer need to revise the rule.

Dale R. Brown
 Vehicle Services
 Rules Coordinator

WSR 06-17-014
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY

[Filed August 4, 2006, 2:37 p.m.]

Subject of Possible Rule Making: WAC 4-25-820 What are the requirements for participating in quality assurance review (QAR)?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055(9).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently WAC 4-25-820 refers to attest standards and then limits the board's quality assurance review (QAR) program to the review of only reports and historical financial statement presentations in accordance with generally accepted accounting principles (GAAP) or other comprehensive basis of accounting. This excludes reports by certified public accountants (CPAs) on internal control, performance audit reports, or forecasts and projections covered by attestation standards. These types of reports are routinely issued by CPA firms and the board believes these types of reports should be subject to review in order to monitor Washington CPA's compliance with professional standards.

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 Richard C. Sweeney, CPA, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 586-0163, fax (360) 664-9190, e-mail webmaster@cpaboard.wa.gov.

August 3, 2006
 Richard C. Sweeney
 Executive Director

WSR 06-17-015
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed August 4, 2006, 2:49 p.m.]

Subject of Possible Rule Making: Chapter 16-06 WAC, Public records, the department is proposing to amend its public disclosure procedural rule to include the 2006 legislative exemptions regarding animal identification and animal diseases.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.308 and 43.23.025, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature passed amendments to the public disclosure law in 2006, finding that certain information submitted for participation in the state or national animal identification program should not be subject to public disclosure and that exempting the information from state public disclosure requirements would foster an environment that is more conducive to voluntary participation in the national animal identification system. In addition, the results of animal disease testing that is done at the request of the animal owner was exempted from public disclosure requirements. The department is proposing to accommodate these changes in its procedural 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 Washington state department of agriculture staff will develop the rule proposal and will communicate with stakeholders and other interested parties for their review and comment. Interested parties can also participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dannie McQueen, WSDA Administrative Regulations Program Manager, P.O. Box 42560, 1111 Washington Street S.E., Olympia, WA 98504-2560, phone (360) 902-1809, e-mail dmcqueen@agr.wa.gov.

August 2, 2006
 Robert W. Gore
 Deputy Director

WSR 06-17-022
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed August 7, 2006, 11:24 a.m.]

The department of licensing hereby withdraws WSR 03-12-018, CR-101 filed with your office on May 28, 2003. We no longer need to revise the rules.

Dale R. Brown
 Vehicle Services
 Rules Coordinator

WSR 06-17-024
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 7, 2006, 2:29 p.m.]

Subject of Possible Rule Making: Chapter 260-12 WAC, General rules.

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: Many of the rules in this chapter are outdated and in need of revision. The agency plans to rewrite the entire chapter to (1) continue the agency's regulatory reform effort (EO 97-02); (2) to write rules in clear language (EO 05-03 and 06-02); and (3) to adopt into this chapter the national model horse racing rules whenever applicable.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461.

August 7, 2006

R. J. Lopez
Deputy Secretary

WSR 06-17-025
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 7, 2006, 2:47 p.m.]

Subject of Possible Rule Making: WAC 260-24-510 Stewards and 260-08-675 Hearing before the commission, the commission intends to amend one or both of these sections to limit stays of a penalty to suspensions only. Fines will need to be paid within seven days, whether a person has challenged a steward's ruling or not. Any exceptions can only be granted by the executive secretary. The commission also intends to still allow the stewards summarily suspend a license as provided in WAC 260-24-510 (3)(o).

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 fine and the stay are two independent issues and the payment of a fine should not be delayed simply because a person has challenged a steward's ruling. The decision to grant a stay of a fine is an independent decision that needs to be made on a case-by-case basis. Simply because a challenge to a steward's ruling is filed does not automatically allow for a stay in the payment of the fine.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

August 7, 2006

R. J. Lopez
Deputy Secretary

WSR 06-17-026
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 7, 2006, 2:53 p.m.]

Subject of Possible Rule Making: Chapter 260-28 WAC, Ownership, trainers and employees.

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: Many of the rules in this chapter are outdated and in need of revision. The agency plans to rewrite the entire chapter to (1) continue the agency's regulatory reform effort (EO 97-02); (2) to write rules in clear language (EO 05-03 and 06-02); and (3) to adopt into this chapter the national model horse racing rules whenever applicable.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

August 7, 2006

R. J. Lopez
Deputy Secretary

WSR 06-17-027
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 7, 2006, 3:01 p.m.]

Subject of Possible Rule Making: WAC 260-34-030 Testing.

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 address safety issues related to persons on horseback, the commission is consider-

ing amending this section to allow for random drug and alcohol testing of any person on horseback.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

August 7, 2006

R. J. Lopez
Deputy Secretary

WSR 06-17-028

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed August 7, 2006, 3:08 p.m.]

Subject of Possible Rule Making: New chapter 260-37 WAC, entitled National racing compact.

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 state of Washington is member of the live horse racing compact (national racing compact) as outlined in chapter 67.17 RCW. Currently, the commission has no rules to recognize or address issues related to the national racing compact.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

August 7, 2006

R. J. Lopez
Deputy Secretary

WSR 06-17-029

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed August 7, 2006, 3:28 p.m.]

Subject of Possible Rule Making: WAC 260-48-540 Advance wagering.

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 the rule to delegate to the executive secretary the authority to approve advance wagering to occur more than one hour before the scheduled post time of the first race. This would allow the racing association greater flexibility to take wagers on races of national or regional interest where an hour prior to the post time of the first race would unnecessarily limit wagering opportunities.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

August 7, 2006

R. J. Lopez
Deputy Secretary

WSR 06-17-030

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed August 7, 2006, 3:33 p.m.]

Subject of Possible Rule Making: Chapter 260-70 WAC, Controlled medication program.

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 sections of chapter 260-70 WAC, Controlled medication program, to comply with the international model rules and/or the Racing Medication and Testing Consortium.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

August 7, 2006

R. J. Lopez
Deputy Secretary

WSR 06-17-031
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 7, 2006, 3:53 p.m.]

Subject of Possible Rule Making: Chapter 260-84 WAC, Penalties.

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 and update the penalty matrixes in WAC 260-84-060, drug and alcohol penalties for licenses in WAC 260-84-065, penalties for prohibited practices in WAC 260-84-130, and any other nonequine medication penalties necessary of [to] obtain compliance with the rules of racing.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

August 7, 2006
 R. J. Lopez
 Deputy Secretary

WSR 06-17-032
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 7, 2006, 4:07 p.m.]

Subject of Possible Rule Making: Chapter 260-80 WAC, Corrupt and prohibited practices.

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 agency plans to rewrite many of the sections in this chapter (1) as part of our continued effort toward regulatory reform effort (EO 97-02); (2) to write rules in clear language (EO 05-03 and 06-02); and (3) to adopt into this chapter the national model horse racing rules whenever applicable. In addition the agency plans to also amend the section on mistreatment of horses, and to include a new section requiring persons on horseback to ride in a safe and prudent manner.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578,

phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

August 7, 2006
 R. J. Lopez
 Deputy Secretary

WSR 06-17-034
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 8, 2006, 8:17 a.m.]

Subject of Possible Rule Making: Chapter 260-36 WAC, Licenses.

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: License and fingerprint fees may need to be increased to comply with the mandate that the license fees cover the cost to administrative [administrate] the licensing program. In addition, the agency plans to continue its efforts towards regulatory reform and to write rules in clear language so they are easily understood by those they apply to.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

August 8, 2006
 R. J. Lopez
 Deputy Secretary

WSR 06-17-035
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 8, 2006, 8:28 a.m.]

Subject of Possible Rule Making: Chapter 260-44 WAC, Weights and equipment.

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: All sections in this chapter are under review as part of the agency's continuing effort of regulatory reform to adopt the model rules of racing and write rules in clear language so that they are clearly understood by those they apply to.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

August 8, 2006

R. J. Lopez
Deputy Secretary

WSR 06-17-036

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 8, 2006, 10:02 a.m.]

Subject of Possible Rule Making: Chapter 392-141 WAC, Transportation—State allocation for operations.

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: To bring office of superintendent of public instruction rules into alignment with RCW 28A.160.160 (eliminating a one hundred forty-four day program requirement for basic shuttle routes) and to allow the full-time period provided under statute [statute] for the school district annual ridership report.

The revisions will allow school districts to report basic shuttle routes for funding allowed under statute during the 2006-07 school year. This action is in direct response to Recommendation 4 of the joint legislative audit and review committee report on pupil transportation funding study.

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 Allan J. Jones, Director, Office of Superintendent of Public Instruction, Pupil Transportation and Traffic Safety Education, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, ajjones@ospi.wednet.edu.

Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 06-17-048

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed August 9, 2006, 9:09 a.m.]

Subject of Possible Rule Making: Public records, to amend or repeal sections in chapter 260-08 WAC dealing with public records and possibly establishing a new chapter in Title 260 WAC to adopt the applicable portions of the model rules of the Public Records Act.

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: Meet the legislative intent to conform to the model rules on public records adopted by the attorney general for use by other agencies.

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

Process for Developing New Rule: Adoption of the applicable portions of chapter 44-14 WAC, Public Records Act—Model rules.

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.

R. J. Lopez
Deputy Secretary

WSR 06-17-060

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed August 10, 2006, 3:32 p.m.]

Subject of Possible Rule Making: Uniform commercial code program, WAC 308-390-105 Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086, 62A.9A-526, and 62A.9A-525.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To make the fees for filing and searching support current program needs.

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 Margaret Vogeli, Department of Licensing, UCC, P.O. Box 9660, Olympia, WA 98507-9660, UCC@DOL.WA.GOV, fax (360) 586-4414, (360) 664-1530.

August 4, 2006

Nancy Skewis, Administrator
Business Resources Services

WSR 06-17-061

PREPROPOSAL STATEMENT OF INQUIRY UNIVERSITY OF WASHINGTON

[Filed August 10, 2006, 3:33 p.m.]

Subject of Possible Rule Making: Chapter 478-04 WAC, Organization.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.20.130 and chapter 42.30 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the meeting practices of the University of Washington's board of regents and other UW governing boards with respect to the Open Public Meetings Act.

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. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, Director of Rules Coordination by one of the following routes: Mail University of Washington, Rules Coordination Office, Box 355509, Seattle, WA 98195-5509; e-mail rules@u.washington.edu; or fax (206) 221-6917.

August 8, 2006

Rebecca Goodwin Deardorff
Director of Rules Coordination

WSR 06-17-065
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed August 10, 2006, 4:26 p.m.]

The aging and disability services administration requests the withdrawal of preproposal statement of inquiry filed as WSR 06-14-033 (WAC 388-513-1380 Determining a client's financial participation in the cost of care for long-term care (LTC) services).

The department plans to replace this CR-101 with a new one.

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-17-067
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed August 10, 2006, 4:02 p.m.]

Subject of Possible Rule Making: New chapter 180-49 WAC, Student and teacher rights and responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to the reconstitution of the state board, it is necessary to move sections from other chapters of WAC which remain as duties of the state board and are not transferred.

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 Bob Butts, Interim Executive Director, bbutts@ospi.wednet.edu, or Laura Moore, Executive Assistant, lmoore@ospi.wednet.edu, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, (360) 725-6025, fax (360) 586-2357. Changes will be made at regularly scheduled business meetings of the state board of education.

August 10, 2006

R. C. Butts
Interim Executive Director

WSR 06-17-068
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed August 10, 2006, 4:03 p.m.]

Subject of Possible Rule Making: WAC 180-105-020 Reading and mathematics.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Technical updates.

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 Bob Butts, Interim Executive Director, bbutts@ospi.wednet.edu; or Laura Moore, Executive Assistant, lmoore@ospi.wednet.edu, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, (360) 725-6025, fax (360) 586-2357. Changes will be made at regularly scheduled business meetings of the state board of education.

August 10, 2006

R. C. Butts
Interim Executive Director

WSR 06-17-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

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

Subject of Possible Rule Making: WAC 388-513-1380 Determining a client's financial participation in the cost of care for long-term care (LTC) services. This filing replaces the notice filed as WSR 06-14-033.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530; chapter 372, Laws of 2006 (2005-07 Revised Omnibus Operating Budget - 2006 Supplement); 42 C.F.R. 435.725 and 42 C.F.R. 435.726.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- DSHS is making changes to the language, clarifying the rules, indicating the formulas for standard increases used in determining long-term care (LTC) services.
- DSHS is increasing the personal needs allowance (PNA) standard to \$53.68 for individuals residing in medical institutions effective July 1, 2006.
- DSHS will be adding language to state that the deduction for medical and remedial care expenses that were incurred as the result of imposition of assets penalty period is limited to zero.

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 Lori Rolley, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2271, rollelj@dshs.wa.gov, fax (360) 407-7582.

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-17-071

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT AND FISH AND WILDLIFE

[Filed August 11, 2006, 1:49 p.m.]

Subject of Possible Rule Making: Rules pertaining to small-scale mineral prospecting (gold and fish pamphlet) in and near waterways.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 77.55 RCW, RCW 77.12.047 and 34.05.-328.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gold and fish pamphlet (by rule) has been in effect for a number of years and the science surrounding the original issues has continued to advance, prompting a review and potential modification of existing rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of ecology and department of natural resources, possibly USFS, NOAA/Fisheries, USFWS, and tribal governments. Coordinating process will include notice and comment through rule making, SEPA and JARPA.

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 Greg Hueckel, Assistant Director Habitat Program, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2416.

August 11, 2006
Morris W. Barker
Rules Coordinator

WSR 06-17-079

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed August 14, 2006, 1:44 p.m.]

Subject of Possible Rule Making: Rules regarding catch record cards.

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: Changes in the geographical area where the catch record card is applicable for Dungeness crab are being considered.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by October 16, 2006. Expected proposal filing on or after October 18, 2006.

August 14, 2006
Morris W. Barker
Rules Coordinator

WSR 06-17-088

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed August 14, 2006, 3:48 p.m.]

Subject of Possible Rule Making: WAC 260-24-510 Stewards and 260-08-675 Hearing before the commission, the commission intends to amend one or both of these sections to allow the executive secretary discretion when to allow a stay when a person has filed a challenge of a stewards' ruling.

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 penalty for a rule violation (fine or suspension) and the stay are two independent issues and the payment of a fine or the commencement of a suspension should not be delayed simply because a person has challenged a steward's ruling. The decision to grant a stay of a fine or suspension is an independent decision that needs to be made on a case-by-case basis. The commission contemplates giving the executive secretary wide discretion is [in] whether to grant a stay of the stewards' discipline, when a challenge of a stewards' ruling is filed.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopejz, Administrative Ser-

vices 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 14, 2006
R. J. Lopez
Deputy Secretary

WSR 06-17-098
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 15, 2006, 2:41 p.m.]

The Washington horse racing commission (WHRC) would like to withdraw our CR-101 preproposal statement of inquiry - WSR 06-17-025. Another preproposal was filed to expand our scope of rule making.

If you have any questions you may contact Robert J. Lopez at (360) 459-6462 or via e-mail at rlopez@whrc.state.wa.us.

R. J. Lopez
Deputy Secretary

WSR 06-17-099
PREPROPOSAL STATEMENT OF INQUIRY
ENERGY FACILITY SITE
EVALUATION COUNCIL

[Filed August 15, 2006, 2:43 p.m.]

Subject of Possible Rule Making: This rule making proposes to adopt requirements for mercury emissions from coal-fired power plants into Title 463 WAC. The requirements may be incorporated into chapter 463-78 WAC, or into a separate new chapter. The new federal clean air mercury rules (CAMR) establish a national cap on mercury emissions and give each state a mercury budget. States may adopt the federal rules or they may adopt rules that are more stringent. The rule making will establish Washington state requirements in place of the federal rule. The rule making will consider opting out of mercury trading and establishing emission standards through a phased approach. This rule making will establish a methodology to distribute allocated mercury emission credits in Washington state.

This rule making will also replace energy facility site evaluation council's (EFSEC) current adoption of chapter 173-406 WAC, Acid rain program requirements, with adoption of the federal requirements for the acid rain program by reference. 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 considered.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.50.040 (1) and (12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will implement

the federal CAMR adopted by 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 the state fails to adopt its own rules by November 2006. EFSEC intends 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 rules will establish EFSEC's 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.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: EFSEC will coordinate directly with EPA Region 10, ecology, and CTED. They will be part of the stakeholder group assisting with the rule development effort. Ecology has independent authority to regulate certain 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 electrical generating plants.

Process for Developing New 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 EFSEC's web site and will be distributed to EFSEC's rule-making mailing list.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. EFSEC will mail and e-mail information and notice of public hearings in this matter to persons on EFSEC's rule-making list. To be added to this list interested persons should send a request to efsec@ep.cted.wa.gov or call (360) 956-2121. EFSEC will discuss draft and proposed rules at its monthly council meetings that are open to the public. For meeting dates and locations go to www.efsec.wa.gov/meet.html or call (360) 956-2121. For specific information about this rule making contact Irina Makarow, EFSEC, P.O. Box 43172, Olympia, WA 98504-3172, phone (360) 956-2047, e-mail irinam@ep.cted.wa.gov.

August 14, 2006
Allen J. Fiksdal
Manager

WSR 06-17-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
(Board of Registration for Landscape Architects)

[Filed August 16, 2006, 4:03 p.m.]

Subject of Possible Rule Making: Revision to chapter 308-13 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.96.060 Board—Rules—Quorum—Hearings.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing rules will be reviewed in accordance with the Governor's Executive Order 06-02 regarding regulatory improvement.

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 Joe Vincent Jr., Administrator, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 664-1386, fax (360) 664-1495, e-mail landscape@dol.wa.gov. Persons may comment by mail, fax, phone, or e-mail. Draft language of any changes will be sent to persons on the board's listserv and mailing list.

August 16, 2006
Joe Vincent Jr.
Administrator

WSR 06-17-125

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed August 21, 2006, 10:36 a.m.]

Subject of Possible Rule Making: Chapter 204-91A WAC, Towing businesses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.55.115.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update and clarify specific sections in chapter 204-91A WAC. The anticipated effect[s] of the amendments are clarification of the procedures for screening employees of companies who tow on a rotational basis for Washington state patrol (WSP); streamline the disqualifiers of individuals wanting to tow for WSP; company personnel requirements; truck identification/markings; addition of informal settlement language; cleaning up spills/debris from collision sites; updating some equipment standards; and some language clean up.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of licensing - provided Mr. Dale Brown, WAC coordinator, with copy of proposed updates.

Process for Developing New Rule: Worked with the towing industry, WSP inspectors, and assistant attorney general to update the current WAC to reflect how the towing industry has changed and further define expectations of the industry.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington State Patrol, Equipment and Standards Review Unit, P.O. Box 42614, Olympia, WA 98504-2614, christine.fox@wsp.wa.gov, (360) 753-3697,

fax (360) 586-8233. Review proposed language at www.wsp.wa.gov under Rules Assistance Center, WACs.

August 21, 2006
Paul S. Beckley
for John R. Batiste
Chief

WSR 06-17-127

PREPROPOSAL STATEMENT OF INQUIRY FOREST PRACTICES BOARD

[Filed August 21, 2006, 3:18 p.m.]

Subject of Possible Rule Making: Amend Title 222 WAC, Forest practices to (1) provide a mechanism for documenting permit amendments and (2) clarify rule language regarding historic sites.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) The department of natural resources needs a tool that would provide an appropriate mechanism for field personnel to document permit amendments. Currently, the department uses an enforcement document, the notice to comply, for this documentation. Developing a more appropriate tool would alleviate landowners' concerns that their authorized permit amendments may be misconstrued as an enforcement action. (2) The department of natural resources has implementation concerns surrounding ambiguities in the current rule language regarding forest practices proposals containing historic sites. Clarifying the language related to historic sites would resolve the ambiguities.

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 board will request input from interested stakeholders to develop rule language. Also, prior to filing the CR-102 Proposed rule making for public review, the board will also solicit input from counties of the state and the Washington department of fish and wildlife per RCW 76.09.040(2), and tribes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Anderson, Forest Practices Board Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forestpracticesboard@wadnr.gov.

August 21, 2006
Pat McElroy
Chair

WSR 06-17-130
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed August 21, 2006, 4:40 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-418-0011 What is a midcertification review, and do I have to complete one in order to keep receiving benefits?, the department may amend related rules as necessary to meet federal requirements to verify a person's hours of WorkFirst participation under chapter 388-310 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08.260, 74.08A.903, and Public Law 109-171.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes proposed to this rule will be to modify the verification requirements for mid-certification reviews households must complete in order to continue receiving cash, food, and medical benefits from the department.

The department must modify verification requirements for persons who are employed or self employed and receive temporary assistance for needy families (TANF) benefits or state family assistance (SFA). Newly published interim rules for TANF require the department to verify actual hours worked at least every six months. The department will revise rules to require verification of income and hours worked as a component of completing the midcertification review for households receiving TANF or SFA benefits. The department may choose to align verification requirements at mid-certification review for other programs administered by the department.

Changes proposed to this rule will be consistent with the Deficit Reduction Act of 2005 and the TANF interim final rules published by the Department of Health of [and] Human Services, Administration for Children and Families.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Congress reauthorized the temporary assistance for needy families (TANF) program under the Deficit Reduction Act of 2005, now known as Public Law 109-171. This law authorized the United States Department of Health and Human Services (HHS) to adopt regulations regarding the administration of the TANF program. The Administration for Children and Families within HHS adopts rules regarding the administration of the TANF program.

The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the food stamp program in the Federal Register. Rules published in the Federal Register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices to inform states of new program requirements that are not yet in the United States Code of Federal Regulations.

DSHS incorporates regulations from federal agencies and exercises state options by adopting administrative rules for cash and food assistance benefits in Washington state.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later

date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Camp, Policy Analyst, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4616, fax (360) 493-3493, e-mail campjx@dshs.wa.gov.

August 21, 2006
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-17-138
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed August 22, 2006, 9:46 a.m.]

Subject of Possible Rule Making: WAC 388-827-0115 What are the programmatic eligibility requirements for DDD/SSP? and 388-827-0145 How much money will I receive?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 74.04.057.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amended sections are necessary to expand the population eligible to receive the division of developmental disabilities (DDD)/state supplementary payment (SSP) to:

- Include certain individuals in residential settings;
- Expand the window for the receipt of supplemental security income to qualify for SSP;
- Clarify and increase the amount of SSP certain individuals who were on family support are eligible to receive; and
- Establish rules allowing one-time payments to certain individuals.

In order to receive federal funding for Title XIX Medicaid, the state is required to expend a certain amount of SSP to meet a yearly maintenance of effort established by the federal Social Security Administration as specified in 20 C.F.R. 416.2099. By adopting these rules, the state will achieve this maintenance of effort.

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

Process for Developing New Rule: The department welcomes the public to participate in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Steve Brink, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olym-

pia, WA 98504-5310, phone (360) 725-3416, fax (360) 407-0955, e-mail brinksc@dshs.wa.gov.

August 22, 2006
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-17-139

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 22, 2006, 10:12 a.m.]

Subject of Possible Rule Making: WAC 388-515-1505 Financial eligibility requirements for long-term care services under community options program entry system (COPEs), new freedom, program of all-inclusive care for the elderly (PACE), Medicare/Medicaid integration project (MMIP) and Washington Medicaid integration partnership (WMIP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530; 2005 Federal Deficit Reduction Act (DRA) Public Law 109-171.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS will be adding language regarding the following:

- The deduction for medical and remedial care expenses that were incurred as a result of imposition of assets penalty period is limited to zero.
- Supplemental security income (SSI) recipients are subject to transfer and resource requirements for long-term care services.

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 Lori Rolley, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-7582, e-mail Rollelj@dshs.wa.gov.

August 22, 2006
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-17-140

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 22, 2006, 10:21 a.m.]

Subject of Possible Rule Making: New WAC 388-513-1367 Hardship waivers for long-term care (LTC) services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, Section 1917 (c)(2)(D) of the Social Security Act (42 U.S.C. 1396p (c)(2)(d)).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is creating a new WAC explaining the process of hardship waivers for long-term care (LTC) services including notice, time frames, and the process of appeal for adverse action.

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 Lori Rolley, Financial Policy Analyst, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-7582, e-mail RolleLJ@dshs.wa.gov.

August 22, 2006
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-17-143

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

RETIREMENT SYSTEMS

[Filed August 22, 2006, 1:16 p.m.]

Subject of Possible Rule Making: The department of retirement systems (DRS) rules relating to retirement or termination bonuses or payments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5) and 41.50.730.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify that a retirement or termination payment may be used in the calculation of a member's benefit if the payment is for additional services and otherwise meets the criteria in RCW 41.50.730. Such payment will be billed to the member's employer as excess compensation. This is currently in the law, but not clear in rule.

Process for Developing New Rule: DRS will develop the draft rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

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

lication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Leslie Saeger, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail leslies@drs.wa.gov.

August 17, 2006
Leslie Saeger
Rules Coordinator

WSR 06-17-150

PREPROPOSAL STATEMENT OF INQUIRY FOREST PRACTICES BOARD

[Filed August 22, 2006, 3:20 p.m.]

Subject of Possible Rule Making: Amend Title 222 WAC, Forest practices, related to a small forest landowner option to receive permits effective for a longer term than is currently allowed and specifying content requirements and processing steps of long-term plans.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This would provide management flexibility to small forest landowners in the timing of their forest practices activities, as well as certainty for continued public resource protection.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies regulate forest practices permits or the effective time periods of forest practices permits.

Process for Developing New Rule: The board will request input from interested stakeholders to develop rule language. Also, prior to filing the CR-102 proposed rule making for public review, the board will also solicit input from the counties of the state and the Washington department of fish and wildlife per RCW 76.09.040(2), and also the department of ecology and tribes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by commenting to Patricia Anderson, Forest Practices Board Rules Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washington Street S.E., 4th Floor, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forestpracticesboard@wadnr.gov.

Pat McElroy
Chair

WSR 06-17-153

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed August 22, 2006, 3:54 p.m.]

Subject of Possible Rule Making: Public records disclosure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.56 RCW (Public Records Act) and RCW 82.01.060 (department of revenue's rule-making authority).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The law governing disclosure of public records was reorganized and amended, effective July 1, 2006. These rules will provide up-to-date citations to the Public Records Act and will replace the department of revenue's 1978 public records disclosure rules (chapter 458-276 WAC).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The attorney general has adopted model public records disclosure rules that provide a great deal of information about the Public Records Act and its interpretation (chapter 44-14 WAC). The department of revenue's rules will align with and reference the attorney general's rules.

Process for Developing New Rule: Persons and organizations interested in this rule making may contact the department of revenue employee listed below by September 28, 2006, with suggestions for proposed rules or attend the public meeting on September 28, 2006, to provide suggestions for the proposed rules. Once the proposed rules have been published, interested persons and organizations may comment on the proposed rules in writing or by giving oral testimony at the public hearing that will be scheduled when the proposed rules are published.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by commenting to Suzanne L. Mager, Taxpayer Services Division, Department of Revenue, P.O. Box 47478, Olympia, WA 98504-7478, e-mail SuzanneM@dor.wa.gov, phone (360) 705-6641, fax (360) 705-6655.

Public Meeting Location: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on September 28, 2006, at 11:00 a.m.

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

August 22, 2006
Alan R. Lynn
Rules Coordinator

WSR 06-17-156
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 22, 2006, 4:24 p.m.]

The aging and disability services administration requests the withdrawal of preproposal statement of inquiry filed as WSR 06-14-061 (WAC 388-827-0115 and 388-827-0145).

The department plans to replace this CR-101 with a new one.

Andy Fernando, Manager
 Rules and Policies Assistance Unit

WSR 06-17-158
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed August 22, 2006, 4:35 p.m.]

Subject of Possible Rule Making: Chapter 181-88 WAC, Definitions of sexual misconduct, verbal abuse and physical abuse—Mandatory disclosure—Prohibited agreements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and 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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (250) [(360)] 586-4548, nnishida@ospi.wednet.edu or pesb@ospi.wednet.edu. Rules changes are conducted at regular meetings of the professional educator standards board (PESB). Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

August 22, 2006
 Nasue Nishida
 Rules Coordinator
 Policy and Research Analyst

WSR 06-17-159
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed August 22, 2006, 4:35 p.m.]

Subject of Possible Rule Making: Chapter 181-87 WAC, Professional certification—Acts of unprofessional conduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and 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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (250) [(360)] 586-4548, nnishida@ospi.wednet.edu or pesb@ospi.wednet.edu. Rules changes are conducted at regular meetings of the professional educator standards board (PESB). Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

August 22, 2006
 Nasue Nishida
 Rules Coordinator
 Policy and Research Analyst

WSR 06-17-160
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed August 22, 2006, 4:36 p.m.]

Subject of Possible Rule Making: Chapter 181-86 WAC, Professional certification—Policies and procedures for administration of certification proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and rec-

ommendations 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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (250) [(360)] 586-4548, nnishida@ospi.wednet.edu or pesb@ospi.wednet.edu. Rules changes are conducted at regular meetings of the professional educator standards board (PESB). Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

August 22, 2006

Nasue Nishida

Rules Coordinator

Policy and Research Analyst

WSR 06-17-161

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed August 22, 2006, 4:36 p.m.]

Subject of Possible Rule Making: Chapter 181-85 WAC, Professional certification—Continuing education requirement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and 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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (250) [(360)] 586-4548, nnishida@ospi.wednet.edu or pesb@ospi.wednet.edu. Rules changes are conducted at regular meetings of the professional educator standards board (PESB). Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

August 22, 2006

Nasue Nishida

Rules Coordinator

Policy and Research Analyst

WSR 06-17-162

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed August 22, 2006, 4:37 p.m.]

Subject of Possible Rule Making: Chapter 181-83 WAC, Internships.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and 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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (250) [(360)] 586-4548, nnishida@ospi.wednet.edu or pesb@ospi.wednet.edu. Rules changes are conducted at regular meetings of the professional educator standards board (PESB). Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

August 22, 2006

Nasue Nishida

Rules Coordinator

Policy and Research Analyst

WSR 06-17-163

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed August 22, 2006, 4:38 p.m.]

Subject of Possible Rule Making: Chapter 181-82A WAC, Performance-based teacher certificate endorsements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and 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.

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August 22, 2006
Nasue Nishida
Rules Coordinator
Policy and Research Analyst

WSR 06-17-164

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed August 22, 2006, 4:38 p.m.]

Subject of Possible Rule Making: Chapter 181-82 WAC, Certificate endorsements and assignment of certificated personnel.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and 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.

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August 22, 2006
Nasue Nishida
Rules Coordinator
Policy and Research Analyst

WSR 06-17-165

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed August 22, 2006, 4:39 p.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and 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.

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August 22, 2006
Nasue Nishida
Rules Coordinator
Policy and Research Analyst

WSR 06-17-166

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed August 22, 2006, 4:39 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Approval standards for performance-based preparation programs for teachers, administrators, and educational staff associates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and 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.

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August 22, 2006

Nasue Nishida

Rules Coordinator

Policy and Research Analyst

WSR 06-17-167

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed August 22, 2006, 4:40 p.m.]

Subject of Possible Rule Making: Chapter 181-77A WAC, Approval standards for career and technical education teacher preparation programs based on business and industry work experience.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and 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.

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via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

August 22, 2006

Nasue Nishida

Rules Coordinator

Policy and Research Analyst

WSR 06-17-168

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed August 22, 2006, 4:40 p.m.]

Subject of Possible Rule Making: Chapter 181-77 WAC, Standards for career and technical education certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and 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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (250) [(360)] 586-4548, nnishida@ospi.wednet.edu or pesb@ospi.wednet.edu. Rules changes are conducted at regular meetings of the professional educator standards board (PESB). Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

August 22, 2006

Nasue Nishida

Rules Coordinator

Policy and Research Analyst

WSR 06-17-169

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed August 22, 2006, 4:41 p.m.]

Subject of Possible Rule Making: Chapter 181-02 WAC, WEST-E assessment program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and 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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (360) 586-4548, nnishida@ospi.wednet.edu or pesb@ospi.wednet.edu. Rule changes are conducted at regular board meetings of the professional educator standards board (PESB). Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

August 22, 2006

Nasue Nishida

Policy and Research Analyst

WSR 06-17-170

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed August 22, 2006, 4:41 p.m.]

Subject of Possible Rule Making: Chapter 181-01 WAC, WEST-B exemption.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (360) 586-4548, nnishida@ospi.wednet.edu or pesb@ospi.wednet.edu. Rule changes are conducted at regular board meetings of the professional educator standards board (PESB). Public comment may be provided via

public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

August 22, 2006

Nasue Nishida

Policy and Research Analyst

WSR 06-17-180

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed August 23, 2006, 10:51 a.m.]

This memo serves as notice that the Washington state board of health is withdrawing the CR-101 filed January 2, 2003, and published as WSR 03-02-101. The intent was to develop a proposal to govern stewardship of specimens submitted to the department of health's public health laboratories, particularly the dried blood spot specimens that are collected from each infant born in the state and submitted for newborn screening. Since the filing of WSR 03-02-101, the board has incorporated policies governing specimen stewardship in an amendment of the newborn screening regulations, chapter 246-650 WAC. For this reason, the CR-101 published as WSR 03-02-101 is no longer needed.

Individuals requiring information on this rule should contact Michael Glass, Director, Newborn Screening at (206) 418-5470 or at mike.glass@doh.wa.gov.

Craig McLaughlin

Executive Director

WSR 06-17-181

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed August 23, 2006, 10:52 a.m.]

This memo serves as notice that the Washington state board of health is withdrawing the CR-101 filed January 1, 2004, and published as WSR 04-15-148. The intent was to develop criteria to use for determining whether to include certain vaccine-preventable diseases in WAC 246-100-166. The board appointed an advisory group that developed such criteria, and the board has approved them. At some future time, the board may consider adding an intent section into WAC 246-100-166 that reflects the criteria, but there are no immediate plans to do so and this would be done only in conjunction with other revisions. For this reason, the CR-101 published as WSR 04-15-148 is no longer needed.

Individuals requiring information on this rule should contact Tara Wolff at (360) 236-4101.

Craig McLaughlin

Executive Director

WSR 06-17-185
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed August 23, 2006, 11:15 a.m.]

Subject of Possible Rule Making: WAC 458-20-244
Retail sales tax and use tax exemptions for food and food ingredients.

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: RCW 82.08.0293 and 82.12-.0293 provide, respectively, a retail sales tax and use tax exemption for food and food ingredients. In 2003 and 2004, the legislature amended these statutes to alter the definitions used to determine whether a particular food or food ingredient qualifies for the exemptions. The amendments were made in compliance with the national streamlined sales and use tax agreement (SSUTA). The department anticipates amending WAC 458-20-244 to incorporate these statutory changes, as well as final interpretations adopted by the SSUTA advisory council.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of possible rule changes is available for viewing and printing on our web site at <http://dor.wa.gov/content/laws/RuleMaking/default.aspx>.

Written comments on and/or requests for copies of the rule may be directed to Kate M. Adams, Interpretations and Technical Advice, P.O. Box 47453, Olympia, WA 98504-7453, e-mail katea@dor.wa.gov, phone (360) 570-6115, 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 September 27, 2006, at 9:30 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.

August 23, 2006
Alan R. Lynn
Rules Coordinator