

**WSR 19-17-008****PREPROPOSAL STATEMENT OF INQUIRY  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Docket UT-190437—Filed August 9, 2019, 10:44 a.m.]

Subject of Possible Rule Making: The commission initiates this rule making to consider amending existing rules and adopting new rules in chapter 480-123 WAC, Universal service, to implement the provisions of sections 11 through 18 of 2SSB 5511, enacted in the 2019 legislative session. This rule making has been assigned Docket UT-190437.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 18(2), 2SSB 5511; RCW 80.01.040(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 18(2), 2SSB 5511 requires the commission to initiate a rule making to implement the reform of the state universal communications services program consistent with guidance in the legislation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Communications Commission has jurisdiction over broadband communications, and the governor's statewide broadband office has been established to encourage, foster, develop and improve affordable, quality broadband within the state of Washington. The commission's rules governing the state universal service program are authorized under RCW 80.36.610, and the federal Telecommunications Act of 1996, P.L. 104-104 (110 State. 56), Section 254(f). The commission will coordinate with the statewide broadband office, as appropriate.

Process for Developing New Rule: Agency study; and the commission will follow its standard rule-making process, including but not necessarily limited to, requesting and considering written and oral comments on the subject of the rule making and drafts of proposed rules, and working with stakeholders to address any issues they may have.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark L. Johnson, Executive Secretary, Washington Utilities and Transportation Commission, 621 Woodland Square Loop S.E., Lacey, WA 98503, P.O. Box 47250, Olympia, WA 98504-7250, phone 360-664-1234, email records@utc.wa.gov, web site <https://www.utc.wa.gov/e-filing>.

Additional comments: For specific information regarding opportunities for written comments and to ensure receipt of further information concerning this rule making, please see the attachment to this form [no further information supplied by agency].

August 9, 2019  
Mark L. Johnson  
Executive Director  
and Secretary

**WSR 19-17-026****PREPROPOSAL STATEMENT OF INQUIRY  
PROFESSIONAL EDUCATOR  
STANDARDS BOARD**

[Filed August 13, 2019, 4:39 p.m.]

Subject of Possible Rule Making: Educator certification including but not limited to social and emotional learning requirements within educator preparation programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board is tasked with oversight and regulation of rules regarding teacher preparation and certification. Potential changes in these rules may address issues identified by the board or impacted stakeholders.

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 Rules Coordinator, 600 Washington Street S.E., Room 400, phone 360-725-6275, email rulespesb@k12.wa.us, web site pesb.wa.gov.

August 15 [13], 2019  
Justin Montermini  
Rules Coordinator

**WSR 19-17-027****PREPROPOSAL STATEMENT OF INQUIRY  
PROFESSIONAL EDUCATOR  
STANDARDS BOARD**

[Filed August 13, 2019, 4:45 p.m.]

Subject of Possible Rule Making: Educator certification and preparation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board is tasked with oversight and regulation of rules regarding teacher preparation and certification. Potential changes in these rules may address issues identified by the board or impacted stakeholders.

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 Rules Coordinator, 600 Washington Street S.E., Room 400, phone 360-725-6275, email rulespesb@k12.wa.us, web site pesb.wa.gov.

August 15 [13], 2019  
Justin Montermini  
Rules Coordinator

**WSR 19-17-028**

**PREPROPOSAL STATEMENT OF INQUIRY**

**PARAEDUCATOR BOARD**

[Filed August 13, 2019, 4:46 p.m.]

Subject of Possible Rule Making: Paraeducator training and employment requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.413 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The paraeducator board is tasked with oversight and regulation of rules regarding educator preparation and certification. The paraeducator board regularly engages with stakeholders and content experts regarding its work and the regulations surrounding it. Potential changes in these rules may address issues identified by the board or impacted stakeholders.

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 Rules Coordinator, 600 Washington Street S.E., Room 400, email rulespesb@k12.wa.us, web site pesb.wa.gov.

August 15 [13], 2019  
Justin Montermini  
Rules Coordinator

**WSR 19-17-030**

**PREPROPOSAL STATEMENT OF INQUIRY**

**PARAEDUCATOR BOARD**

[Filed August 13, 2019, 4:47 p.m.]

Subject of Possible Rule Making: State and regional implementation of paraeducator training requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.413 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The paraeducator board is tasked with oversight and regulation of rules regarding educator preparation and certification. The paraeducator board regularly engages with stakeholders and content experts regarding its work and the regulations surrounding it. Potential changes in these rules may address issues identified by the board or impacted stakeholders.

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 Rules Coordinator, 600 Washington Street S.E., Room 400, email rulespesb@k12.wa.us, web site pesb.wa.gov.

August 15 [13], 2019  
Justin Montermini  
Rules Coordinator

**WSR 19-17-029**

**PREPROPOSAL STATEMENT OF INQUIRY**

**PARAEDUCATOR BOARD**

[Filed August 13, 2019, 4:46 p.m.]

Subject of Possible Rule Making: Paraeducator career connected learning and workforce development.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.413 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The paraeducator board is tasked with oversight and regulation of rules regarding educator preparation and certification. The paraeducator board regularly engages with stakeholders and content experts regarding its work and the regulations surrounding it. Potential changes in these rules may address issues identified by the board or impacted stakeholders.

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 Rules Coordinator, 600 Washington Street S.E., Room 400, email rulespesb@k12.wa.us, web site pesb.wa.gov.

August 15 [13], 2019  
Justin Montermini  
Rules Coordinator

**WSR 19-17-031**

**PREPROPOSAL STATEMENT OF INQUIRY**

**PARAEDUCATOR BOARD**

[Filed August 13, 2019, 4:48 p.m.]

Subject of Possible Rule Making: Education and training requirements regarding instructional paraeducators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.413 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The paraeducator board is tasked with oversight and regulation of rules regarding educator preparation and certification. The paraeducator board regularly engages with stakeholders and content experts regarding its work and the regulations surrounding it. Potential changes in these rules may address issues identified by the board or impacted stakeholders.

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 Rules Coordinator, 600 Washington Street S.E., Room 400, email rulespesb@k12.wa.us, web site pesb.wa.gov.

August 15 [13], 2019  
Justin Montermini  
Rules Coordinator

**WSR 19-17-033****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF TRANSPORTATION**

[Filed August 14, 2019, 3:45 p.m.]

Subject of Possible Rule Making: WAC 468-38-071 Maximums and other criteria for special permits—Divisible.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To exempt government vehicles from pilot/escort vehicles while operating during an emergency event.

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

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 Kevin Zeller, P.O. Box 47367, Olympia, WA 98504-7367, phone 360-704-6342, fax 360-704-6391, email ZellerK@wsdot.wa.gov, web site www.wsdot.wa.gov/commercialvehicle; or Justin Heryford, P.O. Box 47367, Olympia, WA 98504-7367, phone 360-705-7987, fax 360-704-6391, email heryfoj@wsdot.wa.gov, web site www.wsdot.wa.gov/commercialvehicle.

August 14, 2019  
Kara Larsen, Director  
Risk Management  
and Legal Services

**WSR 19-17-038****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF COMMERCE**

[Filed August 15, 2019, 7:28 a.m.]

Subject of Possible Rule Making: Implementation of 2019 legislation (E3SHB 1257, chapter 285, Laws of 2019) directing commerce to establish a state energy performance standard, early adoption incentive program, and compliance requirements for covered commercial buildings

Statutes Authorizing the Agency to Adopt Rules on this Subject: Sections 3 and 4, chapter 285, Laws of 2019.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2019 legislation requires the department to establish a state energy performance standard for commercial buildings. It requires that the standard must include energy use intensity targets by building type and methods of conditional compliance, and that commerce develop administrative procedures for the early adopter incentive program and mandatory compliance program.

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Emily Salzberg [Salzberg], P.O. Box 42525, Olympia, WA 98504, phone 360-561-8182, email

buildings@commerce.wa.gov, web site www.commerce.wa.gov/buildings/.

Additional comments: Commerce maintains an email distribution list for communication with stakeholders. Interested parties may add their names to the distribution list by visiting the web page listed above.

August 15, 2019  
Leslie Wolff  
Rules Coordinator

**WSR 19-17-043****PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

[Filed August 15, 2019, 1:02 p.m.]

Subject of Possible Rule Making: WAC 182-523-0100 Washington apple health—Medical extension, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; SSB 6430, chapter 154, 2016 regular session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is striking subsection (2)(iii). The agency does not change eligibility based on incarceration status. During the course of this review, the agency may identify additional related 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: Center[s] for Medicare and Medicaid 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 Valerie Smith, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication relay services (TRS) 711, email valerie.smith@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking; or Mark Westenhaver, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-1324, fax 360-586-9727, TRS 711, email Mark.Westenhaver@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

August 15, 2019  
Wendy Barcus  
Rules Coordinator

**WSR 19-17-048**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 16, 2019, 8:57 a.m.]

Subject of Possible Rule Making: Chapter 246-XXX WAC creating a new chapter to establish registration and fees for dental laboratories.

Statutes Authorizing the Agency to Adopt Rules on this Subject: HB 1177 (chapter 68, Laws of 2019); RCW 43.70.250, 43.70.280; and HB 1753 (chapter 303, Laws of 2019).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 1177 creates a new chapter in Title 70 RCW to establish registration criteria and fee authority for dental laboratory registration. The bill requires the department of health to establish a fee and issue registrations to qualified dental laboratories. The bill also requires the dental laboratory registration number be included on all work orders.

HB 1753 amended the Administrative Procedures [Procedure] Act, RCW 34.05.310, by requiring the secretary of health or a disciplining authority specified in RCW 18.130.040 to file a CR-101 when creating or amending fees affecting professions regulated under chapter 18.130 RCW.

Rules are necessary to implement HB 1177.

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 Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4893, fax 360-236-2901, TTY 360-833-6388 or 711, email [jennifer.santiago@doh.wa.gov](mailto:jennifer.santiago@doh.wa.gov), web site [www.doh.wa.gov](http://www.doh.wa.gov).

Additional comments: Notice will be sent to the dental laboratory interested parties GovDelivery list, to the Washington State Dental Association, Washington State Denturist Association, and Washington State Dental Laboratory Association. Stakeholders will be invited to rule drafting workshops and commission meetings through the dental laboratory interested parties GovDelivery list. Interested parties can be added to the GovDelivery list by subscribing at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

August 16, 2019  
 Trina Crawford  
 Executive Director

**WSR 19-17-057**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed August 19, 2019, 11:13 a.m.]

Subject of Possible Rule Making: WAC 182-509-0320 MAGI income—Noncountable income, 182-509-0335 MAGI income—Educational benefits, 182-509-0345 MAGI income—Income from employment and training programs,

182-509-0350 MAGI income—Needs-based assistance from other agencies or organizations, and 182-509-0355 MAGI income—Gifts and inheritances; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, and 26 U.S.C. Section 911.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these WAC to align income exemptions with the Internal Revenue Code and to make other updates. During the course of this review, the agency may identify additional related 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.

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 Melinda Froud (Rule Writer), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication relay services (TRS) 711, email [melinda.froud@hca.wa.gov](mailto:melinda.froud@hca.wa.gov), web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Mark Westenhaver (Program Questions), P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-1324, fax 360-664-2186, TRS 711, email [mark.westenhaver@hca.wa.gov](mailto:mark.westenhaver@hca.wa.gov), web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

August 19, 2019  
 Wendy Barcus  
 Rules Coordinator

**WSR 19-17-058**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed August 19, 2019, 1:27 p.m.]

Subject of Possible Rule Making: WAC 182-512-0880 SSI-related medical—Special income disregards, 182-517-0100 Federal medicare savings programs, and other related rules as appropriate.

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: The agency is amending these rules to clarify that the disabled adult child disregard and the disabled widowers benefit disregard are not allowable deductions for federal medicare savings programs. During the course of this review, the agency may identify additional related 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.

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 Melinda Froud (Rule Writer), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication relay services 711, email melinda.froud@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking; or Francesca Matias (Program Questions), P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-0920, fax 360-664-2186, telecommunication relay services 711, email francesca.matias@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

August 19, 2019  
Wendy Barcus  
Rules Coordinator

**WSR 19-17-060**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed August 19, 2019, 4:01 p.m.]

Subject of Possible Rule Making: Alternative learning experience (ALE) in K-12 schools.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.232.010, 28A.232.030, 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSHB [2SHB] 1170 (2017) authorizes the office of superintendent of public instruction (OSPI) to adopt rules and bring consistency to truancy definitions in ALE settings per RCW 28A.232.030. OSPI is considering initiating rule making to include these rules in the section of the Washington Administrative Code governing ALE, WAC 392-121-182. Because the inclusion of truancy rules in ALE rules would widen the scope of the rules beyond the topic of finance, OSPI is considering recodifying WAC 392-121-182 into a standalone ALE program chapter in Title 392 WAC. This would provide an opportunity to reorganize existing rule language and adopt other potential edits to clarify language and address barriers to accessing ALE.

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

Process for Developing New Rule: Early solicitation of feedback and recommendations respecting new or amended 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 Anissa Sharratt, OSPI, P.O. Box

47200, Olympia, WA 98504, phone 360-725-4954, TTY 360-664-3631, email Anissa.Sharratt@k12.wa.us, web site www.k12.wa.us/ALD.

August 19, 2019  
Chris P. S. Reykdal  
State Superintendent  
of Public Instruction

**WSR 19-17-064**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**  
[Filed August 20, 2019, 9:01 a.m.]

Subject of Possible Rule Making: WAC 260-40-110 Horse must be in the care of and saddled by a licensed trainer.

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 language to allow a trainer to supervise the saddling of a horse.

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, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462 [360-459-6462], fax 360-450-6461 [360-459-6461], TTY 360-450-6462 [360-459-6462], email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462 [360-459-6462], fax 360-450-6461 [360-459-6461], TTY 360-450-6462 [360-459-6462], email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

August 20, 2019  
Douglas L. Moore  
Executive Secretary

**WSR 19-17-070**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed August 20, 2019, 10:31 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance, pension discount rate (PDR) for self-insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.44.070(1), 51.44.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: PDR is the interest rate used to account for the time value of money when evaluating the present value of future pension payments. The purpose of this rule making is to lower PDR for annual investment returns for the reserve funds for self-insured employers.

This rule making will consider reducing PDR from 6.0 percent to 5.9 percent for self-insurance.

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

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Suzy Campbell, Legal Services, P.O. Box 44250, Olympia, WA 98504-4250, phone 360-902-5003, fax 360-902-4960, TTY 360-902-4252, email [suzanne.campbell@lni.wa.gov](mailto:suzanne.campbell@lni.wa.gov).

August 20, 2019  
Joel Sacks  
Director

### WSR 19-17-071

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 20, 2019, 10:32 a.m.]

Subject of Possible Rule Making: Changes under consideration to the factory assembled structures (FAS) rules in chapter 296-150I WAC, Manufactured home installer training and certification program, and chapter 296-150M WAC, Manufactured homes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.22 RCW, Department of labor and industries and chapter 43.22A RCW, Mobile and manufactured home installation.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is considering changes to FAS rules for manufactured homes and the manufactured home installer training and certification program.

The purpose of this rule making is to update existing rules to comply with United States Department of Housing and Urban Development (HUD) regulations. In 2017, HUD reviewed the FAS rules and standards for manufactured housing installations to ensure the program's compliance with HUD regulations. This rule making addresses HUD's findings that require revisions to rules for L&I to meet its contractual obligations and be fully compliant. The changes under consideration include:

- Certified installers must approve the installation of new manufactured homes installed by homeowners;
- Certified installers must verify and acknowledge site preparations for new manufactured homes;
- Replacing the ANSI A225.1 standard with the HUD Model Installation Standards; and
- Contractors and certified installers must obtain factory approval for alterations to new manufactured homes.

Additionally, the program is reviewing all rules in chapter 296-150I WAC for updates, clarity, and housekeeping changes.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate after amendments are proposed by providing written comments and 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 publication by contacting Alicia Curry, Field Services and Public Safety Division, L&I, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email [Alicia.Curry@lni.wa.gov](mailto:Alicia.Curry@lni.wa.gov), web site [www.lni.wa.gov](http://www.lni.wa.gov).

August 20, 2019  
Joel Sacks  
Director

### WSR 19-17-076

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed August 20, 2019, 3:39 p.m.]

Subject of Possible Rule Making: WAC 458-40-540 Forest land values—2020 and 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.140 requires that forest land values be adjusted annually by a statutory formula contained in RCW 84.33.140(3). The department anticipates amending the forest land values rule (WAC 458-40-540) to adjust the table of forest land values in Washington as required by statute. County assessors will use these published land values for property tax purposes in 2020.

RCW 84.33.091 requires the department of revenue to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

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 Brenton M. Madison, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1583, fax 360-534-1606, TTY 800-833-6384, email brentonm@dor.wa.gov, web site dor.wa.gov.

Additional comments: A preliminary draft of possible rule changes will be available upon request shortly before the public meeting.

Written comments may be submitted by mail and should be directed to Brenton M. Madison, email brentonm@dor.wa.gov, or mailing address Brenton M. Madison, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453.

Written and oral comments will be accepted at the public meeting on October 15, 2019, at 10:00 a.m., Conference Room 114A, 6400 Linderson Way S.W., Tumwater, WA 98501.

August 20, 2019  
Atif Aziz  
Rules Coordinator

**WSR 19-17-080**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**

[Filed August 20, 2019, 5:11 p.m.]

Subject of Possible Rule Making: Fire sprinkler systems contractors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.270.900 and 18.160.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add the American Society of Sanitary Engineering 15010 Field Technician Certification as an alternative prerequisite certification for inspection and testing technician.

Process for Developing New Rule: The Washington state patrol (WSP) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent 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 Kimberly Mathis, 106 11th Avenue S.W., phone 360-596-4017, email Kimberly.mathis@wsp.wa.gov, web site wsp.wa.gov/rules-development.

August 20, 2019  
John R. Batiste  
Chief

AMENDATORY SECTION (Amending WSR 17-10-031, filed 4/26/17, effective 5/27/17)

**WAC 212-80-093 Certificate holder certification. (1)**  
**How do I become a certificate holder?** The issuance of a

certificate is dependent on employment with a licensed contractor. All applications for a certificate must be submitted with the fire protection sprinkler system contractor's license application. A certificate application will not be processed without the fire protection sprinkler system contractor's license application. All applications must be made on the forms provided by the director and include the required fees provided by WAC 212-80-098 and documentation for the required level of certification as provided by this section.

(a) **For Level 1 design certification**, the applicant must:

(i) Have satisfactorily passed with a final score of eighty percent or better an examination administered by the director, or present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved Level 2 certification in the field of water-based fire protection system layout; or

(ii) Be a Washington licensed professional engineer.

(b) **For Level 2 design certification**, the applicant must:

(i) Present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved a Level 2 in the field of water-based fire protection systems layout; or

(ii) Be a Washington licensed professional engineer.

(c) **For Level 3 design certification**, the applicant must either:

(i) Present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved a Level 3 in the field of water-based fire protection systems layout; or

(ii) Be a Washington licensed professional engineer.

(d) **For Level U certification**, the applicant must have satisfactorily passed with a final score of eighty percent or better an examination administered by the director.

(e) **For inspection and testing technician certification**, the applicant must:

(i) Possess a National Institute for Certification and Engineering Technologies Inspection, Testing and Maintenance Level 2 or Level 3 certification or American Society of Sanitary Engineers 15010 Field Technician Certification; and

(ii) Perform work consistent with the employing contractor's licensing level.

(f) **For journey-level sprinkler fitter certification**, the applicant must:

(i) Provide evidence on the forms provided by the director of at least eight thousand hours of trade related fire protection sprinkler system experience in installation and repair;

(ii) Not have more than three thousand hours of the required eight thousand hours of experience in residential sprinkler fitting; and

(iii) Satisfactorily pass an examination provided by the director with a final score of eighty percent.

(g) **For residential sprinkler fitter certification**, the applicant must:

(i) Provide evidence on the forms provided by the director, of at least four thousand hours of trade related fire protection sprinkler system experience in installation, repair, and maintenance; and

(ii) Satisfactorily pass an examination provided by the director with a final score of eighty percent.

(h) For journey- or residential-level sprinkler fitter training certification, except as provided by (g)(i) of this subsection, the applicant must:

(i) Provide evidence to the director, on the forms provided by the director, of trade related employment by a licensed contractor;

(ii) Remain employed by a licensed contractor to maintain trainee status; and

(iii) Only engage in the fire protection sprinkler system trade when under the supervision of a certified journey level or residential installer.

(i) For a professional engineer to act as a Level 1, 2, or 3 certificate of competency holder and be issued a stamp, the professional engineer must:

(i) Be licensed by the department of licensing;

(ii) Obtain a Level 1, Level 2, or Level 3 certificate;

(iii) Properly register with the department of licensing;

(iv) Complete the application process for certification provided by WAC 212-80-093;

(v) Pay fees provided by WAC 212-80-073;

(vi) Supply the director with proof that he or she holds a current, valid state of Washington registration as a professional engineer; and

(vii) Otherwise the professional engineer is exempt from certification when acting solely in a professional capacity as an engineer.

(2) Proof of competency to the satisfaction of the director is mandatory.

Certificate of Competency Holder Requirements				
Certificate of Competency Level	Application Required	Certification or Exam Required	Stamp Issued	Type of work performed by Certificate Holder
Level 1	Yes	NICET Level 2 or pass an exam (See WAC 212-80-093 (1)(a))	Yes	Designs NFPA 13D fire sprinkler systems or inspection, testing, maintenance (NFPA 25) for NFPA 13D
Level 2	Yes	NICET Level 2 (See WAC 212-80-093 (1)(b))	Yes	Designs NFPA 13D, 13R or certain NFPA 24 (Restricted to only certain NFPA 13R systems, see WAC 212-80-018 (1)(b)) fire sprinkler systems or inspection, testing, maintenance (NFPA 25) for NFPA 13D or 13R
Level 3	Yes	NICET Level 3 or 4 (See WAC 212-80-093 (1)( <del>b</del> ) (c))	Yes	Designs NFPA 13, 13D, 13R or 24 fire sprinkler systems or inspection, testing, maintenance (NFPA 25) for NFPA 13, 13D or 13R
Level "U"	Yes	Pass an exam (See WAC 212-80-093 (1)( <del>e</del> ) (d))	Yes	Supervises or performs the underground installation of fire sprinkler system piping
Inspection, Testing Technician (ITT) Employed by an Inspection & Testing Contractor	Yes	NICET Level 2 or ASSE 15010 (See WAC 212-80-093 (1)( <del>d</del> ) (e))	No	Performs inspection or testing on NFPA 13R or 13, wet and dry pipe fire protection systems only
Inspection, Testing Technician (ITT) Employed by a Level 2 Contractor	Yes	NICET Level 2 or ASSE 15010 (See WAC 212-80-093 (1)( <del>d</del> ) (e))	No	Performs inspection, testing and maintenance on NFPA 13R or 13, wet and dry pipe fire protection systems only

Certificate of Competency Holder Requirements				
Certificate of Competency Level	Application Required	Certification or Exam Required	Stamp Issued	Type of work performed by Certificate Holder
Inspection, Testing Technician (ITT) Employed by a Level 3 Contractor	Yes	NICET Level 2 or ASSE 15010 (See WAC 212-80-093 (1)(( <del>e</del> )) (e))	No	Same as ITT above and includes the testing of other fire protection systems such as preaction, deluge, foam, or fire pump
Journey Sprinkler Fitter	Yes	Pass an exam (See WAC 212-80-093 (1)(( <del>e</del> )) (f))	No	Installs and repairs NFPA 13D, 13R, or 13 fire sprinkler systems
Residential Sprinkler Fitter	Yes	Pass an exam (See WAC 212-80-093 (1)(( <del>e</del> )) (g))	No	Installs, repairs, and performs maintenance on fire sprinkler systems in residential occupancies
Professional Engineer (P.E.) Licensed in Washington State	Only if acting as a Level 1, 2 or 3 certificate of competency holder	Licensed with department of licensing	By DOL unless acting as a Level 1, 2, or 3 certificate of competency holder	Designs, evaluates or consults on fire protection fire sprinkler systems

(3) All information submitted by an applicant to the director to apply for a certificate must be true and accurate. If the director finds that information or documents submitted by an applicant is false, misleading, or has been altered in an effort to meet the requirements provided by this chapter, the finding will constitute a level 3 violation.

(4) A violation of this section that involves a contractor allowing an employee to engage in performing fire protection sprinkler system work:

(a) Without a license or certificate, or with a license or certificate that has been expired for one or more years is a level 3 violation.

(b) With a license or certificate that has been expired for more than ninety days and less than one year is a level 2 violation.

(c) With a license or certificate that has been expired less than ninety days is a level 1 violation.

(d) By engaging in the trade of fire sprinkler fitting without having a valid sprinkler fitter certificate of competency issued for the work being conducted is a level 3 violation.

(e) By a trainee sprinkler fitter engaging in the trade of fire sprinkler fitting without the direct supervision of a certified residential or journey sprinkler fitter is a level 3 violation.

(f) As a trainee without a trainee certificate but with the direct supervision of a certified residential or journey sprinkler fitter is a level 1 violation.

**WSR 19-17-081**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**COUNTY ROAD**  
**ADMINISTRATION BOARD**

[Filed August 21, 2019, 9:19 a.m.]

Subject of Possible Rule Making: Creating chapter 136-500 WAC, Emergency loan program (ELP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 36.78 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The goal of this new program is to provide financial assistance to counties during a disaster.

Process for Developing New Rule: Agency study; and comments received will be presented to the county road administration board at their October 24-25, 2019, quarterly meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, phone 360-753-5989, email karen@crab.wa.gov, web site www.crab.wa.gov.

August 21, 2019  
 John M. Koster  
 Executive Director

**Chapter 136-500 WAC**  
**EMERGENCY LOAN PROGRAM (ELP)**

NEW SECTION

**WAC 136-500-010 Purpose and authority.** RCW 36.78.070 provides that the county road administration board

shall administer the emergency revolving loan program established by chapter 36.78 RCW. This chapter describes the manner in which the county road administration board will administer the provisions of the emergency revolving loan program.

#### NEW SECTION

**WAC 136-500-020 Definitions.** For this chapter, the following definitions shall apply:

- (1) Board - County road administration board as defined in chapter 36.78 RCW.
- (2) CRAB - County road administration board.
- (3) DDIR - Detailed damage inspection report used by the Federal Highway Administration as an application for emergency funding under their programs.
- (4) LGIP - Local government investment pool under the administration of the state treasurer.
- (5) Permanent - Work that restores or improves a county road for the long-term use by the traveling public.
- (6) Temporary - Work that restores a county road for the short-term use by the traveling public. Temporary work typically results in restricted use and signing of deficiencies for the safety of the traveling public.

#### NEW SECTION

**WAC 136-500-030 Eligible work.** Eligible work under this chapter is work of either a temporary or a permanent nature. Permanent work must restore the roadway to the pre-disaster condition and may include necessary improvements to bring the damaged roadway to current design standards. This work must be the result of a natural or man-made event that results in the closure or substantial restriction of use of the roadway by the traveling public. Work of an emergency nature is beyond the scope of work done by a county in repairing damage normally or reasonably expected from seasonal or other natural conditions.

This program may fund eligible work on any classification of road under the county's jurisdiction.

#### NEW SECTION

**WAC 136-500-040 County eligibility.** Any county who is eligible to participate in the rural arterial program, has a current certificate of good practice and a total population under 800,000 as of April 1, 2019, is eligible to participate in this program.

#### NEW SECTION

**WAC 136-500-050 Project type and submittal.** (1) There are two project types eligible for funding under this program:

- (a) Site specific - Single location.
  - (b) County wide - Multiple sites within a single county.
- (2) To request a loan through this program, the county shall submit the following:
- (a) A copy of the adopted emergency declaration; and
  - (b) A brief description of the project site(s) requested for funding; and

- (c) An estimate of costs for work at each site(s); and
- (d) Pictures of the damaged area(s); or
- (e) A DDIR for each site may be submitted in lieu of requirements (a) through (d) of this subsection.

#### NEW SECTION

**WAC 136-500-060 Funding limits.** Project funding is limited to two million dollars or fifty percent of available fund balance, whichever value is less. If a county desires funding above these limits, the county's legislative authority may request additional funding at the next regularly scheduled board meeting.

#### NEW SECTION

**WAC 136-500-070 Prioritization.** If CRAB receives multiple loan requests resulting from a single regional event, funding shall be prioritized. Prioritization will be made by averaging the county rankings for the following criteria:

- (1) RCW 46.68.124(2) - Annual road costs. Counties ranked from lowest road cost factor to highest.
- (2) RCW 46.68.124(3) - Money needs. Counties ranked from lowest money needs factor to highest.

The lower the average county ranking, the higher priority that county is for funding during a regional event.

#### NEW SECTION

**WAC 136-500-080 Payback terms.** Any loan funded through this program shall have a term not to exceed twenty-four months. The county will be invoiced six months from the date of contract execution and quarterly thereafter until the end of the contract term.

Interest on the amount of the loan shall be the monthly rate of return for the LGIP not to exceed three percent.

If a county pays the county road administration board the principle amount of the loan within six months of the date of contract execution, no interest will be charged and the contract will be closed. Should a county not pay the loan in full within six months of the date of contract execution, interest will be calculated from the date of contract execution to the date of final payment. A county may pay off any loan received through this program before the end of the term to reduce the amount of interest owed.

#### NEW SECTION

**WAC 136-500-090 Execution of CRAB/county contract.** The executive director of CRAB is authorized to execute a contract with any eligible county under this program with a not to exceed amount of two million dollars or fifty percent of available fund balance, whichever value is less. A county may request additional funding through this program at the next regularly scheduled board meeting.

Upon execution of a contract under this chapter, the executive director will advise board members of the contract details including county, number of project(s) and the loan amount.

NEW SECTION

**WAC 136-500-100 Failure to meet requirements of this chapter or terms of the contract.** Should a county fail to meet the requirements of this chapter or the terms of the contract, the matter will be before the board at their next regularly scheduled meeting. The county will be requested to be present for said meeting to provide an explanation for failing to meet the requirements of this chapter or terms of the contract. At said meeting, the board may take any action it deems necessary to ensure prompt compliance of the requirements of this chapter and the terms of the contract.

NEW SECTION

**WAC 136-500-110 Report to legislature.** Consistent with RCW 43.01.036, the board must submit a report to the legislature by December 1st of each even-numbered year identifying each project that received money from the CRAB emergency loan account, the amount of the loan, the expected repayment terms of the loan, the expected date of repayment, and the loan repayment status. Each project should be reported about until the loan is repaid.

**WSR 19-17-082**

**PREPROPOSAL STATEMENT OF INQUIRY  
COUNTY ROAD  
ADMINISTRATION BOARD**

[Filed August 21, 2019, 9:21 a.m.]

Subject of Possible Rule Making: Amendments to chapter 136-163 WAC, allocation of rural arterial trust account funds to projects.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 36.78 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed amendment to chapter 136-164 [136-163] WAC will eliminate the definition of "emergency project" from the rural arterial program. Emergency projects will be addressed in new chapter 136-500 WAC, Emergency loan program (ELP).

Process for Developing New Rule: Agency study; and comments received will be presented to the county road administration board at their October 24-25, 2019, quarterly meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, phone 360-753-5989, email karen@crab.wa.gov, web site www.crab.wa.gov.

August 21, 2019  
John M. Koster  
Executive Director

**Chapter 136-163 WAC**

**ALLOCATION OF RATA FUNDS TO EMERGENT  
(~~AND EMERGENCY~~) PROJECTS**

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-163-010 Purpose and authority.** RCW 36.79.140 provides for the authorization of ~~((RATA))~~ rural arterial trust account funds for projects of an emergent nature. This chapter describes the manner in which counties may request ~~((RATA funds))~~ funding for such emergent projects and the manner in which the county road administration board will respond to such requests.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-163-020 (~~Definitions~~) Project eligibility.** ~~((For the purposes of this chapter, the term "emergent nature" as used in RCW 36.79.140 shall mean both "emergent" and "emergency" projects as follows:~~

~~(1) **Emergency project:** Work of either a temporary or permanent nature which restores roads and bridges to the pre-disaster condition and may include reconstruction to current design standards. This work is the result of a sudden natural or man-made event which results in the destruction or severe damage to RATA-eligible roadway sections or structures such that, in the consideration of public safety and use, the roadway sections or structures must be immediately closed or substantially restricted to normal traffic. Work of an emergency nature is also beyond the scope of work done by a county in repairing damages normally or reasonably expected from seasonal or other natural conditions, and is beyond what would be considered maintenance, regardless of how extensive the maintenance may be.~~

~~(2) **Emergency project:** RATA-eligible work necessitated by sudden and unanticipated development, growth, access needs, or legal decisions. This work is not the result of an emergency situation as previously defined. This work, in consideration of good transportation capital facilities management, will also require a county to commit resources beyond its current six-year transportation program and prior to the next six-year transportation program annual update as provided for in RCW 36.81.121.)~~ Projects of an emergent nature may be funded through the rural arterial program as authorized by chapter 36.79 RCW. An emergent project is defined as a project whose need the county was unable to anticipate at the time the six-year program of the county was developed. Emergency work to temporarily restore a county road for the short-term use of the traveling public is not eligible for funding as an emergent project; however, a project to permanently repair a county road after an emergency may be considered for funding if the proposed project meets all other requirements of the rural arterial program.

To be eligible for emergent project approval, the project shall be evaluated by the county road administration board grant programs engineer, with the participation of the county engineer, on the same point system as all other projects within the region. The proposed emergent project must rank

at or above the regional funding cutoff line on the current array based upon one hundred percent of the current estimated regional allocation as determined by the county road administration board.

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

**WAC 136-163-050 Limitations and conditions**~~((—Emergency and emergent projects))~~. All projects for which ~~((RATA))~~ rural arterial program funding is being requested under this chapter are subject to the following:

(1) The requesting county has the sole burden of making a clear and conclusive showing that the project is ~~((either))~~ emergent ~~((or emergency))~~ as described in ~~((WAC 136-163-020 through 136-163-040))~~ this chapter; and

(2) The requesting county shall clearly demonstrate that the need for the project was unable to be anticipated at the time the current six-year transportation program was developed; and

(3) The requesting county agrees to a reduction in the next funding period's maximum RATA eligibility to the county equal to the RATA that may be provided; however, should that region not have a maximum RATA eligibility for each county, the requesting county agrees to withdraw, amend or delay an existing approved project or portion thereof in an amount equal to the RATA that may be provided for the project.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 136-163-030 Limitations and conditions—Emergency projects.

WAC 136-163-040 Limitations and conditions—Emergent projects.

#### **WSR 19-17-091**

##### **PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION**

[Filed August 21, 2019, 11:12 a.m.]

Subject of Possible Rule Making: The state board of education is reviewing chapter 180-18 WAC, Waivers for restructuring purposes, to make changes as necessary to align rule to current policy or practice, correct references to law, implement recently passed legislation, improve readability of the rule, or make other changes identified during the review.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220, 28A.300.750.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of its routine review of state board of education rules, the state board of education is reviewing chapter 180-18 WAC to make changes as necessary to align rule to current policy or practice, correct references to law, implement recently passed legislation, improve

readability of the rule, or make other changes identified during the review of the WAC chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of superintendent of public instruction. State board of education staff will engage the office of superintendent of public instruction staff regarding these rule changes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Parker Teed, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6047, fax 360-753-6712, email parker.teed@k12.wa.us, web site www.sbe.wa.gov.

August 21, 2019  
Mr. Randy Spaulding  
Executive Director

#### **WSR 19-17-092**

##### **PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed August 21, 2019, 11:20 a.m.]

Subject of Possible Rule Making: The division of child support (DCS) intends to amend sections in chapter 388-14A WAC dealing with the annual fee imposed on certain child support cases to implement section 4 of ESHB 1916 (chapter 275, Laws of 2019). This legislative change was based on federal requirements under Title IV-D of the Social Security Act.

DCS is amending WAC 388-14A-2200 When does DCS charge a twenty-five dollar annual fee on a child support case? and 388-14A-2205 How can a custodial parent be excused from payment of the annual fee?; and may amend or repeal other related rules as required.

ESHB 1916 took effect on July 28, 2019, but the changes to the annual fee will take effect on October 1, 2019. It is not possible for DCS to complete the permanent rule adoption process by October 1, 2019. Therefore, DCS will need to file a CR-103E, Rule-making order, to adopt an emergency amendment of those sections effective October 1, 2019. That emergency rule will implement ESHB 1916 while DCS continues the regular rule-making process under chapter 34.05 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Implementation of ESHB 1916 (chapter 275, Laws of 2019), which takes effect on July 28, 2019, is authorized under RCW 43.20A.550, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 4 of ESHB 1916 (chapter 275, Laws of 2019) amended RCW 74.20.040, making two changes regarding the annual fee DCS imposes for each case in which support enforcement services are furnished where the person entitled to receive support has never received assistance under the temporary assistance for needy families, the aid for dependent families and children pro-

gram, or a tribal temporary assistance for needy families program. These changes include the following: (1) The annual fee is increased from \$25 to \$35; and (2) the threshold amount that triggers the fee is increased from \$500 during a federal fiscal year to \$550 in collections.

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

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the department of social and health services (DSHS) DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <https://www.dshs.wa.gov/esa/division-child-support>, or on the DSHS economic services administration's policy review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. Rule-making forms and draft rules may also be found on the DSHS filings and rules page at <https://www.dshs.wa.gov/sesa/rpau/filings-and-rulings>.

DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Nancy Koptur, DCS Rules Coordinator, DCS, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone 360-664-5065, fax 360-664-5342, TTY: 1-800-833-6384, email [nkoptur@dshs.wa.gov](mailto:nkoptur@dshs.wa.gov) or [nancy.koptur@dshs.wa.gov](mailto:nancy.koptur@dshs.wa.gov).

August 21, 2019  
Katherine I. Vasquez  
Rules Coordinator

### WSR 19-17-093

#### PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed August 21, 2019, 11:27 a.m.]

Subject of Possible Rule Making: The department is seeking to implement portions of SHB 1399 (2019) and to promulgate rules related to the implementation of the paid family and medical leave program. Existing rules may be amended and new rules may be created as the department works towards the benefit implementation date of January 1, 2020. This is due to the department's agile methodology and the discovery of new information and needed changes. Rule topics may include, but are not limited to, benefits, voluntary plans, premiums, fraud, job protection, overpayments, collections, appeals, penalties, employer responsibilities, audits, or other topics.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.04.215 and section 72, chapter 13, Laws of 2019.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The employment security department must implement SHB 1399 as directed by the legislature. As part of that implementation, this rule making seeks to provide clear and usable guidance for the public regarding program operations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal agencies and no other state agencies regulate the paid family and medical leave program as it is a new state entitlement with authority granted solely to the employment security department.

Process for Developing New Rule: Draft rules will be shared with the public, stakeholders, and the paid family and medical leave program's advisory committee. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Christina Streuli, 640 Woodland Square Loop S.E., Lacey, WA 98503, phone 360-791-6710, TTY Teresa Eckstein, State EO Officer, Washington relay 771 or 360-902-9354, email [TEckstein@esd.wa.gov](mailto:TEckstein@esd.wa.gov).

August 21, 2019  
April Amundson  
Rules and Policy Manager  
Paid Family and Medical Leave

### WSR 19-17-094

#### WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed August 21, 2019, 11:29 a.m.]

The employment security department is withdrawing a preproposal statement of inquiry filed as WSR 19-14-060. This preproposal was filed on June 28, 2019, and related to both updating the department's established public records disclosure rules and implementing SHB 1399 related to privacy provisions specific to the paid family and medical leave program. While both rule-making topics are likely to be promulgated in the future, the department is revisiting the preproposal and is expected to promulgate the two topics separately.

For this reason, WSR 19-14-060 is being withdrawn pursuant to WAC 1-21-060 and RCW 34.05.335.

Please email [ESDGPrules@esd.wa.gov](mailto:ESDGPrules@esd.wa.gov), attention Christina Streuli, if you have questions.

April Amundson  
Rules and Policy Manager  
Paid Family and Medical Leave