

WSR 15-24-002

**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

[Filed November 18, 2015, 2:27 p.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is necessary to update the WAC to reflect recent legislative changes, and to update and clarify procedures.

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 Sheryl Moss, C & T Program Manager, P.O. [Box] 40220, Olympia, WA 98504, (360) 902-4146, sheryl.moss@sos.wa.gov.

November 18, 2015
Mark Neary
Assistant Secretary of State

WSR 15-24-024

**PREPROPOSAL STATEMENT OF INQUIRY
EVERETT COMMUNITY COLLEGE**

[Filed November 20, 2015, 9:23 a.m.]

Subject of Possible Rule Making: Modification to the drug-free campus policy.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To receive federal funding, the college is required to have a policy with respect to being a drug-free campus.

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 Jennifer Howard, Vice-President of Administrative Services, Everett Community College, 2000 Tower Street, Everett, WA 98201, e-mail jhoward@everettcc.edu, fax (425) 388-9228 or phone (425) 388-9232.

Board of trustee meetings, in which public comment is received, occur each third Tuesday of the month, 5 p.m. at the Olympus Hall Board Room, 801 Wetmore Avenue, Everett, WA 98201.

November 20, 2015
Jennifer L. Howard
Vice-President of
Administrative Services

WSR 15-24-025

**PREPROPOSAL STATEMENT OF INQUIRY
EVERETT COMMUNITY COLLEGE**

[Filed November 20, 2015, 9:23 a.m.]

Subject of Possible Rule Making: Modification to the facility use policy.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure smooth operation of the buildings and grounds of Everett Community College, the college seeks to clarify existing rules regulating the use of its facilities.

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 Jennifer Howard, Vice-President of Administrative Services, Everett Community College, 2000 Tower Street, Everett, WA 98201, e-mail jhoward@everettcc.edu, fax (425) 388-9228 or phone (425) 388-9232.

Board of trustee meetings, in which public comment is received, occur each third Tuesday of the month, 5 p.m. at the Olympus Hall Board Room, 801 Wetmore Avenue, Everett, WA 98201.

November 20, 2015
Jennifer L. Howard
Vice-President of
Administrative Services

WSR 15-24-026

**PREPROPOSAL STATEMENT OF INQUIRY
EVERETT COMMUNITY COLLEGE**

[Filed November 20, 2015, 9:24 a.m.]

Subject of Possible Rule Making: Changing the name of the Student Fitness Center located at 2206 Tower Street, Everett, WA 98201.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To honor and acknowledge the service of Walt Price to the college, the college has chosen to rename the Student Fitness Center to the Walt Price Student Fitness Center.

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 Jennifer Howard, Vice-President of Administrative Services, Everett Community College, 2000

Tower Street, Everett, WA 98201, e-mail jhoward@everettcc.edu, fax (425) 388-9228, or phone (425) 388-9232.

Board of trustee meetings, in which public comment is received, occur each third Tuesday of the month, 5 p.m. at the Olympus Hall Board Room, 801 Wetmore Avenue, Everett, WA 98201.

November 20, 2015
Jennifer L. Howard
Vice-President of
Administrative Services

WSR 15-24-032

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed November 20, 2015, 1:54 p.m.]

Subject of Possible Rule Making: WAC 260-70-580 Official veterinarian's list.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add language to ensure the veterinarians list from other jurisdictions are honored.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

November 19, 2015
Douglas L. Moore
Executive Secretary

WSR 15-24-036

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed November 20, 2015, 3:53 p.m.]

Subject of Possible Rule Making: WAC 182-551-3000 Private duty nursing services for clients seventeen years of age and younger, 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: The agency is revising WAC 182-551-3000 to update the definition of private duty nursing, and to clarify eligibility, provider contract, application and EPSDT information. During the course of this review,

the agency may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The agency is coordinating this rule making with the department of social and health services.

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

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

November 20, 2015
Wendy Barcus
Rules Coordinator

WSR 15-24-060

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed November 24, 2015, 10:06 a.m.]

Subject of Possible Rule Making: WAC 260-28-295.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add language indicating that a trainer is responsible to notify any owner of a horse that is subject to a rule violation, including but not limited to, medication violations.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

November 24, 2015
Douglas L. Moore
Executive Secretary

WSR 15-24-067
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Long-Term Support Administration)
 [Filed November 24, 2015, 4:50 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 15-15-168 on July 22, 2015, (chapters 388-113, 388-71, and 388-106 WAC) regarding negative actions and character, competence, and suitability rules.

The aging and long-term support administration plans to file a new preproposal statement of inquiry notice in the near future after withdrawing this notice.

Katherine I. Vasquez
 Rules Coordinator

WSR 15-24-079
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Chiropractic Quality Assurance Commission)
 [Filed November 30, 2015, 8:31 a.m.]

The department of health (department), chiropractic quality assurance commission (commission) would like to withdraw the following preproposal statement of inquiries (CR-101):

WAC Number	WSR Number	Filing Date	Subject
246-808-545	14-22-046	10/30/14	Improper billing practices
246-808-550	10-06-017	2/22/10	Future care contracts prohibited

The commission is withdrawing both CR-101s to eliminate redundant rules and to avoid confusion. Since the filing of WSR 14-22-046 and 10-06-017, the commission initiated rule making opening chapter 246-808 WAC. A new CR-101 was filed on April 7, 2015, under WSR 15-09-027. In order to eliminate redundant rules, and to avoid confusion by having three different rules related to billing requirements, the commission decided to withdraw the CR-101s under WSR 14-22-046 and 10-06-017. The commission anticipates revisions to WAC 246-808-545 and 246-808-550 will be incorporated into WAC 246-808-540 that is open under WSR 15-09-027.

If you have any questions, please contact Leann Yount, chiropractic quality assurance commission's program manager, at (360) 236-4856.

Tami Thompson
 Regulatory Affairs Manager

WSR 15-24-090
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 [Filed November 30, 2015, 5:43 p.m.]

Subject of Possible Rule Making: Chapter 246-805 WAC creating a new chapter to implement a program for certified and licensed applied behavior analysis (ABA) professionals, including fees and the creation of an advisory committee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5488 (chapter 118, Laws of 2015).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5488 directs the secretary to adopt rules necessary to implement a program for certified and licensed ABA professionals. These professionals include certified behavior technician, licensed behavior analyst, and licensed assistant behavior analyst. These rules will enhance and protect patient safety by having qualified ABA professionals certified and licensed in Washington state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department has been in communication and coordination with health care authority and department of social and health services, division of behavioral health and recover [recovery]. These agencies will be included during the development of rules.

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 may request to receive notices of rule development workshops and other rule-making activities or send comments by contacting Nancy Tyson, Executive Director, Department of Health, ABA, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4796, fax (360) 236-2901, nancy.tyson@doh.wa.gov.

November 24, 2015
 John Wiesman, DrPH, MPH
 Secretary

WSR 15-24-101
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed December 1, 2015, 9:46 a.m.]

Subject of Possible Rule Making: eRules Phase VII; chapter 296-32 WAC, Safety standards for telecommunications; chapter 296-36 WAC, Safety standards—Compressed air work; chapter 296-37 WAC, Standards for commercial diving operations; chapter 296-52 WAC, Safety standards for possession, handling and use of explosives; chapter 296-59 WAC, Safety standards for ski area facilities and operations; chapter 296-63 WAC, Right to know fee assessment; chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals; chapter 296-79 WAC, Safety standards for pulp, paper and paperboard mills and converters; chapter 296-78 WAC, Safety standards for saw-

mills and woodworking operations; chapter 296-99 WAC, Grain handling facilities; and chapter 296-115 WAC, Safety requirements for charter boats.

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: When the agency updated its web site, template division of occupational safety and health (DOSH) rules in HTML were broken and DOSH began forwarding rule users to the office of the code reviser web site, causing more confusion among customers. The preproposal package will resolve stakeholder issues that have caused confusion for rule users by bringing one clear and consistent format to all of our rules. This preproposal will accomplish the following:

- No requirements are changing because of this preproposal.
- Consistent format for all DOSH safety and health rules.
- Easy to access rules for smart phone and tablet users.
- Bookmarks in the rules allow easy navigation in PDF files.
- Bullets and dashes are removed and replaced with numbers and letters for easier referencing.
- Enhances rule update efficiency for customers by allowing for faster updates through electronic postings.

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

Process for Developing New Rule: Parties interested in 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, Department of Labor and Industries, DOSH, P.O. Box 44620, Olympia, WA 98504, phone (360) 902-5541, e-mail tari.enos@lni.wa.gov.

December 1, 2015
Joel Sacks
Director

WSR 15-24-105
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket TG-151838—Filed December 1, 2015, 11:28 a.m.]

The Washington utilities and transportation commission (commission) filed a preproposal statement of inquiry (CR-101) regarding revenue sharing on October 21, 2015, at WSR 15-21-101. The commission has decided not to proceed with this rule-making proceeding and requests that the CR-101 published in WSR 15-21-101 be withdrawn.

After reviewing the comments from interested persons concerning the CR-101 inquiry, the commission has determined that the issues would be better addressed in Docket A-130355, the commission's existing procedural rule making. Thus, the commission is withdrawing its notice of a rule-making proceeding in this docket, and will notify stakeholders of the withdrawal of this proceeding.

Steven V. King
Executive Director
and Secretary

WSR 15-24-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Pharmacy Quality Assurance Commission)
[Filed December 1, 2015, 11:48 a.m.]

Subject of Possible Rule Making: WAC 246-860-100 Sexual misconduct, the pharmacy quality assurance commission (commission) is considering revising the rule to clarify what forcible or nonconsensual acts are within the definition of sexual misconduct by a pharmacist, pharmacy intern, technician, or assistant.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005 and 18.130.062.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering updating the sexual misconduct rule to establish clearer standards of conduct for pharmacy health care providers. The commission's experience with investigating and enforcing the current rule has raised the need to clarify what acts constitute sexual misconduct by providers under the authority of the commission. Updating the sexual misconduct rule will establish clearer standards of conduct and will help the department be consistent in its enforcement activities to more fully comply with RCW 18.130.062 and Executive Order 06-03.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Stakeholders may provide input throughout the rule-making process. Interested parties can sign up to receive information, updates, or provide comments to the pharmacy quality assurance commission at WSPQAC@doh.wa.gov or by contacting Brett Lorentson, Rules Consultant, Department of Health, Pharmacy Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, e-mail brett.lorentson@doh.wa.gov, phone (360) 236-4611, fax (360) 236-2260.

December 1, 2015
A. J. Linggi, Chair
Pharmacy Quality
Assurance Commission

WSR 15-24-124
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed December 2, 2015, 8:28 a.m.]

Subject of Possible Rule Making: Clarifying administrative definitions related to the law enforcement officer and firefighter (LEOFF) retirement system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide further clarity to the department's interpretation of terms used in the administration of LEOFF retirement benefits. Terms being defined may include "supervisory firefighter," "fully compensated," "full time," and others that may be identified as being in need of clarification.

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 Jilene Siegel, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Rules@drs.wa.gov, phone (360) 664-7291.

December 1, 2015
 Jilene Siegel
 Rules Coordinator

WSR 15-24-125
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed December 2, 2015, 8:28 a.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the department of retirement systems requests to withdraw its preproposal statement of inquiry (CR-101) filed on October 6, 2015, as WSR 15-20-111.

If you need any assistance, please contact Jilene Siegal at (360) 664-7291 or Rules@drs.wa.gov.

Jilene Siegel
 Rules and Contracts Manager

WSR 15-24-128
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY

[Filed December 2, 2015, 9:14 a.m.]

Subject of Possible Rule Making: The university is updating the standards of conduct for students, chapter 504-26 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments are intended to permit the service of students on the academic integrity hearing board, further clarify the jurisdiction of the standards of conduct for students, and update administrative office names to reflect current university organization.

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Deborah L. Bartlett, Director, Office of Procedures, Records, and Forms and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, and e-mail prf.forms@wsu.edu.

A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

December 2, 2015
 Deborah L. Bartlett, Director
 Procedures, Records, and Forms
 and University Rules Coordinator

WSR 15-24-129
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed December 2, 2015, 9:42 a.m.]

Subject of Possible Rule Making: New section in chapter 182-546 WAC, Transportation services; and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, HB 2007, chapter 147, Laws of 2015, 64th legislature, 2015 regular session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to implement HB 2007 which directs the agency to design and implement a supplemental medicaid reimbursement in addition to the rate of payment that an eligible provider would otherwise receive for medicaid ground emergency medical transportation services for both fee-for-service and managed care enrolled clients. An eligible provider is one who provides ground emergency medical transportation services to medicaid beneficiaries, is enrolled as a medicaid provider, and is owned or operated by the state, a city, county fire protection district, community services district, health care district, federally recognized Indian tribe or any unit of government as defined in 42 C.F.R. Sec. 433.50.

During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

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, P.O. Box 42716, Olympia, WA 98504-2716, phone (360) 725-1348, fax (360) 586-9727, TTY 1-800-848-5429, e-mail amy.emerson@hca.wa.gov.

December 2, 2015
Wendy Barcus
Rules Coordinator

WSR 15-24-131
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed December 2, 2015, 9:47 a.m.]

Subject of Possible Rule Making: WAC 308-89-060 Fees, the department, as authorized in chapter 46.72 RCW, shall charge and collect the following fees: [No further information supplied by agency].

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.72.120 Rules, 46.01.110 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is interested in adopting rules it knows can improve the efficiency of services to for hire industry licensees. Eliminating the processing fee for name and address changes will allow licensees to submit these changes directly to the department. This will bypass the department of revenue/business licensing services (BLS) step currently required to collect the processing fee for a name or address change. (Currently this step takes BLS from two to three weeks for receipt of the fee, update of the record and notification of the department.) Eliminating the fee should enable the department to complete name and address changes within two to three days after receipt of the request from the licensee.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of licensing shares its regulatory authority over the for hire industry with any city, county or port district that regulates for hire vehicles operating in their jurisdiction. The department will communicate this proposed change to all other jurisdictions and invite their consideration and input throughout the rule making.

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 Livia Romero, Dealer and Manufacturer Services, Department of Licensing, Business and Professions Division, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 664-6455, e-mail lromero@dol.wa.gov.

December 2, 2015
Damon Monroe
Rules Coordinator

WSR 15-24-132

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 15-11—Filed December 2, 2015, 9:51 a.m.]

Subject of Possible Rule Making: This rule making will propose amendments to chapter 173-331 WAC, Vehicle battery recycling. Changes the agency is considering include, but are not limited to:

- Clarifying rule language to make it easier to comply and implement.
- Replacing the \$15.00 licensing program implemented by business licensing services at the department of revenue, with an online electronic registration program managed by ecology, possibly eliminating the fee.
- Eliminating the requirement for ecology to maintain a list of persons who will accept broken or leaking vehicle batteries, and replacing it with guidance posted on the agency web site.
- Eliminating the language in the rule that requires ecology to review applications before licenses are issued by the department of revenue.
- Replacing inadequate methodology for economic analysis required to be performed by ecology in the event of a market failure, with a commitment to work with industry representatives to evaluate costs and alternatives.
- Revising reporting requirements as appropriate after evaluating value and redundancy with other laws and rules.
- Other corrections and clarifications as needed, including the elimination of out-of-date address and phone information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.95.670.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology is directed by RCW 70.95.670 to adopt rules for vehicle battery recycling, implementing RCW 70.95.610 through [70.95.]660. The rule has not been revised since it was adopted in 1991. We want to eliminate obsolete information, make the rule less burdensome, and clarify and make the vehicle battery recycler registration/authorization requirement easier to understand and less costly.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: RCW 70.95.670 requires ecology to adopt rules implementing a vehicle battery recycling program. Dangerous waste rules (chapter 173-303 WAC) apply to vehicle batteries; WAC 173-303-520 specifically addresses requirements for persons reclaiming batteries. Corresponding federal rules can be found in 40 C.F.R. Part 266.80. The business licensing services division at the state department of revenue currently collects a \$15.00 fee to issue licenses for battery collectors.

We have communicated with the state department of revenue. They have no objection to repealing the fee program, but are also willing to continuing [continue] working with ecology. We have communicated with staff in ecology's hazardous waste and toxics reduction program. Used vehicle batteries are subject to regulation as dangerous waste if there is mishandling, or if work extends to reclamation. RCW 70.95.-

610(3) provides that nothing in the law (chapter 70.95 RCW) supersedes the provisions of chapter 70.105 RCW (hazardous waste management). This proposal will not conflict with or impact state dangerous waste or federal hazardous waste programs, other than to perhaps improve practices where used vehicle batteries are collected, thus reducing the possible need for action under state dangerous waste regulations. The state is authorized to implement the federal hazardous waste program in Washington in lieu of the Environmental Protection Agency (EPA), so no separate communication with EPA is necessary.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rule[s] Coordinator, Kyle Dorsey, Waste 2 Resources Program, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6559, e-mail kyle.dorsey@ecy.wa.gov. Important: Sign up for the listserv to get updates and visit the web site to learn more about this rule making at <http://www.ecy.wa.gov/programs/swfa/rules/wac173331/1511time.html>.

November 30, 2015
C. V. Castellanos
Statewide Resources Section Manager
Waste 2 Resources Program

WSR 15-24-136
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 2, 2015, 11:01 a.m.]

Subject of Possible Rule Making: The department is considering rule changes for the following topics: Hunting regulations and seasons for big game, small game, and migratory birds; rules concerning dead nonresident wildlife; rules relating to vehicle-killed wildlife salvage; rules relating to hunters with disabilities; hunter education deferrals; and other related rule changes as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, 77.12.800, 77.32.070, 77.32.090, 77.32.370, and 77.32.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to provide clarification to rules, expand recreational opportunity and opportunity for harvest, and mitigate wildlife conflicts, while maintaining sustainable game populations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Migratory birds are also regulated by the United States Fish and Wildlife Service (USFWS) and coordination is managed through the Pacific Flyway. State regulations are designed to fit within the parameters of the USFWS regulation guidelines.

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 Nate Pamplin, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2515, fax (360) 902-2162, e-mail Wildthing@dfw.wa.gov. Contact by January 8, 2016. Expected proposal filing on or after January 15, 2016.

December 2, 2014 [2015]
Joanna M. Eide
Rules Coordinator

WSR 15-24-138
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed December 2, 2015, 11:07 a.m.]

Subject of Possible Rule Making: Chapter 392-900 WAC, Pilot grant programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020 Duties of superintendent of public instruction.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Development of new chapter 392-900 WAC is required to allow the office of the superintendent of public instruction (OSPI) to implement two pilot grant programs established in sections 5026 and 5028, chapter 3, Laws of 2015. The procedures defined in the new chapter outline the processes for both the class size reduction grant and the science, technology, engineering and mathematics grant programs.

Emergency rule procedures was [were] utilized for new WAC chapter.

Process for Developing New Rule: OSPI welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified [below].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Black, Program Development Manager, P.O. Box 47200, 600 Washington Street S.E., Olympia, WA 98504-7200, phone (360) 725-6268, fax (360) 586-3946, e-mail scott.black@k12.wa.us.

December 2, 2015
Randy Dorn
Superintendent of
Public Instruction