

WSR 17-03-001
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 4, 2017, 12:23 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 12-01-118 on December 21, 2011 (chapter 388-106 WAC) regarding the medicaid personal care program.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-005
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 4, 2017, 3:25 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 13-19-001 on September 4, 2013 (chapter 388-71 WAC) regarding electronic time keeping.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-008
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 4, 2017, 4:17 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 13-21-127 on October 22, 2013 (chapter 388-106 WAC) regarding long-term care services.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-015
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SERVICES FOR THE BLIND
[Filed January 5, 2017, 3:25 p.m.]

Subject of Possible Rule Making: Revisions to existing chapter 67-10 WAC, Public records—Disclosure, chapter 67-16 WAC, Department—General administration, chapter

67-25 WAC, Vocational rehabilitation and services for blind persons, chapter 67-55 WAC, Child and family services, and chapter 67-75 WAC, Independent living services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The Workforce Innovation and Opportunity Act (H.R. 803; Pub.L. 113-128) (WIOA) is a United States public law that incorporates the Rehabilitation Act of 1973 as amended and consolidates job training programs under the Workforce Investment Act of 1998 into a single funding stream.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Code of Federal Regulations Title 34, Subtitle B, Chapter III, Part 361 was revised June 30, 2016, to align with the WIOA law. The agency's WAC needs to be similarly revised to align with federal regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education, Office of Special Education and Rehabilitation, Rehabilitation Services Administration. In Washington state, other state agencies that we are mandated to partner with through WIOA legislation may have interest and impact on the rules of this agency, such as the department of social and health services' division of vocational rehabilitation, TANF and senior community service employment programs; the client assistance program; American Indian Vocational Rehabilitation programs; the employment security department's WIOA Title I programs; the state board for community and technical colleges adult basic education and career and technical education programs; and department of commerce's community services block grant employment and training program; the Washington state school for the blind; and the office of superintendent of public instruction.

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 Michael MacKillop, Deputy Director, 3411 South Alaska Street, Seattle, WA 98118, (206) 906-5520, Michael.mackillop@dsb.wa.gov, www.dsb.wa.gov. Revised WAC language will be posted on web site once CR approval is provided. Public hearings will be held as is required in the WIOA for major policy changes.

December 22, 2016
Michael MacKillop
Deputy Director

WSR 17-03-016
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 5, 2017, 4:03 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 09-17-003 on August 6, 2009 (chapter 388-96

WAC) regarding the nursing facility medicaid payment system.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-017
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 5, 2017, 4:26 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 12-02-031 on December 29, 2011 (chapter 388-101 WAC) regarding crisis stabilization.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-019
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 6, 2017, 8:19 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 11-22-105 on November 2, 2011 (chapter 388-106 WAC) regarding the volunteer services program.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-020
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 6, 2017, 8:58 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 10-21-092 on October 20, 2010 (chapter 388-106 WAC) regarding client rights and responsibilities.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-021
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 6, 2017, 9:14 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 11-07-079 on March 22, 2011 (chapter 388-106 WAC) regarding individual budget funds.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-022
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 6, 2017, 9:22 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 13-15-113 on July 22, 2013 (chapter 388-106 WAC) regarding the community options program entry system.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-026
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed January 6, 2017, 10:54 a.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 14-04-129 on February 5, 2014 (chapter 388-827 WAC) regarding the state supplementary payment program.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-029
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed January 6, 2017, 11:56 a.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 13-22-082 on November 6, 2013 (chapter 388-826 WAC) regarding the voluntary placement program.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-038
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed January 6, 2017, 2:21 p.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 12-01-115 on December 21, 2011 (chapter 388-835 WAC) regarding the ICF/ID program and reimbursement system.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-036
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed January 6, 2017, 12:45 p.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 10-21-093 on October 20, 2010 (chapter 388-828 WAC) regarding developmental disabilities assessment.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-039
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed January 6, 2017, 2:32 p.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 10-17-102 on August 17, 2010 (chapter 388-832 WAC) regarding the individual and family services program.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-037
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed January 6, 2017, 1:15 p.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 10-17-102 on August 17, 2010 (chapter 388-832 WAC) regarding the individual and family services program.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-041
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed January 7, 2017, 12:20 p.m.]

Subject of Possible Rule Making: Changes to the Washington department of fish and wildlife's (WDFW) recreational salmon fishing rules resulting from stakeholder recommendations made during North of Falcon meetings for coastal freshwater.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recreational salmon fishing rules based on North of Falcon recommendations change from year to year to reflect resource availability and to achieve conservation goals. Amendments to recreational salmon fishing rules are needed to implement the agreed-upon changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA Fisheries and the National Marine Fisheries Ser-

vice. These agencies, as well as WDFW, the Pacific Fisheries [Fishery] Management Council, and the Pacific Salmon Commission, all provide input and/or take part in the North of Falcon meetings and recommendations.

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 Kirt Hughes, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2705, fax (360) 902-2155, email Kirt.Hughes@dfw.wa.gov. Contact by February 5, 2017. Expected proposal filing on or after February 10, 2017.

January 5, 2017
Scott Bird
Rules Coordinator

WSR 17-03-042
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 7, 2017, 12:21 p.m.]

Subject of Possible Rule Making: Changes to the Washington department of fish and wildlife's (WDFW) recreational salmon fishing rules resulting from stakeholder recommendations made during North of Falcon meetings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recreational salmon fishing rules based on North of Falcon recommendations change from year to year to reflect resource availability and to achieve conservation goals. Amendments to recreational salmon fishing rules are needed to implement the agreed-upon changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA Fisheries and the National Marine Fisheries Service. These agencies, as well as WDFW, the Pacific Fisheries [Fishery] Management Council, and the Pacific Salmon Commission, all provide input and/or take part in the North of Falcon meetings and recommendations.

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 Kirt Hughes, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2705, fax (360) 902-2155, email Kirt.Hughes@dfw.wa.gov. Contact by February 5, 2017. Expected proposal filing on or after February 10, 2017.

January 5, 2017
Scott Bird
Rules Coordinator

WSR 17-03-049
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)

[Filed January 9, 2017, 11:08 a.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 16-17-048 on August 11, 2016 (chapter 388-827 WAC) regarding prevocational legacy.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-057
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)

[Filed January 10, 2017, 11:07 a.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 10-10-075 on May 3, 2010 (chapter 388-825 WAC) regarding developmental disabilities administration service rules.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-061
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)

[Filed January 10, 2017, 12:12 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 16-11-088 on May 17, 2016 (chapter 388-101 WAC) regarding certified community residential services and supports.

Katherine I. Vasquez
Rules Coordinator

WSR 17-03-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed January 10, 2017, 2:17 p.m.]

Subject of Possible Rule Making: Chapter 365-196 WAC, Procedural criteria for adopting comprehensive plans

and development regulations; chapter 365-190 WAC, Minimum guidelines to classify agricultural, forest and mineral lands and critical areas; and chapter 365-191 WAC, Voluntary stewardship program approval procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70A.050, 36.70A.190, 36.70A.705, and 36.70A.735.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Growth Management Act (GMA) requires local jurisdictions to designate and protect critical areas. Implementing WAC does not adequately provide guidance on regulating agricultural activities where critical areas are present. This rule-making effort will review court cases and best practices in regulating existing and new agricultural activities, and incorporate rules for the voluntary stewardship program.

This notice amends the preproposal statement of inquiry filed as WSR 16-13-134.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Commerce will develop the proposed rules utilizing an advisory committee that will including [include] the department of ecology, department of fish and wildlife and the Washington state conservation commission. The rule development process will also include local governments responsible for adopting critical areas ordinances and other interested parties.

Process for Developing New Rule: Commerce will coordinate rule development with state and local government stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Kuhta, growth management services unit, (509) 795-6884 or scott.kuhta@commerce.wa.gov. Interested parties may also sign up to receive information and participate in the formulation of proposed rules by contacting WACupdate@commerce.wa.gov.

January 10, 2017
Jaime Rossman
Rules Coordinator

amendments will improve clarity and update policy. In accordance with ESSB 6052, section 205, 64th legislature (2015) and SSA-authorized state plan amendments, these amendments offer SSP to clients who received prevocational services as of September 1, 2015. A state plan amendment was authorized by the Social Security Administration which added prevocational legacy as an SSP payment. In order to keep in compliance with the state plan, these rules are being updated. In addition, the federal government requires that the department meet the SSP maintenance of effort (MOE). These rule changes are necessary to meet MOE and to prevent risk of losing federal funding by jeopardizing the medic-aid program.

Prevocational services do not meet the CMS federal requirements as an integrated setting. SSP prevocational legacy will allow DDA clients to transition from prevocational services, which do not meet CMS requirements to access services in an integrated setting. SSP prevocational legacy may be used to purchase needed services, such as respite, and other community services. Amendments help the welfare of individuals transitioning from prevocational services to more integrated community services, and allow clients to more easily remain in the community setting, and less likely to enter into an institutional setting.

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 Chantelle Diaz, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 407-1581, fax (360) 407-0955, TTY 1-800-833-6388, email DiazCM1@dshs.wa.gov.

January 10, 2017
Katherine I. Vasquez
Rules Coordinator

WSR 17-03-066

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed January 10, 2017, 2:50 p.m.]

Subject of Possible Rule Making: The department is proposing to amend chapter 388-827 WAC, State supplementary payment program, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120, 71A.12.140, 74.39-010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is amending chapter 388-827 WAC, State supplementary payment program (SSP). These

WSR 17-03-072

PREPROPOSAL STATEMENT OF INQUIRY

LIQUOR AND CANNABIS

BOARD

[Filed January 11, 2017, 1:00 p.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (WSLCB) is considering rule changes related to packaging and labeling, accompanying materials, warning statements, and other related rule changes.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions are needed for rules related to packaging and labeling of marijuana products that seek to improve label clarity and readability, promote public health and safety regarding the use of marijuana prod-

ucts, reduce the risk of marijuana poisonings, and better educate consumers, including streamlining and clarifying accompanying materials. Changes will be proposed to clarify, streamline, and make necessary changes to packaging and labeling rules, rules related to warnings, and may address servings and transaction limits adjustments, definitions, and other related rule changes. Both substantive and technical changes will be part of this rule-making effort.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSLCB may consult with the Washington state department of health and the Washington state department of agriculture as needed.

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 Joanna Eide, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, rules@lcb.wa.gov, (360) 664-1622, fax (360) 664-9689.

January 11, 2017
Jane Rushford
Chair

WSR 17-03-075

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed January 11, 2017, 2:23 p.m.]

Subject of Possible Rule Making: New rules for achieving a better life experience (ABLE) accounts including revisions to WAC 182-509-0320 MAGI income—Noncountable income, 182-512-0050 SSI-related medical—General information, 182-512-0550 SSI-related medical—All other excluded resources, 182-512-0860 SSI-related medical—Income exclusions under federal statute or other state laws, chapter 182-527 WAC, Estate recovery and predeath liens, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; ESHB 2323, chapter 39, Laws of 2016, 64th legislature, 2016 regular session; SSB 6210, 64th legislature, 2016 regular session; HR 647 - Achieving a Better Life Experience (ABLE) Act of 2014.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are necessary to implement ESHB 2323 Individuals with disabilities—Savings and investments—ABLE Act. An ABLE account allows blind or disabled clients to save funds in tax-advantaged accounts for their disability-related expenses. The agency is amending additional WAC sections to support the implementation of this program. These changes include adding assets held in an ABLE account to the list of resource exclusions when determining eligibility, adding the distributions from an ABLE account for qualifying expenses to the list of income exclusions for identifying countable income when

determining eligibility, and adding that contributions up to the specified annual amount and earnings on an ABLE account are not counted when determining eligibility. 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: Centers for Medicare and Medicaid Services and 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 Katie Pounds, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, email Katherine.pounds@hca.wa.gov.

January 11, 2017
Wendy Barcus
Rules Coordinator

WSR 17-03-076

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed January 11, 2017, 2:47 p.m.]

Subject of Possible Rule Making: Changes to the Washington department of fish and wildlife's (WDFW) Puget Sound commercial salmon fishing rules, resulting from North of Falcon recommendations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Puget Sound commercial salmon fishing rules are based on North of Falcon recommendations that change from year to year to reflect resource availability and to achieve conservation goals. Rule amendments to Puget Sound commercial salmon fishing rules are needed to implement the agreed-upon changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA fisheries and the National Marine Fisheries Service. These agencies, as well as WDFW, the Pacific Fisheries [Fishery] Management Council, and the Pacific Salmon Commission, all provide input and/or take part in the North of Falcon meetings and recommendations.

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 Kirt Hughes, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2705, fax (360) 902-2158, email Kirt.Hughes@

dfw.wa.gov. Contact by February 24, 2017. Expected proposal filing on or after March 1, 2017.

January 10, 2017
Scott Bird
Rules Coordinator

47200, Olympia, WA 98504-7200, (360) 725-6306, becky.mclean@k12.wa.us.

January 17, 2017
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 17-03-082
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed January 12, 2017, 12:55 p.m.]

The department of health is withdrawing the preproposal statement of inquiry files [filed] as WSR 15-22-073, because the underlying statute, RCW 69.70.060, was amended in 2016 removing the directive for the department to adopt rules. See ESHB 2458 (chapter 43, Laws of 2016). Anyone with questions about this withdrawn notice may contact Andy Fernando at the department of health, health systems quality assurance division, (360) 246-4692 or Andres.Fernando@doh.wa.gov.

The pharmacy quality assurance commission has filed a preproposal notice, WSR 16-21-041, to consider creating a new chapter regarding the donation of prescription drugs to develop rules implementing other provisions of ESHB 2458. Anyone with questions about the commission's rule development regarding ESHB 2458 may contact Rich Cieslinski, pharmacy quality assurance commission rules coordinator, at (360) 236-4834 or Rich.Cieslinski@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

WSR 17-03-103
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed January 17, 2017, 10:15 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.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 392-121-182 requires updating to clarify school districts' assessment responsibilities for alternative learning experience part-time enrolled students. Other housekeeping changes may be made.

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, P.O. Box

WSR 17-03-106
PREPROPOSAL STATEMENT OF INQUIRY
COMMUNITY COLLEGES
OF SPOKANE

[Filed January 17, 2017, 10:57 a.m.]

Subject of Possible Rule Making: Amend chapter 132Q-10 WAC, Standards of conduct for students.

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 clarify existing rules and incorporate language from state regulations and federal guidance. Other WAC chapters may need to be updated as a result of this rule making.

Process for Developing New Rule: Community Colleges of Spokane (CCS) welcomes students, employees, and the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, CCS will file with the office of the code reviser a notice of proposed rule making with the formal text. A copy of the proposal will be posted on the CCS internet site (www.ccs.spokane.edu/about-ccs/rulemaking).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John O'Rourke, Mailstop 1006, P.O. Box 6000, Spokane, WA 99217-6000, email John.O'Rourke@ccs.spokane.edu.

January 17, 2017
John O'Rourke
Grants and Contracts Manager

WSR 17-03-108
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Occupational Therapy Practice Board)

[Filed January 17, 2017, 11:26 a.m.]

Subject of Possible Rule Making: WAC 246-847-080 Examinations, 246-847-135 Standards of supervision, and 246-847-150 Supervised fieldwork experience—Occupational therapy assistants. The occupational therapy practice board (board) is considering amending these sections of rule to create rule language that is consistent in all sections of the chapter.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 18.59.130 allows the

board to administer, coordinate and enforce the chapter. The board has a number of sections open under WSR 15-20-072 and is proposing to open additional sections in a new rule package to revise language for the examinations, standards of supervision and supervised fieldwork sections. This additional proposed rule package with revised rule language may help to more fully align work being done in other open sections and ensure consistency in rule language.

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. The board will hold one or more public workshops that will offer audience participation via webinar. Department staff will send notification of workshops to interested parties and the occupational therapy listserv. You may contact Kathy Weed, program manager, for more information at (360) 236-4883 or Kathy.weed@doh.wa.gov.

January 17, 2017
Beth Rollinger, OT, Chair
Occupational Therapy Practice Board

way we calculate employer rates, our reporting requirements, or how we classify businesses.

As part of this rule making, the department also intends to review these chapters as required by SSB 5679 (chapter 30, Laws of 2013 2nd sp.s.) to make changes where possible to reduce the regulatory burden on employers insured with the state fund.

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: Labor and industries will solicit input from the business community by way of the internet. Labor and industries will use input to formulate proposed changes to the existing rules and advise customers of future rule making by the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Employers can obtain information on our rule-making process at <http://www.lni.wa.gov/LawRule/ruleProcess.asp> and can submit comments electronically to JoAnne. Attwood@lni.wa.gov, by calling (360) 902-4777, or by fax (360) 902-5830.

January 17, 2017
Joel Sacks
Director

WSR 17-03-110

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed January 17, 2017, 11:35 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for workers' compensation insurance and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

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: Chapters 296-17 and 296-17A WAC establish how employers are required to report and pay industrial insurance premiums.

The department intends to review these chapters and make revisions to:

- Correct typographical and other errors (such as invalid telephone numbers and out-of-date references),
- Revise wording and formatting to make the rules easier to understand and apply, and
- Incorporate and formalize existing agency practices (such as expressly including in a risk classification employment that the department currently includes by interpretation or analogy).

The purpose of this rule making is not to make substantive changes to how the department classifies employment, but to review and revise the classification plan to ensure it is clear and understandable. These changes will not change the

WSR 17-03-114

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF EARLY LEARNING

[Filed January 17, 2017, 2:28 p.m.]

Subject of Possible Rule Making: Revisions to chapter 170-290 WAC, Working connections and seasonal child care subsidy programs. Specific subjects may include, but are not limited to, subsidy rates, subsidized child care providers' responsibilities, and audit procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.060, 43.215.070, chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of early learning (DEL) must amend subsidy program rules to incorporate changes to base rates as well as days for which a provider may receive payment when child care is not provided. Subsidy program rules will also be amended to better clarify audit procedures. Amendments are necessary to incorporate changes negotiated between Washington state and SEIU Local 925, representative of family child care licensees, in 2017-19 collective bargaining agreement. (Rule making is contingent upon the CBA being funded in the state's 2017-19 operating budget.)

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DEL plans to coordinate rule development with the Washington state department of social and health services, with whom DEL partners with to administer the working

connections child care and seasonal child care subsidy programs.

Process for Developing New Rule: Negotiated rule making; and to the extent practicable, DEL intends to seek stakeholder and public input during the rule drafting and development process. At a later date, DEL will file proposed rules, hold a public hearing(s), and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at rules@del.wa.gov, fax (360) 725-4925, or by writing to Rules Coordinator, DEL, P.O. Box 49070, Olympia, WA 98504-0970.

January 17, 2017
Lori Anderson
Rules Coordinator

WSR 17-03-115
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Division of Banks)

[Filed January 17, 2017, 2:51 p.m.]

Subject of Possible Rule Making: Propose and adopt rules amending chapter 208-512 WAC to modernize securities investment standards for state-chartered banks as required under federal law, Section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).

Propose and adopt rules amending chapter 208-512A WAC derivative lending limit rules for federal parity with the Office of Comptroller of the Currency as cited in 12 C.F.R. Parts 32, 159 and 160.

Propose and adopt a technical cleanup, modernization, or repeal of certain outdated or inapplicable sections of chapters 208-512 and 208-512A WAC. Amendments will be made to change citations from "Title 30" to "Title 30A" stemming from recodification of the Commercial Bank Act, 2014 c 37 § 1-701.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 208-512 WAC authority: RCW 43.320.040, 43.320.050, 30A.04.030, 30B.04.020, and Section 939A of the Dodd-Frank Act.

Chapter 208-512A WAC authority: RCW 43.320.040, 43.320.050, 30A.04.030, 30A.04.111, 30A.04.215, 30A.08-140, 30B.04.020, and 32.08.157. Complies with OFM Guidance 3.a. and e.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are either (1) required by federal law, or (2) beneficial for, and requested by, regulated entities to eliminate rule provisions superseded by subsequent federal and state statutes, rules, and regulations.

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: 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 Ali Higgs, Chief of Regulatory and Trust Affairs for the Division of Banks, Department of Financial Institutions, P.O. Box 41200, Olympia, WA 98504, phone (206) 639-6054, email ali.higgs@dfi.wa.gov.

January 17, 2017
Roberta Hollinshead
Division of Banks Director

WSR 17-03-117
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed January 17, 2017, 3:53 p.m.]

Subject of Possible Rule Making: Chapter 16-350 WAC, Registration and certification of fruit tree planting stock, the department is considering adopting changes to the fruit tree planting stock rule to recognize the Clean Plant Center Northwest as the primary foundation source for the program, to align program terminology with that of the National Clean Plant Network (NCPN) fruit tree state level model regulatory standard, to modify the eligibility requirements for registered *Prunus* trees, and clarify eligibility requirements for imported propagation material.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.14.015 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: NCPN was created in 2008 to protect specialty crops from the spread of economically harmful, graft-transmissible plant viruses and pathogens. Its mission is to maintain foundation planting stock (G1) at clean plant centers around the United States and to provide this virus-tested stock to nursery growers. Virus and disease free planting stock offers potential for higher crop yields and better crop quality, maintaining the competitiveness of United States fruit and produce in the global marketplace.

The Washington state department of agriculture's (WSDA) fruit tree planting stock certification program builds on the NCPN mission by ensuring Washington certified nurseries provide clean planting stock for cherry and pome fruit orchard production. Modifying our certification program rules will facilitate the use of tissue culture to propagate registered stool beds and allow growers to propagate generation 3 (G3) *Prunus* trees from generation 2 (G2). Adopting international terminology for defining the relationship of registered and certified stock to foundation material clarifies and standardizes our program with the NCPN vision and a nationally recognized model.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, WSDA, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, email bwhite@agr.wa.gov; or Cindy Cooper, Plant Services Program Manager, Plant Protection Division, WSDA, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, email Ccooper@agr.wa.gov.

January 17, 2017
Brad White
Assistant Director

eral agency directly affected by the federal rule. RFGPTS are subject to the requirements set forth by WSDOT as it implements its SSO program.

Process for Developing New Rule: Negotiated rule making; and WSDOT will ensure state rule is in alignment with the requirements of federal rule. FTA will be reviewing revisions and providing their concurrence.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Flood, Transit Safety Oversight Manager, Public Transportation Division, WSDOT, floodm@wsdot.wa.gov, (206) 902-8110.

January 18, 2017
Kara Larsen, Director
Risk Management and Legal Services

WSR 17-03-121

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed January 18, 2017, 9:54 a.m.]

Subject of Possible Rule Making: Chapter 468-550 WAC was adopted to comply with 49 C.F.R. Part 659 which requires the state of Washington to oversee and manage a state safety oversight (SSO) program for rail fixed guideway public transportation systems (RFGPTS). Effective April 16, 2016, 49 C.F.R. Part 659 has been superseded by 49 C.F.R. Part 674 which sets forth additional requirements for SSO programs. Revisions to existing chapter 468-550 WAC are therefore necessary to ensure our state code continues to be aligned with federal requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SB 6358 (passed March 4, 2016) revised the following RCW to align with 49 C.F.R. Part 674: RCW 35.21.228, 35A.21.300, 35.57A.170, 36.01.210, 36.57.120, 81.104.115, and 81.112.180. Specifically these RCW direct the department to oversee and audit safety programs for RFGPTS and state that the department may adopt rules to further establish its oversight role.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions are required for the state's SSO program to become certified by the Federal Transit Administration (FTA) as compliant with 49 C.F.R. Part 674. If certification is not obtained by April 15, 2019, the FTA will be prohibited from obligating federal financial assistance apportioned under 19 U.S.C. 5338 to any entity in the state that is otherwise eligible to receive it. By law, FTA will be unable to extend the April 15, 2019, deadline.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of transportation (WSDOT) is the sole state agency affected by this rule and subject to the requirements of 49 Part 674 or by the prior Part 659. FTA through its Office of Transit Review is the sole fed-