

**WSR 17-14-004****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed June 22, 2017, 7:51 a.m.]

Subject of Possible Rule Making: WAC 308-104-025  
Effect of accumulation of traffic offenses and 308-104-035  
Interest of safety.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 46.20.291(3), 46.01.110.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: Amending WAC 308-104-  
025, this rule making is necessary to clarify the number of  
qualifying offenses that result in a license suspension, and  
accurately reflect the standardized sanctions process.

Repealing WAC 308-104-035, this section will be incor-  
porated into WAC 308-104-025.

Other Federal and State Agencies that Regulate this Sub-  
ject and the Process Coordinating the Rule with These Agen-  
cies: None.

Process for Developing New Rule: Interested parties can  
participate by contacting the individual listed below. The  
public can also participate after amendments are proposed by  
providing written comments and/or testimony during the  
public hearing and comment process.

Interested parties can participate in the decision to adopt  
the new rule and formulation of the proposed rule before pub-  
lication by contacting Schuyler Rue, Administrator, Depart-  
ment of Licensing, P.O. Box 9030, Olympia, WA 98507-  
9030, (360) 664-1523, srue@dol.wa.gov.

June 22, 2017  
Damon Monroe  
Rules Coordinator

**WSR 17-14-007****PREPROPOSAL STATEMENT OF INQUIRY  
SEATTLE COLLEGES**

[Filed June 22, 2017, 9:21 a.m.]

Subject of Possible Rule Making: Chapter 132F-116  
WAC, Traffic rules and regulations.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 28B.50.140(10).

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: Rule was outdated. Proposed  
changes update language and reflect current practices.

Other Federal and State Agencies that Regulate this Sub-  
ject and the Process Coordinating the Rule with These Agen-  
cies: 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 pub-  
lication by contacting Kurt Buttleman, Vice Chancellor for  
Finance and Technology, 1500 Harvard Avenue, Seattle, WA  
98122-3803, (206) 934-4111, Kurt.Buttleman@seattle  
colleges.edu.

June 20, 2017  
Shouan Pan  
Chancellor

**WSR 17-14-018****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed June 22, 2017, 4:53 p.m.]

Subject of Possible Rule Making: The department is pro-  
posing to amend licensing regulations in WAC 388-145-  
1555(5), 388-145-1600(4), 388-145-1665(4), 388-145-1675  
(1), (2), 388-148-1465 (3), (6), and other related rules as may  
be required as recommended by the Washington state patrol  
fire protection bureau. These proposed changes affect both  
the division of licensed resources (DLR) group care facilities'  
WAC (chapter 388-145 WAC) and the child foster home  
WAC (chapter 388-148 WAC). For group care facilities, the  
state-adopted building code does not require facilities that are  
sprinkler protected to have windows that open to the outside  
or to have windows that are large enough for emergency per-  
sonnel to enter and exit. The current WAC requires this even  
if the facility is sprinkler protected. Further, the state-adopted  
building code also requires smoke detectors to be both inside  
and outside of all bedrooms in homes and facilities, which is  
different from those requirements listed in the current WAC.  
Finally, foster homes without a window large enough for  
emergency personnel to enter and exit have been approved by  
the fire marshal or building official having jurisdiction to do  
so. Immediately changing the WAC to reflect current stan-  
dards and practices implemented by the fire marshal or build-  
ing official will allow such foster homes to meet minimum  
licensing standards. DLR is therefore amending these WAC  
to align with the state-adopted building code requirements.

The department is also proposing to amend licensing  
regulations in WAC 388-148-1470 (14), (15) and 388-148-  
1515(9) as recommended by the children's administration  
regional medical consultants. These proposed changes are  
based on child safety. Additional proposed requirements will  
address the use of weighted blankets and clarify that neither  
formula nor breastmilk can be warmed in the microwave  
oven.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090,  
74.13.031.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: The intent of the revision to  
WAC 388-145-1555(5), 388-145-1600(4), 388-145-1665(4),  
388-145-1675 (1), (2) and 388-148-1465 (3), (6) is to provide  
further instructions on fire safety and to align DLR WAC  
with the current building code requirements. The intent of the  
revision to WAC 388-148-1470 (14), (15) and 388-148-  
1515(9) is to provide additional safety requirements regard-  
ing the use of weighted blankets and to clarify that neither  
formula or breastmilk can be warmed in the microwave oven.  
This WAC change is specific to infant and child safety and  
was a recommendation by the children's administration  
regional medical consultants.

Other Federal and State Agencies that Regulate this Sub-  
ject and the Process Coordinating the Rule with These Agen-  
cies: 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 Kristina Wright, Program Manager, Division of Licensed Resources, Children's Administration, DSHS, 1115 Washington Street S.E., P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-8349, fax (360) 902-7903, email [wrightks@dshs.wa.gov](mailto:wrightks@dshs.wa.gov).

June 22, 2017  
Katherine I. Vasquez  
Rules Coordinator

**WSR 17-14-024**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2017-07—Filed June 23, 2017, 3:39 p.m.]

Subject of Possible Rule Making: Rules regarding contractual arrangements to minimize prior authorization requirements at the point of care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.510, 48.43.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner has become aware of certain carrier-provider relationships that are not transparent and have the potential to discriminate against consumers and providers. Rule making is necessary to ensure a level playing field for providers and consumers.

Process for Developing New Rule: Submit written comments by August 18, 2017, to Jim Freeburg, P.O. Box 40258, Olympia, WA 98504, [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov), fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Freeburg, P.O. Box 40258, Olympia, WA 98504, (360) 725-7170, [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov).

June 23, 2017  
Mike Kreidler  
Insurance Commissioner

**WSR 17-14-032**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**NOXIOUS WEED**  
**CONTROL BOARD**

[Filed June 26, 2017, 12:26 p.m.]

Subject of Possible Rule Making: WAC 16-750-005, 16-750-011, 16-750-015, 16-750-130, 16-750-135, 16-750-140, and 16-750-145.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.10.070, 17.10.080, 17.10.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state noxious weed control board (WSNWCB) is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agency regulates this subject. Federal agencies are subject to federal noxious weed laws that require them to coordinate with state regulations. Federal agencies in Washington are invited to participate in all stages of noxious weed rule making.

Process for Developing New Rule: WSNWCB annually solicits proposed changes to the noxious weed list from county weed boards, weed districts, state agencies, federal agencies, interest groups, and the general public. The noxious weed committee of the board (which includes representation from the Washington Native Plant Society, county weed boards, the nursery industry and several scientific advisors) meets at least twice to review and research these suggestions. A public hearing is scheduled, and a press release and information regarding the proposed changes are widely distributed to newspapers, stakeholders, and the general public. The board makes its final decisions after considering comments received at the hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can:

- Submit suggested changes to the noxious weed list and/or other sections of chapter 16-750 WAC between January 1 and April 30 each year.
- Attend noxious weed committee meetings and/or WSNWCB meetings.
- Testify at the public hearing and/or submit written testimony.

Information on participating in the decision-making process can be obtained from Alison Halpern, WSNWCB, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2053, fax (360) 902-2094, email [ahalpern@agr.wa.gov](mailto:ahalpern@agr.wa.gov).

June 26, 2017  
Alison Halpern  
Executive Secretary

**WSR 17-14-039**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed June 27, 2017, 1:55 p.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification. Addresses requirements for teachers, administrators and education staff associates for obtaining, retaining and renewing their certificate.

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. 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](http://www.PESB.wa.gov).

June 27, 2017

David Brenna

Senior Policy Analyst

#### WSR 17-14-040

##### PREPROPOSAL STATEMENT OF INQUIRY THE EVERGREEN STATE COLLEGE

[Filed June 27, 2017, 2:43 p.m.]

Subject of Possible Rule Making: Rules governing weapons on campus, on college-owned property, and at college sponsored events.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.40.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide a safe learning environment and to protect the constitutional rights of visitors to campus.

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 the college's rules coordinator John Carmichael, The Evergreen State College, Library 3200, Olympia, Washington 98505, phone (360) 867-5100, email [carmichj@evergreen.edu](mailto:carmichj@evergreen.edu).

June 27, 2017

John Carmichael

Rules Coordinator

#### WSR 17-14-042

##### WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Developmental Disabilities Administration)

[Filed June 27, 2017, 4:07 p.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 17-13-127 on June 21, 2017 (chapters 388-825 and 388-101D WAC), regarding background checks.

Katherine I. Vasquez

Rules Coordinator

#### WSR 17-14-047

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS (Division of Consumer Services)

[Filed June 28, 2017, 12:23 p.m.]

Subject of Possible Rule Making: Amending the rules (chapter 208-690 WAC) under the Uniform Money Services Act, chapter 19.230 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040, 19.230.310. Proposed in compliance with OFM Guidance 3 e and f dated October 12, 2011.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules must be amended to implement the statutory changes from SSB 5031 (chapter 30, Laws of 2017), to benefit the regulated industries by having clear and consistent rules including taking into account innovations in the industry, informing the industry of obligations under state and federal law, to change the definition of stored value to be consistent with federal law, and to otherwise make necessary technical changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are a number of federal laws that industry must comply with. As Washington law allows and when federal regulations provide adequate consumer protection, the department of financial institutions (DFI) insures [ensures] that state regulations are consistent with the federal regulations. This gives industry a consistent and equitable regulatory environment in which to operate.

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 Sara Rietcheck, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-8793, email [sara.rietcheck@dfi.wa.gov](mailto:sara.rietcheck@dfi.wa.gov) or sign up for the GovDelivery email subscription from the DFI web site ([www.dfi.wa.gov](http://www.dfi.wa.gov)) or access the rule-making page on the DFI web site.

June 28, 2017

Charles Clark

Agency Deputy Director  
Director of Consumer Services

459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

June 28, 2017  
Douglas L. Moore  
Executive Secretary

**WSR 17-14-050****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed June 28, 2017, 1:36 p.m.]

Subject of Possible Rule Making: Chapter 260-09 WAC, Public records.

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 comply with HB [EHB] 1595 regarding any fees assessed for supplying public records.

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.

June 28, 2017  
Douglas L. Moore  
Executive Secretary

**WSR 17-14-051****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed June 28, 2017, 1:36 p.m.]

Subject of Possible Rule Making: WAC 260-70-675 Bicarbonate testing.

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 amend the section to give guidance on how factors to be used in the decision making on whether a TCO2 violation has occurred.

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)

**WSR 17-14-056****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Board of Naturopathy)

[Filed June 28, 2017, 4:52 p.m.]

Subject of Possible Rule Making: WAC 246-836-XXX, the board of naturopathy is considering creating rules establishing professional practice standards for naturopathic physicians when authorizing medical marijuana.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.160 and 69.51A.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of naturopathy (board) is considering creating rules establishing professional practice standards for naturopathic physicians when authorizing medical marijuana. In 2014, a collaborative workgroup was formed between the board, the medical quality assurance commission, the board of osteopathic medicine and surgery, and the nursing care quality assurance commission. This workgroup developed uniform guidelines on professional practice standards for health care practitioners who authorize medical marijuana to address some of the developing concepts in medical marijuana industry regulation. The board is considering establishing these standards in rule.

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 persons can participate in the rule process through meetings and by submitting written comments, and are encouraged to join the listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=NATUROPATHY-PROGRAM>.

Please address questions and/or comments to Susan Gragg, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2901, email susan.gragg@doh.wa.gov.

June 28, 2017  
Blake T. Maresh  
Executive Director

**WSR 17-14-065****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF COMMERCE**

[Filed June 29, 2017, 1:29 p.m.]

Subject of Possible Rule Making: Determination of the average greenhouse gas emission rate from new, commer-

cially available combined cycle combustion turbines. This determination is to be made every five years after July 22, 2007. Rule making was last completed in March of 2013. See chapter 194-26 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.80.050 Commercially available turbines—Rate of greenhouse gas emissions—Reports—Rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of the rule making is to establish the average greenhouse gas emission rate from new, commercially available combined cycle combustion turbines which is referenced in RCW 80.80.040 Greenhouse gas emission performance standard—Rules. This section establishes the state greenhouse gas emission performance standard for utility baseload electric generation which becomes the lower of:

(a) One thousand one hundred pounds per megawatt-hour; or

(b) The average greenhouse gas emission rate as determined under RCW 80.80.050.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of ecology and the energy facility site evaluation council regulate fossil fueled thermal power plants in Washington state using RCW 80.80.040 and the emission value determined by commerce under RCW 80.80.050. Commerce will work [with] the department of ecology and the energy facility site evaluation council during this rule-making process.

Process for Developing New Rule: Standard rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Commerce will host stakeholder meetings seeking input. Likely participants include affected state electric utilities, utility organizations, independent power producers, power marketers, state agencies noted above, and public interest groups. Persons interested in providing input may attend meetings, or provide information via e-mail or other printed submission. A meeting is scheduled to take place from 12:30 p.m. to 3:30 p.m. on July 25 in Room 207 at Commerce's Office, 1011 Plum Street S.E., Olympia.

For more information, please contact Carolee Sharp, P.O. Box 42525, Olympia, WA 98504-2525, carolee.sharp@commerce.wa.gov, (360) 725-3118, fax (360) 586-0049.

June 29, 2017  
Jaime Rossman  
Rules Coordinator

**WSR 17-14-073**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed June 29, 2017, 2:32 p.m.]

Subject of Possible Rule Making: WAC 392-140-600 through 392-140-685, school district eligibility for state special education safety net funding.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.155.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The provisions of WAC 392-140-600 through 392-140-685 apply to the determination of safety net awards of state special education funds and Individuals with Disabilities Education Act federal funds awarded to local education agencies located in Washington state. The office of superintendent of public instruction (OSPI) is considering amending these rules to align the rules' definition of average per pupil expenditure with the Every Student Succeeds Act of 2016, 20 USC § 7801. OSPI is further considering making housekeeping changes to the rules for the purpose of providing greater clarity.

Process for Developing New Rule: Early solicitation of public comments and recommendations pertaining to 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. Interested parties may provide proposed language or written comments to Glenna Gallo, Assistant Superintendent, Special Education, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6075, TTY (360) 586-0126, fax (360) 586-0247, email sped@k12.wa.us. Please put the words "2017 Rulemaking SNET" in the subject line.

June 29, 2017  
Chris P. S. Reykdal  
State Superintendent  
of Public Instruction

**WSR 17-14-074**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed June 29, 2017, 2:45 p.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification. Addresses requirements for teachers, administrators and education staff associates for obtaining, retaining and renewing their certificate.

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](http://www.PESB.wa.gov).

June 29, 2017  
David Brenna  
Senior Policy Analyst

**WSR 17-14-075**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed June 29, 2017, 2:48 p.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 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](http://www.PESB.wa.gov).

June 29, 2017  
David Brenna  
Senior Policy Analyst

**WSR 17-14-092**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BUILDING CODE COUNCIL**

[Filed June 30, 2017, 3:05 p.m.]

Subject of Possible Rule Making: Chapter 51-50 WAC amendment of the 2015 International Building Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2017 legislature passed HB 1262 requiring a minimum width for accessible van parking access aisles, and that the access aisles be marked with no parking signs. In HB 1262, the legislature directs the state building code council amend the building code to implement the new rules.

Process for Developing New Rule: The state building code council developed a proposed rule based on the legislation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tim Nogler, Washington State Building Code Council, P.O. Box 41449, Olympia, WA 98504-1449, (360) 407-9277, fax (360) 586-5366, email [sbcc@des.wa.gov](mailto:sbcc@des.wa.gov).

June 9, 2017  
Steve K. Simpson  
Chair

**WSR 17-14-104**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 17-02—Filed July 5, 2017, 9:21 a.m.]

Subject of Possible Rule Making: In reliance on the February 21, 2017, final affirmative determination by the Environmental Protection Agency (EPA) that adequate pumpout facilities for the safe and sanitary removal and treatment of sewage from vessels are reasonably available for the waters of Puget Sound, the Washington state department of ecology (ecology) is starting rule making to adopt a new rule, chapter 173-228 WAC, Vessel sewage no discharge zones, to establish a Puget Sound no discharge zone.

The Puget Sound no discharge zone would cover two thousand three hundred square miles of marine waters of Washington state inward from the line between New Dungeness Lighthouse and the Discovery Island Lighthouse to the Canadian border, and fresh waters of Lake Washington, Lake Union, and connecting waters between and to Puget Sound.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.030, 90.48.035, 90.48.260, 33 U.S.C. § 1322.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Puget Sound is a unique, sensitive water body. Its limited tidal flushing makes it prone to poor water quality conditions. Federal law currently allows vessels to discharge treated sewage within three miles of shore.

We are beginning a rule making to make Puget Sound a no discharge zone, which would prohibit the release of sewage (black water) from vessels, whether treated or not. This follows the five year stakeholder process, the petition submitted to EPA, and EPA's final affirmative determination that adequate pumpout facilities for the safe and sanitary removal and treatment of sewage from vessels are reasonably available for the waters of Puget Sound. This information will all be used as part of this rule making.

The Puget Sound no discharge zone would cover two thousand three hundred square miles of marine waters of Washington state inward from the line between New Dungeness Lighthouse and the Discovery Island Lighthouse to the Canadian border, and fresh waters of Lake Washington, Lake Union, and connecting waters between and to Puget Sound.

Vessel sewage discharges have a high potential impact due to proximity, often directly over or near shellfish and other protected resources, such as swimming beaches. Shellfish beds are vulnerable to pathogen pollution (which comes from sewage), which threatens an important shellfish food supply in Washington state. Due to this risk, we have closed approximately three thousand acres of shellfish harvesting areas that are in close proximity to marinas, we anticipate that under these rules the status of these shellfish harvesting restrictions would be reevaluated.

Our state has made large investments in sewage treatment, stormwater management, and in the prevention of industrial pollution and agricultural runoff. Making Puget Sound a no discharge zone for vessel sewage addresses a missing piece in our strategy to cleanup and restore Puget Sound. It is a near-term action in the Puget Sound action agenda, and is a recommendation of the Washington shellfish initiative.

On February 21, 2017, the EPA made a final affirmative determination that the Puget Sound region, as described above, has adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels reasonably available. EPA said the state may finalize its proposed designation.

Most of Puget Sound's estimated one hundred fifty-six thousand six hundred recreational and commercial vessels with on board toilets have sewage holding tanks and use pump-out stations, or wait to discharge more than three miles from shore or at sea. Roughly two thousand two hundred, or two percent, have limited treatment systems and would need to add holding tanks.

The rule will clarify requirements necessary to implement the no discharge zone determination by EPA, which applies to all recreational and commercial vessels. Previous work in preparation for the petition to EPA lead to including a delayed implementation of five years for some commercial vessels such as tugs, fishing, research, and small overnight passenger cruise vessels to add sewage holding tanks.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology will work with tribes to discuss rule activities and seek input. Other coordinating federal and state agencies include the United States EPA, United States Coast Guard, Washington state department of health, Puget Sound partnership, Washington state fish and wildlife, Washington state parks and recreation commission, Washington state department of natural resources, and Washington state department of licensing.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can stay informed about the rule making and public involvement opportunities as described below. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

1. Visiting the agency web page at <http://www.ecy.wa.gov/programs/wq/ruledev/wac173228/1702timedocs.html>.

2. Signing up to receive email notices at <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-WATER-QUALITY-INFO>.

3. Contacting Amy Jankowiak, Water Quality Program, Department of Ecology, 3190 160th Avenue S.E., Bellevue, WA 98008, phone (425) 649-7195, email [amy.jankowiak@ecy.wa.gov](mailto:amy.jankowiak@ecy.wa.gov).

July 5, 2017

Heather R. Bartlett

Water Quality Program Manager

## WSR 17-14-106

### PREPROPOSAL STATEMENT OF INQUIRY

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed July 5, 2017, 9:28 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-828-1160, 388-828-3060, 388-828-3080, 388-828-4020, 388-828-4400, 388-828-7000, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is considering amending the ICF/IID level-of-care eligibility algorithm. Within the comprehensive assessment reporting evaluation system (CARE), DDA may move the algorithm from the supports intensity scale (SIS) assessment to the personal care assessment. During the course of this review, DDA may identify additional changes that are necessary to improve clarity or update policy.

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 Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 407-1581, fax (360) 407-0955, TTY 1-800-833-6388, email [Chantelle.Diaz@dshs.wa.gov](mailto:Chantelle.Diaz@dshs.wa.gov).

July 5, 2017

Katherine I. Vasquez

Rules Coordinator

**WSR 17-14-107**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
(Washington Apple Health)  
[Filed July 5, 2017, 10:13 a.m.]

Subject of Possible Rule Making: WAC 182-515-1540 Medically needy residential waiver (MNRW) effective March 17, 2003, through March 31, 2012, 182-515-1550 Medically needy in-home waiver (MNIW) effective May 1, 2004, through March 31, 2012, and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, and 74.09.565.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is repealing these sections. These programs ended on March 31, 2012. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services, aging and long-term support administration, home and community services.

Process for Developing New Rule: The agency 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, the agency 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 Darcy Eliason, Program Manager, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, email darcy.eliason@hca.wa.gov.

July 5, 2017  
Wendy Barcus  
Rules Coordinator

to amend WAC 388-442-0010 in order to conform to a recent amendment to the federal regulation regarding who is considered a fleeing felon. This proposed WAC amendment defines how the Washington basic food program determines when someone is a fleeing felon.

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 Service (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will amend rules that are consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

The state legislature authorizes the department to administer SNAP and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington basic food program.

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 Ezra Paskus, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4611, fax (360) 725-4905, email paskuet@dshs.wa.gov.

July 5, 2017  
Katherine I. Vasquez  
Rules Coordinator

**WSR 17-14-109**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed July 5, 2017, 10:37 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-442-0010 Am I eligible for benefits if I am fleeing from the law or breaking a condition for parole or probation?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.100, 74.04.770, 74.08.025, 7 C.F.R. 273.11.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing

**WSR 17-14-112**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed July 5, 2017, 11:46 a.m.]

Subject of Possible Rule Making: Chapter 296-128 WAC, Minimum wages; chapter 296-131 WAC, Agriculture employment standards; and chapter 296-126 WAC, Standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Initiative Measure 1433, chapters 49.46, 49.12 RCW, and RCW 43.22.270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to consider rules pertaining to the retaliation and



enforcement directives related to the implementation of Initiative 1433, An Act Related to Fair Labor Standard. Initiative 1433 passed on November 8, 2016, and requires, in part, employers provide paid sick leave to employees starting in 2018. Initiative 1433 directs the department to adopt and implement rules to carry out and enforce the act.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency regulates sick leave. The United States Department of Labor (U.S. DOL) administers the federal Fair Labor Standards Act and regulates federal minimum wage and overtime requirements. Any coordination needed will be done by the department through review of U.S. DOL regulations and guidance.

Process for Developing New Rule: The department will develop the rule language with input from interested parties. For more information on this rule making, visit the department of labor and industries' (L&I) laws and rules web site at <http://www.lni.wa.gov/LawRule/> or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allison Drake, L&I, Fraud Prevention and Labor Standards Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-5304, email [i1433Rules@Lni.wa.gov](mailto:i1433Rules@Lni.wa.gov).

July 5, 2017  
Joel Sacks  
Director