

WSR 10-22-001
PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY

[Filed October 20, 2010, 2:13 p.m.]

Subject of Possible Rule Making: Updating chapter 172-132 WAC, Course materials.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12), 28B.10.590.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Law requires rules be adopted to provide maximum cost savings to students for course materials without sacrificing educational content. The university is updating the requirements and responsibilities regarding providing students with choices for purchasing course materials in accordance with RCW 28B.10.590.

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; and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6233, and e-mail tlutey@ewu.edu. A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

October 20, 2010
 Trent Lutey
 University Policy
 Administrator

WSR 10-22-002
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed October 20, 2010, 2:26 p.m.]

Subject of Possible Rule Making: Card rooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 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 Todd Marshall requesting that card room management and supervisors be allowed to accept or share in tips originating from card players or patrons.

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 Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] November 18 or 19, 2010, at the Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA

98503, (360) 491-0857; and on January 13 or 14, 2011, at the State Investment Board, 2100 Evergreen Park Drive S.W., Olympia, WA 98504 (*tentative location*).

October 20, 2010
 Susan Arland
 Rules Coordinator

WSR 10-22-003
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 20, 2010, 2:47 p.m.]

Subject of Possible Rule Making: WAC 220-16-040 Drift gill net—Drift net, 220-16-046 Skiff gill net—Skiff net, 220-16-110 Snag net, 220-16-120 Trammel net, and other sections of chapter 220-16 WAC as needed. Also, new sections in chapter 220-16 WAC or other WAC chapters, to define slacker or stringer, unslackened net, non-Indian gill net, chafing strip panel, and other terms as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047 and 77.12.325.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New definitions are needed for terms such as "non-Indian gill net," "chafing strip panel," "slackers and stringers," and "unslackened net," to provide clarity to regulations and allow commercial fishers the use of a panel to protect their nets. Changes to definitions are needed for "drift net," "trammel net," "skiff net," "snag net," and other terms to clarify intent and provide consistency with the new definition of "non-Indian gill net." These rules will conform more closely to Oregon's rules and will facilitate enforcement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of fish and wildlife (WDFW) and the Oregon department of fish and wildlife have developed reciprocal rules for fishers on the concurrent waters of the Columbia River. This rule proposal will conform Washington's rules more closely to Oregon's for fisheries on the Columbia River.

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 December 15, 2010. Expected proposal filing on or after December 22, 2010.

October 20, 2010
 Lori Preuss
 Rules Coordinator

WSR 10-22-004
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 20, 2010, 2:47 p.m.]

Subject of Possible Rule Making: WAC 220-20-010 General provisions—Lawful and unlawful acts—Salmon, other fish and shellfish.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047 and 77.12.325.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposal will require the use of lighted buoys at the end of gill nets when fishing at night so that the end of the net is easier to see. This rule was requested by enforcement and has been used in the Columbia River under emergency regulations. The Oregon department of fish and wildlife (ODFW) is expected to use the same language for their rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of fish and wildlife (WDFW) and the ODFW have developed reciprocal rules for fishers on the concurrent waters of the Columbia River. This rule proposal will conform to Oregon's for the fisheries in the Columbia River.

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 December 15, 2010. Expected proposal filing on or after December 22, 2010.

October 20, 2010
 Lori Preuss
 Rules Coordinator

WSR 10-22-005
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 20, 2010, 2:53 p.m.]

Subject of Possible Rule Making: Commercial shellfish pot gear.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047 and 77.04.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Some individuals within the commercial crab industry have been employing biodegradable escape mechanism techniques that are not consistent with this rule's intent. As a result, crab escapes are impeded when crab pots become lost. This rule change will promote catch escapes when pots are lost.

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, Washington Department

of Fish and Wildlife Enforcement Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, e-mail Lori.preuss@dfw.wa.gov. Contact by December 15, 2010. Expected proposal filing on or after December 22, 2010.

October 20, 2010
 Lori Preuss
 Rules Coordinator

WSR 10-22-007
PREPROPOSAL STATEMENT OF INQUIRY
MILITARY DEPARTMENT

(Emergency Management Division)

[Filed October 20, 2010, 4:09 p.m.]

Subject of Possible Rule Making: Revisions to WAC 118-09-040 Distribution of emergency management assistance funds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 38.52.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current funding methodology is dated and emergency management agencies within the state agree a revision is needed.

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; and collaborative stakeholder meetings will be held to discuss changes to the WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Funding methodology will be discussed at stakeholder meetings and public hearing(s) will be held for further input. A list of interested parties will be maintained by the emergency management performance grant (EMPG) program manager and notification of meetings and hearings will be sent to that list in addition to interested EMPG participants. To be added to the list of interested parties or for more information, please contact Charma Anderson, (253) 512-7064, c.anderson@emd.wa.gov.

October 15, 2010
 Robert L. Ezelle
 Homeland Security
 Section Manager

WSR 10-22-020
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 22, 2010, 11:22 a.m.]

Subject of Possible Rule Making: Scales used in 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: Commercial scales used by commercial fish and shellfish sellers must be of a certain type and registered with the department of licensing. Scales used by commercial fish and shellfish buyers do not have to meet these requirements. This makes it difficult to enforce weight restrictions on commercial landings of fish and shellfish.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington departments of licensing and agriculture, and cities with a city sealer and a weights and measures program, are responsible for issuing master licenses and registering weights and scales. Washington department of fish and wildlife (WDFW) will require scales used by wholesale fish dealers and commercial fish buyers, receivers, and direct retail endorsement holders to be registered with the department of licensing or a city under RCW 19.94.015.

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 Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, e-mail Lori.preuss@dfw.wa.gov. Contact by December 15, 2010. Expected proposal filing on or after December 22, 2010.

October 22, 2010
Lori Preuss
Rules Coordinator

WSR 10-22-029
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
[Filed October 26, 2010, 10:06 a.m.]

The department is withdrawing the CR-101 for WAC 246-865-060 Extended care facility—Pharmaceutical services, filed October 20, 2004, and published as WSR 04-21-078. The original intent of the preproposal was to update the rules to allow pharmacies to receive unused prescriptions from long-term/extended care facilities for disposal in order to prevent the drugs from being disposed of into the sewer or solid waste systems.

The board of pharmacy would like to withdraw this CR-101 as it is outdated. In addition, the issue is being looked at on the state and federal level and it is anticipated that action will be taken to resolve this and other medication issues.

Individuals requiring information on this rule should contact Tim Fuller, pharmacist consultant, at (360) 236-4827.

Mary C. Selecky
Secretary

WSR 10-22-035
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed October 26, 2010, 3:54 p.m.]

The department is withdrawing the CR-101 for WAC 246-358-990, 246-359-990 and 246-361-990, temporary worker housing fees, temporary worker housing construction standard fees, and cherry harvest camp fees, filed August 22, 2007, and published in WSR 07-17-171. The original proposal pointed out that the migrant farmworker housing program fee schedules were complicated and difficult for department staff to calculate. The purpose of the proposal was to revise the fee language so that department staff could efficiently process licensing fees via the newly implemented computerized licensing system.

Since the filing of WSR 07-17-171, the department encountered difficulties with revising the fee language in such a way that it would be compatible with the new licensing software and yet not alter the established fee amounts in any way. Adjusting fee amounts was not within the scope of this CR-101. For these reasons, the CR-101 for WAC 246-358-990, 246-359-990 and 246-361-990 is no longer needed.

Individuals requiring information on this rule should contact Debra Fisher, temporary worker housing program manager, at (360) 236-2942.

Mary C. Selecky
Secretary

WSR 10-22-036
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
[Filed October 26, 2010, 4:17 p.m.]

The department of health (department) is withdrawing the CR-101 for chapter 246-296 WAC, Drinking water state revolving fund loan program (DWSRF), filed on February 9, 2010, and published as WSR 10-05-030. The original preproposal was to consider new federal Safe Drinking Water Act criteria for water systems to obtain a DWSRF loan.

Since the publication of WSR 10-05-030, the department evaluated its DWSRF program. The department will file a new CR-101 with an expanded purpose to consider both the results of the program evaluation and the new federal Safe Drinking Water Act criteria expected to be passed by congress in fall 2010.

Individuals requiring information on this rule revision should contact Kristin Bettridge, policy and finance section manager, at (360) 236-3166 or kristin.bettridge@doh.wa.gov.

Mary C. Selecky
Secretary

WSR 10-22-050**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed October 28, 2010, 11:07 a.m.]

Subject of Possible Rule Making: Revision of WAC 468-38-290 Farm implements.

Revision of the rule is a result of SB 6816 requiring a review of the rule with special attention to restrictions on farm implement height.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Annual farm implement permits do not include an overheight feature. The revision would allow an overheight feature to the annual permit with conditions.

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, negotiated between the department of transportation, Washington state patrol, Washington Association of Wheat Growers, Washington Farm Bureau.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Wright, WSDOT Commercial Vehicle Services, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 704-6345, fax (360) 704-6350, wrightji@wsdot.wa.gov.

October 28, 2010
Stephen T. Reinmuth
Chief of Staff

WSR 10-22-077**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed November 1, 2010, 8:24 a.m.]

Subject of Possible Rule Making: Title 308 WAC, Licensing, department of, which includes chapter 308-56A WAC, Certificates of title, motor vehicles and chapter 308-94 WAC, Snowmobiles.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is to make the rules clearer and to clarify the process for electronically filing dealer temporary permits.

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

Process for Developing New Rule: The department of licensing (DOL) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL 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 Debra K. Then, Research Analyst, Program and System Support, Mailstop 48205, P.O. Box 9037, Olympia, WA 98507-9037, or by phone (360) 902-4094, fax (360) 902-7821, TTY (360) 664-8885, e-mail dthen@dol.wa.gov.

November 1, 2010
Walt Fahrer
Rules Coordinator

WSR 10-22-086**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed November 1, 2010, 11:40 a.m.]

Subject of Possible Rule Making: Chapter 260-34 WAC, Drug and alcohol testing of licensees.

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 amending the drug and alcohol testing procedure to allow for oral fluids to be used in prescreen testing. This would allow for ease in the drug and alcohol program and be more convenient for licensees when testing is required.

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, doug.moore@whrc.state.wa.us.

November 1, 2010
Douglas L. Moore
Deputy Executive Secretary

WSR 10-22-118**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed November 3, 2010, 11:07 a.m.]

Subject of Possible Rule Making: WAC 388-105-0005, the daily medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and boarding homes contracted to provide assisted living (AL), adult

residential care (ARC), and enhanced adult residential care (EARC) services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39.030(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under the Governor's Executive Order 10-04, the aging and disability services administration (ADSA) must reduce its expenditures for the current fiscal year ending June 30, 2011, by 6.287%. To help achieve this level of reduction, ADSA anticipates the possibility of reducing its medicaid payment rates to licensed boarding homes.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Hague, P.O. Box 45600, Mail-stop 45600, Olympia, WA 98504-5600, phone (360) 725-2447, fax (360) 725-2641, e-mail haguepe@dshs.wa.gov.

November 3, 2010

Katherine I. Vasquez
Rules Coordinator

WSR 10-22-120

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medicaid Purchasing Administration)**

[Filed November 3, 2010, 11:10 a.m.]

Subject of Possible Rule Making: WAC 388-406-0010
How do I apply for benefits?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending the rule to require only one signature on applications for medical assistance.

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 pub-

lication 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 sullikm@dshs.wa.gov.

November 3, 2010

Katherine I. Vasquez
Rules Coordinator

WSR 10-22-121

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medicaid Purchasing Administration)**

[Filed November 3, 2010, 11:11 a.m.]

Subject of Possible Rule Making: WAC 388-501-0050 Healthcare general coverage, 388-501-0060 Healthcare coverage—Scope of covered categories of service, 388-501-0065 Healthcare coverage—Description of covered categories of service, 388-501-0070 Healthcare coverage—Non-covered services, and possibly other related chapters and sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.08.090, and 74.09-700.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to clarify and update the healthcare services categories and to reflect the January 1, 2011, and March 1, 2011, reductions to the following optional services and programs: Adult dental; adult hospice; adult vision; adult podiatry; adult hearing aids; adult prescription drugs; school-based medical services; state-only alien medical; interpreter services; medical for disability lifeline clients; eligibility reduction for apple health for kids; first steps maternity support services and infant case management; family planning and TAKE CHARGE; medicare Part D copayments; and physical, occupational, and speech therapies.

These changes are being made in response to the governor's order that all state agencies reduce their budget expenditures by 6.3% through the end of the current fiscal year ending June 30, 2011.

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 sullikm@dshs.wa.gov.

November 3, 2010
Katherine I. Vasquez
Rules Coordinator