

WSR 10-03-002
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed January 6, 2010, 1:15 p.m.]

Subject of Possible Rule Making: The liquor control board has rules regarding forms of acceptable identification to purchase, possess, or consume alcohol. As part of the liquor control board's on-going rules review process, WAC 314-11-025 is under review for clarity, relevance, and accuracy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.16.040, 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A requirement that all driver's licenses and ID cards used to purchase, possess, or consume alcohol must be horizontal would ensure that all persons using these forms of ID would be twenty-one years of age or older. This requirement would enhance public safety by limiting minor access to alcohol. Any purchase of liquor would require a horizontal driver's license or ID card or the sale would instantly be refused.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

January 6, 2010
 Sharon Foster
 Board Chairman

WSR 10-03-013
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed January 8, 2010, 8:58 a.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs, higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 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: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

January 8, 2010
 David Brenna
 Legislative and
 Policy Coordinator

WSR 10-03-018
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed January 8, 2010, 9:09 a.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs, higher education programs standards for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 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: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

January 8, 2010
 David Brenna
 Legislative and
 Policy Coordinator

WSR 10-03-027
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)

[Filed January 12, 2010, 9:29 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-505-0210, apple health for kids programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, and 74.08.090; Apple Health for Kids Act (ESHB 2128); Children's Health Insurance Act of 2009 (42 U.S.C. 1305).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The recent passage of the federal Children's Health Insurance Act of 2009 requires amendment to department rules regarding newborn eligibility for medical assistance. Recently enacted state law (ESHB 2128) changed the name of children's healthcare programs to apple health for kids.

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 Kevin Sullivan, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail kevin.sullivan@dshs.wa.gov.

January 12, 2010
Don Goldsby, Manager
Rules and Policies
Assistance Unit

WSR 10-03-028

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed January 12, 2010, 9:33 a.m.]

Subject of Possible Rule Making: WAC 388-475-0400 SSI related medical—Vehicles excluded as resources.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.-500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending this rule regarding exclusion of vehicles as a resource for SSI-related medical eligibility, in order to comply with the federal rule change in 20 C.F.R. 416.1218. In 2005, federal legislation changed the rule regarding exclusions for vehicles for SSI and SSI-related clients by eliminating the \$5,000 fair market value vehicle exclusion.

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 Kevin Sullivan, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail kevin.sullivan@dshs.wa.gov.

January 12, 2010
Don Goldsby, Manager
Rules and Policies
Assistance Unit

WSR 10-03-030

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed January 12, 2010, 11:30 a.m.]

Subject of Possible Rule Making: Chapter 314-07 WAC, How to apply for a liquor license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the liquor control board's on-going rules review process, chapter 314-07 WAC is being reviewed for relevance, clarity, and accuracy.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

January 12, 2010
Sharon Foster
Chairman

WSR 10-03-032

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed January 12, 2010, 11:37 a.m.]

Subject of Possible Rule Making: A new section in chapter 314-02 WAC, requirements for retail liquor licenses. The new section will address dinner theaters holding a liquor license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are needed to implement current board policy.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

January 12, 2010

Sharon Foster
Chairman

WSR 10-03-033

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF EARLY LEARNING

[Filed January 12, 2010, 12:05 p.m.]

Subject of Possible Rule Making: Chapter 170-290 WAC, Working connections child care (WCCC) and seasonal child care (SCC) programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.060 and 43.215.070 (2)(c); section 501, chapter 265, Laws of 2006.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of early learning (DEL) intends to make changes to this WAC chapter to implement any changes made in accordance with the governor's budget-related policy directives, the 2010 supplemental budget, or both, that impact the WCCC and SCC subsidy programs. This will include changes to the rules as may be necessary to improve program efficiencies and effectiveness, increase accountability for child care and development funds (CCDF), and reduce child care subsidy program costs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DEL plans to coordinate adoption of the rule with DSHS and the federal Department of Health and Human Services (DHHS) as appropriate. DSHS implements the WCCC program, including determining eligibility for WCCC benefits and managing payments to providers receiving WCCC subsidies. DEL determines child care subsidy policy for the WCCC and SCC programs, and serves as the lead agency for the expenditure of CCDF.

Process for Developing New Rule: To the extent possible, DEL plans to circulate draft rules for informal input before filing a formal proposal. When the formal proposal is filed, DEL will hold a public hearing or hearings and take written comments on the proposed rules before adopting the permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in joining an e-mail or postal mailing list to get notices and other information about this rule should contact DEL by e-mail at Rules@del.wa.gov, by phone at (360) 725-4397, or by writing to the DEL Rules Coordinator, P.O. Box 40970, Olympia, WA 98504-0970.

Information about this rule process will also be posted on the DEL web site at <http://www.del.wa.gov>.

January 12, 2010

Andy Fernando
Rules Coordinator

WSR 10-03-048

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed January 15, 2010, 8:35 a.m.]

Subject of Possible Rule Making: WAC 260-40-065 Coupled and multiple entries.

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 Washington horse racing commission is contemplating changing the number of horses that may be entered in a race by a trainer. Additionally, a change may be made on the requirements for the coupling of same owner entries.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Deputy Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, dmoore@whrc.state.wa.us.

January 15, 2010

Douglas L. Moore
Deputy Executive Secretary

WSR 10-03-062

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed January 15, 2010, 2:01 p.m.]

Subject of Possible Rule Making: WAC 260-36-100 Fingerprints.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To address the fingerprint 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: Negotiated rule making.

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

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

January 15, 2010
Douglas L. Moore
Deputy Executive Secretary

WSR 10-03-073

WITHDRAWAL OF PROPOSED RULES HORSE RACING COMMISSION

[Filed January 19, 2010, 8:40 a.m.]

The Washington horse racing commission (WHRC) would like to withdraw our preproposal statement of inquiry (CR-101), WSR 10-03-048, filed on January 15, 2010. A second CR-101 will be filed to include other sections referring to the topic.

Douglas L. Moore
Deputy Secretary

WSR 10-03-080

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed January 19, 2010, 9:50 a.m.]

Subject of Possible Rule Making: WAC 260-40-065 Coupled and multiple entries and 260-60-300 Who may claim.

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 Washington horse racing commission is contemplation [contemplating] changing the number of horses that may be entered in any race by a trainer. Additionally, a change may be made on the requirements for the coupling of same owner entries.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Deputy Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, dmoore@whrc.state.wa.us.

January 19, 2010
Douglas L. Moore
Deputy Executive Secretary

WSR 10-03-095

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed January 20, 2010, 10:02 a.m.]

Subject of Possible Rule Making: The following rule related to definitions for general pesticide rules, WAC 16-228-1010.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since the adoption of the current vertebrate control rule, the Environmental Protection Agency (EPA) has significantly changed the distribution and use requirements for rodenticides. The pest control industry has also changed their practices due to new pests and EPA requirements. Definitions are needed to support the change to the vertebrate control rules, WAC 16-228-1380.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: EPA is the federal agency regulating the production, distribution and labeling of vertebrate control pesticides. The Washington state department of agriculture (WSDA) is the state lead agency for pesticides. WSDA will review these changes with EPA prior to adoption.

Process for Developing New Rule: WSDA will develop an advisory committee from key stakeholders. WSDA will work with these stakeholders to discuss the pros and cons associated with possible changes to these rules. At the conclusion of the stakeholder meetings, WSDA will make a final decision to proceed or not proceed further in the rule-making process.

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

January 20, 2010
Bob Arrington
Assistant Director

WSR 10-03-106

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed January 20, 2010, 11:02 a.m.]

Subject of Possible Rule Making: Chapter 16-462 WAC, Grape planting stock—Registration and certification, the department is considering amending the rules for the grape planting stock certification program, by revising provisions, including field eligibility criteria. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.14.015 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions were requested by

participants of the grapevine certification program. Growers would like additional options to mitigate the risk of nematode vectored viruses, including soil testing or soil treatment, while maintaining the program's effectiveness. Other revisions may include clarification about the number of generations allowed for certified grapevines and other certification criteria.

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

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

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

January 20, 2010
Mary A. Martin Toohey
Assistant Director

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 Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY (800) 848-5429, e-mail boediwl@dshs.wa.gov.

January 20, 2010
Don Goldsby, Manager
Rules and Policies Assistance Unit

WSR 10-03-109

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed January 20, 2010, 11:45 a.m.]

Subject of Possible Rule Making: The department is making amendments to WAC 388-543-1150 Limits and limitation extensions, 388-543-1300 Equipment, related supplies, or other nonmedical supplies, and devices that are not covered, 388-543-1600 Items and services which require authorization, 388-543-2800 Reusable and disposable medical supplies, and other related rules and [as] necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, section 1109, chapter 564, Laws of 2009 (ESHB 1244), WAC 388-501-0055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments are necessary to meet the legislative requirements of sections 201 and 209 of the operating budget for fiscal years 2010 and 2011 for durable medical equipment. Specifically, the department is eliminating coverage for electrical neural stimulation devices and supplies (including battery chargers and supplies for client-owned devices) for in-home use.