

WSR 08-07-004**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed March 5, 2008, 3:58 p.m.]

Subject of Possible Rule Making: Chapter 196-26A WAC, Registered professional engineers and land surveyors fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035 and 18.43.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To enact the requirement to end the fee suspension on July 1, 2008.

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 George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1575. Comments may be submitted through regular mail, phone, fax or e-mail. Draft language of rule amendments will be distributed to the board's list of interested persons.

March 5, 2008

Ralph Osgood

Assistant Director

Business and Professions Division

WSR 08-07-016**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed March 7, 2008, 2:38 p.m.]

Subject of Possible Rule Making: Coastal recreational bottom fish rules.

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: Conforming to federal regulations adopted by the secretary of commerce.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: National Marine Fisheries Service (NMFS), operating under the auspices of National Oceanic and Atmospheric Administration in the Department of Commerce represents the federal rule-making body. Rules are recommended through the Pacific Fisheries Management Council, on which the state of Washington is a voting member, to NMFS for requested rule action.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-

1091, phone (360) 902-2651. Contact by June 30, 2008. Expected proposal filing on or after July 2, 2008.

March 7, 2008

Morris W. Barker

Rules Coordinator

WSR 08-07-032**PREPROPOSAL STATEMENT OF INQUIRY
ATTORNEY GENERAL'S OFFICE**

[Filed March 12, 2008, 11:27 a.m.]

Subject of Possible Rule Making: Public records, amending chapter 44-06 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040, 42.56.070, 34.05.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules of the attorney general's office (AGO) relating to public records were last revised in 1997. Since that time, the Public Records Act has been recodified substantially from chapter 42.17 RCW to chapter 42.56 RCW. Also, in 2006, pursuant to statutory authority granted in 2005 (section 4, chapter 483, Laws of 2005 (*codified as* RCW 42.56.570)), the AGO adopted a set of advisory model rules for state and local agencies on public records. These are codified in chapter 44-14 WAC. It is appropriate for the AGO to revise its own public records rules in chapter 44-06 WAC in light of these statutory and administrative developments as well as in response to the developing issues surrounding requests for, and production of, electronic records.

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; and because the AGO undertook a fairly comprehensive review of rules relating to public records when it adopted the Public Records Act model rules in 2006, and that effort involved substantial public participation, the AGO does not intend to duplicate that effort for the purpose of revising its rules in chapter 44-06 WAC. Rather, the AGO will convene an internal work group to review the model rules in chapter 44-14 WAC and adopt and incorporate relevant aspects of them into chapter 44-06 WAC. The internal work group will also review any comments received pursuant to this preproposal statement of inquiry in developing a proposed rule to include with a notice of proposed rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Any person wishing to comment on the general subject matter of rules for the AGO implementing the Public Records Act or suggesting specific rule language should file written comments by May 2, 2008, with the rules coordinator, Danielle French, Rules Coordinator, Attorney General's Office, P.O. Box 40100, Olympia, WA 98504-0100, (360) 753-6207, fax (360) 664-0228, daniellef@atg.wa.gov.

March 12, 2008

Rob McKenna

Attorney General

WSR 08-07-036
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed March 13, 2008, 10:27 a.m.]

The aging and disability services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 06-16-125 on August 1, 2006 (chapters 388-823, 388-825, and 388-830 WAC).

Stephanie E. Schiller
 Rules Coordinator

Process for Developing New Rule: A hearing(s) will be held during the CR-102 process and the public comment period to allow the public and other state agencies an opportunity to provide input to any amendments that are proposed to chapter 332-08 WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington Department of Natural Resources, Simon Kihia, P.O. Box 47014, Olympia, WA 98504-7014, Simon.kihia@dnr.wa.gov, (360) 902-1424.

March 14, 2008

Bonnie B. Bunning
 Executive Director of
 Policy and Administration

WSR 08-07-049
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES
 [Filed March 14, 2008, 10:59 a.m.]

Subject of Possible Rule Making: Washington department of natural resources (DNR) is considering updating chapter 332-08 WAC, Practice and procedure rules. In addition, WAC 332-18-05007 Civil penalties—Mitigation, appeals, will be updated to coordinate with chapter 332-08 WAC. The department is proposing the repeal of chapter 344-08 WAC, Washington oil and gas conservation committee practices and procedures, since the oil and gas conservation committee is no longer in existence and the policies and procedures are proposed to be incorporated under chapter 332-08 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW, Administrative Procedure Act, RCW 43.30.235 Records—Rules, 43.12.065 Rules pertaining to public use of state lands—Enforcement—Penalty.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The practice and procedure rules have not been updated since 1992. Many of the referenced statutes and rules have been recodified. Some of the sections of chapter 332-08 WAC need clarification, as well as updating. Language needs to reflect what is currently reflected in other rules that this chapter guides through the department's administrative appeal process for regulatory actions. The oil and gas conservation committee was disbanded several years ago and the authority is now directly under DNR. In addition, the governor's initiative to put rules into plain talk language has occurred in the last few years.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This subject is specific to the DNR. However, because these rules refer to administrative appeals, they must be consistent with the office of administrative hearings. As a consequence, the proposed rule changes will incorporate by reference the model rules of procedure under RCW 34.05.413 through 34.05.497 which have been adopted by the chief administrative law judge in accordance with RCW 34.05.-250.

WSR 08-07-053
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed March 14, 2008, 11:41 a.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 the superintendent of public instruction (OSPI) 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, that transition no longer exists. Removing the language referring to the transition process will result in improved clarity.

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, OSPI, Pupil Transportation, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6120, fax (360) 586-6124, e-mail allan.jones@k12.wa.us.

March 14, 2008

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

WSR 08-07-055
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)
 [Filed March 14, 2008, 11:54 a.m.]

Subject of Possible Rule Making: The securities division is considering amending and updating its rules regarding safeguard requirements for investment advisers that maintain

custody or possession of client funds or securities, including WAC 460-24A-105.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.450, 21.20.100, 21.20.050 - [21.20.]060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The securities division regulates investment advisers and requires registration of those that do business in our state. The Securities and Exchange Commission (SEC) also regulates investments advisers. Both the SEC custody safeguards, set forth in 17 C.F.R. 275.206 (4)(2), and the North American Securities Administrators, Inc. (NASAA) model custody rule have been amended since the division's investment adviser custody rules were last updated. The securities division is considering amending and updating its custody rules in light of the amendments by the SEC and NASAA with the goal of modernizing the rules to reflect current industry practices while ensuring adequate protection for investment advisory clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal SEC regulates investment advisers and requires registration of investment advisers that have \$30 million or more under management. An investment adviser with at least \$25 million but no more the \$30 million of assets under management may choose to register federally with the SEC or the state in which it maintains its principal office and place of business. The SEC amended its investment adviser custody rules in 2003. *See Custody of Funds or Securities of Clients by Investment Advisers*, Release No. IA-2176 (Oct. 1, 2003). The division regulates investment advisers and requires registration of those that do business in our state with less than \$25 million under management or that have more than \$25 million, but less than \$30 million under management and choose to be registered at the state level as an alternative to federal registration. The division will consider the SEC's amended custody rules in studying the possible amendment and updating of its own custody rules including WAC 460-24A-105.

Process for Developing New Rule: The division is soliciting comments from interested persons. The division will also study the custody rules adopted by the Securities and Exchange Commission and the North American Securities Administrators Association, Inc., which were subjected to extensive public comment prior to their adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Faith L. Anderson, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, phone (360) 725-7825, fax (360) 704-6480, e-mail fanderson@dfi.wa.gov.

March 14, 2008
Michael E. Stevenson
Director of Securities

WSR 08-07-060

PREPROPOSAL STATEMENT OF INQUIRY OLYMPIC COLLEGE

[Filed March 14, 2008, 3:57 p.m.]

Subject of Possible Rule Making: Antidiscrimination policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Antidiscrimination policies are required for all college[s] under the state board for community and technical colleges. There is no current policy approved by the board.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This policy will meet federal and state laws as follows: Titles VII and IX of the Civil Rights Act of 1964, the Age Discrimination and Employment Act, Section 504 of the Rehabilitation Act of 1974, the Americans with Disabilities Act of 1990, and the state law against discrimination, chapter 49.60 RCW.

Process for Developing New Rule: Review by president's cabinet, college council and the board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Thomas Oliver, Olympic College, Rules Coordinator, (360) 475-7502 or tolover@olympic.edu to provide comments on this rule.

March 14, 2008
Thomas Oliver
Rules Coordinator

WSR 08-07-070

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed March 18, 2008, 8:01 a.m.]

Subject of Possible Rule Making: WAC 260-16-065 Washington-bred owner's bonus and breeder's award distribution formula.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is contemplating amending this section so that the Class A or B racing association will be required to distribute the Washington-bred breeder's awards, rather than the commission.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Deputy Secretary, Washington Horse Racing Commission, 6326 Martin Way,

Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

March 18, 2008

R. J. Lopez

Deputy Secretary

WSR 08-07-083

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket A-072162—Filed March 19, 2008, 8:24 a.m.]

Subject of Possible Rule Making: Examine the need to revise and clarify rules to selected sections of chapter 480-07 WAC, Procedural rules, specifically WAC 480-07-110, 480-07-125, 480-07-140, 480-07-160, 480-07-307, 480-07-395, 480-07-510, 480-07-710, 480-07-900, 480-07-903, 480-07-904, and 480-07-905. **This notice supplements the original CR-101 filed at WSR 07-24-081 to include and consider revising rules in WAC 480-07-145, 480-07-180, and 480-07-630. In all other respects the original CR-101 at WSR 07-24-081 remains applicable.**

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4), 80.04.160, and 34.05.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since the commission adopted rules related to delegation of certain commission decisions in chapter 480-07 WAC, Procedural rules, effective September 21, 2006, commission staff have identified a variety of issues that suggest the commission should review the delegation rules to promote efficiency in the conduct of business before the commission. At the same time, commission staff have also identified issues with other procedural rules in chapter 480-07 WAC. **In response to comments by interested persons, the commission adds WAC 480-07-145 to address the suggestion that parties should be allowed to submit documents electronically in all adjudications without first obtaining approval from the presiding officer, and WAC 480-07-180 and 480-07-630 are being added to address the comment that references in chapter 480-07 WAC to the Public Records Act are incorrectly reference chapter 42.17 RCW, not chapter 43.56 RCW.**

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; and the commission will ask for initial written comments, and will provide the opportunity for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may contact 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.

Interested persons may file written comments on the CR-101 by **April 21, 2008**.

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 **Monday, April 21, 2008**.

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 electronic mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (A-072162).
- 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 <http://www.utc.wa.gov/072162>. 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@utc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Executive Secretary. When contacting the commission, please refer to Docket A-072162 to ensure that you are placed on the appropriate service list. Questions may be addressed to Ann Rendahl (360) 664-1144 or e-mail at arendahl@utc.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 A-072162, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket A-072162, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <<http://www.utc.wa.gov/072162>>. **THOSE PARTIES WHO DO NOT**

RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

March 19, 2008
 Carole J. Washburn
 Executive Secretary

WSR 08-07-088
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed March 19, 2008, 9:59 a.m.]

Subject of Possible Rule Making: Wager limits for house-banked card games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from the Recreational Gaming Association requesting that wagering limits for house-banked card games be increased.

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; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] April 11, 2008, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; on May 9, 2008, at the Red Lion Hotel, 2325 North 20th Avenue, Pasco, WA 99301, (509) 547-0701; and on July 10, 2008, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100.

March 19, 2008
 Susan Arland
 Rules Coordinator

WSR 08-07-089
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed March 19, 2008, 10:07 a.m.]

Subject of Possible Rule Making: Card game promotions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from the Recreational Gaming Association requesting changes to rules related to promotions related to card games.

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; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] April 11, 2008, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; on May 9, 2008, at the Red Lion Hotel, 2325 North 20th Avenue, Pasco, WA 99301, (509) 547-0701; and on July 10, 2008, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100.

March 19, 2008
 Susan Arland
 Rules Coordinator

WSR 08-07-091
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed March 19, 2008, 10:21 a.m.]

Subject of Possible Rule Making: Increase limits on fees on winning hands for Class F and house-banked card games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from the Recreational Gaming Association requesting that fee limits on winning hands for Class F and house-banked card games be increased.

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; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] April 11, 2008, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; on May 9, 2008, at the Red Lion Hotel, 2325 North 20th Avenue, Pasco, WA 99301, (509) 547-0701; and on July 10, 2008, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100.

March 19, 2008
 Susan Arland
 Rules Coordinator

WSR 08-07-092**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed March 19, 2008, 10:36 a.m.]

Subject of Possible Rule Making: Revision of WAC 468-38-071(4) Maximums and other criteria for special permits—Divisible, revision of the rule is to comply with a legislative revision of RCW 46.44.0915 creating a heavy haul corridor on US 97 from the Canadian border to a point five miles into Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090 and 46.44.0915.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislative revision to RCW 46.44.0915 provides for the maximum gross weight on the heavy haul corridor on US 97 that reflects the Canadian inter-provincial weights that will come into Washington on the corridor.

The revision to WAC 468-38-071 will outline the specific axle, axle spacing weights, and other criteria that will be allowed on the corridor to prevent undue damage to that segment of highway.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The WAC is enforced by the Washington state patrol.

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 Jim Wright, Commercial Vehicle Services, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 704-6345, fax (360) 704-6350, wrightji@wsdot.wa.gov.

March 19, 2008
Stephen T. Reinmuth
Chief of Staff

WSR 08-07-093**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed March 19, 2008, 10:38 a.m.]

Subject of Possible Rule Making: Revision of WAC 468-38-290 Farm implements, revision of the rule is to comply with the legislative revision of RCW 46.44.140 increasing weight limits to farm implements eligible for special permitting provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090 and 46.44.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislative revision to RCW 46.44.140 increased the gross weight limit for farm implements authorized for special permitting provisions.

The revision to WAC 468-38-290 will raise the weight limit to mirror the revised statute and will modify special conditions for farm implements eligible for the special permitting provisions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The WAC is enforced by the Washington state patrol.

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 Jim Wright, Commercial Vehicle Services, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 704-6345, fax (360) 704-6350, wrightji@wsdot.wa.gov.

March 19, 2008
Stephen T. Reinmuth
Chief of Staff

WSR 08-07-094**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed March 19, 2008, 10:40 a.m.]

Subject of Possible Rule Making: Chapter 468-06 WAC, Public access to information and records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 42.17 and 42.56 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates chapter 468-06 WAC. Due to changes in the Public Disclosure Act as well as the departments developing processes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the attorney general and the public disclosure commission.

Process for Developing New Rule: Department review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathy Downs, Records and Information Services Manager, Washington State Department of Transportation, P.O. Box 47410, Olympia, WA 98504-7410, (360) 705-7761, fax (360) 705-6808.

January 24, 2008
Stephen T. Reinmuth
Chief of Staff

WSR 08-07-095**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed March 19, 2008, 10:37 a.m.]

Subject of Possible Rule Making: Amending WAC 388-15-005 What definitions apply to these rules? and 388-15-077 What happens to unfounded CPS findings?, to meet the requirements from SSB 5321 (chapter 220, Laws of 2007).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending the child protective services (CPS) rules which establish findings for child abuse and neglect. The proposed changes will establish a two-tiered findings system and new record expungement timeframes. Changes are needed to meet the requirements in SSB 5321 passed in 2007 (chapter 220, Laws of 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: 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 Tina Stern, Division of Program and Practice Improvement, P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-0863, fax (360) 902-7903, e-mail tist300@dshs.wa.gov.

March 19, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-07-096

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-06—Filed March 19, 2008, 10:43 a.m.]

Subject of Possible Rule Making: Rules will be adopted to implement changes to the way insurance agents, brokers, solicitors and general agents are licensed by the state. After the rules are adopted, Washington's laws and rules will be more consistent with national standards.

During the 2007 and 2008 legislative sessions, the legislature enacted many provisions of the National Association of Insurance Commissioner's (NAIC's) Producer Licensing Model Act (chapter 48.17 RCW). Rules will be adopted to effectuate the new laws, including: Reciprocity requirements (based on requirements of the Gramm-Leach-Bliley Act); the state's appointment and affiliation processes; agent compensation disclosure requirements; insurance producer lines of authority; fingerprint requirements for background checks of applicants; bonding requirements; grounds for disciplinary actions against insurance producers; licensing of business entities; and prelicensing and continuing education requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.17.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The goal of this rule making is to implement recent statutory changes to the way insurance agents, brokers, solicitors, and general agents are licensed in this state. After the rules are adopted, Washington's laws and rules will be more consistent with national 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: Submit written comments by April 30, 2008, to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

March 19, 2008
Mike Kreidler
Insurance Commissioner

WSR 08-07-097

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed March 19, 2008, 10:46 a.m.]

Subject of Possible Rule Making: WAC 246-100-166 Immunization of child care and school children against certain vaccine-preventable diseases.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.140, 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To maintain consistency between Washington's school and child care immunization requirements and national immunization standards set by the advisory committee on immunization practices (ACIP), reference to the ACIP immunization schedule needs to be updated from the 2007 version to the 2008 version. To protect the health of young children, adding pneumococcal to the list of diseases for required vaccination will be considered. For clarity and administrative efficiency, WAC 246-100-166 needs to be recodified into multiple sections within a new chapter under Title 246 WAC, including necessary amendments. The board will also explore opportunities to better define terms used throughout WAC 246-100-166.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The superintendent of public instruction under RCW 28A.210.150 and chapter 392-182 WAC, provides procedures for schools to verify the immunization status of students transferring from one school to another; under RCW 28A.210.160 and chapter 392-380 WAC, governs the exclusion of children from public schools. The state board of education (SBOH) under RCW 28A.210.160 and chapter 180-38 WAC, governs the exclusion of children from private schools. The department of early learning, under chapters 170-151 and 170-295 WAC, governs the exclusion of chil-

dren from licensed child care centers. SBOH and the department of health (DOH) will work to assure these agencies have sufficient time and opportunity to review and comment on any proposed changes.

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 by contacting Tara Wolff, Washington State Board of Health, P.O. Box 7990, Olympia, WA 98504, phone (360) 236-4101, fax (360) 236-4088, e-mail tara.wolff@doh.wa.gov, or Jeff Wise, Washington State Department of Health, P.O. Box 74843, Olympia, WA 98504, phone (360) 236-3483, fax 236-3590, e-mail jeff.wise@doh.wa.gov.

Public notice of rule-making activity and opportunities to submit written comments will be posted on the DOH web site www.doh.wa.gov/Rules.htm. Interested parties will be notified of proposed rule language and opportunities to provide input through listservs. Testimony from interested parties will be taken at a scheduled SBOH public hearing.

March 19, 2008

Craig McLaughlin
Executive Director

WSR 08-07-104

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-07—Filed March 19, 2008,
10:54 a.m.]

Subject of Possible Rule Making: State of Washington United States Longshore and Harbor Workers' Compensation Act (USL&H) assigned risk plan.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.22.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is being initiated as a result of a petition (P.43) from the director of the USL&H assigned risk plan. The commissioner will consider amending the rules to provide more clarity and consistency to eligibility requirements relating to an employer's purchase of coverage for employees working outside the territorial limits of this state.

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

Process for Developing New Rule: Submit written comments by April 30, 2008, to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

March 19, 2008

Mike Kreidler
Insurance Commissioner

WSR 08-07-105

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed March 19, 2008, 11:21 a.m.]

Subject of Possible Rule Making: Computer hardware, computer software, information service, and computer services.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering a new rule to update and further explain beyond WAC 458-20-155 the application of the business and occupation (B&O), retail sales, and use taxes as they apply to persons providing information or computer services, and persons who manufacture, develop, process, or sell information, software, or computer programs. This rule will also recognize that RCW 82.12.020 (1)(b) now excludes software provided free of charge from the use tax.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of possible rule changes will be available by April 18, 2008, for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>. Written comments on and/or requests for copies of the rule may be directed to Dylan Waits, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail dylanw@dor.wa.gov, phone (360)570-6134, fax (360) 586-0127.

Public Meeting Location: Cascade Building/Auditorium, Criminal Justice Training Commission, 19010 1st Ave South, Burien, WA, on April 29, 2008, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Martha Thomas no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7497.

March 19, 2008

Alan R. Lynn
Rules Coordinator