

WSR 09-08-005
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed March 19, 2009, 9:46 a.m.]

Subject of Possible Rule Making: Chapter 196-25 WAC, Business practices.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To better define the language regarding direct supervision.

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 George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1565, fax (360) 664-2551, e-mail engineers@dol.wa.gov. Comments may be submitted through regular mail, fax or e-mail. Draft language of rule amendments will be distributed to the board's list of interested persons.

March 19, 2009
 George A. Twiss
 Executive Director

WSR 09-08-025
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed March 24, 2009, 9:01 a.m.]

Subject of Possible Rule Making: Access to alternative assessments, WAC 392-501-510.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Certain students of the 2009 graduating class may be negatively impacted by existing rules within the affected WAC. Emergency rule adoption ensures that these students can access alternatives to the state graduation requirements that are more relevant to their specific situation.

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 has used emergency enactment to address students impacted this school year and wish to pursue formal proceedings to allow permanent adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joe Willhoft, work (360) 725-6336, fax (360) 664-0494, joe.willhoft@k12.wa.us; Bob Butts, work

(360) 725-0420, bob.butts@k12.wa.us; or Amanda Mount, work (360) 725-6037, fax (360) 725-6332, amanda.mount@k12.wa.us.

March 23, 2009
 Randy I. Dorn
 Superintendent of
 Public Instruction

WSR 09-08-027
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed March 24, 2009, 9:06 a.m.]

Subject of Possible Rule Making: Academic achievement, accountability and assessment, chapter 392-501 WAC, a new series to cover elements of alternatives for special education students.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.655.061 and 28A.155.045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislation has authorized waiving of select requirements with linkage to developed alternatives for assessing students in special education. These new rules provide one alternative route for a defined set of students served under special education.

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

Process for Developing New Rule: Rules covering the intent of this code were included in emergency enactment in spring 2008, and since the conclusion of that school year it has been determined that this specific service should be covered by its own set of rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joe Willhoft, work (360) 725-6336, fax (360) 664-0494, joe.willhoft@k12.wa.us; Bob Butts, work (360) 725-0420, bob.butts@k12.wa.us; or Judy Kraft, work (360) 725-4970, fax (360) 725-6332, judy.kraft@k12.wa.us.

March 12, 2009
 Randy I. Dorn
 Superintendent of
 Public Instruction

WSR 09-08-039
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed March 25, 2009, 11:19 a.m.]

The Washington department of fish and wildlife is withdrawing the CR-101 for chapter 220-16 WAC, filed as WSR 09-06-076 on March 3, 2009.

The department will file a new CR-101 for chapter 220-16 WAC.

Lori Preuss
Criminal Justice
Liaison and Administrative
Regulations Coordinator
Enforcement Program

WSR 09-08-040

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed March 25, 2009, 11:33 a.m.]

Subject of Possible Rule Making: Special, unavoidable circumstance appeals, WAC 392-501-600.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.655.061, 28A.655.065, and 28A.155.-045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Certain students of the 2009 graduating class may be negatively impacted by existing rules within the affected WAC. Emergency rule adoption ensures that these students can access alternatives to the state graduation requirements that are more relevant to their specific situation.

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 has used emergency enactment to address students impacted this school year and wish to pursue formal proceedings to allow permanent adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joe Willhoft, work (360) 725-6336, fax (360) 664-0494, joe.willhoft@k12.wa.us; Bob Butts, work (360) 725-0420, bob.butts@k12.wa.us; or Mike Middleton, work (360) 725-6434, fax (360) 725-6333, michael.middleton@k12.wa.us.

March 23, 2009
Randy I. Dorn
Superintendent of
Public Instruction

WSR 09-08-048

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed March 25, 2009, 11:55 a.m.]

Subject of Possible Rule Making: Chapter 220-16 WAC, Definitions.

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: Commercial fisheries in the Columbia River are primarily conducted under emergency rules and adopted by the Columbia River compact. This proposal defines a type of net that has been used in managing the fishery under emergency rules. It also defines gill nets as drift nets.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Oregon department of fish and wildlife and the Washington department of fish and wildlife have developed reciprocal rules for fishers on the concurrent waters of the Columbia River. This rule proposal will mirror Oregon's for the definitions of unslackened net and slackers.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail lori.preuss@dfw.wa.gov. Contact by May 22, 2009. Expected proposal filing on or after June 3, 2009.

March 25, 2009
Lori Preuss
Rules Coordinator

WSR 09-08-050

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed March 25, 2009, 12:48 p.m.]

Subject of Possible Rule Making: Administrative 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: Housekeeping change to a recently adopted rule that relates to administrative hearings.

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] May 15, 2009, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701; and on July 10, 2009, at the Heathman Lodge, 7801 N.W. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100.

March 25, 2009
Susan Arland
Rules Coordinator

WSR 09-08-051
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Management Services Administration)
 (Administrative Services Division)

[Filed March 25, 2009, 12:50 p.m.]

Subject of Possible Rule Making: The administrative services division (ASD) is amending and may add new sections to chapter 388-06 WAC related to background checks.

ASD is working to coordinate this rule making with the aging and disability services administration (CR-101 filed as WSR 09-04-087 and 09-04-088).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.43 RCW, RCW 43.20A.710, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending and may add new sections to implement Initiative Measure No. 1029 (I-1029) and subsequent legislation passed in the 2009 legislative session.

Other clarifying revisions to chapter 388-06 WAC may be incorporated into this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health, home care quality authority, and Washington state patrol will be included in the rule development process and will have the opportunity to review and comment on the WACs before they are finalized.

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 Cindy LaRose, Administrative Services Division, Background Check Central Unit, P.O. Box 45025, Olympia, WA 98504-5025, phone (360) 725-8072, fax (360) 902-0292, e-mail laroscj@dshs.wa.gov.

March 23, 2009
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-08-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed March 25, 2009, 12:54 p.m.]

Subject of Possible Rule Making: The department is amending chapter 388-515 WAC, Alternate living—Institutional medical.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.530; Section 1915(c) of the Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending chapter 388-515 WAC as follows:

- Including healthcare for workers with disabilities (HWD) eligibility as one of the eligibility programs for home and community based (HCB) services.
- Updating references and changing language for readability.

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: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Rolley, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-7582, e-mail rollelj@dshs.wa.gov.

March 25, 2009
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-08-059
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed March 26, 2009, 1:54 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 requesting that the number of games played within a single hand of cards.

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@wsge.wa.gov.

[Meetings on] March 13, 2009, and April 10, 2009, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on May 15, 2009, at the Red

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

March 26, 2009
Susan Arland
Rules Coordinator

WSR 09-08-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed March 26, 2009, 3:01 p.m.]

Subject of Possible Rule Making: Closing a portion of central Puget Sound to commercial fishing.

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: In 2008, the Washington parks and recreation commission created a new artificial reef adjacent to Saltwater State Park in King County. The reef is designed to provide opportunities for recreational divers to observe diverse and abundant marine life at the site. On May 1, 2009, rules will come into effect that will prohibit recreational fishing in this area. This rule-making proposal will extend the same prohibition to commercial fisheries. The prohibition is needed to provide safety to divers by reducing encounters with fishing gear and to increase the enjoyment of diving at the site by increasing the abundance of marine life.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington parks and recreation commission endorsed this proposal at their November 2008 meeting.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Greg Bargmann, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2944, voice (360) 902-2825, Gregory.Bargmann@dfw.wa.gov. Contact by May 22, 2009. Expected proposal filing on or after June 3, 2009.

March 26, 2009
Lori Preuss
Rules Coordinator

WSR 09-08-064
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL

[Filed March 27, 2009, 7:56 a.m.]

Subject of Possible Rule Making: Fire standard compliant (reduced ignition propensity) cigarettes, rule making for chapter 19.305 RCW, specifically RCW 19.305.060.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.305 RCW, specifically RCW 19.305.-060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 19.305.060(1) permits the Washington state patrol (WSP) to adopt rules for the implementation of the fire safe cigarette program. Rules are to outline the WSP administrative functions and the requirements for product registration within Washington state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: RCW 19.305.060 permits the department of revenue in the regular course of conducting inspections of wholesale dealers, agents, and retail dealers, as authorized under chapter 82.24 RCW, may inspect cigarettes to determine if the cigarettes are marked as required by RCW 19.305.040. If the cigarettes are not marked as required, the department of revenue shall notify the state director of fire protection.

Under RCW 19.305.070, the attorney general and the state director of fire protection are authorized to examine the books, papers, invoices, and other records of any person in possession, control, or occupancy of any premises where cigarettes are placed, stored, sold, or offered for sale, as well as the stock of cigarettes on the premises.

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. Ken Dellsite, Deputy State Fire Marshal, Office of the State Fire Marshal, P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-3905, fax (360) 596-3934, e-mail kenneth.dellsite@wsp.wa.gov.

March 27, 2009
John R. Batiste
Chief

WSR 09-08-067
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed March 27, 2009, 3:29 p.m.]

Subject of Possible Rule Making: Chapter 192-270 WAC, Training benefits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.020, and section 4, chapter 3, Laws of 2009.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1906 (chapter 3, Laws of 2009) made significant changes to the training benefits program, including eligibility criteria, application and enrollment timelines, and the definition of terms. The regulations in chapter 192-270 WAC must be revised or repealed to conform to these changes. New regulations may be adopted as a result of the rule-making process.

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 agency will consult with stakeholders in the development of these regulations. Individuals interested in participating in this rule-making

ing process should contact the department at the address listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Unemployment Insurance Division, Employment Security Department, P.O. Box 9046, Olympia, WA 98503, phone (360) 902-9665, e-mail jmyers@esd.wa.gov, fax (360) 902-9799.

March 23, 2009
P. Trause
Deputy Commissioner

WSR 09-08-073
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed March 30, 2009, 9:56 a.m.]

Subject of Possible Rule Making: Chapter 196-29 WAC, Professional practices.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add a new section regarding federal employee exemption.

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 George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1565, fax (360) 664-2551, e-mail engineers@dol.wa.gov. Comments may be submitted through regular mail, fax or e-mail. Draft language of rule amendments will be distributed to the board's list of interested persons.

March 30, 2009
George A. Twiss
Executive Director

WSR 09-08-075
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed March 30, 2009, 10:37 a.m.]

Subject of Possible Rule Making: Chapter 196-20 WAC, Engineers-in-training.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of an effort to better

organize existing and future rules under the existing chapter that pertain to engineers-in-training.

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 George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1565, fax (360) 664-2551, e-mail engineers@dol.wa.gov. Comments may be submitted through regular mail, fax or e-mail. Draft language of rule amendments will be distributed to the board's list of interested persons.

March 30, 2009
George A. Twiss
Executive Director

WSR 09-08-077
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed March 30, 2009, 11:15 a.m.]

Subject of Possible Rule Making: Chapter 196-21 WAC, Land surveyors-in-training.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of an effort to better organize existing and future rules under the existing chapter that pertain to land surveyors-in-training.

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 George A. Twiss, Executive Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1565, fax (360) 664-2551, e-mail engineers@dol.wa.gov. Comments may be submitted through regular mail, fax or e-mail. Draft language of rule amendments will be distributed to the board's list of interested persons.

March 30, 2009
George A. Twiss
Executive Director

WSR 09-08-079
PREPROPOSAL STATEMENT OF INQUIRY
HOME CARE
QUALITY AUTHORITY

[Filed March 30, 2009, 11:26 a.m.]

Subject of Possible Rule Making: The agency is amending and adopting new rules in chapter 257-10 WAC, Home care quality authority—Referral registry. Amending WAC 257-10-120 What qualifies individual providers or prospective individual providers to be included on the referral registry?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.280(3) Authority duties, Title 74 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The home care quality authority (HCQA) is amending WAC 257-10-120 What qualifies individual providers or prospective individual providers to be included on the referral registry?, to maintain consistency with other WAC, statute and policies related to fingerprint-based background check requirements for individual providers. This amendment will allow for a provider to be placed on the referral registry for a one hundred twenty day provisional period pending the outcome of the fingerprint check.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services, RCW 43.43.837(4).

Process for Developing New Rule: HCQA invites the public to take part in developing new 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, 4317 6th Avenue S.E., Suite 101, Olympia, WA 98504-0940, phone (360) 493-9380, fax (360) 493-9384.

March 27, 2008 [2009]
 Rick A. Hall
 Executive Director

WSR 09-08-089
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed March 31, 2009, 7:53 a.m.]

Subject of Possible Rule Making: WAC 458-40-610 Timber excise tax—Definitions and 458-40-660 Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.091 requires the department of revenue to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-660 to provide valuations for the second half of 2009. The department is considering an amendment to move the definition of "forest-derived biomass" currently provided in WAC 458-40-660 into WAC 458-40-610.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

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 anticipated changes will be available upon request shortly before the public meeting. Written comments on and/or requests for copies of the rule may be directed to Mark E. Bohe, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-47453 [98504-7453], e-mail markbohe@dor.wa.gov, phone (360) 570-6133, fax (360) 586-0127.

Public meeting location: Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on May 5, 2009, at 10:00 a.m.

March 31, 2009
 Alan R. Lynn
 Rules Coordinator

WSR 09-08-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 31, 2009, 9:57 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 and chapter 296-17A WAC, Classifications.

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 compen-

sation 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 may be in need of revision and will be reviewed and/or studied.

Changes may be made to reporting rule, chapter 296-17 WAC: WAC 296-17-870 Evaluation of actual losses, include reserve amounts for permanent partial disability and vocational option 2 claims.

Changes may be made to various classifications in chapter 296-17A WAC: WAC 296-17A-0101-41 Logging machine operators, 296-17A-3902 Food manufacturing, 296-17A-4002 Dairy products manufacturing, 296-17A-4805-08 Farms shellfish, 296-17A-4910 Property management, 296-17A-5005 Logging, 296-17A-5307 State government, 296-17A-6103 Schools, 296-17A-6303 Outside sales, 296-17A-5301 Professional service organizations, 296-17A-1101 Driver, and 296-17A-6306 Stores furniture.

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 stakeholders 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 stakeholders. Stakeholders will be encouraged to participate in the process and can obtain information on our process at the employer services web site (www.lni.wa.gov/insuranceservices/employer-services) and can submit comments electronically to moom235@lni.wa.gov or by calling (360) 902-4774 or by fax (360) 902-4729.

March 31, 2009
Judy Schurke
Director

WSR 09-08-110

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed March 31, 2009, 1:26 p.m.]

Subject of Possible Rule Making: Bingo.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070(14).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We received a petition for rule change from a bingo licensee requesting modification of adjusted cash flow requirements.

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

Process for Developing New Rule: 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 10, 2009, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; on May 15, 2009, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701; and on July 10, 2009, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100.

March 31, 2009
Arlene K. Dennistoun
Staff Attorney

WSR 09-08-124

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed April 1, 2009, 9:48 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 requesting changes to rules related to accounting of card game player-supported jackpot funds.

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.

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April 1, 2009
Susan Arland
Rules Coordinator