

WSR 07-03-013**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed January 4, 2007, 3:11 p.m.]

Subject of Possible Rule Making: Chapter 260-42 WAC, Postponements, cancellations and preferences.

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Accomplish: To repeal all of chapter 260-42 WAC as needed sections have been moved into other chapters and to remove outdated WACs.

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 Douglas L. Moore, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, dmoore@whrc.state.wa.us.

January 4, 2007
Douglas L. Moore
Management Analyst

WSR 07-03-021**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS**

[Filed January 5, 2007, 11:21 a.m.]

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

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revise chapter 196-33 WAC to better define the language regarding the professional practice for licensees designing on-site systems.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments may be submitted through regular mail, phone, fax or e-mail to George A. Twiss, Executive Director, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1575, fax (360) 664-2551, e-mail engineers@dol.wa.gov.

January 5, 2007
George A. Twiss
Executive Director

WSR 07-03-022**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed January 5, 2007, 12:54 p.m.]

Subject of Possible Rule Making: Chapter 16-228 WAC; WAC 16-230-010 through 16-230-088, 16-230-150 through 16-230-190, 16-230-400 through 16-230-470, 16-230-600 through 16-230-675, 16-230-800 through 16-230-868, 16-231-100 through 16-231-183, 16-231-200 through 16-231-235, 16-231-300 through 16-231-340, 16-231-400 through 16-231-425, 16-231-500 through 16-231-530, 16-231-600 through 16-231-620, 16-231-700 through 16-231-725, 16-231-800 through 16-231-840, 16-231-900 through 16-231-935, 16-232-001 through 16-232-077, 16-232-100 through 16-232-120, 16-232-200 through 16-232-225, and 16-232-300 through 16-232-315.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.58, 17.21 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend phenoxy definitions in the general rules, define rules relating to use restricted pesticides in county orders, define herbicides and related container sizes that should be considered use restricted or have use restrictions due to product volatility causing phytotoxicity; housekeeping.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Environmental Protection Agency - normal coordination procedures.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, e-mail lmauerman@agr.wa.gov.

January 5, 2007
Bob Arrington
Assistant Director

WSR 07-03-033**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed January 9, 2007, 3:30 p.m.]

Subject of Possible Rule Making: Accounting of commercial baitfish harvests.

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 Washington department of fish and wildlife is not getting a full accounting of com-

mercial baitfish harvests. Part of the reason stems from commercial fishermen's confusion regarding who is responsible for reporting baitfish harvests. Rules are needed to provide for a full accounting of baitfish harvests and to clarify who must report harvests.

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, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2930.

January 9, 2007
Loreva M. Preuss
Rules Coordinator

WSR 07-03-034

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed January 10, 2007, 8:31 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-115.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to bring this rule in sync with other rules concerning ownership in doubt.

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

Process for Developing New Rule: Committee with stakeholder review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dale R. Brown, Management Analyst, Vehicle Services, Assistant Director's Office, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-7821 or 902-7822, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

January 9, 2007
Glenn Ball, Administrator
Title and Registration Services

WSR 07-03-044

PREPROPOSAL STATEMENT OF INQUIRY HOME CARE QUALITY AUTHORITY

[Filed January 11, 2007, 12:04 p.m.]

Subject of Possible Rule Making: Amending WAC 257-05-160 Who is required to complete safety training and when must it be completed? and amending WAC 257-05-240 Will

DSHS deny payment of an individual provider who does not complete safety training?, to remove the safety training requirement for individual providers working for a consumer prior to December 1, 2004.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.280(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current WAC requires individual providers already caring for consumers of in-home care services prior to December 1, 2004, to complete safety training conducted by and through the home care quality authority (HCQA). If this WAC were to be applied on or after January 1, 2007, to all the workers in this category who have not completed the training, DSHS must deny payment to these workers who continue to care for consumers of in-home care services. Without payment, care providers might not provide continued care, which could jeopardize the health and safety of those consumers. An emergency rule was adopted regarding this subject effective December 21, 2006.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The HCQA will coordinate with DSHS during the rule-making process.

Process for Developing New Rule: HCQA welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, HCQA 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 Lisa Livingston, Home Care Quality Authority, P.O. Box 40940, 515 15th Avenue S.E., Olympia, WA 98504, phone (360) 902-8859, fax (360) 586-0786, e-mail LLivingston@hcqa.wa.gov.

January 11, 2007
Rick Hall
Executive Director

WSR 07-03-047

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 12, 2007, 12:09 p.m.]

The department of health, health care assistant program, would like to withdraw the following notice of inquiry (CR-101) because it is no longer valid. The department has determined that the CR-101 was filed with the wrong WAC identified. The department will pursue rule making with WAC 246-826-990 Health care assistant fees and renewal cycle.

WSR NUMBER	WSR DATE	SUBJECT
05-13-183	6/22/2005	How to return to active status after a credential has expired.

If you have any questions, please contact Karen Kelley, deputy executive director, at (360) 236-4950.

Mary C. Selecky
Secretary

WSR 07-03-048

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed January 12, 2007, 12:11 p.m.]

Subject of Possible Rule Making: WAC 246-930-490 Sexual misconduct for sex offender treatment providers, 246-809-049 Sexual misconduct for licensed marriage and family therapists, licensed mental health counselors, and licensed social workers, 246-810-049 Sexual misconduct for registered counselors and hypnotherapists, and new section WAC 246-811-XXX Sexual misconduct for chemical dependency professionals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.55.040, 18.19.050, 18.130.050, 18.225.-040, 18.205.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Sex offender treatment provider advisory committee (SOTP), licensed marriage and family therapists, (LMFT), licensed mental health counselors (LMHC), licensed social workers (LSW), registered counselors (RC), and hypnotherapists (HY) currently have program specific sexual misconduct rules in place, in addition to the sexual misconduct rules that were adopted under chapter 246-16 WAC. Rule making is necessary to strengthen and eliminate any provisions from the existing sexual misconduct rules that are redundant or are in conflict with chapter 246-16 WAC.

The chemical dependency professionals (CDP) currently have sexual misconduct rules in place under chapter 246-16 WAC, but do not have program specific sexual misconduct rules established. The intent is to establish program specific sexual misconduct rules under chapter 246-811 WAC, in addition to chapter 246-16 WAC.

SOTPs, LMFTs, LMHCs, LSWs, RCs, HYs, and CDPs must comply with the sexual misconduct rules under chapter 246-16 WAC and the sexual misconduct rules that are unique to their own profession.

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. Stakeholders will be notified of the rule inquiry via listserv and surface mail. Stakeholders will be given an opportunity to submit written comments for consideration

and participate in the public rule writing workshop and/or testify at the public hearing.

January 12, 2007
Mary C. Selecky
Secretary

WSR 07-03-055

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

(Health and Recovery Services Administration)

[Filed January 12, 2007, 2:25 p.m.]

Subject of Possible Rule Making: WAC 388-533-0390 Childbirth education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 Rule-making authority and enforcement and RCW 74.09.760 through 74.09.910 Maternity Care Access Act of 1989.

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

- (1) Break WAC 388-533-0390 into smaller sections (example: WAC 388-533-0391, 388-533-0392, 388-533-0393, 388-533-0394, and 388-533-0395);
- (2) Remove all references to the social services payment system (SSPS);
- (3) Change all references from "the medical assistance administration (MAA)" to "the department;"
- (4) Clarify the department's policy on payment of childbirth education when delivered as a refresher course; and
- (5) Expand coverage to include payment for "refresher courses."

During the course of this review, the department may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of health, maternity infant health, first steps.

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

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

January 12, 2007
Jim Schnellman, Chief

Office of Administrative Resources

WSR 07-03-056
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed January 12, 2007, 2:28 p.m.]

The health and recovery services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 05-15-095 on July 15, 2005 (chapter 388-537 WAC).

Jim Schnellman, Chief
 Office of Administrative Resources

WSR 07-03-057
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 (Medical Assistance)
 [Filed January 12, 2007, 2:32 p.m.]

Subject of Possible Rule Making: Chapter 388-537 WAC, School services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 20 U.S.C. 1400 et. seq. - Individuals with Disabilities Education Act; chapter 28A.155 RCW, Special education; RCW 74.08.090 Rule-making authority and enforcement; chapter 74.09 RCW, Public assistance, medical care; 42 C.F.R. 440.110, state licensure requirements for physical therapy, occupational therapy, and speech therapy; and chapter 392-172 WAC, rules for the provision of special education students.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to an audit conducted by the Centers for Medicare and Medicaid Services (CMS), the health and recovery services administration (HRSA) is amending WAC 388-537-0100 School medical services for students in special education programs, to bring the program into compliance with federal Medicaid regulations and policies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal CMS is reviewing and will approve HRSA's state plan amendment. Office of superintendent of public instruction (OSPI) will review drafts of the rule and submit feedback.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, Health and Recovery Services Administration, P.O. Box 45504, Olympia, WA 98504-5504, phone

(360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

January 12, 2007
 Jim Schnellman, Chief
 Office of Administrative Resources

WSR 07-03-063
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY
 [Filed January 16, 2007, 3:16 p.m.]

Subject of Possible Rule Making: Chapter 504-26 WAC, Standards of conduct for students regarding academic integrity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update the rules to address violations of academic integrity.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969. There will be a public hearing to permit comment on the proposed rules and revisions. There will be an opportunity to provide written comments on the proposed rules.

January 17 [16], 2007
 Ralph T. Jenks, Director
 Office of Procedures, Records, and Forms
 and University Rules Coordinator

WSR 07-03-070
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed January 17, 2007, 1:09 p.m.]

Subject of Possible Rule Making: Chapter 392-142 WAC, Replacement and depreciation allocation.

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: The 2005 Washington state legislature allowed the office of superintendent of public instruction to use a two-year transition system for migration of the school bus replacement system to a model based on a five-year average of school bus prices. The current WAC language refers to this transition process. As of September 2007, the transition will be complete. Removing the language referring to the transition process will result in improved clarity.

Process for Developing New Rule: Other [no further information supplied by agency].

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, Pupil Transportation and Traffic Safety Education, Office of Superintendent of Public Inspection, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, fax (360) 586-6124, e-mail allan.jones@k12.wa.us.

January 17, 2007
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 07-03-075

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed January 17, 2007, 4:33 p.m.]

Subject of Possible Rule Making: Logbook requirements for the coastal commercial Dungeness crab fishery.

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: Getting a better picture of the distribution of fleet effort, success, and temporal changes in order to meet long-term implementation of even-flow harvesting and federal requirements of treaty sharing of the harvest.

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 Phil Anderson, Intergovernmental Resource Management, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2720. Contact by July 2, 2007. Expected proposal filing on or after July 5, 2007.

January 12, 2007
Lori Preuss
Rules Coordinator

WSR 07-03-078

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed January 18, 2007, 9:53 a.m.]

Subject of Possible Rule Making: Chapter 504-26 WAC, Standards of conduct for students.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With this minor update the

university seeks to clarify its procedures and descriptions of conduct subject to sanction.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969. There will be a public hearing to permit comment on the proposed rules and revisions. There will be an opportunity to provide written comments on the proposed rules.

January 18, 2007

Ralph T. Jenks, Director
Office of Procedures, Records, and Forms
and University Rules Coordinator

WSR 07-03-088

PREPROPOSAL STATEMENT OF INQUIRY BOARD OF ACCOUNTANCY

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

Subject of Possible Rule Making: WAC 4-25-530 Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.105(3), 18.04.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The certified public accountants (CPA) examination providers, the American Institute of Certified Public Accountants (AICPA) and the National Association of State Boards of Accountancy (NASBA) have notified the board of a forthcoming increase of all CPA exam fees. As a result of these fee increases the board's contract provider (for application intake and education processing) will also experience cost increases. The board must therefore increase the fees it charges for the administration of the CPA examination to adequately pay all costs. Additionally, board staff is requesting that the board either eliminate or clarify the fee the board charges to process transfer of grades.

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.

January 18, 2007

Richard C. Sweeney
Executive Director

WSR 07-03-089
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed January 18, 2007, 2:29 p.m.]

The Washington horse racing commission (WHRC) would like to withdraw our CR-101 preproposal statement of inquiry, WSR 07-03-013. Another preproposal will be filed to cover this chapter.

If you have any questions please contact Douglas L. Moore at (360) 459-6462 or by e-mail at dmoore@whrc.state.wa.us.

Douglas L. Moore
 Management Analyst

WSR 07-03-090
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed January 18, 2007, 2:30 p.m.]

Subject of Possible Rule Making: Chapter 260-42 WAC, Postponements, cancellations and preferences.

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 repeal chapter 260-42 WAC and move needed sections into chapter 260-40 WAC. WAC 260-42-010 will become WAC 260-40-270 and WAC 260-42-020 will become WAC 260-40-245.

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 Douglas L. Moore, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, dmoore@whrc.state.wa.

January 18, 2007
 Douglas L. Moore
 Management Analyst

WSR 07-03-101
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)

[Filed January 19, 2007, 3:15 p.m.]

The health and recovery services administration requests the withdrawal of preproposal statement of inquiry filed as

WSR 06-01-086 on December 20, 2005 (WAC 388-416-0020).

Jim Schnellman, Chief
 Office of Administrative Resources

WSR 07-03-102
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed January 19, 2007, 3:17 p.m.]

The aging and disability services administration requests the withdrawal of the following preproposal statements of inquiry:

- Preproposal statement of inquiry filed as WSR 05-23-132 on November 21, 2005 (chapter 388-820 WAC).
- Preproposal statement of inquiry filed as WSR 06-02-072 on January 3, 2006 (chapter 388-828A WAC).

Jim Schnellman, Chief
 Office of Administrative Resources

WSR 07-03-105
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed January 22, 2007, 8:31 a.m.]

Subject of Possible Rule Making: Card games.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Shuffle Master. The petitioner is requesting that WAC 230-40-010 (1)(f) be repealed. Their intent is to remove the limit on the number of separate games that can be played with a single hand of cards (which is currently set at two). They have a new version of three card poker that features an additional \$1 progressive bet.

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

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

[Meetings on] February 9, 2007, and March 9, 2007, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on April 13, 2007, at the

Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301,
(509) 547-0701.

January 22, 2007
Susan Arland
Rules Coordinator

WSR 07-03-114

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE LOTTERY

[Filed January 22, 2007, 10:36 a.m.]

Subject of Possible Rule Making: In compliance with regulatory reform and rules review, the Washington's lottery commission will conduct extensive and thorough review of the entire Title 315 WAC. This review will be to edit grammatical errors, improve clear writing, reorganize existing rules for better clarity and rationale, amend and repeal existing rules that address retired lottery games and antiquated lottery business practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040 (1),(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing Title 315 WAC, Lottery Commission, has never been analyzed in its entirety for currency of games and business practices. Many rules have been adopted progressively since 1982. Some of these represent lottery games that have since been retired from play. Some of the language in the rules represent lottery industry resources that no longer exist due to new technology. Many of the rules require "plain talk" revision for easier understanding and useability. Many of the rules need reorganization, moving sections from one rule to another rule for better clarity and rationale.

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 Jana Jones, Director of Legal Services, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4833; or Mari Jo Nagel, Legal Assistant, phone (360) 664-4834.

January 22, 2007
Jana L. Jones
Director of Legal Services

WSR 07-03-129

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed January 23, 2007, 10:20 a.m.]

Subject of Possible Rule Making: Commercial amusement games.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Nickels and Dimes, Inc. The petitioner is requesting that limits on commercial amusement games be increased as follows: Wager limits be increased from fifty cents to two dollars, and prize limits be increased from \$250 to \$600.

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

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

[Meetings on] February 9, 2007, and March 9, 2007, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on April 13, 2007, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701.

January 22, 2007
Susan Arland
Rules Coordinator

WSR 07-03-137

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed January 23, 2007, 11:24 a.m.]

Subject of Possible Rule Making: Chapter 16-401 WAC, Nursery inspection fees, the department is considering increasing the nursery inspection fees and the permit fee for businesses exempted from a nursery dealer's license by the office of financial management fiscal growth factor for fiscal year 2008 (5.53%).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.13, 15.14, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current fee income is not adequate to cover costs associated with providing program services.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

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

lication by contacting Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Tom Wessels, Program Manager, Plant Services Program, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

January 23, 2007
Mary A. Martin Toohey
Assistant Director

WSR 07-03-138

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed January 23, 2007, 11:25 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests, the department is considering increasing the laboratory diagnostic hourly fees, nematode laboratory diagnostic fees, and post entry inspection services fee within the OFM fiscal growth factor for fiscal year 2008 (5.53%).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 17.24 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current plant pathology fee income is not adequate to cover costs associated with providing program services. RCW 17.24.131 Requested inspections—Fee for service—disbursements in lieu of fee, states that the director may prescribe a fee for plant pathology services that "shall, as closely as practical, cover the cost of the service rendered, including the salaries and expenses of the personnel involved."

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Tom Wessels, Plant Services Program Manager, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

January 23, 2007
Mary A. Martin Toohey
Assistant Director

WSR 07-03-139

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed January 23, 2007, 11:26 a.m.]

Subject of Possible Rule Making: Chapter 16-623 WAC, Commission Merchant Act—Licensing fees, proof of payment, cargo manifests and registration of acreage commitments, the department is considering increasing the licensing fees for commission merchants, dealers, limited dealers, brokers, cash buyers, and agents within the OFM fiscal growth factor for fiscal year 2008 (5.53%).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 20.01 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current fee income is not adequate to cover costs associated with providing program services.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Kirk Robinson, Program Manager, Commission Merchants Program, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1856, fax (360) 902-2094, e-mail krobenson@agr.wa.gov.

January 23, 2007
Mary A. Martin Toohey
Assistant Director

WSR 07-03-140

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed January 23, 2007, 11:26 a.m.]

Subject of Possible Rule Making: Chapter 16-675 WAC, Calibration services, special inspection and testing fees, the department is considering increasing its fees for inspection, tolerance testing and calibration services performed by the weights and measures program within the OFM fiscal growth factor for fiscal year 2008 (5.53%).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 19.94 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current fee income is not adequate to cover costs associated with providing program services.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Kirk Robinson, Program Manager, Commission Merchants Program, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1856, fax (360) 902-2094, e-mail krobinson@agr.wa.gov.

January 23, 2007

Mary A. Martin Toohey
Assistant Director

WSR 07-03-146

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

[Filed January 23, 2007, 2:50 p.m.]

Subject of Possible Rule Making: The division of employment and assistance programs is amending WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?, to revise when a person can choose to have Basic Food benefits instead of Washington combined application program (WASHCAP) food benefits.

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.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes proposed to this rule will be to revise the criteria by which an individual can elect to opt-out of WASHCAP and choose to receive benefits under the Washington Basic Food program. Proposed changes will be consistent with the WASHCAP state plan approved by the United States Department of Agriculture, Food and Nutrition Service (FNS).

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff 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 Jenny Grayum, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4583, fax (360) 413-3493, e-mail grayuje@dshs.wa.gov.

January 22, 2007

Jim Schnellman, Chief
Office of Administrative Resources

WSR 07-03-147

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed January 23, 2007, 3:43 p.m.]

Subject of Possible Rule Making: Amendments will be made to chapter 308-125 WAC to further define the state registered real estate appraiser trainee classification and refine the requirements for registration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.140.030 (1), (7), (8), and (15).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments will require all trainees or assistants who provide significant appraisal assistance to be registered as state registered real estate appraiser trainees and will promote the proper training and education of these assistants and trainees.

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 Ralph C. Birkedahl, Department of Licensing, Real Estate Appraiser Program, P.O. Box 9015, Olympia, WA 98507-9015, rbirkedahl@dol.wa.gov, phone (360) 664-6504, fax (360) 570-4981.

January 23, 2007

Ralph C. Birkedahl
Program Manager

WSR 07-03-154

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed January 23, 2007, 3:18 p.m.]

Subject of Possible Rule Making: Review the current fees that exist in the rules for contractor registration (chapter 296-200A WAC); Elevators (chapter 296-96 WAC); Factory assembled structures (chapters 296-150C, 296-150F, 296-150M, 296-150P, 296-150R, 296-150T, and 296-150V WAC); and Plumber certification (chapter 296-400A WAC) for possible increase.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.27, 18.106, 43.22, and 70.87 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A 3.38% fee increase, which is the office of financial management's maximum allowable

fiscal growth rate factor for fiscal year 2007. The fee increase will help cover the cost of the ongoing services of the contractor registration, elevator, factory assembled structures, and plumber certification programs.

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 will solicit input from the elevator advisory committee, factory assembled structures advisory board, and the plumber's advisory board. Other interested parties and the public may also participate by providing written comments or giving oral testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail yous235@lni.wa.gov.

January 23, 2007
Judy Schurke
Acting Director

WSR 07-03-155
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 23, 2007, 3:24 p.m.]

Subject of Possible Rule Making: Chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations, this chapter governs employers who are permitted to self insure their workers' compensation obligation pursuant to Title 51 RCW. This filing includes modifications to existing sections and creation of new sections regarding how the department will calculate each self-insurers' assessment for the industrial insurance second injury fund, specifically to implement an experience rating of each self-insurers' use of the fund.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.44.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to chapter 475, Laws of 2005 (SSB 5992) the department will implement rules to establish an experience rating for self insurers' use of the industrial insurance second injury fund.

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: Labor and industries will work with representatives of the labor and self-insured employer communities on all changes to the self-insurance regulations. A public hearing will be held in Tumwater after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jean Vanek, Department of Labor and

Industries, Self Insurance Section, P.O. Box 44890, Olympia, WA 98504-4890, phone (360) 902-6907, fax (360) 902-6900, e-mail vanj235@lni.wa.gov.

January 23, 2007
Judy Schurke
Acting Director

WSR 07-03-156
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 23, 2007, 3:26 p.m.]

Subject of Possible Rule Making: Chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations, this chapter governs employers who are permitted to self insure their workers' compensation obligation pursuant to Title 51 RCW. This filing includes modifications to existing rules and creation of new sections to explain the requirements for electronic data submittal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.14.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to chapter 475, Laws of 2005 (SHB 1310) the department will implement rules to enable self-insured employers to provide claim data electronically.

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: Labor and industries will work with representatives of the self-insured employer community on all changes to the self-insurance regulations. A public hearing will be held in Tumwater after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jean Vanek, Department of Labor and Industries, Self Insurance Section, P.O. Box 44890, Olympia, WA 98504-4890, phone (360) 902-6907, fax (360) 902-6900, e-mail vanj235@lni.wa.gov.

January 23, 2007
Judy Schurke
Acting Director

WSR 07-03-160
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

(Board of Boiler Rules)

[Filed January 23, 2007, 5:26 p.m.]

Subject of Possible Rule Making: Chapter 296-104 WAC, Board of boiler rules—Substantive.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to make clarification and technical changes to the board of boiler rules—Substantive (chapter 296-104 WAC) based on actions and requests of the board of boiler rules. The changes include adding electronic submission of inquiries to the board for how rules are interpreted and revised, and increasing the boiler fees by 3.38%, which is the office of financial management's maximum allowable fiscal growth rate factor for fiscal year 2007.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The board of boiler rules will review and approve all rule changes. Other interested parties and the public may also participate by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, (360) 902-6411, fax (360) 902-5292, yous235@lni.wa.gov.

January 23, 2007
Craig Hopkins, Chair
Board of Boiler Rules

WSR 07-03-165

PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed January 24, 2007, 10:19 a.m.]

Subject of Possible Rule Making: Chapter 51-04 WAC, Policies and procedures for consideration of state-wide and local amendments to the State Building Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.035, and 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The council has determined that there is a need to update requirements for the procedures of reviewing local government amendments to the State Building Code and the council's policy for code opinions.

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 Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, phone (360) 725-2966, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, www.sbcc.wa.gov.

January 5, 2007
Tim Nogler
for John Neff
Council Chair

WSR 07-03-166

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed January 24, 2007, 10:09 a.m.]

Subject of Possible Rule Making: Hearings.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission is rewriting its rules manual using plain English techniques. We anticipate the project will be completed by January 1, 2008. The rules manual is being broken into sections and rewritten a section at a time. This filing is to provide notification that rules regarding hearings is currently under review and is now being rewritten in plain English. There may be some sustentative and policy decisions made by the commission during the rewrite. If so, those will be identified under the proposed rule making CR-102 filing. The text of the rules will be posted on our web site approximately two weeks prior to each commission meeting they are discussed at. Please visit our web site at www.wsgc.wa.gov/PublicMeetings.

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

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

[Meetings on] March 9, 2007, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; on April 13, 2007, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701; and on May 11, 2007, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100.

January 24, 2007
Susan Arland
Rules Coordinator

WSR 07-03-167

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed January 24, 2007, 10:10 a.m.]

Subject of Possible Rule Making: Amusement games.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission is rewriting its rules manual using plain English techniques. We anticipate the project will be completed by January 1, 2008. The rules manual is being broken into sections and rewritten a section at a time. This filing is to provide notification that rules regarding amusement games is currently

under review and is now being rewritten in plain English. There may be some substantive and policy decisions made by the commission during the rewrite. If so, those will be identified under the proposed rule making CR-102 filing. The text of the rules will be posted on our web site approximately two weeks prior to each commission meeting they are discussed at. Please visit our web site at www.wsgc.wa.gov/ Public Meetings.

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

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

[Meetings on] March 9, 2007, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; on April 13, 2007, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701; and on May 11, 2007, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100.

January 24, 2007
Susan Arland
Rules Coordinator

WSR 07-03-168

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed January 24, 2007, 10:27 a.m.]

Subject of Possible Rule Making: This rule making proposes to adopt rules to facilitate the implementation of chapter 19.285 RCW, the Energy Independence Act, which codifies the November 2006 passage of voter initiative 937. The statute directs the department of community, trade and economic development (CTED) to adopt rules that apply to qualifying electric utilities that are not investor-owned. The rules will address the process, timelines and documentation needed to ensure the proper implementation of chapter 19.285 RCW. The rules will include, but are not limited to, rules associated with a qualifying utility's development of conservation targets; a qualifying utility's decision to pursue alternative compliance; and the format and content of reports required in this statute.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.285.080(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 19.285.080(2) requires the department to adopt rules to ensure the proper implementation of this chapter. The rules will provide additional clarity beyond that contained in the initiative to guide the utilities in their implementation of the statute, and to assist the Wash-

ington state auditor's office and independent third-party auditors with their compliance audits and the Washington attorney general's office with its enforcement role.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: CTED will coordinate with representatives from the Washington state auditor's office, the Washington state attorney general's office, the utilities and transportation commission, and the Bonneville Power Administration. CTED will keep these agencies informed of the rule-making process and each organization may send representatives to serve on stakeholder groups assisting with the rule-making development. The statute indicates the state auditor will determine compliance with the statute for qualifying municipal and public utility district utilities, private third-party auditors will determine compliance for cooperatively-owned utilities and that the attorney general's office is responsible for enforcement of the statute. The utilities and transportation commission is responsible for regulating the investor-owned qualifying utilities and rules relating to the commission's authority are not covered by this CR-101.

Process for Developing New Rule: The department will propose rule language and seek stakeholder input through meetings and correspondence. Proposed rule-making language will be made available to stakeholders on our participation lists and will be posted to the department's web site, as listed below. At least one public hearing will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. CTED will e-mail information and notice of working group meetings and public hearings in this matter to persons on the CTED I-937 rule-making list. To be added to this list, interested persons should send a request, with their contact information including name, e-mail address, phone number, any relevant organization affiliation, and mailing address, to carolees@cted.wa.gov or call (360) 725-3118 or fax to (360) 586-0049. For rule-making background or current documents, meeting dates and locations go to <http://www.cted.wa.gov/site/1001/default.aspx>. For specific information about this rule making contact Elizabeth Klumpp, CTED Energy Policy, P.O. Box 43173, Olympia, WA 98504, phone (360) 725-3113, e-mail elizabethk@cted.wa.gov.

January 24, 2007
Marie Sullivan
Director, Government Relations

WSR 07-03-169

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed January 24, 2007, 10:43 a.m.]

Subject of Possible Rule Making: Chapter 260-14 WAC, Special rules relating to commissioners and commission 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: To continue the agency

effort to write rules in clear and understandable language and to update sections to current industry 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: 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 Douglas L. Moore, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, dmoore@whrc.state.wa.us.

January 24, 2007
Douglas L. Moore
Management Analyst

WSR 07-03-170

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed January 24, 2007, 10:44 a.m.]

Subject of Possible Rule Making: Chapter 260-24 WAC, Association officials 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: To continue the agency effort to write rules in clear and understandable language and to update sections to current industry 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: 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 Douglas L. Moore, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, dmoore@whrc.state.wa.us.

January 24, 2007
Douglas L. Moore
Management Analyst

WSR 07-03-171

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket UE-061895—Filed January 24, 2007, 11:09 a.m.]

Subject of Possible Rule Making: On November 7, 2006, Washington voters approved Initiative Measure No. I-937, now codified as chapter 19.285 RCW. This new chapter concerns requirements for new energy resources, and requires large utilities to obtain 15% of their electricity from

new renewable resources such as solar and wind by the year 2020 and to undertake cost-effective energy conservation. The subject of this inquiry is to consider whether the utilities and transportation commission (UTC) should propose new or modified regulations to implement the provisions of chapter 19.285 RCW. This inquiry may lead to proposed amendments to existing rules including, without limitations, chapter 480-100 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, and 19.285.080(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 19.285.080 provides that the UTC "may adopt rules to ensure the proper implementation and enforcement of this chapter as it applies to investor-owned utilities." The UTC's initial review of the new chapter and consultation with several interested parties indicates that the UTC should initiate this inquiry to examine whether new rules should be proposed, whether amendments should be proposed to existing rules, or whether no action respecting rules is necessary.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Public utilities not jurisdictional to the UTC are required by chapter 19.285 RCW to acquire minimum amounts of conservation and renewable resources. RCW 19.285.080(2) requires the department of community, trade and economic development (CTED) to adopt certain rules that will apply to such public utilities. The UTC welcomes CTED's participation in this inquiry as an interested person. If practical and convenient, the UTC may conduct joint workshops with CTED on certain subjects pertinent to this inquiry.

Process for Developing New Rule: The UTC's official notice of this inquiry will indicate the date by which the UTC wishes to receive initial written comments and the date, time and location of an initial workshop. The UTC may provide the opportunity for additional written comments and/or for participation in additional workshops, if needed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, by 5:00 p.m., **Monday, February 26, 2007.**

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than February 26, 2007.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by e-mail to the commission's records center at records@wutc.wa.gov. Please include:

- The docket number of this proceeding (UE-061895).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at www.wutc.wa.gov/061895. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at records@wutc.wa.gov, or (3) mail written comments to the address above to the attention of Carole J. Washburn, secretary. When contacting the commission, please refer to Docket UE-061895 to ensure that you are placed on the appropriate service list. Questions may be addressed to Nicolas Garcia, (360) 664-1346 or e-mail at ngarcia@wutc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UE-061895, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket UE-061895, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's Internet web site at <http://www.wutc.wa.gov/061895>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

January 24, 2007
Carole J. Washburn
Executive Secretary

WSR 07-03-175

PREPROPOSAL STATEMENT OF INQUIRY BEER COMMISSION

[Filed January 24, 2007, 11:19 a.m.]

Subject of Possible Rule Making: For the newly formed Washington beer commission, these rules will put into force the assessment authorized by RCW 15.89.110. The assessment will begin with fourth quarter 2006 production. For the year 2007 and after, it is proposed that assessments would be

collected annually in the following January based upon the previous year's production data. Federal excise tax reporting documents will be relied upon to confirm production information reported. The assessment amount is ten cents per barrel produced up to 10,000 barrels per location for an affected producer, as stated in the statute.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.89.070 and 15.89.110, Washington beer commission and chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In accordance with RCW 15.89.110, the commission is directed to adopt rules prescribing the time, place and method of payment and collection of the assessment from affected producers. The proposed rules will establish the first and subsequent production timeframes for which assessments owing the Washington beer commission will be imposed and what information will be relied upon to confirm production information.

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

Process for Developing New Rule: Notice of this subject as well as possible notices for public hearing will be distributed and individuals will be encouraged to provide testimony regarding the matter.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Arlen Harris, Executive Director, 2323 9th Avenue S.W., #2-103, Olympia, WA 98502, phone (360) 391-1232, arlen@washingtonbeer.com.

January 22, 2007
George Hancock
Chair

WSR 07-03-178

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH (Medical Quality Assurance Commission)

[Filed January 24, 2007, 11:24 a.m.]

Subject of Possible Rule Making: New section WAC 246-919-601 Safe and effective analgesia and anesthetic administration in office-based surgical settings. The commission is considering proposed rules for physicians who perform surgery within their offices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, chapter 18.130 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2002, the Federation of State Medical Boards created a committee to evaluate outpatient surgery. Results from the review indicated that surgical procedures are not as safe in an office because of no regulatory oversight. There have been several highly publicized deaths resulting from an office-based surgery setting in New York, New Jersey, and Florida. Washington has had bad outcomes reported as well. The medical quality assurance commission (commission) is concerned about the risk of patient

death, complications from anesthesia, bleeding, infection, and clotting due to surgery in this setting. Rules need to be established to regulate this area.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. In order for the commission to allow interested persons to provide input on proposed language, there will be public workshops in four areas of the state. The commission will notify via the listserv all those individuals and organizations that have expressed an interest in the commission's rules. Stakeholders may also submit written comments for consideration to Beverly A. Thomas, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, (360) 236-4788, fax (360) 236-4768, beverly.thomas@doh.wa.gov.

January 16, 2007
Blake T. Maresh
Executive Director