

WSR 07-05-005
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Management Services Administration)
 [Filed February 8, 2007, 3:40 p.m.]

The management services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 05-15-145 on July 19, 2005 (chapter 388-06 WAC).

Jim Schnellman, Chief
 Office of Administrative Resources

WSR 07-05-006
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Management Services Administration)
 [Filed February 8, 2007, 3:42 p.m.]

Subject of Possible Rule Making: The administrative services division is amending, consolidating and colocating existing department background check rules in chapter 388-06 WAC and related sections. These changes will establish consistent and standard department-wide background check requirements for service providers and DSHS employees in covered positions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.43.830 through 43.43.845 as amended by chapter 421, Laws of 2005 (SSB 5899).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This preproposal statement is in anticipation of the passage of department of social and health services (DSHS) request legislation that establishes a single background check statute under the authority of the secretary of DSHS. The legislation consolidates and revises existing background check statutes and provides more effective and consistent protection for vulnerable citizens receiving services regulated by DSHS. The proposed chapter under chapter 43.20 RCW directs the department to develop rules to implement the requirements of the legislation. The department must establish standard background check rules which are applied to both DSHS employees and community service providers to protect vulnerable individuals from the potential risk of harm.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is coordinating with the federal Health and Human Services (HHS) to ensure background check requirements are consistent with the federal Child Abuse Prevention and Treatment Act and the Adam Walsh Act of 2006. The department is coordinating with the Washington state patrol (WSP) to ensure DSHS rules meet WSP requirements and coordinating with the department of personnel to make these rules consistent with requirements for state employees.

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

After the rule is drafted DSHS will file a copy with the office of code reviser with a notice of proposed rule making and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jackie Beery, Policy Manager, DSHS/Background Check Central Unit, Administrative Services Division, P.O. Box 45025, Olympia, WA 98504-5025, phone (360) 902-7823, fax (360) 902-7954, e-mail beeryja@dshs.wa.gov.

February 8, 2007
 Jim Schnellman, Chief
 Office of Administrative Resources

WSR 07-05-011
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed February 9, 2007, 2:33 p.m.]

Subject of Possible Rule Making: WAC 388-544-1010, 388-544-1100, 388-544-1200, 388-544-1300 and 388-544-1400, hearing aid services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is revising the hearing aid services rules to incorporate Phase I of the department's restructuring plan for this program. Revisions include:

- (1) Moving the hearing aid rules from chapter 388-544 WAC (shared with vision rules) into their own chapter 388-547 WAC;
- (2) Creating clear section titles and clarifying text; and
- (3) Including digital hearing aids under covered services to align with industry standards.

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

Process for Developing New Rule: The department invites interested stakeholders and the public to review and comment on draft material. For information about how to participate, contact the person 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, 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 9, 2007
 Jim Schnellman, Chief
 Office of Administrative Resources

WSR 07-05-012**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed February 9, 2007, 2:36 p.m.]

Subject of Possible Rule Making: WAC 388-513-1315 Eligibility for long-term care (institutional, waiver, and hospice) services and 388-513-1395 Determining eligibility for institutional or hospice services and for facility care only under the medically needy (MN) program.

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, 74.39.010.

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

- Updating and clarifying language regarding when long-term care (LTC) rules are used and needed for the hospice program.
- Adding language to WAC 388-513-1395 indicating LTC medically needy rules apply to clients residing in medical institutions, including hospice elections in medical institutions.
- Clarifying language that hospice is paid as a service under noninstitutional categorically needy and medically needy programs when the client is residing in a home or residential setting. Institutional Medicaid rules are not used for hospice elections in noninstitutional settings unless beneficial to the client under WAC 388-515-1505. (Those with income over the medically needy income level (MNIL) and under 300% of the federal benefit rate (FBR), or with a community spouse.)
- Amending language to be consistent with WAC 388-438-0110 regarding alien emergency medical (AEM); indicating nursing facility and hospice services under AEM must be preapproved, for clarification purposes.
- Adding language limiting medical and remedial care expenses to zero if such expenses were incurred during a transfer of asset penalty, described in WAC 388-513-1363 through 388-513-1366.
- Updating WAC references and clarifying language.

Other policy changes on these subjects may be incorporated into this rule making. Other WAC chapters may need to be updated as a result of this rule-making.

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, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-7582, e-mail rollej@dshs.wa.gov.

January 9, 2007

Jim Schnellman, Chief
Office of Administrative Resources

WSR 07-05-019**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed February 12, 2007, 1:11 p.m.]

Subject of Possible Rule Making: Card rooms.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is looking at developing rules regarding the destruction of gaming chips.

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.W. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100.

February 12, 2007

Susan Arland

Rules Coordinator

WSR 07-05-020**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed February 12, 2007, 1:13 p.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: To clarify requirements regarding amusement games and what a player must accomplish to win a prize.

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.W. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100.

February 12, 2007
Susan Arland
Rules Coordinator

WSR 07-05-024

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed February 13, 2007, 10:33 a.m.]

Subject of Possible Rule Making: Chapter 388-96 WAC, Nursing facility Medicaid payment system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.46 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective July 1, 2007, the requirement under RCW 74.46.535 for nursing homes to pay a quality maintenance fee (QMF) will end. As RCW 74.46-535 instructed for the three full cost report years it was in effect, the department paid the QMF fee as an add-on to the prospective Medicaid nursing home payment rate. The department in rule will clarify the treatment of QMF costs in rebases of the Medicaid nursing home payment rate that are based on cost reports from 2005 forward. The department will exclude the costs of the QMF established under RCW 82.71.020 from any of the component rate determinations under chapter 74.46 RCW and chapter 388-96 WAC.

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

Process for Developing New Rule: 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 Patricia Hague, Aging and Disability Services Administration, P.O. Box 45600, Mailstop 45600, Olympia, WA 98504-5600, phone (360) 725-2447, fax (360) 725-2641, e-mail haguepe@dshs.wa.gov.

February 13, 2007
Jim Schnellman, Chief
Office of Administrative Resources

WSR 07-05-026

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed February 13, 2007, 12:52 p.m.]

Subject of Possible Rule Making: Children's administration will be amending the wording in WAC 388-25-1010 and 388-25-1020 (and revising other rules as applicable) that discusses eligibility criteria for the state supplementary payment program through the children's administration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050; chapter 371, Laws of 2002 (2001-2003 supplemental budget - ESSB 6387); RCW 74.04.600, 74.04.620, 74.13.031.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are more foster children *not receiving* foster care reimbursement under Title IV-E of the Social Security Act (42 U.S.C. 670) than there are children *not eligible* for foster care reimbursement under Title IV-E of the Social Security Act (42 U.S.C. 670). More children will be eligible for SSP payments and this method allows for more accurate disbursement of SSP payments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Social Security Administration publishes regulations under the Social Security Act and Federal Public Law 92-603 for states that must provide an SSP program, and oversees state compliance with federal state supplementation rules.

Process for Developing New Rule: Children's administration welcomes public participation in the amendment of the WAC wording, and will publish proposed rules for public comment and hold a public hearing before the amendments are adopted as permanent. 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 Cindy Beckman, DSHS Children's Administration, P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-7977, fax (360) 902-7988, TTY (360) 902-7906, e-mail cbec300@dshs.wa.gov.

January 13, 2007
Jim Schnellman, Chief
Office of Administrative Resources

WSR 07-05-037

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed February 14, 2007, 4:11 p.m.]

Subject of Possible Rule Making: DDD no longer plans to use the division of developmental disabilities mini-assessment process described in chapter 388-824 WAC after May 31, 2007, and intends to repeal WAC 388-824-0001, 388-

824-0010, 388-824-0015, 388-824-0020, 388-824-0025, 388-824-0030, 388-824-0040, 388-824-0050, 388-824-0055, 388-824-0060, 388-824-0065, 388-824-0070, 388-824-0080, 388-824-0090, 288-824-0100, 388-824-0120, 388-824-0140, 388-824-0170, 388-824-0190, 388-824-0210, 388-824-0220, 388-824-0230, 388-824-0240, 388-824-0260, 388-824-0280, 388-824-0290, 388-824-0310, 388-824-0320, and 388-824-0330.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On June 1, 2007, DDD will adopt chapter 388-828 WAC governing DDD's new "DDD assessment" process in accordance with recommendations in a June 2003, performance audit by the joint legislative audit and review committee. These new rules will govern the assessment process for people who were previously eligible to receive a mini assessment. Since DDD will no longer use the mini-assessment, DDD intends to repeal the rules governing its use.

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 Mark R. Eliason, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-2517, fax (360) 407-0905, e-mail eliasmr2@dshs.wa.gov.

February 14, 2007

Jim Schnellman, Chief

Office of Administrative Resources

WSR 07-05-046

PREPROPOSAL STATEMENT OF INQUIRY FOREST PRACTICES BOARD

[Filed February 16, 2007, 10:11 a.m.]

Subject of Possible Rule Making: Experimental research treatments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The forest practices board's authority to adopt forest practices rules is granted under RCW 76.09.040, [76.09].050, and [76.09].370. The pilot project process is authorized by RCW 34.05.313.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Department of fish and wildlife, department of ecology, Weyerhaeuser Company and Washington State University are implementing headwater research led by the cooperative monitoring, evaluation and research (CMER) adaptive management program. This CMER funded research, known as the Type N experimental

buffer treatment study, is a harvest-unit level evaluation of buffer effectiveness that will provide valuable information for the adaptive management of headwater streams. This information may result in the development of new or modified rules through the adaptive management process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The study has an extensively peer-reviewed study design and work plan, involves the cooperation of multiple landowners (federal, state, and private), and has been highly supported by CMER and forests and fish policy. In particular, it represents CMER's flagship study on headwater streams and is designated high priority. There is consensus among the CMER committee and forests and fish policy that conducting this experiment (along with the associated harvest treatments) will inform the adaptive management of riparian buffers along nonfish-bearing streams in western Washington. Both organizations include representatives of federal and state natural resource agencies including: United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration - Fisheries, department of fish and wildlife, department of ecology, department of natural resources, tribes and tribal organizations. Coordination of the project will occur via regularly scheduled CMER meetings, and the forest practices board will be briefed on the progress and results of the study.

Process for Developing New Rule: Pilot rule making.

This is a pilot that tests the effectiveness of various riparian management approaches at providing proper riparian functions along nonfish-bearing streams in western Washington. The research could result in new rules developed through the adaptive management process. See RCW 76.09.370(7) and WAC 222-12-450. Some of the forest practices conducted during this research will require waiver of various existing forest practice rules (rules listed below) in order [to] apply the riparian treatments to four of the nonfish-bearing streams included in this study.

This project (Type N experimental buffer treatment study) is an experimental evaluation of the effectiveness of the riparian management zone (RMZ) prescriptions along nonfish-bearing streams and represents a critically important step in determining whether performance goals are being met. This study will achieve this evaluation by comparing the effectiveness of the forests and fish RMZ to alternative RMZs in maintaining important ecological functions provided by riparian forests. The ecological functions evaluated in this study include: Large woody debris recruitment, shade, temperature, sediment filtering/bank stability, litterfall and downstream exports (nutrients, litter, and invertebrates). The project will compare the currently required RMZ along nonfish-bearing streams to RMZs of greater length (100% of the nonfish-bearing stream reach) and lesser length (0% of the nonfish-bearing stream reach).

Eighteen nonfish-bearing basins are included in the study. Of these, five are reference sites that will not be harvested; four will receive RMZs consistent with current forest practice rules (50% RMZ); five will receive RMZs that exceed current forest practice rules (100% RMZ); and four will receive RMZs that do not meet current forest practice rules (0% RMZ). Of these latter four sites, two are on private

lands and two are on state lands. These four sites will require pilot RMZ and sensitive site rules (WAC 222-30-021 (2)(b)) in order to accommodate the treatments. The RMZ treatments at the two state lands sites have also been approved for an HCP variance by the federal services. All other applicable forest practices rules will be adhered to at these treatment sites. A detailed list of the treatment sites and the study plan is available upon request from the adaptive management program administrator. The study plan incorporated comments provided by CMER and an independent scientific peer review.

Forest practices applications for study sites identified by CMER will only be approved for treatments consistent with the study plan. The forest practices applications will be designated as Class III for processing, and be approved or disapproved within thirty days of submittal of a complete application. The study has been designed to minimize the potential for damage to public resources while maintaining the quality of design and implementation necessary to address the study objectives. The length of the riparian areas that will be treated with the experimental RMZs will be limited. Study sites will not include riparian areas adjacent to any 303d listed waters, nor any areas that are subject to the Class IV-Special provisions of WAC 222-16-050(1). Care will be taken not to damage public resources with the application of treatments, and resources such as water quality and temperature will be regularly monitored. If damage to public resources occurs from the harvest treatments, the project lead will be immediately informed and consult with the forest practices program, the adaptive management administrator, and department of ecology about possible resource mitigation that supports the research needs while limiting damage. The study sites in the projects will be closely monitored by CMER for at least two years after the application of treatments.

Landowner participants in this study include: Gifford Pinchot National Forest, Green Crow, Longview Fibre Company, Olympic National Forest, Rayonier, Washington state department of natural resources, and the Weyerhaeuser Company.

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

February 15, 2007
Vicki Christiansen
Chair

WSR 07-05-048

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF EARLY LEARNING

[Filed February 16, 2007, 10:35 a.m.]

Subject of Possible Rule Making: Update the internal reference in chapter 170-292 WAC to be consistent with the new department number. Clarify several existing rules under chapter 170-292 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DEL began a new numbering system on [in] July 2006. This resulted in internal WAC references needing to be updated. Several WACs are confusing which means they have been applied inconsistently to the client program. The clarification is needed for consistent application of the rules.

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

Process for Developing New Rule: Interested parties are invited to review and provide input on the draft language. Obtain draft material by contacting the individual below. This rule will also be posted on the policy proposal comment internet site at <http://www.del.wa.gov/policy/rules.shtml>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. All interested parties are invited to review and provide input on proposed draft language. Obtain draft material by contacting the identified representative by e-mail at jenny.baxter@del.wa.gov or Jenny Baxter, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970, fax (360) 413-3482.

February 9, 2007
Jone M. Bosworth
Agency Director

WSR 07-05-050

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed February 16, 2007, 11:29 a.m.]

Subject of Possible Rule Making: Where a school district resides in a county which was declared a state of emergency proclamation by the governor and a district-wide closure exists, the superintendent may consider school district application to have met the "reasonable effort" test by providing at least the district-wide annual average total instruction hour offerings (1000 hours).

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: In the past, school districts were required to make-up the first three days of any closure incident and could apply for a waiver of the remaining days of the incident. With the new addition of subsection (3), the

office of superintendent of public instruction is offering some relief to districts hit hard by this year's winter storms. We believe that this WAC will give school districts, families, and teachers some relief from the extreme weather impacts they have experienced earlier this school year by allowing some flexibility in scheduling the minimum required instructional hours.

Process for Developing New Rule: [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 Jennifer Priddy, Assistant Superintendent, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6111, jennifer.priddy@k12.wa.us.

February 15, 2007
Catherine Davidson, Ed.D.
Chief of Staff

WSR 07-05-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed February 20, 2007, 11:12 a.m.]

Subject of Possible Rule Making: The department plans to amend rules in Title 388 WAC and may create new rules in order to establish a post temporary assistance to needy families (TANF) employment assistance program for families who have left TANF due to employment. The rules will include the intent of the program, benefit standards, and eligibility criteria.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.08.090, 74.08A.340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Services are being developed to provide post-TANF employment assistance to families who have left TANF due to employment.

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) 493-3493, e-mail grayuje@dshs.wa.gov.

February 20, 2007
Jim Schnellman, Chief
Office of Administrative Resources

WSR 07-05-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed February 20, 2007, 10:59 a.m.]

Subject of Possible Rule Making: Chapter 296-17A WAC, Classifications for workers' compensation insurance.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan that classifies all occupations or industries within the state and sets basic rates of premium for the classifications that are distributed fairly (RCW 51.16-035). The department has conducted a review of various classification and reporting rules and determined that certain rules are in need of revision, such as the ones that apply to community action councils, consolidation of some reforestation classes, amending some temporary help classifications, tree trimming, debris cleanup, and in-store demonstrator classifications.

Minor housekeeping changes will be made to several classifications.

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

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

February 20, 2007
Judy Schurke
Acting Director

WSR 07-05-061
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed February 20, 2007, 11:01 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for workers' compensation insurance.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan that classifies all occupations or industries within the state and sets basic rates of premium for these classifications that are distributed fairly (RCW 51.16.-035). The department determined that certain rules are in need of revision. The classification portion of chapter 296-17 WAC was moved to chapter 296-17A WAC effective January 1, 2007. Housekeeping changes need to be made to correct references to the new WAC. The department proposes to revise rules that apply to reporting requirements of basic classifications, sole proprietors, and standard exceptions.

This rule making will permanently add WAC 296-17-891, 296-17-86505, and 296-17-86507 which were filed in an emergency rule on January 22, 2007 (WSR 07-03-125).

Minor housekeeping changes will be made to several classifications.

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

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

February 20, 2007

Judy Schurke
Acting Director

WSR 07-05-066

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed February 20, 2007, 1:54 p.m.]

Subject of Possible Rule Making: WAC 468-300-700 Preferential loading.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030 Powers and duties regarding toll facilities—Purchasing.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review of the preferential loading rules for Washington state ferries' vessels.

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 Mr. Ray Deardorf, Planning Director, Washington State Ferries, 2901 Third Avenue, Suite 500, Seattle, WA 98121-3014, phone (206) 515-3491, fax (206) 515-3499.

February 9, 2007

Douglas B. MacDonald
Secretary of Transportation

WSR 07-05-074

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed February 20, 2007, 3:05 p.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 a card room. The petitioner is requesting that WAC 230-40-800 [be] amended so that certain card games no longer be required to [be] dealt from a shoe.

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 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.

February 20, 2007

Susan Arland
Rules Coordinator

WSR 07-05-076**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY**

[Filed February 20, 2007, 3:44 p.m.]

Subject of Possible Rule Making: WAC 4-25-510 What is the board's meeting schedule and how are officers elected?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055 and 42.30.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The annual meeting of the National Association of State Boards of Accountancy (NASBA) often falls within days of the board's annual meeting in October creating scheduling conflicts for board members and staff. The board proposes adding some flexibility to the rule to allow the board to schedule meetings, when necessary, on dates other than the last Friday of the months of January, April, July, and October.

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.

February 20, 2007
Richard C. Sweeney
Executive Director

WSR 07-05-086**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed February 21, 2007, 10:07 a.m.]

Subject of Possible Rule Making: Allowed and prohibited activities and uses on department lands.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.210, 77.12.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review and update Washington department of fish and wildlife-owned land-use regulations to help ensure consistent application as well as resource protection.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515.

February 21, 2007
Loreva M. Preuss
Rules Coordinator

WSR 07-05-085**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed February 21, 2007, 10:06 a.m.]

Subject of Possible Rule Making: Spring bear hunts, use of decoys and calls, game reserves, waterfowl closure areas, waterfowl guides on department lands, game bird quality hunting areas, auction and raffle hunts.

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: Provides clarification and recreational opportunity.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515.

February 21, 2007
Loreva M. Preuss
Rules Coordinator

WSR 07-05-090**PREPROPOSAL STATEMENT OF INQUIRY
UNIVERSITY OF WASHINGTON**

[Filed February 21, 2007, 12:03 p.m.]

Subject of Possible Rule Making: WAC 478-160-163 Waivers of tuition and fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.15.621 and 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Limitations and eligibility definitions concerning the use of state-authorized tuition waivers at the University of Washington are defined in WAC 478-160-163. This rule currently covers only eligible undergraduate students. Amendments to this rule would seek to expand the definition to include eligible graduate and professional students in some categories.

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.

February 21, 2007
Rebecca Goodwin Deardorff
Director of Rules Coordination