

WSR 18-22-005
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed October 25, 2018, 9:36 a.m.]

October 29, 2018

Joseph Fuxa
 Labor Relations Manager

Subject of Possible Rule Making: WAC 363-116-082
 Limitations on new pilots.

Statutes Authorizing the Agency to Adopt Rules on this
 Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: Due to increased vessel sizes,
 the tonnage categories for each license level will be reviewed
 to determine if adjustments are needed in both the Puget
 Sound and Grays Harbor pilotage districts. Language will
 also be reviewed and adjusted for clarity, as needed.

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: Discussions regard-
 ing proposed amendments to this rule will occur at regular
 session board meetings as well as trainee evaluation commit-
 tee and legislative/WAC committee meetings. Stakeholder
 comments are welcome. Upon review and consideration of
 recommended revisions, a public hearing will be scheduled
 pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt
 the new rule and formulation of the proposed rule before pub-
 lication by contacting Jaimie Bever, Executive Director,
 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone
 206-515-3887, fax 206-515-3906, email BeverJ@wsdot.wa.
 gov, web site www.pilotage.wa.gov.

October 25, 2018
 Jaimie Bever
 Executive Director

WSR 18-22-030
PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY

[Filed October 29, 2018, 7:28 a.m.]

Subject of Possible Rule Making: Revising chapter 172-
 118 WAC, Recreational equipment.

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: Revisions may be needed to
 address new types of recreational equipment.

Process for Developing New Rule: Negotiated rule mak-
 ing.

Interested parties can participate in the decision to adopt
 the new rule and formulation of the proposed rule before pub-
 lication by contacting Joseph Fuxa, 314 Showalter Hall, East-
 ern Washington University, Cheney, WA 99004, phone 509-
 359-7496, fax 509-359-2874, email jfuxa@email.edu, web
 site <http://sites.ewu.edu/policies/>.

WSR 18-22-031

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 29, 2018, 11:29 a.m.]

Subject of Possible Rule Making: The department is
 reviewing the status of the pinto abalone and may seek to
 amend certain rules concerning its classification as either an
 endangered, threatened or sensitive species.

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

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: The department is responsi-
 ble for making recommendations regarding listing status of
 certain species, and if those species should be classified as
 sensitive, threatened, or endangered. To properly classify the
 status of the pinto abalone, the department will review all rel-
 evant data pertaining to the population status and factors
 affecting existence in Washington state. The initial review of
 the pinto abalone's status indicates that the species has
 declined significantly and multiple factors negatively affect
 its continued existence in Washington.

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 Michael Ulrich, 600 Capitol Way
 North, Olympia, WA 98501-1091, phone 360-902-2737, fax
 360-902-2943, email michael.ulrich@dfw.wa.gov, web site
http://wdfw.wa.gov/conservation/pinto_abalone/.

October 29, 2018
 Scott Bird
 Rules Coordinator

WSR 18-22-054
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed October 31, 2018, 10:33 a.m.]

Subject of Possible Rule Making: WAC 314-55-035
 What persons or entities have to qualify for a marijuana
 license?

Statutes Authorizing the Agency to Adopt Rules on this
 Subject: RCW 69.50.342 and 69.50.345.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: The rule needs to be revised
 to provide clarity to marijuana licensees.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, P.O. Box 43098, Olympia, WA 98504, phone 360-664-1622, fax 360-664-9689, email rules@lcb.wa.gov, web site lcb.wa.gov.

October 31, 2018
Jane Rushford
Chair

WSR 18-22-074

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed November 1, 2018, 4:01 p.m.]

Subject of Possible Rule Making: The new property tax exemption described in RCW 84.36.670 for property used for the operation of a multipurpose senior citizen center. A copy of the proposed draft rule will be provided at the public meeting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.36.865.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering a new rule that will explain the requirements of the property tax exemption described in RCW 84.36.670. This exemption is for real and personal property owned by a senior citizen organization that is used for the operation of a multipurpose senior citizen center.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Mullin, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1589, fax 360-534-1606, TTY 800-833-6384, email LeslieMu@dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Leslie Mullin using one of the contact methods above. Written and oral comments will be accepted at the public meeting on December 6, 2018, at 1:00 p.m., at Conference Room 114C, 6400 Linderson Way S.W., Tumwater, WA 98501.

November 1, 2018
Erin T. Lopez
Rules Coordinator

WSR 18-22-082

PREPROPOSAL STATEMENT OF INQUIRY STUDENT ACHIEVEMENT COUNCIL

[Filed November 2, 2018, 4:17 p.m.]

Subject of Possible Rule Making: State work-study program, chapter 250-40 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 28B.12, 28B.76, 28B.77 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Agency seeks to implement efficiencies in the administration of the Washington state work-study program and to clarify eligibility exclusions to work-study financial aid consistent with statute.

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 Becky Thompson, Director of Student Financial Assistance, P.O. Box 43430, Olympia, WA 98504-3430, phone 360-753-7840, email BeckyT@wsac.wa.gov, web site wsac.wa.gov.

November 2, 2018
Don Bennett
Deputy Director

WSR 18-22-099

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR AND CANNABIS BOARD

[Filed November 5, 2018, 2:50 p.m.]

Subject of Possible Rule Making: Cannabis penalty guidelines in chapter 314-55 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342 and 69.50.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Modify traceability penalty guidelines establishing penalties for varying thresholds of noncompliance.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1622, fax 360-664-9689, email Rules@lcb.wa.gov, web site lcb.wa.gov.

October 31, 2018
Jane Rushford
Chair

WSR 18-22-100
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 5, 2018, 4:21 p.m.]

Subject of Possible Rule Making: Amending current notice requirements for testing commercial fishing gear.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department seeks to clarify the requirements for notifying department law enforcement officers about testing commercial fishing gear.

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 Scott Bird, P.O. Box 43153, Olympia, WA 98501, phone 360-902-2403, fax 360-902-2155, email Rules.Coordinator@dfw.wa.gov.

November 5, 2018
 Scott Bird
 Rules Coordinator

WSR 18-22-104
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed November 6, 2018, 8:34 a.m.]

Subject of Possible Rule Making: Amend or repeal of the office of superintendent of public instruction (OSPI) rules in chapter 392-501 WAC regarding required action districts and in collaboration between OSPI and the state board of education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.657.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Required action district (RAD) process and rules provide, per statute, additional supports to districts and schools with persistent challenges in demonstrating progress in improving outcomes for students. The RAD process was originally designed under the federal No Child Left Behind Act, which has since been reauthorized as the Every Child Succeeds Act. Some changes to RAD are required to align the state-directed RAD process with the new federally required accountability framework.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state board of education also regulates this subject. The board has filed a preproposal statement of inquiry to provide notice of its intent to engage in rule making regarding this subject. OSPI and board staff are engaged in a collaborative effort to improve the RAD process, and the agencies'

respective rule making will reflect the outcomes of that collaboration.

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 Katherine Mahoney, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6033, TTY 360-664-3631, email Katherine.mahoney@k12.wa.us, web site www.k12.wa.us.

November 5, 2018
 Chris P. S. Reykdal
 State Superintendent
 of Public Instruction

WSR 18-22-111
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed November 6, 2018, 10:38 a.m.]

Subject of Possible Rule Making: WAC 458-61A-103 Transfers involving an underlying debt.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.01.060(2), 82.32.300, and 82.45.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to amend WAC 458-61A-103. WAC 458-61A-103(1), which is derived from RCW 82.45.030(3), discusses debt remaining at the time of sale as part of the consideration subject to the real estate excise tax. Additional wording derived from RCW 82.45.030(3), is added for clarification. Current WAC 458-61A-103(2) is not supported by chapter 82.45 RCW, Excise tax on real estate sales, and is deleted. WAC 458-61A-103(3) is also deleted as unnecessary when subsection (2) is deleted. The rule is also renumbered to reflect additional examples.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or by giving oral testimony at the public meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rex Munger, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1554, fax 360-534-1606, TTY 800-833-6384, email RexM@dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Rex Munger using one of the contact methods above.

Written and oral comments will be accepted at the public meeting on December 13, 2018, at 1:30, in Conference Room 252, 6400 Linderson Way S.W., Tumwater, WA 98501.

November 6, 2018
 Erin T. Lopez
 Rules Coordinator

WSR 18-22-117
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Occupational Therapy Practice Board)
 [Filed November 6, 2018, 2:06 p.m.]

Subject of Possible Rule Making: WAC 246-847-120 Applicants from unrecognized educational programs, the occupational therapy practice board (board) is considering amending potentially conflicting and confusing rules for applicants from unrecognized educational programs. The board is also considering creating a new section in chapter 246-847 WAC for applicants that hold an expired license in another state and are seeking Washington licensure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.59.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 246-847-120 has potentially conflicting and confusing language within the section, making it difficult for credentialing staff and stakeholders to fully understand and implement the requirements for applying as an applicant from an unrecognized education program. Further, with the recent revisions to the definitions, continuing education, and licensing requirements under WSR 18-09-032, a route to licensure for applicants expired in another state was inadvertently removed. By creating [a] new section in chapter 246-847 WAC, the board is proposing to reinstate this route to licensure that was removed.

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 Kathy Weed, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4883, fax 360-236-2901, TTY 360-833-6388 or 711, email kathy.weed@doh.wa.gov.

Additional comments: Interested stakeholders may sign up for the program's interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/subscribe/r/new>. All rule-making notices will be emailed to GovDelivery and appropriate state associations. Rule drafting will take place in open public meetings where comments will be accepted verbally and in writing.

November 6, 2018
 Sheryl Zylstra, OT
 Chair

WSR 18-22-122
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION
 [Filed November 6, 2018, 5:00 p.m.]

Subject of Possible Rule Making: Commute trip reduction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.537.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is an update to current WAC 468-63-070. The Washington state department of transportation is directed to establish rules for commute trip reduction plans and implementation procedures. The program's new strategic plan contains goals and strategies to streamline and provide flexibility in local program implementation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal and state agencies regulate the commute trip reduction program policies.

Process for Developing New Rule: Broad engagement in strategic plan and group discussions with grantees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Keith Cotton, 310 Maple Park Avenue S.E., Olympia, WA, phone 360-970-1796, email cottonk@wsdot.wa.gov; or Ricardo Gotla, 401 2nd Avenue South, Seattle, WA, phone 206-716-1114, email gotlar@wsdot.wa.gov.

November 6, 2018
 Kara Larsen, Director
 Risk Management and
 Legal Services Division

WSR 18-22-126
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION
 [Filed November 7, 2018, 8:54 a.m.]

Subject of Possible Rule Making: The gambling commission is considering amending its punch board and pull-tab service supplier license rules, including marketing level restrictions for punch board and pull-tab gambling service suppliers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission accepted a rules petition requesting a rule change to the agency's marketing level restrictions for punch board and pull-tab gambling service suppliers. The petitioner requested that it be allowed to be a distributor and perform certain service supplier activities, such as training, to current and potential licensees for a fee, which is currently prohibited by rule. The petitioner contends that these changes will allow it to be a distributor and also offer service supplier activities for compensation.

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 Ashlie Laydon, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-

3473, fax 360-486-3624, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, web site www.wsgc.wa.gov.

November 7, 2018
Ashlie Laydon
Rules Coordinator

WSR 18-22-128

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed November 7, 2018, 9:22 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-96-905 Case mix accuracy review of MDS nursing facility resident assessments, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.46.800(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule no longer accurately reflects the proper terms or procedures for minimum data set accuracy reviews.

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 Elizabeth Pashley, P.O. Box 45600, Olympia, WA 98504, phone 360-725-2447, fax 360-725-2641, TTY 1-877-905-0454, email elizabeth.pashley@dshs.wa.gov, web site <https://www.dshs.wa.gov/altsa/management-services-division/case-mix-washington-state-medicaid-nursing-home-payment>.

November 6, 2018
Katherine I. Vasquez
Rules Coordinator

WSR 18-22-129

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed November 7, 2018, 10:26 a.m.]

Subject of Possible Rule Making: Chapter 16-228 WAC, General pesticide rules, the department is considering modifying provisions regarding pesticide examinations in order to offer computer-based testing services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.58.040 and 17.21.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department oversees a licensing and continuing education program for more than twenty-eight thousand pesticide applicators, dealers, consultants, and structural pest inspectors. As part of the licensing process, the department administers pesticide exams to ensure that individuals and businesses that apply, sell, or consult about pesticide products have the knowledge to do so in a safe and effective manner. Currently, exams are offered in paper form at limited locations on limited dates and are required to be scored manually. The department is considering moving to a computer-based testing environment where applicants can take exams at testing facilities throughout the state. Offering computer-based exams at more facilities throughout the state will make completing the exam step in the licensing process more efficient, convenient, and accessible for applicants. In order to offer this service, the department is considering utilizing a third party vendor to conduct computer-based exams. The department may need to revise current rule language to facilitate the use of computer-based testing, including but not limited to raising and restructuring exam fees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will discuss proposed rule amendments with the Environmental Protection Agency.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. 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 hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelle Davis, Program Manager, Registration and Licensing Services, Washington State Department of Agriculture, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1851, email kmdavis@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>; or Christina Zimmerman, Licensing Section Supervisor, Washington State Department of Agriculture, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2150, email czimmerman@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>.

November 7, 2018
R. Schoen-Nessa
Assistant Director

WSR 18-22-131

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed November 7, 2018, 11:21 a.m.]

Subject of Possible Rule Making: WAC 308-105-020 Application for enhanced driver's license or identocard.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.20.202.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This amendment will allow the state to stay in alignment with federal and state law.

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

Process for Developing New Rule: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy Walker, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9820 [98507-9020], phone 360-902-4089, email wewalker@dol.wa.gov.

November 7, 2018
Damon Monroe
Rules Coordinator

WSR 18-22-133
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed November 7, 2018, 11:38 a.m.]

The department of licensing, commercial driver license program, requests the withdrawal of the preproposal statement of inquiry for WAC 308-100-033 and adding a new section to chapter 308-100 WAC, filed as WSR 18-15-016 on July 9, 2018.

Damon Monroe
Rules Coordinator