WSR 14-13-001 PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health) [Filed June 4, 2014, 1:15 p.m.]

Subject of Possible Rule Making: Amending WAC 182-550-5380 Payment method—Sole community disproportionate share hospital (SCDSH).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021; ESSB 6002, section 213 (10) and (11), chapter 221, Laws of 2014.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with ESSB 6002, section 213 (10) and (11), chapter 221, Laws of 2014, (page 109 of operating budget-supplemental), the agency is amending this section to address the changes of the legislation which will impact state fiscal year 2015 funds.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services.

Process for Developing New Rule: The health care authority (HCA) welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy Barcus, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.barcus@hca.wa.gov.

June 4, 2014 Kevin M. Sullivan Rules Coordinator

WSR 14-13-003 WITHDRAWL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Filed June 4, 2014, 3:40 p.m.]

The department of ecology withdraws the following CR-101 filing: WSR 06-23-039 dated November 7, 2006, for rule making related to chapter 173-219 WAC, Reclaimed water.

In November 2006, ecology started a rule-making effort to create a new chapter in the Washington Administrative Code (WAC) focusing on reclaimed water use. The governor issued Executive Order 10-06 and 11-03 Suspending Non-Critical Rule Development and Adoption through December 31, 2012. The suspension included the rule making for reclaimed water. Ecology intends to reactivate the rule-making process from the beginning to inform new policymakers and participants.

After filing this notice of withdrawal, ecology will immediately file a new CR-101 to resume rule making towards adoption of chapter 173-219 WAC, Reclaimed water.

Donald A. Seeberger for Heather R. Bartlett Program Manager Water Quality Program

WSR 14-13-004 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 06-12—Filed June 4, 2014, 4:02 p.m.]

Subject of Possible Rule Making: Department of ecology will create new chapter 173-219 WAC, Reclaimed water, focusing on reclaimed water use in Washington state. Ecology is withdrawing a previous CR-101 (WSR 06-23-039) on this topic and filing this new CR-101 to announce the restart of work on this rule. The process will build on products developed towards this rule making prior to a governor rule-making suspension.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.46 RCW, Reclaimed water use, was established in 1992, revised several times to add clarity and direction to agency roles and responsibilities.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature revised chapter 90.46 RCW especially in ESHB 2884 (2006) and ESHB 1478 (2011), directing ecology to coordinate with department of health, to adopt rules for reclaimed water use and to be completed "no earlier than June 30, 2013" respectively. The rule must address all aspects of reclaimed water use, including commercial and industrial uses, land applications, direct recharge, wetland discharge, surface percolation, constructed wetlands, and stream flow augmentations. The rule must also designate a lead permitting agency (either ecology or health) with responsibilities for certain types of reclaimed water production and uses.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Environmental Protection Agency has guidelines, but no regulations for reclaimed water use affecting Washington state. Chapter 90.46 RCW requires the department of ecology to coordinate with the Washington state department of health on this rule-making effort. Ecology is also to make use of an advisory committee representing interested parties. The reclaimed water advisory committee, and additional work groups, supports ecology's rule-making responsibilities through one-on-one meetings (including email) and by inviting federal and state agencies, interested parties and tribes to participate. Ecology will continue to consult with other federal and state agencies as time allows.

Process for Developing New Rule: Ecology will work with an advisory committee to draft rule language, provide updated progress information via a reclaimed water web site and e-mails to listsery to communicate with stakeholders, and hold at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can access more information on this rule making by contacting Dennis McDonald, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-

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7600, phone (360) 407-6321, fax (360) 407-6426, e-mail Dennis.McDonald@ecy.wa.gov, or accessing the water quality program web site http://www.ecy.wa.gov/programs/wq/reclaim/index.html.

June 4, 2014
Donald A. Seeberger
for Heather R. Bartlett
Water Quality Program Manager

WSR 14-13-012 PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed June 6, 2014, 9:50 a.m.]

Subject of Possible Rule Making: WAC 192-120-030, 192-120-035, 192-130-050, 192-130-080, 192-150-215, 192-220-010, 192-220-080, 192-270-035, 192-300-170, 192-300-210, 192-310-010, 192-310-020, 192-320-065, and 192-350-060.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, and 52.22.155(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The listed rules contain language requiring unemployment claimants and employers to respond to requests for information from the department within specified timelines. The proposed amendments will clarify that the responses must be received by, rather than postmarked by, the date specified in the department's notice. This will provide more consistency and clarity to all parties, and prepare the department for dramatically reduced funding levels. Using the postmark date is more costly because it is labor intensive requiring that envelopes be retained and scanned into our imaging system rather than scanning the document only.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance (UI) program to ensure conformity with federal statutes and regulations. The state has broad flexibility in the implementation of UI laws as long as conformity is maintained. The proposed rule will be shared with USDOL prior to adoption.

Process for Developing New Rule: The proposed rules will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders 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 Juanita Myers, Unemployment Insurance Rules Manager, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9200, e-mail jmyers@esd.wa.gov. Please include your name, organization (if any), mailing address, e-mail address and telephone number.

June 4, 2014 Nan Thomas Deputy Commissioner

WSR 14-13-014 WITHDRAWL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed June 6, 2014, 10:27 a.m.]

This serves as notice that the department is withdrawing the CR-101 for WAC 246-836-080 which was filed August 14, 2008, and published in WSR 08-17-041. The original intent of the preproposal was to provide for online continuing competency education (CE) training opportunities, clarify approved CE subject matter, and complete any necessary housekeeping changes. A new CR-101 encompassing this work has since been filed as WSR 13-21-028.

Those desiring information about this rule-making process should contact Sue Gragg, program manager for the naturopathy program, at (360) 236-4941.

Tami M. Thompson Regulatory Affairs Manager

WSR 14-13-015 PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed June 6, 2014, 1:24 p.m.]

Subject of Possible Rule Making: Chapter 181-85 WAC, Professional education—Continuing education requirements, certification requirements for continuing education and renewal.

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 related to maintaining licensure.

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.

June 6, 2014 David Brenna Senior Policy Analyst

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WSR 14-13-017 PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 9, 2014, 11:27 a.m.]

Subject of Possible Rule Making: WAC 392-121-182 Alternative learning experience requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 392-121-182 requires updating to clarify school district responsibilities for nonresident students.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becky McLean, Office of Superintendent of Public Instruction, Enrollment Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

June 9, 2014 Randy Dorn State Superintendent of Public Instruction

WSR 14-13-018 PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 9, 2014, 11:31 a.m.]

Subject of Possible Rule Making: WAC 392-121-257 Finance—General apportionment—Definition—In-service credits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1) and 28A.415.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions retract the rule revisions to WAC 392-121-257 that were implemented earlier this year in error. Therefore, the WAC section will be restored back to its original wording at the beginning of the 2013–14 school year.

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 Ross Bunda, (360) 725-6308.

> June 9, 2014 Randy Dorn State Superintendent of Public Instruction

WSR 14-13-037 PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed June 10, 2014, 10:36 a.m.]

Subject of Possible Rule Making: House-banked card rooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Requirements relating to financial statements to be prepared by house-banked card rooms are under review.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Newer, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Newer@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] July 11, 2014, at the Grand Mound Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, visit www.wsgc.wa.gov on July 1 to confirm meeting location and start time; on August 14 or 15, 2014, at the Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc.wa.gov on August 1 to confirm meeting location and start time; and on September 11 or 12, 2014, at the Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc.wa.gov on September 1 to confirm meeting location and start time.

June 10, 2014 Susan Newer Rules Coordinator

WSR 14-13-041 PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 10, 2014, 2:58 p.m.]

Subject of Possible Rule Making: Chapter 392-502 WAC, Online learning—Approval of multidistrict online providers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290 and 28A.250.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is proposing changes to chapter 392-502 WAC to address concerns with the existing approval process and to incorporate student performance into the approval process.

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 pub-

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lication by contacting Karl Nelson, OSPI, 4507 University Way N.E., Suite 204, Seattle, WA 98105, karl.nelson@k12. wa.us.

June 10, 2014 Randy Dorn State Superintendent of Public Instruction Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689.

June 11, 2014 Sharon Foster Chairman

WSR 14-13-043 PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed June 11, 2014, 10:56 a.m.]

Subject of Possible Rule Making: Revise WAC 314-28-050 What does a craft distillery license allow? and 314-28-090 Distilleries or craft distilleries—Selling out-of-state; and create a new section in chapter 314-28 WAC detailing what the distiller is allowed under the distiller license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.28.030, 66.24.145.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are needed to clarify new legislation that passed in the 2014 legislative session that made changes to the distiller and craft distiller licenses, SSB 6226.

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, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689.

June 11, 2014 Sharon Foster Chairman

WSR 14-13-044 PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed June 11, 2014, 10:56 a.m.]

Subject of Possible Rule Making: Create a new section in chapter 314-02 WAC for the new caterer's license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.28.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are needed to clarify new legislation that passed in the 2014 legislative session, ESHB 2680.

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.

WSR 14-13-045 PREPROPOSAL STATEMENT OF INQUIRY LIOUOR CONTROL BOARD

[Filed June 11, 2014, 10:57 a.m.]

Subject of Possible Rule Making: Create a new section in chapter 314-38 WAC for the new day spa permit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.28.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are needed to clarify new legislation that passed in the 2014 legislative session, ESHB 2680.

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, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689.

June 11, 2014 Sharon Foster Chairman

WSR 14-13-046 PREPROPOSAL STATEMENT OF INQUIRY LIOUOR CONTROL BOARD

[Filed June 11, 2014, 10:57 a.m.]

Subject of Possible Rule Making: Create a new section in chapter 314-02 WAC for the new senior center license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.28.030; chapter 78, Laws of 2014.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are needed to clarify new legislation that passed in the 2014 legislative session, SB 5310.

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, Agency Rules Coordi-

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nator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689.

June 11, 2014 Sharon Foster Chairman

WSR 14-13-047 PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed June 11, 2014, 10:58 a.m.]

Subject of Possible Rule Making: WAC 314-24-160 Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—Spirit, beer and wine restaurant operation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.28.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to current rules are necessary to clarify new legislation passed in the 2014 legislative session.

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, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689.

> June 11, 2014 Sharon Foster Chairman

WSR 14-13-052 PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF FINANCIAL MANAGEMENT

[Filed June 12, 2014, 8:18 a.m.]

Subject of Possible Rule Making: Implementation of SSB 5173 – Respecting holidays of faith and conscience.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 168, Laws of 2014 (SSB 5173).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5173 allows employees of the state and its political subdivisions two unpaid holidays per calendar year for [a] reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. The employer must allow the employee to take this leave unless the employee's absence would impose an "undue hardship" on the employer. The office of financial management was provided authority to establish by rule the meaning of "undue hardship."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Labor, United States Equal Employment Opportunity Commission and the Washington state human rights commission all regulate in this area. Each agency will be added to the stakeholder list and sent correspondence of all rule-making activities.

Process for Developing New Rule: Early solicitation of comments and recommendations will be sought, and draft rules will be sent to a list of stakeholders as well as presented for discussion at stakeholder meetings to solicit comments and recommendations prior to publication of the rules for the rule-making hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kristie Wilson, State HR Rules and Policy Coordinator, Office of Financial Management, P.O. Box 47500, Olympia, WA 98504-7500, phone (360) 902-0483 or e-mail kristie.wilson@ofm.wa.gov.

Roselyn Marcus Assistant Director Legal and Legislative Affairs Rule[s] Coordinator

[NEW SECTION]

WAC 82-56-010 Purpose (1) Chapter 168, laws of 2014 provides that state and political subdivision employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. The employer must allow the employee to take unpaid leave for up to two such holidays unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety. Chapter 168, Laws of 2014 directs the director of the office of financial management to establish the definition of "undue hardship" by rule.

- (2) The purpose of this chapter is to establish the definition of "undue hardship" for purposes of chapter 168, laws of 2014.
- (3) This chapter applies to employees of the state and its political subdivisions, including:
 - (a) Employees of school districts;
- (b) Nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months;
- (c) Employees of public institutions of higher education; and
- (d) Employees of community colleges, technical colleges, and workforce training programs.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 82-56-020 Definition of undue hardship For purposes of chapter 168, laws of 2014, "undue hardship" means an action requiring significant difficulty or expense to

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the employer. The following factors should be considered in determining whether approving unpaid leave results in an undue hardship to the employer:

- (1) The number, composition, and structure of staff employed by the employing entity or in the requesting employee's program.
- (2) The financial resources of the employing entity or the requesting employee's program.
- (3) The number of employees requesting leave for each day subject to such a request.
- (4) The financial impact on the employing entity or requesting employee's program resulting from the employee's absence and whether that impact is greater than a de minimus cost to the employer in relation to the size of the employing entity or requesting employee's program.
- (5) Impact on the employing entity, the requesting employee's program or public safety.
- (6) Type of operations of the employing entity or requesting employee's program.
- (7) Geographic location of the employee or geographic separation of the particular program to the operations of the employing entity.
 - (8) Nature of the employee's work.
- (9) Deprivation of another employee's job preference or other benefit guaranteed by a bona fide seniority system or collective bargaining agreement.
- (10) Any other impact on the employing entity's operation or requesting employee's program due to the employee's absence.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 82-56-030 Application of definition of undue hardship to request (1) In determining whether the employee's absence would result in an undue hardship to the employing entity, the employer must make a case by case determination based on the specific objective facts and circumstances, not assumed information, present at the time of each request.

- (2)(a) The existence of a collective bargaining agreement or bona fide seniority system does not in and of itself relieve the employing entity from determining whether there would be an undue hardship if the request was granted.
- (b) When an employee is represented by a union, in determining whether the employee's absence would result in an undue hardship, the request must be reconciled, when feasible, with the provisions of the applicable collective bargaining agreement.
- (c) If the employee is covered under a collective bargaining agreement, the employing agency must determine whether the request can be granted without violating that agreement.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 14-13-058 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

(Securities Division) [Filed June 12, 2014, 1:21 p.m.]

Subject of Possible Rule Making: The securities division is considering the creation of a new rule to clarify that securities issuers and salespersons for issuers must notify the securities division of the termination of salespersons for the issuer (as required pursuant to RCW 21.20.080) by filing Form U5 with the division.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.070, 21.20.080, and 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 21.20.080 states that if the employment or association of a salesperson for an issuer is terminated, the salesperson and the issuer must notify the securities division of the termination. However, RCW 21.20.080 does not specify how to make this notification. The securities division is considering adopting a rule to specify that the required notification shall be made by filing Form U5 with the division. The rule would clarify how issuers and salespersons for issuers should comply with the existing statute

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The new rule that the securities division is considering will affect the regulation of securities salespersons of issuers. Securities salespersons of issuers are not generally required to register as such with either the United States Securities and Exchange Commission or FINRA, the self-regulatory organization for broker-dealers and securities salespersons. The rule we are considering proposing, however, would require the same form and termination notice as required at the federal level for a securities salesperson that is associated with a broker-dealer.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jill Vallely, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, phone (360) 902-8801, fax (360) 704-7035, e-mail jill.vallely@dfi.wa.gov.

June 12, 2014 William M. Beatty, Director Securities Division

WSR 14-13-059 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 12, 2014, 1:28 p.m.]

Subject of Possible Rule Making: WAC 308-96A-096 Registration requirements.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring WAC 308-96A-096 into compliance with RCW 46.16A.050 as modified by chapter 197, Laws of 2014 (HB 2741), which removed the requirement to show an unexpired driver's license for vehicle registration renewals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathie Jelvik, Administrative Assistant, Vehicle and Vessel Licensing, Mailstop 48203, P.O. Box 9909, Olympia, WA 98507, e-mail (preferred) CJelvik@dol.wa.gov, phone (360) 902-3812.

June 12, 2014 Damon G. Monroe Rules Coordinator WAC may be revised to ensure consistency with department practices and other background check rule chapters.

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

Process for Developing New Rule: 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 Cindy LaRose-Eatwell, DSHS Operations Support and Services Division, Background Check Central Unit, P.O. Box 45025, Olympia, WA 98504-502 [98504-5025], phone (360) 902-8072, fax (360) 902-7954, e-mail cindy.larose@dshs.wa.gov.

June 12, 2014 Katherine I. Vasquez Rules Coordinator

WSR 14-13-065 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Operations Support and Services Division) (Background Check Central Unit) [Filed June 12, 2014, 3:37 p.m.]

Subject of Possible Rule Making: The department is revising and reorganizing chapter 388-06 WAC to repeal WAC 388-06-0020 through 388-06-0260 and 388-06-0600 through 388-06-0640. The department will create two new chapters: Chapter 388-06A WAC related to children's administration background check requirements and chapter 388-06B WAC related to DSHS employee background check requirements. Other related rules may be amended as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.43.832, 74.13.700.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is revising and reorganizing chapter 388-06 WAC and creating two new chapters to comply with RCW 43.43.832(4) and to provide clarity for the affected individuals and organizations. WAC 388-06-0020 through 388-06-0260 related to children's administration background check requirements will be repealed and moved into a new chapter, chapter 388-06A WAC. Children's administration background check requirements will be revised to align with federal and state laws and current department standards. Chapter 388-06 WAC, WAC 388-06-0600 through 388-06-0640 related to DSHS employee background check requirements will be repealed and moved into a new chapter, chapter 388-06B WAC. DSHS employee background check requirements will be revised to align with federal and state laws and current department standards. Other sections of chapter 388-06

WSR 14-13-070 PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed June 13, 2014, 10:53 a.m.]

Subject of Possible Rule Making: Licensing fees. 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 commissioners will be considering proposing a license fee increase. The commission is a nongeneral fund and nonappropriated agency. We are funded by licensing and regulatory fees. The last fee increase was in 2008 when fees were increased by approximately five percent. We have worked hard to save time, money and reduce staffing levels by adding online services, streamlining processes and close management. During the past six years, we have reduced our approved budget by more than \$1.5 million and reduced staffing by twenty-three positions. Even with these budget cuts, additional funding is needed to cover the agency's minimum operating costs.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting Susan Newer, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Newer@wsgc.wa.gov, fax (360) 486-3625.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Visit www.wsgc.wa.gov about ten days before each meeting to confirm meeting location, date and start time: On July 11, 2014, at the Grand Mound Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, visit www.wsgc.wa.gov on July 1 to confirm meeting location and start time; on August 14 or 15, 2014, at the Comfort Inn, 1620

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74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc. wa.gov on August 1 to confirm meeting location and start time; and on September 11 or 12, 2014, at the Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www. wsgc.wa.gov on September 1 to confirm meeting location and start time.

June 13, 2013 [2014] Susan Newer Rules Coordinator

WSR 14-13-076 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 16, 2014, 8:21 a.m.]

Subject of Possible Rule Making: Creation of new rules for issuing licenses and conducting inspections of pass-through food distribution operators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 98, Laws of 2014 (ESSB 6388), chapters 69.07 and 69.04 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On March 27, 2014, the governor signed ESBB [ESSB] 6388, an act relating to pass-through food distributors. The act requires the department to adopt, by rule, requirements for pass-through food distributors and develop a new direct food license and inspection program. Therefore, these rules are necessary to implement the new legislation and establish the program.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Claudia Coles, Administrator, Office of Compliance and Outreach, Food Safety and Consumer Services Division, 1111 Washington Street S.E., Olympia, WA 98504-2560, e-mail ccoles@agr.wa.gov.

> June 16, 2014 Kirk Robinson Assistant Director

WSR 14-13-082 PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health) [Filed June 16, 2014, 12:44 p.m.]

Subject of Possible Rule Making: New WAC 182-520-0001 Washington apple health overpayments and recovery.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is necessary to support agency actions in establishing and recovering Washington apple health overpayments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services (DSHS) – the health care authority (HCA) will draft the rule with input from DSHS staff.

Process for Developing New Rule: HCA welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail kevin.sullivan@hca.wa.gov.

June 16, 2014 Kevin M. Sullivan Rules Coordinator

WSR 14-13-086 PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed June 16, 2014, 2:23 p.m.]

Subject of Possible Rule Making: Raffles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0277

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from a licensed manufacturer requesting changes to raffle rules, including, but not limited to, changes to allow the use of electronic accounting software to sell raffle tickets.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Arland@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] July 11, 2014, at the Grand Mound Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, visit www.wsgc.wa.gov on July 1 to confirm meeting location and start time; on August 14 or 15, 2014, at the Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc.wa.gov on August 1 to confirm meeting location and start time; and on September 11 or 12, 2014, at the Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc.wa.gov on September 1 to confirm meeting location and start time.

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June 16, 2014 Susan Arland Rules Coordinator

WSR 14-13-090 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 17, 2014, 6:19 a.m.]

WSR 14-13-089 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 17, 2014, 6:19 a.m.]

Subject of Possible Rule Making: Chapter 296-307 WAC, Part L, Temporary worker housing and Part L-1, Cherry harvest camps.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) and the department of health (DOH) are required by RCW 70.114A.065 and 49.17.310 to have joint rules for the licensing, operation, and inspection of temporary worker and cherry harvest housing and for the enforcement of these rules. Currently, the joint rules are identical except as they relate to issues that fall under the jurisdiction of only one of the agencies. DOH filed a CR-101 Preproposal statement of inquiry on October 28, 2013 (WSR 13-22-014), to consider amending the temporary worker housing and cherry harvest camps operational and inspection processes. These rules will also consider reformatting and incorporating technical housekeeping updates. L&I is initiating rule making to participate with DOH in a joint rule-making process as required.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DOH, both agencies will be coordinating rule making so that any updated rules are consistent.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tari Enos, Administrative Regulations Analyst, L&I, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504, phone (360) 902-5541, e-mail tari.enos@lni.wa.gov.

June 17, 2014 Joel Sacks Director Subject of Possible Rule Making: 2015 industrial insurance premium rates, chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance and chapter 296-17B WAC, Retrospective rating for workers' compensation insurance

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan, and to set premium rates that are: (1) The lowest necessary to maintain actuarial solvency of the accident and medical aid funds; and (2) designed to attempt to limit fluctuations in premium rates. The plan must be consistent with recognized principles of insurance. Labor and industries is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends and financial markets. Labor and industries works with the workers' compensation advisory committee (WCAC) and retrospective rating advisory committee as changes are developed. The public can participate in these discussions by attending WCAC meetings. A schedule of these meetings is available at www.lni. wa.gov/ClaimsIns/Insurance/Learn/Wcac/WcacMtgMin/Default.asp.

The public can also participate in discussions of the retrospective rating advisory committee. A schedule of meetings can be found at www.lni.wa.gov/ClaimsIns/Insurance/Reduce/Qualify/AdvComm/default.asp.

Employers covered by labor and industries will receive notice of the proposed changes and public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries is planning to hold formal public hearings in October 2014 in Tumwater, Tukwila, Bellingham, Vancouver, Richland, and Spokane.

Public hearings are anticipated to last until all public comments are received. Inquiries can be directed to JoAnne Attwood, Classification Services, P.O. Box 44148, Olympia, WA 98504-4148, phone (360) 902-4777, fax (360) 902-4988, e-mail joanne.attwood@lni.wa.gov.

June 17, 2014 Joel Sacks Director

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WSR 14-13-100 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Optometry)
[Filed June 17, 2014, 1:36 p.m.]

Subject of Possible Rule Making: WAC 246-851-090 through 246-851-230, the board of optometry will conduct a review of the continuing education and related rules to clarify, update and simplify; which may include development of new rules or amending or repealing existing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The optometry continuing education rules are outdated or unclear. The continuing education and related rules may need to be amended, repealed or new rules developed to provide clarification and modernization.

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. Stakeholders will be notified and invited to participate in an open public rules workshop and may submit written comments for consideration. Stakeholders will be notified through listserv and posting to the web site. Contact Judy Haenke, Program Manager, Department of Health, Board of Optometry, P.O. Box 47852, Olympia, WA 98504-7852, judy.haenke@doh.wa.gov, phone (360) 236-4947, fax (360) 236-2901.

June 17, 2014 Judy Chan, O.D., Chair Board of Optometry

WSR 14-13-103 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 17, 2014, 2:47 p.m.]

Subject of Possible Rule Making: Chapter 16-54 WAC, Animal importation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend chapter 16-54 WAC to:

- Align with a recent federal order on porcine epidemic diarrhea virus;
- Remove certificate of veterinary inspection exemption for horses, goats, sheep, and llamas traveling into Washington for round trip visits of no more than four days;
- Allow trichomoniasis samples to be collected and pooled for up to five bulls using qPCR testing;

- Increase the tuberculosis (TB) testing requirement age from six months to twelve months on dairy cattle originating from a TB free state; and
- Update definitions and Code of Federal Regulation[s] citations.

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 Washington state department of agriculture (WSDA) staff will develop the rule proposal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, WSDA, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail jjones@agr.wa.gov.

June 17, 2014 Lynn M. Briscoe Assistant Director

WSR 14-13-104 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Physical Therapy) [Filed June 17, 2014, 2:56 p.m.]

Subject of Possible Rule Making: Chapter 246-915 WAC, Physical therapists and physical therapist assistants, opening rules, per statutory mandates to: (1) Establish requirements for spinal manipulation endorsement and associated continuing education and standards of care requirements; and (2) establish continuing education and training requirements for suicide assessment, treatment and management.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023, ESHB 2315 (chapter 71, Laws of 2014), and ESHB 2160 (chapter 116, Laws of 2014)

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2315 directs the board of physical therapy (board) to adopt rules to implement continuing education and training requirements for suicide assessment, treatment, and management. The board may identify in rule training exceptions and exemptions as appropriate. ESHB 2160 expands the scope of practice of physical therapists to perform spinal manipulation. Rules are needed to establish education and training requirements to receive an initial endorsement to perform spinal manipulation and manipulative mobilization of the spine. Continuing education and standards of care requirements will also need to be established for those providers who receive the endorsement.

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.

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Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may participate in the development of draft rules prior to a formal proposal by joining the board's listsery, attending workshops, and providing input on draft and proposed materials. Interested parties can receive information on how to participate by contacting Kris Waidely, Program Manager, Board of Physical Therapy, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4847, fax (360) 236-2901, e-mail kris.waidely@doh.wa.gov.

June 17, 2014 Blake T. Maresh Executive Director

WSR 14-13-107 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 17, 2014, 3:54 p.m.]

Subject of Possible Rule Making: Chapter 296-17A WAC, Classifications for Washington workers' compensation insurance and chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance. The department will consider reclassifying subclassification 0101-36, tree care and pruning service, as an independent basic classification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan, that classifies in accordance with the degree of hazard, and sets premium rates that are: (1) The lowest necessary to maintain actuarial solvency of the accident and medical aid funds in accordance with recognized insurance principles; and (2) designed to attempt to limit fluctuations in premium rates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: This proposal follows an agency study. The study recommended rule making to maintain the integrity of the classification plan. Employers affected by any rule making the department considers will receive notice before and after the department makes any proposals. Interested parties may participate by commenting before proposals are made, by testifying at the public hearing, or by providing written comment 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. Labor and industries is planning to hold formal public hearings in October 2014 in Tumwater, Tukwila, Bellingham, Vancouver, Richland, and Spokane. Inquiries can be directed to Richard Bredeson, Classification Services, P.O. Box 44148, Olympia, WA 98504-4148, phone (360) 902-4985, fax (360) 902-4988, e-mail Richard.Bredeson@lni.wa. gov.

June 17, 2014 Joel Sacks Director

WSR 14-13-114 PREPROPOSAL STATEMENT OF INQUIRY BOARD OF PILOTAGE COMMISSIONERS

[Filed June 18, 2014, 11:08 a.m.]

Subject of Possible Rule Making: Chapter 363-116 WAC, Pilotage rules.

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: The board is undergoing a complete review of chapter 363-116 WAC, Pilotage rules, in order to create or amend language that will be more concise, clear and current.

Below is a partial list of some of the specific WAC sections that are being reviewed by the board for possible change. The board is not limited to consideration of just those sections listed below.

The board of pilotage commissioners is considering possible changes to chapter 363-116 WAC to include, but not limited to, the following sections:

- The provisions of WAC 363–116-010 Time and place of meeting, relating to the scheduling of monthly board meetings;
- The provisions of WAC 363-116-078 Training program, relating to the clarification of stipend language, conning quiz passing scores, and other necessary updates and housekeeping provisions;
- The provisions of WAC 363-116-080 Licensing of pilots, relating to strengthening the language referring to federal license requirements for pilots and pilot trainees;
- The provisions of WAC 363-116-082 Limitations on new pilots, relating to license restrictions on new Grays Harbor pilots;
- The provisions of WAC 363-116-084 Simulator evaluation review and appeal procedures, relating to the clarification and modification of the simulator evaluation review and appeal procedures;
- The provisions of WAC 363-116-110 Details and requirements of annual license fee payment, physical examination report and reinstatement application for license pilots, relating to strengthening the language referring to federal license requirements for pilots and pilot trainees;
- The repeal of WAC 363-116-140 Limitations;
- The provisions of WAC 363-116-200 Duties of pilots, relating to the clarification of certain duties.

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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 board will be considering amendments to these rules and will be discussing them in regular session board meetings. Stakeholder comments are welcome. Upon further review and consideration of recommended revisions, public hearings will be scheduled to consider the proposed new rules pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Larson, Executive Director, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, LarsonP@wsdot.wa.gov, www.pilotage.wa.gov.

June 16, 2014 Peggy Larson Executive Director

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