

WSR 14-24-010
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 20, 2014, 10:48 a.m.]

Subject of Possible Rule Making: Chapter 181-77 WAC, Standards for career and technical education certification.

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 is responsible for standards for career and technical education certification, including criteria, eligibility, issuance and renewal.

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. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

November 20, 2014
David Brenna
Senior Policy Analyst

WSR 14-24-015
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed November 20, 2014, 2:18 p.m.]

Subject of Possible Rule Making: WAC 260-60-330 Claims to be in amount printed on program.

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 (WHRC) is contemplating amending language to clarify the official claiming price of an entry.

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, Executive Secretary, WHRC, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

November 20, 2014
Douglas L. Moore
Executive Secretary

WSR 14-24-016
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed November 20, 2014, 2:19 p.m.]

Subject of Possible Rule Making: WAC 260-84-065 Licensees—Drug and alcohol penalties.

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 (WHRC) is contemplating amending language to clarify whether an individual is in compliance with a treatment program.

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, Executive Secretary, WHRC, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

November 20, 2014
Douglas L. Moore
Executive Secretary

WSR 14-24-017
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed November 20, 2014, 2:19 p.m.]

Subject of Possible Rule Making: WAC 260-70-540 Veterinarians' reports.

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 (WHRC) is contemplating amending this section to require practicing veterinarians to provide treatment records on request.

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, Executive Secretary, WHRC, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

November 20, 2014
Douglas L. Moore
Executive Secretary

WSR 14-24-018
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed November 20, 2014, 2:20 p.m.]

Subject of Possible Rule Making: WAC 260-40-105 Workouts and identification.

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 (WHRC) is contemplating removing language regarding rules implemented by the racing association.

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, Executive Secretary, WHRC, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

November 20, 2014
 Douglas L. Moore
 Executive Secretary

WSR 14-24-020
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 21, 2014, 7:41 a.m.]

Subject of Possible Rule Making: Chapter 246-490 WAC, considering adding new sections to the chapter for delayed registration of births, and amending WAC 246-490-070 Fraudulently registered or changed birth certificates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.58.082, 43.70.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 70.58 RCW regulates vital records in Washington and allows the department of health (department) to register a delayed record of birth when no record was registered at the time of birth or if no record can be found on file with the state or county. The department is considering strengthening the requirements for registration of a delayed birth certificate, potentially reducing the risk for fraud, by creating rules for establishing the facts of a birth and parentage through documentary evidence, the process for filing a delayed birth certificate, content of a delayed birth certificate, retention of documents, and validation of authenticity of documentary evidence.

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

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.: Interested parties can participate in the rule process

by e-mailing or mailing comments to the department. To receive [receive] information and updates and provide comments, e-mail vitalrecordsrules@doh.wa.gov, mail to attention: Vital Records Rules, P.O. Box 47814, Olympia, WA 98504-7814, or contact Kris Reichl at (360) 236-4311.

November 20, 2014
 Dennis E. Worsham
 Deputy Secretary
 for John Wiesman, DrPH, MPH
 Secretary

WSR 14-24-021
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Dental Quality Assurance Commission)

[Filed November 21, 2014, 8:34 a.m.]

Subject of Possible Rule Making: WAC 246-817-450 Definitions and 246-817-460 Sexual misconduct, the dental quality assurance commission (commission) is considering revising the rule to clarify that forcible or nonconsensual acts are within the definition of sexual misconduct by a dental provider.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365, 18.130.050, 18.130.062, and Executive Order 06-03.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering updating the sexual misconduct rule to establish clearer standards of conduct for dental providers. The commission's experience with investigating and enforcing the current rule has raised the need to clarify what acts constitute sexual misconduct by dental providers under the commission's authority listed in RCW 18.130.040 (2)(b). Updating the sexual misconduct rule will establish clearer standards of conduct and will help the commission be consistent in its enforcement activities to more fully comply with RCW 18.130.062 and Executive Order 06-03.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Department of Health, Dental Quality Assurance Commission, Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, (360) 236-4893, jennifer.santiago@doh.wa.gov. Interested stakeholders may sign up for the commission's listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=dental-qac&A=1>. All rule-making notices will be e-mailed to the commission's interested parties list (listserv) and appropriate state associations. Rule drafting will take place in open public meetings where comments will be accepted verbally and in writing.

November 21, 2014
 Trina Castle
 Executive Director

WSR 14-24-030**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed November 21, 2014, 2:08 p.m.]

Subject of Possible Rule Making: Amendment or repeal of state board of education (SBE) rules pursuant to rules review required by WAC 180-08-015: WAC 180-16-002, 180-16-162 through 180-16-164, 180-16-195, 180-16-200, 180-16-225, 180-18-030, 180-18-040, 180-18-050, 180-18-090, 180-44-005 through 180-44-060, 180-51-001, and 180-105-020.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 180-08-015 Scheduled review of state board rules, requires SBE to review all board rules not less than every three years. The last such review resulting in a filing was in 2010, when the board adopted amendments, mostly technical, to fifteen sections of Title 180 WAC (WSR 10-20-143). The board has completed another required review under WAC 180-08-015. At its meeting on November 14, 2014, the board approved the filing of a CR-101 providing public notice of possible rule making on fourteen sections of Title 180 WAC. The purposes are to repeal obsolete rules, amend or repeal rules that are not consistent with board policy, update rules for new circumstances and policy issues, and make necessary technical corrections.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of superintendent of public instruction (OSPI) and professional educator standards board. Staff to SBE have discussed pertinent WACs with staff and counsel to these agencies and will continue to communicate with them through the rule-making process. SBE will notify these agencies of any public hearings that may be conducted on these WACs and seek their testimony. SBE will also coordinate with OSPI on presentation of the fiscal impact statement required under RCW 28A.305.135.

Process for Developing New Rule: SBE will solicit comment on proposed rules from OSPI, school district boards of directors, education organizations, and other interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Archer, Director of Basic Education Oversight, SBE, P.O. Box 47206, Olympia, WA 98504, (360) 725-6035. Written comment may also be submitted to sbe@k12.wa.us or jack.archer@k12.wa.us.

November 21, 2014
Ben Rarick
Executive Director

WSR 14-24-052**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES**

[Filed November 25, 2014, 11:40 a.m.]

Subject of Possible Rule Making: Amending WAC 326-02-034 Political subdivision fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.19.030 and budget proviso from 2014 budget.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 326-02-034 to comply with the 2014 budget proviso requiring office of minority and women's business enterprises (OMWBE) charge a fee to fully recover the agency's cost for providing the statewide DBE/ACDBE/SBE certification service. The costs to be reviewed are (but not limited to): Business outreach, certification application and renewal processing, investigations and audits, and appeals from denials or decertifications.

Proposed amendments to this WAC may also include clarification or simplification to the existing fee structure, a political subdivision's use of the state certification service. The rule has not been updated since 1996. Overall changes in organization and language are needed to reduce confusion for those entities subject to the fees.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Kifowit, Public Records Manager/Rules Coordinator, P.O. Box 41160, Olympia, WA 98504, phone (360) 664-9750, fax (360) 407-0955, e-mail markk@omwbe.wa.gov.

November 25, 2014
Mark Kifowit
Public Records Manager
Rules Coordinator

WSR 14-24-069**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)**

[Filed November 26, 2014, 10:57 a.m.]

Subject of Possible Rule Making: The securities division is considering amending WAC 460-44A-502 (4)(d) regarding the legend disclosure requirements for certificates documenting restricted securities to update an outdated reference to a North American Securities Administrators Association (NASAA) guideline.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.450, 21.20.320 (9) and (17).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since the adoption of the current rule, NASAA has updated its guidelines regarding cover legends for securities. The securities division is considering amending the rule to remove a reference to the prior, outdated NASAA guideline regarding cover legends.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Securities and Exchange Commission (SEC) regulates the offer and sale of securities under the Securities Act of 1933. However, this rule deals with state specific exemptions from registration designed to coordinate with currently existing federal exemptions (the Rule 147 intrastate offering exemption, as well as Rules 504 and 505 of Regulation D), and will not require any additional coordination with SEC, or its rules.

Process for Developing New Rule: The securities division is soliciting comments from interested persons and will adopt rules only after the consideration of public comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jordan Rood, Esq., Department of Financial Institutions, Securities Division, 150 Israel Road S.W., Tumwater, WA 98501, phone (360) 902-8797, e-mail Jordan.Rood@dfi.wa.gov.

November 25, 2014
William M. Beatty
Securities Administrator

WSR 14-24-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed December 1, 2014, 9:23 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-450-0085 Does the department count all of my self-employment income to determine if I am eligible for benefits?, and any other related rules to implement a standard fifty percent self-employment income deduction for cash and food assistance programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08A.120, and 7 C.F.R. § 273.11 (b)(3)(iv).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed changes allow households with self-employment income and who receive cash and/or food assistance to take the greater of:

- A standard fifty percent deduction from the gross self-employment income; or
- A deduction consisting of actual verified and allowable cost of producing self-employment income.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:

The United States Department of Agriculture, Food and Nutrition Services, regulates federal food benefits affected by this filing. No direct coordination is necessary. Adopted rules will be consistent with federal laws and regulations regarding income deductions, budgeting and treatment of income under 7 C.F.R. §§ 273.9 and 273.11 (b)(3)(iv).

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 Bob Thibodeau, P.O. Box 45470, Olympia WA 98504-5470, phone (360) 725-4634, fax (360) 725-4904, e-mail thiborl@dshs.wa.gov.

December 1, 2014
Katherine I. Vasquez
Rules Coordinator

WSR 14-24-080
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed December 1, 2014, 9:39 a.m.]

Subject of Possible Rule Making: The department is amending and adding new sections in chapter 388-106 WAC, Long-term care services, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending and adding new sections to chapter 388-106 WAC, the volunteer chore program, as it was changed to volunteer services per ESSB 6444. The intent in the name change was to broaden the types of assistance available to eligible clients. Other necessary changes that arise during this rule making may be incorporated. Other WAC chapters may also 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 Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

December 1, 2014
Katherine I. Vasquez
Rules Coordinator

WSR 14-24-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed December 2, 2014, 8:37 a.m.]

Subject of Possible Rule Making: Chapter 296-45 WAC, Safety standards for electrical workers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is responding to a Federal Register notice where the Occupational Safety and Health Administration (OSHA) published their final rule relating to Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment (29 C.F.R. 1910 and 1926). This was published on April 11, 2014, and effective July 11, 2014. The department is required to update our rules to be at-least-as-effective-as OSHA. The department will have a number of provisions that may differ but will be at-least-as-effective-as the OSHA rule. These provisions may require economic analyses to determine the impact on the industry. In addition, references and minor housekeeping changes may be made throughout our chapters.

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

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cynthia Ireland, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5522, fax (360) 902-5619, e-mail cynthia.ireland@lni.wa.gov.

December 2, 2014
Joel Sacks
Director

WSR 14-24-095
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed December 2, 2014, 8:38 a.m.]

Subject of Possible Rule Making: Chapter 296-30 WAC, Rules for the administration of the crime victims compensation program; chapter 296-31 WAC, Crime victims compensation mental health treatment rules and fees; and chapter 296-33 WAC, Attendant services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 7.68.030 Duties of the director—General provisions—Testimony by medical providers.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Modifying existing rules will clarify the benefit limits, the claims affected by the new limits and will remove references to lower limits no longer applicable as of July 2015.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies regulate this subject.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cletus Nnanabu, Department of Labor and Industries, Crime Victims Compensation Program, phone (360) 902-5340, fax (360) 902-5333, Cletus.Nnanabu@lni.wa.gov, P.O. Box 44520, Olympia, WA 98504-4520.

December 2, 2014
Joel Sacks
Director

WSR 14-24-118
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed December 3, 2014, 10:04 a.m.]

Subject of Possible Rule Making: The department is considering rule making regarding hunting and trapping seasons, limits, and permits for big game, small game, and upland birds; GMUs and area boundaries; migratory bird hunting restriction areas and game reserves; hunter education instructor certification; hunters with disabilities; and amendments to other permanent rules regulating the taking of wildlife.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.020, 77.12.047, 77.12.120, 77.12.240, 77.12.800, 77.32.070, 77.32.090, 77.32.370, and 77.32.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to provide clarification, expand recreational opportunity, and

mitigate wildlife conflicts, while maintaining sustainable game populations in light of population data. Rule making on these topics occurs every three years and this rule proposal will shape hunting seasons for the 2015-2017 hunting seasons.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Migratory birds are also regulated by the United States Fish and Wildlife Service (USFWS) and coordination is managed through the Pacific Flyway. State regulations are designed to fit within the parameters of the USFWS regulation guidelines.

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 Nate Pamplin, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2515, fax (360) 902-2162, e-mail Wildthing@dfw.wa.gov. Contact by January 15, 2015. Expected proposal filing on or after January 16, 2015.

December 3, 2014
Joanna M. Eide
Rules Coordinator