

WSR 17-09-005**PREPROPOSAL STATEMENT OF INQUIRY
WESTERN WASHINGTON UNIVERSITY**

[Filed April 6, 2017, 8:51 a.m.]

Subject of Possible Rule Making: WAC 516-52-010 Control of dogs and other service animals.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To review and amend Western's rule to address animals and pets on campus, as well as service animals and exceptions.

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 Nicole Goodman, BFA Budget Officer and Internal Controls, BFA Policy Coordinator, Western Washington University, 516 High Street, Mailstop 9015, Bellingham, WA 98225-9015, phone (360) 650-2477, fax (360) 650-3037, Nicole.Goodman@wwu.edu; or Jennifer Sloan, Rules Coordinator, Western Washington University, 516 High Street, Mailstop 9015, Bellingham, WA 98225-9015, phone (360) 650-3117, fax (360) 650-6197, Jennifer.Sloan@wwu.wa.edu.

April 6, 2017
Jennifer L. Sloan
Rules Coordinator

WSR 17-09-013**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed April 7, 2017, 10:56 a.m.]

Subject of Possible Rule Making: Chapter 308-15 WAC, Geologist licensing services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.220.040, 18.220.050, and 43.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed rules (1) identify alternative credentialed vocations outside of geology to perform certain services currently performed only by licensed geologists; (2) broaden the methods for applicants to meet licensing educational requirements; and (3) codify in rule policies put into place by the board since rule development over the last twelve years.

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

Process for Developing New Rule: Direct notice will be made to stakeholders and all active licensees under chapter 18.220 RCW. Details will be posted on our web site and distributed through the geologist board listserv.

To receive information by email, please sign up on the geologist board listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=GEOLOGIST-LICENSING-BOARD>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Konnersman, Washington State Geologist Licensing Board, Department of Licensing, P.O. Box 9012, Olympia, WA 98507-9012, phone (360) 902-3607, fax (360) 570-7098, email geologist@dol.wa.gov. Additional information will be posted on the geologist board web site as it becomes available at <http://www.dol.wa.gov/business/geologist/>.

April 7, 2017
Damon Monroe
Rules Coordinator

WSR 17-09-014**PREPROPOSAL STATEMENT OF INQUIRY
SEATTLE COLLEGES**

[Filed April 7, 2017, 12:56 p.m.]

Subject of Possible Rule Making: Refund of tuition and other fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Adoption of new WAC related to the protocol on refund policies as part of the fiscal process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education and the Washington state board of community and technical colleges. The Seattle Colleges will consult guidance from both of these agencies to ensure its new rules comply with state and federal laws.

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 Kurt Buttleman, Vice Chancellor for Finance and Technology, 1500 Harvard Avenue, Seattle, WA 98122-3803, (206) 934-4111, Kurt.Buttleman@seattlecolleges.edu.

April 5, 2017
Shoum Pan
Chancellor

WSR 17-09-015**PREPROPOSAL STATEMENT OF INQUIRY
SEATTLE COLLEGES**

[Filed April 7, 2017, 12:57 p.m.]

Subject of Possible Rule Making: Sexual harassment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This WAC section is outdated and no longer needs to be codified. Sexual harassment policy and procedure will be kept internally.

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 Dave Blake, Chief Human Resources Officer, 1500 Harvard Avenue, Seattle, WA 98122-3803, (206) 934-4136, Dave.Blake@seattlecolleges.edu.

April 5, 2017
Shouan Pan
Chancellor

WSR 17-09-020

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed April 11, 2017, 8:48 a.m.]

Subject of Possible Rule Making: The department is proposing to add new sections, amend existing sections, and repeal sections in chapter 388-78A WAC, Assisted living facility licensing rules, including WAC 388-78A-2590, 388-78A-2592, 388-78A-2593, 388-78A-2594, 388-78A-2595, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.20 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules on this subject have not been updated in several years and may be unclear, ambiguous, or inaccurate.

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 social and health services (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 Jeanette K. Childress, Assisted Living Facility Policy Program Manager, Aging and Long-Term Support Administration, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2591, fax (360) 438-7903, email childjk@dshs.wa.gov.

April 6, 2017
Katherine I. Vasquez
Rules Coordinator

WSR 17-09-021

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed April 11, 2017, 12:50 p.m.]

Subject of Possible Rule Making: WAC 260-60-460 Cancellation of claims.

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 add language in the event an owner disputes the official veterinarians' opinion on the need to euthanize a claimed horse.

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, 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.

April 11, 2017
Douglas L. Moore
Executive Secretary

WSR 17-09-046

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed April 17, 2017, 11:23 a.m.]

Subject of Possible Rule Making: Chapter 246-980 WAC, Home care aides, the department of health is considering amending the rules to allow a one-time opportunity to expand the applicants work period beyond the initial date of hire to allow individuals to complete their certification. The department is also considering revising the rules to reduce barriers to reentry.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.88B.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current statute allows only two hundred calendar days to work while pursuing home care aide certification, unless exempt. After that, workers must complete training, pass the certification exam, and be issued a home care aide credential before returning to work. This exacerbates the current supply of workers which does not meet the demand for home care aides. The department is considering a one-time opportunity to work for a second period of two hundred calendar days, at least one calendar year after the initial date of hire, while pursuing certification to better meet the need for trained, certified home care aides. Also considering revising the rules for exempt workers who return to the field after 3+ years.

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

cies: The department of social and health services also regulates aspects of home care aides, and will be consulted on an ongoing basis.

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. Persons interested in participating in the rule-making process may contact the Washington state home care aide program at Homecareaiders@doh.wa.gov, fax (360) 236-2901, by mail Home Care Aide Program, P.O. Box 47852 [47877], Olympia, WA 98504-7877, or may contact Stacey Saunders at (360) 236-2813.

April 17, 2017

John Wiesman, DrPH, MPH
Secretary

WSR 17-09-047

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed April 17, 2017, 11:42 a.m.]

Subject of Possible Rule Making: Chapter 16-250 WAC, Commercial feed rules and chapter 16-252 WAC, Commercial feed rules—Pet food and specialty pet food, the agency is considering adopting the recent changes to federal regulations and the current Association of American Feed Control Officials official publication regarding feed safety in order to better protect public health and promote uniformity with other states.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.53 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: After congress passed the Food Safety Modernization Act (FSMA) in 2011, the United States Food and Drug Administration (FDA) released a number of revised and new federal code of regulations necessary to implement FSMA in late 2015 and again in 2016. Revision to chapter 16-250 WAC, Commercial feed rules and chapter 16-252 WAC, Commercial feed rules—Pet food and specialty pet food, is necessary to remain uniform with federal regulations so that commercial feed, including pet food produced in Washington may be freely shipped in interstate and international commerce and to ultimately protect consumers from contaminated, adulterated, and/or misbranded animal food.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of health; local health jurisdictions; FDA.

Animal food/feed safety officials from these organizations will be notified about the rule-making process through our animal feed safety taskforce committee and outreach notifications. Washington state department of agriculture (WSDA) will ask members from these organizations to participate in our rule-making process.

Process for Developing New Rule: The agency is developing the rule in coordination with stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Claudia Coles, Policy/External Affairs Advisor, WSDA, Food Safety and Consumer Services Division, P.O. Box 42560, Olympia, WA 98504-2560, email ccoles@agr.wa.gov, phone (206) 321-1124.

April 10, 2017

Dr. Candace A. Jacobs
Assistant Director
Food Safety and
Consumer Services Division

WSR 17-09-050

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed April 17, 2017, 2:09 p.m.]

Subject of Possible Rule Making: Chapter 246-101 WAC, Notifiable conditions, the state board of health will consider adding notification and specimen submission requirements for new conditions (Appendix A) and conditions currently identified as "other rare diseases of public health significance" (Appendix B); changing notification and specimen submission requirements for existing conditions; clarifying notification requirements for suspected cases; requiring electronic lab notification; and improving clarity and usability.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050 Powers and duties of state board of health—Rule making—Delegation of authority—Enforcement of rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state board of health will consider changing the rules to better protect public health by improving our understanding of emerging conditions, allowing more thorough case investigations, and improving the public health response to disease. The public health goals for these changes are to reduce the risk of disease transmission and prevent serious complications or fatalities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health has authority to establish requirements for some notifiable conditions within chapter 246-101 WAC. These requirements are not being considered for revision during this rule-making process. To ensure department of health requirements are not modified over the course of the rule making, state board of health staff will consult with department of health staff while developing the proposed rules.

Process for Developing New Rule: The board will use a collaborative rule-making process in developing the proposed rules. The board will consult with an advisory committee to receive recommendations for rule revision. The advisory committee will include members of the regulated community, related associations, local health jurisdictions, and other interested stakeholders. Once draft rules are prepared, the board will use a broader informal review and comment

process to gather further input prior to the formal proposal of rules and public hearing.

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 formulation of the proposed rules and the decision to adopt the final rules by contacting Sierra Rotakhina via email Sierra.Rotakhina@DOH.WA.GOV or phone (360) 236-4106; or by contacting Vicki M. Bouvier via email Vicki.Bouvier@DOH.WA.GOV or phone (360) 236-3011.

April 17, 2017
Michelle A. Davis
Executive Director

WSR 17-09-051

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY (Public Employees Benefits Board)

[Admin. #2017-01—Filed April 17, 2017, 2:18 p.m.]

Subject of Possible Rule Making: Enrollment, eligibility, and appeal rules in chapters 182-08, 182-12, and 182-16 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1. The health care authority (HCA) will consider amendments and new rules to implement the following:

- Review chapters 182-08, 182-12, and 182-16 WAC and insert "PEBB" or "public employees' benefits board (PEBB)" in front of the words "insurance coverage" for clarity where it is missing.
- Amending a number of sections where premiums and premium payments are discussed to ensure payment of premium surcharges are also addressed.
- Clarify within the definition of "premium surcharge" that the reference to premium contribution is to the subscriber's medical premium contribution.
- Correcting the reference to treasury regulation 26 C.F.R. 54.9801-6 throughout chapters 182-08 and 182-12 WAC.
- Consider adding a definition of "season" as it relates to seasonal employees within chapters 182-08 and 182-12 WAC, and consider adding the definition of medical flexible spending arrangement that already exists in chapters 182-08 and 182-16 WAC to WAC 182-12-109.
- Amend the definition of "subscriber" so it is clear that they must be determined eligible by HCA and are the individual to whom HCA and contracted vendors will issue all notices.
- Amend WAC 182-08-187 to incorporate more detail regarding under what circumstances and how errors will be corrected retroactively.
- Amend current rule or create a new rule in chapter 182-08 or 182-12 WAC to address how the PEBB program will resolve health plan enrollment when a subscriber is required to change health plans and fails to select a new health plan within the required time.
- Clarify within chapter 182-08 WAC when life insurance paperwork must be turned in and where.
- Amend chapters 182-08 and 182-12 WAC to incorporate information about the accountable care plan.
- Evaluate the need to amend chapter 182-08 WAC to incorporate the criteria used by HCA to evaluate employer group requests for eligibility criteria which differs from that determined by PEBB.
- Consider adding a definition within chapter 182-12 WAC of "self-supporting" as it relates to disabled dependents.
- Provide clarity in chapter 182-12 WAC regarding the term "appointed official" as used in WAC 182-12-114.
- Review WAC 182-12-114 to determine if the word "consecutive" should be added to the second paragraph.
- Amend WAC 182-12-138 to align with WAC 182-08-180 for how delinquent payments are handled.
- Amend WAC 182-12-142 to breakdown the structure of the sections to make it easier to reference individual subsections.
- Evaluate the need to incorporate federal COBRA requirements within certain sections of chapter 182-12 WAC.
- Evaluate the need to amend WAC 182-12-171 to clarify that substantive eligibility must be established before procedural requirements are considered and to make some minor nontechnical corrections.
- Amend WAC 182-12-205 to make some minor nontechnical corrections.
- Clarify within WAC 182-12-260 that dissolution and termination are related to state registered domestic partnerships, that the PEBB program or "designee" will periodically certify the eligibility of a dependent child with a disability, and that the PEBB program can check this status more often if the dependent child with a disability status changes or if there is suspected misconduct.
- Amend WAC 182-12-262 to include the timeline for when a subscriber must turn in a disabled dependent recertification form and to reflect that optional employee life insurance for a newborn child does not begin until the child is fourteen days old.
- Evaluate the need to amend WAC 182-12-265 to better clarify when a surviving spouse must start to receive a retirement benefit to be eligible for PEBB insurance coverage, add surviving spouse and dependents of elected and full-time appointed officials of the legislative and executive branches of state government as another eligible group, and add that eligibility for a non-K-12/educational service district employer group surviving spouse or domestic partner will end at the end of the month when the employer group ends participation with the PEBB program.
- Evaluate the need for a global change within chapter 182-16 WAC to account for former employees and the process required for their appeals.
- Clarify within chapter 182-16 WAC the appeals process for disabled dependent certification and recertification

denials. Also, consider the use of the word "applicant" instead of the word "subscriber" in some instances.

- Amend chapter 182-16 WAC to be more specific regarding which of the HCA director's powers are delegated to the office of administrative hearings.
- Remove the special open enrollment event for a child becoming eligible as a dependent with a disability from multiple rules.
- Evaluate the need for new or amended rules in chapters 182-08, 182-12, and 182-16 WAC related to the administration of life insurance.

2. HCA will conduct a full review of PEBB program rules in these chapters and make changes as necessary to provide technical corrections, implement legislation, implement PEBB policy, and to comply with federal or state regulations.

Process for Developing New Rule: HCA welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and 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 Barbara Scott, (360) 725-0830 or Rob Parkman, (360) 725-0883, at HCA, P.O. Box 42684, Olympia, WA 98504-2684, fax (360) 586-9727, TTY 1-800-848-5429, email <mailto:barbara.scott@hca.wa.gov> or <mailto:Robert.parkman@hca.wa.gov>.

April 17, 2017
Wendy Barcus
Rules Coordinator

WSR 17-09-055
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed April 17, 2017, 3:21 p.m.]

The department of licensing, driver training schools program, requests the withdrawal of the proposed rule making filed as WSR 14-05-042 for chapter 308-108 WAC, Driver training schools and chapter 308-110 WAC, Administration of knowledge and skills testing by driver training schools. The CR-101 was filed February 13, 2014. This document serves as the official notification of our rule withdrawal.

Damon Monroe
Rules Coordinator

WSR 17-09-059
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed April 18, 2017, 10:03 a.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 17-07-032, distributed in the 17-07 State Register, regarding WAC 182-501-0160.

Wendy L. Barcus
Rules Coordinator

WSR 17-09-063
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
FINANCIAL MANAGEMENT

[Filed April 18, 2017, 11:08 a.m.]

Subject of Possible Rule Making: The subject of this rule making relates to the statewide all-payer health care claims database. Specifically, the rules will address the submission of claims data relating to chemical dependence/substance abuse claims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.371.010(3), 43.371.030(1) and 43.371.070(1)(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 43.371 RCW directs the office of financial management (OFM) to establish a statewide all-payer health care claims database to support transparent public reporting of health care information. To accomplish this requirement, OFM is directed to establish rules defining claim and data files that suppliers must submit. There are federal rules regarding the submission and use of data related to certain chemical dependency/substance use disorder treatment claims. This rule making is to establish the definition and requirements related to the data that must be submitted to the all-payer claims database (APCD), and maintain compliance with federal law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Substance Abuse and Mental Health Services Administration regulates the protections for certain chemical dependency/substance use disorder treatment claims information.

Process for Developing New Rule: A collaborative approach will be used. The APCD web site and associated listserv will be used to provide information and seek comments before a draft is filed for hearing. Stakeholder meetings to review and discuss draft rules will also be scheduled as appropriate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To participate in the rule-making process, you may:

- Send OFM an email with your name and contact information (and questions or comments) at apcd@ofm.wa.gov.

- Sign up on the APCD listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=APCD>. Those who sign up will receive information on the rules, hearing dates and the latest drafts of the rules for your comments.

April 18, 2017
 Roselyn Marcus
 Assistant Director
 Legal and Legislative Affairs
 Rules Coordinator

WSR 17-09-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 18, 2017, 11:14 a.m.]

Subject of Possible Rule Making: The department is conducting rule making related to preventing worker exposure to beryllium and beryllium compounds (as Be). This rule making is in response to the Occupational Safety and Health Administration's (OSHA) final rule on beryllium in general industry, construction and maritime. The department does not have any rules on beryllium at this time except for chapter 296-841 WAC, Airborne contaminants and chapter 296-307 WAC, Safety standards for agriculture. Each chapter includes the permissible exposure limits (PEL) for the airborne contaminants table which contains the PELs for beryllium and beryllium compounds (as Be). These tables may be updated as part of this rule making along with other standards that may be impacted. The new beryllium standards will be incorporated into the 800 series.

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: OSHA issued a final rule on beryllium to prevent chronic beryllium disease and lung cancer in workers by limiting their exposure to beryllium and beryllium compounds. The rule is comprised of three standards, one for General Industry 29 C.F.R. 1910; Construction 29 C.F.R. 1926; and Maritime 29 C.F.R. 1915. The OSHA final rule takes effect May 20, 2017, with incremental effective dates to comply with some of the requirements over a three-year period from OSHA's original effective date. Since this final rule imposes additional or more stringent requirements on employers than existing OSHA standards, state plans must adopt an "at-least-as-effective-as" standard or amendment to their existing standards, or show that they already have an existing "at-least-as-effective" standard.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As an OSHA-approved state plan, the department is the primary entity to regulate this subject in Washington with certain exceptions pertaining to the maritime industry and United States government operations, in which case OSHA maintains jurisdiction. The Department of Energy (DOE) regulates beryllium exposure for federal and contractor employees who work at DOE sites. DOE published a pro-

posed rule for chronic beryllium disease prevention program (10 C.F.R. Part 850) on July 7, 2016.

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 Gail Hughes, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504, phone (360) 902-5537, email Gail.hughes@lni.wa.gov.

April 18, 2017
 Joel Sacks
 Director

WSR 17-09-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed April 18, 2017, 11:21 a.m.]

Subject of Possible Rule Making: Chapter 16-240 WAC, WSDA grain inspection program—Definitions, standards, and fees, the department is considering amending this chapter to address the fee structure in consideration of workload variables that contribute to variability in the fund balance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 22.09.020, chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending chapter 16-240 WAC to add an additional alternate fee rate to WAC 16-240-043, as the fund balance is still growing too rapidly despite the implementation of the alternate fee rate beginning July 1, 2016. The program needs a fee structure that has greater flexibility to adjust to fluctuating demands for services related to tonnage inspections. In addition, the department is considering amending this chapter to include barges under USGSA Table 2 and AMA Table 2.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service (USDA GIPSA FGIS) must approve changes in the WSDA grain inspection program's fee schedule.

Process for Developing New Rule: Grain inspection program staff will develop the proposed amendments based upon program needs, requirements of USDA GIPSA FGIS, and input from the grain inspection program advisory committee and members of the grain industry. 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 Philip Garcia, Grain Inspection Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1921, pgarcia@agr.wa.gov; or Jeff Larsen, Project Management and Rulemaking Coordinator, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1960, jlarsen@agr.wa.gov.

April 18, 2017
Jason Ferrante
Assistant Director

WSR 17-09-081
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 19, 2017, 9:51 a.m.]

Subject of Possible Rule Making: Chapter 392-107 WAC, Educational service districts—Election of board members.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.310.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering updating the rules related to administering elections for educational service district board members. Changes would streamline and clarify election procedures.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kristin Murphy, OSPI Rules Coordinator, P.O. Box 47200, Olympia, WA 98504-7200, Kristin.murphy@k12.wa.us, (360) 725-6133.

April 19, 2017
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 17-09-082
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 19, 2017, 9:52 a.m.]

Subject of Possible Rule Making: Chapter 392-109 WAC, State board of education—Election of members.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent

of public instruction (OSPI) is considering updating the rules related to administering elections for elected board members of the state board of education. Changes would streamline and clarify election procedures.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kristin Murphy, OSPI Rules Coordinator, P.O. Box 47200, Olympia, WA 98504-7200, Kristin.murphy@k12.wa.us, (360) 725-6133.

April 19, 2017
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 17-09-083
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 19, 2017, 9:53 a.m.]

Subject of Possible Rule Making: WAC 392-121-122 Definition—Full-time equivalent student, 392-121-133 Definition—Annual average full-time equivalent students, 392-121-136 Limitation on enrollment counts, 392-121-137 Full-time equivalent enrollment of students with a disability, 392-122-225 Definition—State institutional education program—FTE students, 392-122-421 Full-day kindergarten program—Definition, and 392-169-057 Enrollment—Extent of combined high school and running start enrollment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2015-17 biennial budget (section 502 (1)(e)(ii)(D)) requires the office of superintendent of public instruction (OSPI) to align agency rules defining a full-time equivalent (FTE) student to the state's increase in the minimum instructional hours for students. OSPI is accordingly proposing to revise the foregoing WAC to change the annual average FTE to one thousand hours and the FTE for all grades to twenty-seven hours, forty-five minutes weekly. OSPI proposed the rules go into effect at the start of the 2018-19 school year.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WAC 392-169-005 requires joint agreement with OSPI, state board of [for] community and technical colleges, and Washington student achievement council on any revision to chapter 392-169 WAC. Both agencies will review the proposed change to WAC 392-169-057.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becky McLean, OSPI Enrollment Supervisor, P.O. Box 47200, Olympia, WA 98504, (360) 725-6306, Becky.mclean@k12.wa.us.

April 19, 2017
Scott Bird
Rules Coordinator

April 10, 2017
Chris P. S. Reykdal
Superintendent of
Public Instruction

WSR 17-09-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 19, 2017, 10:23 a.m.]

Subject of Possible Rule Making: Amendments to the coastal commercial salmon fishing rules are needed to implement Guiding Principle #4 from the Washington department of fish and wildlife (WDFW) Commission Policy C-3622, which states "investigate and promote the development and implementation of alternative selective gear" in order to achieve conservation objectives in Willapa Bay.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.50.030, and 77.65.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WDFW is interested in designating a trial commercial fishery in Willapa Bay for the purpose of testing a new gear type and intends to issue a limited number of trial fishery permits that set the permissible time, place, and manner of fishing using a newly designated gear type.

The gear type being considered is a floating fish trap. This fish trap uses nonpermanent spuds to hold the trap in place; no permanent structures will be installed or used. This fish trap passively funnels adult salmon from the "lead," a net positioned at an angle from the shore, into a series of compartments leading to the final compartment or spiller. Fish are able to swim freely the entire time. Hatchery fish are then removed from the spiller and the natural-origin fish are released untouched through a door at the back of the fish trap to continue their trip upstream to spawn.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WDFW will be providing input on this process and subsequent recommendations for the specifics on permissible time, place, and manner of fishing using the designated gear type.

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 Barbara McClellan, WDFW Fish Program, 48 Devonshire Road, Montesano, WA 98563, phone (360) 249-1213, fax (360) 249-1229, email Barbara.McClellan@dfw.wa.gov. Contact by May 31, 2017. Expected proposal filing on or after June 2, 2017.

WSR 17-09-096

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 19, 2017, 11:23 a.m.]

Subject of Possible Rule Making: Update language in WAC 220-220-240; update language regarding companions with disabilities in WAC 220-413-140; remove disability language subsection (5) in WAC 220-310-150; move WAC 220-220-240 to 220-305-120; move WAC 220-413-130 [220-413-150] to 220-200-160; and move WAC 220-413-130 to 220-200-170.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.047, 77.32.237, 77.32.238, and 77.32.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is necessary to make changes to language related to people with disabilities in order to ensure compliance with the Americans with Disabilities Act (ADA) Title II and Section 504 of the Rehabilitation Act. Moving WAC sections is required to better streamline and clarify ADA rules for the public.

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) works with the United States Fish and Wildlife Service, the Department of Interior (Civil Rights Division), and the Department of Justice on ADA compliance. WDFW will share draft language and coordinate with these agencies as needed through the WDFW ADA program.

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 Dolores Noyes, ADA Program Manager, email Dolores.Noyes@dfw.wa.gov, or Sam Taylor, Risk Manager, email Samuel.Taylor@dfw.wa.gov, at WDFW, P.O. Box 43139, Olympia, WA 98504, phone (360) 902-2349, fax (360) 902-2392.

April 19, 2017
Scott Bird
Rules Coordinator