

WSR 15-19-002**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 15-06—Filed September 2, 2015, 1:30 p.m.]

Subject of Possible Rule Making: Ecology is beginning rule making to amend several of the rules related to implementation of the Shoreline Management Act (SMA), chapter 90.58 RCW, specifically:

- Chapter 173-15 WAC, Permits for oil or natural gas exploration activities conducted from state marine waters.
- Chapter 173-18 WAC, SMA—Streams and rivers constituting shorelines of the state.
- Chapter 173-20 WAC, SMA—Lakes constituting shorelines of the state.
- Chapter 173-22 WAC, Adoption of designations of shorelands and wetlands associated with shorelines of the state.
- Chapter 173-26 WAC, State master program approval/amendment procedures and master program guidelines.
- Chapter 173-27 WAC, Shoreline management permit and enforcement procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.58.060 requires ecology to periodically review and update chapter 173-26 WAC. The last rule update was in 2011 and focused mostly on geoduck aquaculture. Other chapters are being included in the update to improve clarity and consistency across the rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary to:

1. Clarify the process to comply with the periodic review requirement per RCW 90.58.080 as the first round of shoreline master program (SMP) reviews will be due to ecology June 2019;
2. Simplify the process for approving minor updates to SMPs;
3. Update the list of shorelines of the state to be consistent with the SMP updates;
4. Ensure consistency with amendments to statute since the last rule revision;
5. Capture any administrative updates since the last rule revision;
6. Consider clarifying the planning process for water-dependent uses including salmon net pens; and
7. Consider including a new section on planning for coastal hazards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Local governments must follow the SMP guidelines (chapter 173-26 WAC) when drafting their local shoreline master programs. The guidelines translate the broad policies of the SMA (RCW 90.58.020) into standards for regulation of shoreline uses. We have already reached out to interested parties such as the Washington department of commerce (for Growth Management Act consistency), Washington State Association of Counties and Association of Washington Cities.

Process for Developing New Rule: We will use standard rule making. We will communicate with stakeholders

through the agency e-mail lists (WAC track and program lists), a rule-making web page, e-mail, and regular mail. We intend to get feedback and early input from a local government sounding board. We will consult with interested tribes. We will release a preliminary draft rule for informal comment so we can get more input before we propose a formal draft rule (CR-102) for public comment. We will hold public hearings on the draft rule (CR-102) that are accessible to interested parties throughout the state.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle Wilcox, Rule Coordinator, SEA Program, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7676, e-mail smarulemaking@ecy.wa.gov. Visit the SEA program rule web page at <http://www.ecy.wa.gov/programs/sea/rules/rulemaking-index.html>. Join the listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-SHORELINE-RULE>. Learn more about SMP at <http://www.ecy.wa.gov/programs/sea/shorelines/smp/index.html>.

September 1, 2015

Gordon White

Shorelands and Environmental
Assistance Program Manager**WSR 15-19-016****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed September 3, 2015, 11:29 a.m.]

Subject of Possible Rule Making: WAC 308-65-070 Hulk hauler—General procedures and requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.79.030, 46.80.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently there exists conflicting information in the RCW and WAC on who to contact for inspections for vehicle wreckers, hulk haulers, and scrap processors. The change will provide uniform contact information for inspections.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Other state agency: Washington state patrol. Washington state patrol requested this rule change as they are one of the entities responsible for certain inspections. Local chief of police also perform inspections (if business is located in a city with population of more than five thousand).

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. Interested parties may send in comments by mail, phone, facsimile, or e-mail. Additional information will be posted on the vehicle wrecker, hulk hauler, and scrap processor web sites as it becomes available at: <http://www.dol.wa.gov/business/vehicltransport/vtwrecker.html>; <http://www.dol.wa.gov/business/vehicltransport/vthulkhauler.html>;

<http://www.dol.wa.gov/business/vehicletransport/vtscrap.html>.

Mail: Jennifer Freudenthal, Dealer and Manufacturer Services, Department of Licensing, Business and Professions Division, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 664-6464, e-mail jfreudenth@dol.wa.gov, fax (360) 586-6703.

September 3, 2015
Damon Monroe
Rules Coordinator

WSR 15-19-018
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed September 3, 2015, 3:17 p.m.]

Subject of Possible Rule Making: The department plans to adopt new rules in chapter 388-845 WAC related to new Centers for Medicare and Medicaid Services (CMS) waiver amendments to the Basic Plus waiver and Core waiver for wellness education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 34.05.350 (1)(b), 42 C.F.R. 441.510(d).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Basic Plus waiver and Core waiver both provide home and community-based services to individuals as an alternative to placement in an intermediate care facility for individuals with intellectual disabilities. CMS approved an amendment that removes personal care services from those waivers, as those services are available through the state's 1915(k) community first choice option program in the medicaid state plan. The CMS amendments also added a new service, wellness education, to both the Basic and Core waivers which provides wellness information to participants designed to assist them in achieving goals identified during their person-centered planning process. The rules to be proposed will support the CMS decision and be in compliance with 42 C.F.R. 441.510(d).

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 Alan McMullen, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

September 3, 2015
Katherine I. Vasquez
Rules Coordinator

WSR 15-19-021
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
[Filed September 3, 2015, 4:07 p.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 15-16-088 on [August 3, 2015,] regarding WAC 182-550-4400.

Wendy Barcus
Rules Coordinator

WSR 15-19-022
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Washington Apple Health)
[Filed September 4, 2015, 7:52 a.m.]

Subject of Possible Rule Making: WAC 182-550-4400 Services exempt from DRG payment and other 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: WAC 182-550-4400 (2)(i) is being revised to remove the list of approved hospitals for bariatric surgery. The list is outdated. Providers may refer to the agency's inpatient hospital provider guide or the agency's web site for the most updated list of approved hospitals for bariatric surgery. WAC 182-550-4400 (2)(f) is being revised to change the authorization requirements for administrative days. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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 Amy Emerson, Health Care Authority, Division of Legal Services, P.O. Box 42716, Olympia, WA 98504-2716, e-mail amy.emerson@hca.wa.gov, fax (360) 586-9727, TTY 1-800-848-5429.

September 4, 2015
Wendy Barcus
Rules Coordinator

WSR 15-19-048
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION
[Filed September 11, 2015, 9:00 a.m.]

Subject of Possible Rule Making: WAC 468-38-120 Transport of extra-legal manufactured housing, revision of

the rule is to add language indicating that modular homes would be treated the same as manufactured homes when referring to overheight when escort cars are required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090, 46.44.093.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposal would allow modular homes being moved on the highway [to] be treated the same as manufactured homes when determining the escort requirement for height. The construction and design of the two types of structures are similar but are transported in different ways.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The WAC is enforced by the Washington state patrol, so was included in the development of this proposal.

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 Jim Wright, Commercial Vehicle Services, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 704-6345, fax (360) 704-6350, wrightji@wsdot.wa.gov.

September 11, 2015
Kathryn W. Taylor
Assistant Secretary

WSR 15-19-049

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed September 11, 2015, 9:01 a.m.]

Subject of Possible Rule Making: WAC 468-38-050 Special permits for extra-legal loads, revision of the rule is to clarify the language indicating where and how a permit can be issued. The revision also authorizes the holder of a special motor vehicle permit to display the permit by use of an electronic device.

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: The current rule indicates the permit must be carried in the power unit at all times but does not identify the use of modern technology to display the permit. The revision will authorize the use of technology readily [readily] available to allow permit holders to display an electronic copy when requested.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The WAC is enforced by the Washington state patrol, so was included in the development of this proposal.

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 Jim Wright, Commercial Vehicle Services, P.O. Box 47367, Olympia, WA 98504-7367, phone

(360) 704-6345, fax (360) 704-6350, wrightji@wsdot.wa.gov.

September 11, 2015
Kathryn W. Taylor
Assistant Secretary

WSR 15-19-052

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 15-08—Filed September 11, 2015, 10:27 a.m.]

Subject of Possible Rule Making: Ecology is proposing to amend the oil spill contingency planning rule (chapter 173-182 WAC). This rule making will:

- Update definitions to ensure clarity and consistency with existing federal regulations.
- Clarify the worst case discharge calculation for pipelines.
- Create a new pipeline geographic information planning standard which will use geo-referenced data to support preparedness planning and initial decision making during pipeline oil spills.
- Enhance our existing air monitoring requirements for pipelines to ensure safety of oil spill responders and the general public.
- Enhance our spills to ground requirements to ensure rapid aggressive and well-coordinated responses to spills to ground which could impact ground water.
- Update our pipeline planning standard requirements to ensure equipment required is appropriate for the environments pipelines may impact.
- Expand the best achievable protection (BAP) review cycle to facilities and pipelines.
- Other changes to clarify language and make any corrections needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Ecology has broad authority under chapter 90.56 RCW to adopt rules for oil spill prevention and preparedness. RCW 90.56.201 authorizes ecology to adopt rules and "periodically revise standards for the preparation of contingency plans." A new section was added to chapter 90.56 RCW during the 2015 legislative session authorizing ecology to conduct periodic rule updates on facility (including pipeline) standards to ensure we maintain BAP in contingency plans.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule was last updated for pipelines in 2006. At that time the pipeline planning standards were developed to align with the marine terminal standards. In Washington pipelines exist in both marine and inland areas. After several years of implementing the rule we have identified the need to update our standards to ensure that required oil spill response equipment is appropriate for the pipeline risks and operating environments (marine and inland).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Coast Guard, Environmental Protec-

tion Agency (EPA), Pipeline and Hazardous Materials Safety Administration, Utilities Transportation Commission, and the states of Oregon and Idaho broadly regulate many of the same entities that will be impacted by this rule making. Ecology will notify and engage stakeholders through several mechanisms including workshops to ensure that we receive their input and advice, as well as, ensure that our standards are compatible and coordinated with existing federal and state standards.

Process for Developing New Rule: This rule making is to amend an existing rule. During the rule-making process, ecology will share draft language, and seek input and expert advice from stakeholders - including representatives from the oil industry, environmental groups, tribes, and state and federal agencies. Ecology will prepare press releases, focus sheets and other explanatory materials for distribution to mailing and e-mail lists. In addition, information will be posted on our web site that details the process and opportunities for involvement. Ecology will seek comments on a preliminary draft prior to issuing a formal proposed rule. After a formal proposed rule has been released ecology will hold at least two public hearings to solicit comments prior to rule adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Ecology intends to involve stakeholders and interested parties through an open and collaborative process. Ecology has established a list-serve and web site which will be used to provide stakeholders and interested parties with updates on the process. Web site <http://www.ecy.wa.gov/programs/spills/rules/main.html>, listserv <http://listserv.wa.gov/cgi-bin/wa?A0=SPILLS-PROGRAM>, contact Sonja Larson, Washington Department of Ecology Spills Program, P.O. Box 47600, Olympia, WA 98504, phone (360) 407-6682, fax (360) 407-7288, e-mail sonja.larson@ecy.wa.gov.

September 11, 2015

Dale Jensen
Spills Prevention, Preparedness
and Response Program Manager

WSR 15-19-112

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed September 18, 2015, 5:55 p.m.]

Subject of Possible Rule Making: (1) Inflationary adjustments to contribution limits and other dollar amounts enacted by Initiative 134.

(2) Inflationary adjustment to out-of-state political committee's large contribution disclosure threshold.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 421.125 [42.17A.125], 42.17A.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The provisions of RCW 42.17A.125 require the commission, in even-numbered years, to consider making inflationary adjustments to limits and other dollar amounts enacted by I-134. The provisions of chapter 42.17A RCW require consideration of an annual

inflationary adjustment to the reporting threshold for contributions received by an out-of-state committee that makes expenditures to influence Washington state elections. These adjustments are enacted by rule.

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

Process for Developing New Rule: The commission is expected to discuss and possible [possibly] approve draft language at its October 22, 2015, regular meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by submitting comments to Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, e-mail lori.anderson@pdc.wa.gov, fax (360) 753-1112, phone (360) 664-2737.

Participate in the October 22 commission meeting. Exact time to be determined when agenda is published. Meeting location: 711 Capitol Way, Room 206, Olympia, WA. Contact Lori Anderson to accommodate alternatives to in-person participation.

September 18, 2015

Lori Anderson
Communications and
Training Officer

WSR 15-19-115

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 15-10—Filed September 21, 2015, 8:42 a.m.]

Subject of Possible Rule Making: The Washington state department of ecology (ecology) proposes to adopt a new rule (chapter 173-442 WAC) and amend two existing rules (chapters 173-400 and 173-441 WAC).

Chapter 173-442 WAC will establish emission standards for greenhouse gas emissions in Washington state, including process and combustion emissions from stationary sources, and emissions from the combustion of petroleum fuel and natural gas products. Potential standards could affect large:

- Stationary sources;
- Petroleum fuel producers; and
- Natural gas distributors.

Persons responsible for these emissions will have an obligation to reduce emissions over time. A wide variety of options to reduce greenhouse gas emissions will be available.

Ecology will make compatible changes in chapter 173-400 WAC to coordinate with the proposed chapter 173-442 WAC.

Ecology will amend chapter 173-441 WAC to change the emissions covered by the reporting program, modify reporting requirements, and update administrative procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.94 and 70.235 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to reduce greenhouse gas emissions to protect human

health and the environment. Greenhouse gas emissions cause climate change. Washington faces serious economic and environmental disruption from the effects of climate change. For instance:

- An increase in pollution-related illness and death due to poor air quality.
- Declining water supply for drinking, agriculture, wildlife, and recreation.
- An increase in tree die-off and forest mortality because of increasing wildfires, insect outbreaks, and tree diseases.
- The loss of coastal lands because of sea level rise.
- An increase in diseases and mortality in freshwater fish (salmon, steelhead, and trout), because of warmer water temperatures in the summer and more fluctuation of water levels (river flooding and an increase of water flow in winter while summer flows decrease).
- The heat stress to field crops and tree fruit will be more prevalent because of an increase in temperatures and a decline in irrigation water.

Compliance actions to reduce greenhouse gas emissions, such as producing cleaner energy and increasing energy efficiency, have the dual benefit of reducing other types of air pollution.

In 2008, Washington's legislature required the specific statewide greenhouse gas reductions (RCW 70.235.020) below:

- By 2020, reduce overall emissions of greenhouse gases in the state to 1990 levels.
- By 2035, reduce overall emissions of greenhouse gases in the state to twenty-five percent below 1990 levels.
- By 2050, reduce overall emissions of greenhouse gases in the state to fifty percent below 1990 levels or seventy percent below the state's expected emissions that year.

Consistent with the legislature's intent to reduce greenhouse gas emissions, ecology is using its existing authority under the state Clean Air Act to adopt a rule that limits emissions of greenhouse gases.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Throughout this rule-making process, ecology will communicate with, and seek input from the energy facility site evaluation council (EFSEC). EFSEC will need to update their existing greenhouse gas reporting rule for the facilities they regulate.

Process for Developing New Rule: Ecology will follow a process for the adoption of a significant legislative rule.

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

- Following updates on ecology's rule making web site, <http://www.ecy.wa.gov/programs/air/rules/wac173442/1510ov.html>, and on ecology's climate

change web site, <http://www.ecy.wa.gov/climate/change/carbonlimit.htm>.

- Signing up for e-mail updates, by going to <http://listserv.wa.gov/cgi-bin/wa?SUBED1=WA-CARBON-REDUCTION-CLEAN-ENERGY&A=1>.
- Participating in outreach meetings and/or public hearings.
- Contacting ecology staff, Stacey Callaway, Stacey.Callaway@ecy.wa.gov, (360) 407-7528, or the Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600.

September 21, 2015

Stuart A. Clark

Air Quality Program Manager

WSR 15-19-120

PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed September 21, 2015, 9:34 a.m.]

Subject of Possible Rule Making: Trademarks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.77.115.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the administrative code section on trademark filings.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Floyd, 801 Capitol Way South, P.O. Box 40234, Olympia, WA 98504-0234, (360) 725-0310, Pam.floyd@sos.wa.gov.

September 21, 2015

Mark Neary

Assistant Secretary of State

WSR 15-19-133

PREPROPOSAL STATEMENT OF INQUIRY PIERCE COLLEGE

[Filed September 21, 2015, 3:07 p.m.]

Subject of Possible Rule Making: Student rights and responsibilities/code of conduct policy (chapter 132K-126 WAC).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Address current social and technological issues related to student rights, responsibilities and conduct of students at Pierce College.

Process for Developing New Rule: Revised draft presented to the following entities for comment: Student governance bodies, academic divisions, student services council, assistant attorney general, college cabinet, board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tami Jacobs, dean of student success, (253) 964-6581, tjacobs@pierce.ctc.edu; or Marie Harris, senior executive assistant to the chancellor, (253) 864-3104, mharris@pierce.ctc.edu.

September 21, 2015
Michele Johnson, Ph.D.
Chancellor

WSR 15-19-134
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed September 21, 2015, 3:17 p.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-400-0010 Who is eligible for state family assistance? and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.08.283, 74.08.090, and 74.04.-057.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend WAC 388-400-0010 to allow state family assistance to be issued in certain situations to two-parent families that are otherwise eligible for temporary assistance for needy families (TANF). This change would not impact services or benefits to clients.

This proposed change would help to improve the state's work participation rate and would reduce, or eliminate, the penalty imposed on the state for not meeting the federal participation rate. This proposed change is necessary to help meet federal TANF work participation targets set by the administration for children and families.

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 Bev Kelly, WorkFirst Policy, 712 Pear Street S.E., Olympia, WA 98501, phone (360) 725-4556, fax (360) 725-4904, e-mail beverly.kelly@dshs.wa.gov.

September 21, 2015
Katherine I. Vasquez
Rules Coordinator

WSR 15-19-135
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed September 21, 2015, 3:22 p.m.]

Subject of Possible Rule Making: The department is considering amending chapter 388-71 WAC, Home and community services and programs; chapter 388-106 WAC, Long-term care services; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In the *Home Care Association of America, et. al. v. David Weil, et al.* decision by the United States Court of Appeals, United States, for the District of Columbia, the court upheld new United States Department of Labor overtime rules. The new rules may require the department to pay overtime to individual providers who work more than forty hours per week. In order to ensure the cost-effective use of state funds and to maximize effective use of limited resources, the department is considering the adoption of rules that change the allocation of personal care hours from a monthly basis to a weekly basis and that describe how the department will respond when contractors submit invoices for services that exceed the weekly authorization.

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 Angel Sullivan, AL TSA, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 438-8633, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

September 21, 2015
Katherine I. Vasquez
Rules Coordinator

WSR 15-19-138
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2015-13—Filed September 22,
 2015, 9:49 a.m.]

Subject of Possible Rule Making: Making minimal clarifications in the Washington Administrative Code to clearly include the envisioned rider or endorsement allowed under ESSB 5550, section 2 (2)(a) for "private passenger automobile coverage."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.020.060 [48.02.060].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In the 2015 legislative session, chapter 236, Laws of 2015 was enacted. The proposed rules will consider adding one new clarifying definition of the term "private passenger automobile" in the WAC chapter that parallels the final RCW placement of this legislation; and whether the definition of this same term in WAC sections such as WAC 284-30-500(4) should be revised in order to align with this newly clarified definition.

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

Process for Developing New Rule: Submit written comments by November 6, 2015, to Jim Keogh, P.O. Box 40258, Olympia, WA 98504-0258, rulescoordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Keogh, P.O. Box 40258, Olympia, WA 98504-0258, rulescoordinator@oic.wa.gov, fax (360) 586-3109.

September 22, 2015
 Mike Kreidler
 Insurance Commissioner

WSR 15-19-142
PREPROPOSAL STATEMENT OF INQUIRY
CLOVER PARK
TECHNICAL COLLEGE

[Filed September 22, 2015, 11:15 a.m.]

Subject of Possible Rule Making: Revise chapters 495C-121, 495C-300, and 495C-310 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140; SSB 5518, 64th legislature, 2015 regular session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed revisions are necessary to bring the code into alignment with federal and state laws and guidance regarding sexual misconduct and sex discrimination in federally-funded institutions of higher education.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Education, Office for

Civil Rights has provided colleges with recent specific guidance on Title IX requirements: Dear Colleague Letter, April 4, 2011; Dear Colleague Letter to School Superintendents and College Presidents, April 24, 2015; Dear Colleague Letter to Title IX Coordinators, April 25, 2015; Title IX Resource Guide, April 2015. See also the Violence Against Women Reauthorization Act of 2013 and changes to the Clery Act made by the Violence Against Women Reauthorization Act of 2013 (VAWA).

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 Lisa Beach, Director of Security and Compliance, (253) 589-5603, lisa.beach@cptc.edu, Clover Park Technical College, 4500 Steilacoom Boulevard S.W., Lakewood, WA 98499. Public comment will be taken at forums the week of September 28, 2015, or at the board of trustees' meeting January 13, 2016.

September 21, 2015
 Lisa R. Beach
 Director of Security
 and Compliance

WSR 15-19-148
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed September 22, 2015, 2:31 p.m.]

Subject of Possible Rule Making: Washington small business retirement marketplace.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5826, chapter 296, Laws of 2015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 9 of ESSB 5826, chapter 296, Laws of 2015, require that the director of the department of commerce shall adopt rules necessary to allow the Washington small business retirement marketplace to operate. Rules on this subject will establish effective and efficient protocols for operating the marketplace.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Regulatory agencies: Washington department of financial institutions, Washington office of the insurance commissioner, United States Department of Treasury, United States Department of Labor.

Process for coordinating with these agencies: Washington regulatory agencies will participate in an interagency working group to develop program rules and protocols. The working group will meet periodically in person at the department of commerce Olympia offices located at 1011 Plum Street S.E., Olympia, WA. It's anticipated that federal regulatory agencies will be required to provide consultation rather than substantive rule-making input. Federal agency contacts will be identified subsequent to state agency group formulation, and will participate in meetings as federal issues are identified.

Process for Developing New Rule: Negotiated rule making; and as part of the rule development process, the depart-

ment of commerce will consult with organizations representing eligible employers, qualified employees, private and non-profit sector retirement plan administrators and providers, organizations representing private sector financial services firms, and other individuals relevant to the development of an effective and efficient marketplace.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carolyn McKinnon, Policy Advisor, P.O. Box 42525, Olympia, WA 98504-2525, phone (360) 725-3121, fax (360) 586-8440, e-mail Carolyn.McKinnon@commerce.wa.gov, web site <http://bit.ly/WaMarketplace>, Hashtag: #WashSBRM, listserv <https://public.govdelivery.com/accounts/WADOC/subscriber/new?pop=t>. A meeting open to the public to develop and discuss draft rules will be held prior to the public hearing. To be notified of the public meeting, interested parties should subscribe to the listserv listed above.

September 17, 2015
Nick Demerice
Assistant Director

WSR 15-19-153

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed September 23, 2015, 8:11 a.m.]

Subject of Possible Rule Making: Chapter 246-XXX WAC, establishing minimum standards for suicide prevention training programs for health care professionals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.442 as amended by ESHB 1424 (chapter 249, Laws of 2015) and RCW 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Suicide is a serious public health problem in Washington. In 2013 and 2014, the legislature enacted laws requiring certain health professionals to complete training in suicide assessment, treatment, and management to help them identify, refer, or manage patients at risk for suicide. In 2015, the legislature enacted ESHB 1424 that required the department of health (department) to develop minimum standards for suicide prevention training programs for health care professionals. Training programs that meet the minimum standards will be published on a model list, from which health care professionals must select a training program beginning July 1, 2017.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The professional education [educator] standards board approves suicide prevention training for certain educators under RCW 28A.410.226. ESHB 1424 requires the department to provide the minimum standards developed under this rule making to the professional education [educator] standards board as a model for meeting RCW 28A.410.226 requirements. In addition, ESHB 1424 directs the department to collaborate with the department of veterans affairs to ensure trainings include content specific to veterans. Finally, the department will coordinate with department of social and

health services, division of behavioral health and recovery as appropriate.

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. Interested parties will be able to participate by attending rule-making workshops and the public hearing, and are encouraged to submit comments by regular and electronic mail. Notices to interested parties will be provided through direct outreach to individuals, announcements on listservs, and posting of updates and meeting notices on the department's suicide prevention training web site. Please address questions and/or comments to Kathy Schmitt, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2985, e-mail Kathy.schmitt@doh.wa.gov.

September 22, 2015
John Wiesman, DrPH, MPH
Secretary

WSR 15-19-160

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

[Filed September 23, 2015, 10:00 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-825-315, 388-825-370 through 388-825-395, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In the *Home Care Association of America, et. al. v. David Weil, et al.* decision by the United States Court of Appeals, United States, for the District of Columbia, the court upheld new United States Department of Labor overtime rules. The new rules may require the department to pay overtime to individual providers who work more than forty hours per week. In order to ensure the cost-effective use of state funds and to maximize effective use of limited resources, the department is considering the adoption of rules that change the allocation of personal care hours from a monthly basis to a weekly basis and that describe how the department will respond when contractors submit invoices for services that exceed the weekly authorization.

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 Alan McMullen, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA

98504-5310, phone (360) 725-3524, fax (360) 407-0955,
TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

September 22, 2015
Katherine I. Vasquez
Rules Coordinator

WSR 15-19-162
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
ENTERPRISE SERVICES

[Filed September 23, 2015, 10:17 a.m.]

Subject of Possible Rule Making: The use of unmanned aircraft systems on the Olympia capitol campus, satellite campuses in Lacey and Tumwater, and other department of enterprise services (DES) owned properties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.19.125.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are necessary for the health and safety of those using the Olympia capitol campus, satellite campuses in Lacey and Tumwater, and other DES-owned properties.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Aviation Administration (FAA) regulates this subject. The FAA has been asked to assist DES in developing this rule.

Process for Developing New Rule: DES staff will hold a series of workshops in order to develop a proposed rule with anyone interested. An opportunity will be provided for anyone to submit written comments on the proposed rules during the public comment period and present oral testimony at the public hearings. The public is encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Zeigler, Policy and Rules Manager, phone (360) 407-9209, e-mail jack.zeigler@des.wa.gov, written comments online at <https://www.surveymonkey.com/s/DESRulemaking>. Anyone interested can participate in the development of the proposed rule before publication. Detailed information about the rule making will be posted on the agency rule-making web site <http://www.des.wa.gov/about/LawsRules/Pages/RuleMaking.aspx>. In addition, you can identify yourself as an interested party by sending an e-mail to rules@des.wa.gov with your contact information and typing "Interested party - unmanned aircraft systems rulemaking" in the subject line.

September 23, 2015
Jack Zeigler
Policy and Rules Manager