

WSR 18-07-004**PREPROPOSAL STATEMENT OF INQUIRY
PARAEDUCATOR BOARD**

[Filed March 8, 2018, 1:56 p.m.]

Subject of Possible Rule Making: Chapter 179-21 WAC, Authority, introductions to the policy and roles of the paraeducator board as determined in statute.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.203, 28A.410.062, 28A.630.400, 28A.660.040, 28A.660.042, and 28B.50.891.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Career ladder options for paraeducators.

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 David Brenna, 600 Washington Street, Olympia, WA 98504, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, web site www.pesb.wa.gov.

March 8, 2018
David Brenna
Senior Policy Analyst

WSR 18-07-005**PREPROPOSAL STATEMENT OF INQUIRY
PARAEDUCATOR BOARD**

[Filed March 8, 2018, 2:07 p.m.]

Subject of Possible Rule Making: Chapter 179-15 WAC, Authority, introductions to the policy and roles of the paraeducator board as determined in statute.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.203, 28A.410.062, 28A.630.400, 28A.660.040, 28A.660.042, and 28B.50.891.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Special education certificate requirements.

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 David Brenna, 600 Washington Street, Olympia, WA 98504, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, web site www.pesb.wa.gov.

March 8, 2018
David Brenna
Senior Policy Analyst

WSR 18-07-024**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

(Securities Division)

[Filed March 9, 2018, 2:41 p.m.]

Subject of Possible Rule Making: The securities division is soliciting comments on the possible amendment of the investment adviser rules in chapter 460-24A WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.005, 21.20.020, 21.20.030, 21.20.040, 21.20.050, 21.20.060, 21.20.070, 21.20.080, 21.20.100, 21.20.330, 21.20.340, 21.20.450, 21.20.702.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The securities division is considering possible amendments to the investment adviser rules in chapter 460-24A WAC. Potential amendments include the adoption of a requirement for cybersecurity policies and procedures, the adoption of a requirement for an investment adviser code of ethics consistent with the United States Securities and Exchange Commission (SEC) rules, the codification of existing interpretive and policy statements, an update of the definition of "qualified client" to conform to the federal definition, and other clarifications, updates, or corrections.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: SEC regulates investment advisers and requires the registration of investment advisers that have \$100 million or more of assets under management. The securities division regulates investment advisers under the Securities Act of Washington, chapter 21.20 RCW, and requires registration of those that do business in our state with less than \$100 million in assets under management. The securities division periodically reviews its investment adviser rules for consistency with federal rules, but in doing so considers the differences between the smaller advisers that register at the state level and the larger advisers that register with SEC.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jill Valley, Esq., P.O. Box 9033, Olympia, WA 98507, phone 360-902-8801, fax 360-704-7035, TTY 360-664-8126 or 360-902-8824, email jill.valley@dfi.wa.gov, web site <https://www.dfi.wa.gov/sd/rule-making>.

March 9, 2018
William M. Beatty
Securities Administrator

WSR 18-07-037**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

[Filed March 13, 2018, 1:05 p.m.]

Subject of Possible Rule Making: Certification of election administrators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.630.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Improve the certification process for election administrators.

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, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4146, fax 360-664-4619, email sheryl.moss@sos.wa.gov, web site vote.wa.gov; or Miriam Campbell, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4165, fax 360-664-4619, email miriam.campbell@sos.wa.gov, web site vote.wa.gov.

March 13, 2018

Mark Neary
Assistant Secretary of State

WSR 18-07-038**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

[Filed March 13, 2018, 1:05 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 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, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4146, fax 360-664-4619, email sheryl.moss@sos.wa.gov, web site vote.wa.gov; or Miriam Campbell, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4165, fax 360-664-4619, email miriam.campbell@sos.wa.gov, web site vote.wa.gov.

Additional comments: Rules must be jointly adopted by the secretary of state and the election administration and certification board.

Mark Neary
Assistant Secretary of State

WSR 18-07-056**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed March 15, 2018, 10:20 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-400-0060 Who is eligible for aged, blind or disabled (ABD) cash assistance?, 388-400-0070 Who is eligible for referral to the housing and essential needs (HEN) program?, 388-447-0001 What are the incapacity requirements for referral to the housing and essential needs (HEN) program?, 388-447-0040 Progressive evaluation process step II—How does the department determine the severity of mental impairments?, 388-447-0060 Progressive evaluation process step IV—How does the department determine the severity of multiple impairments?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.040.055 [74.04.055], 74.04-057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments are necessary to comply with changes mandated by ESHB 2667 (2018 legislative session). These amendments expand eligibility criteria for a referral to the HEN program and clarify the eligibility process to support this change.

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 Erik Peterson, P.O. Box 45440, Olympia, WA 98504-5470, phone 360-725-4622, email peterej@dshs.wa.gov.

March 15, 2018
Katherine I. Vasquez
Rules Coordinator

WSR 18-07-072**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed March 19, 2018, 8:54 a.m.]

Subject of Possible Rule Making: WAC 458-19-090 Fire protection district formation—Cities and towns—Highest lawful levy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.08.010, 84.08.070, 84.55.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-19-090 Fire protection district formation—Cities and towns—Highest lawful levy, is a new rule that explains the calculation of the highest lawful levy for cities and towns that create a fire protection district with the same corporate boundaries of the city or town. This new rule was written because of legislation passed in 2017 (ESSB 5628), that allows a city or town to form a fire protection district under these conditions, subject to voter approval.

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 this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or by giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Mullin, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1589, fax 360-534-1606, TTY 800-833-6384, email LeslieMu@dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Leslie Mullin using one of the contact methods above. Written and oral comments will be accepted at the public meeting, on April 25, 2018, at 10:00 a.m., in Conference 252, 6400 Linderson Way S.W., Tumwater, WA 98501.

March 19, 2018
Erin T. Lopez
Rules Coordinator

WSR 18-07-075
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed March 19, 2018, 12:09 p.m.]

Subject of Possible Rule Making: WAC 363-116-0751 Qualifications for pilot applicants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering changes to the qualifications for pilot applicants to include a category specifically for articulated tug barge and expansion of the qualification chart to include the substitutions listed in subsection (2) of the WAC for clarity, in preparation of future marine pilot exams.

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

Process for Developing New Rule: The board will be considering revised amendments to this rule and will be discussing them in regular session board meetings. Stakeholder comments are welcome. Upon further review and consideration of recommended revisions, a public hearing will be

scheduled to consider the proposed new rule pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jaimie Bever, Executive Director, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone 206-515-3887, fax 206-515-3906, email BeverJ@wsdot.wa.gov, web site www.pilotage.wa.gov.

March 19, 2018
Jaimie C. Bever
Executive Director

WSR 18-07-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed March 19, 2018, 12:51 p.m.]

Subject of Possible Rule Making: The department is planning to amend sections in chapter 388-14A WAC dealing with the establishment of administrative child support orders including WAC 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not at issue, 388-14A-3140 What can happen at a hearing on a support establishment notice?, and other related rules as may be required. If needed to carry out the intent of this rule-making project, the department may also adopt new sections in chapter 388-14A WAC.

This [pre]proposal is intended to clarify the rules regarding the type of evidence of parentage required in administrative establishment notices and in administrative hearings related thereto, regarding a child support obligation for a child who was born outside of Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.050, 43.20A.550, 74.08.090, 74.20A.-310, 74.20A.055, 74.20A.056.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of child support (DCS) seeks to clarify the type of evidence of parentage required when establishing an administrative child support obligation for a child born to unmarried parents who filed a paternity acknowledgment or affidavit of paternity in another state and by that state's laws paternity is therefore conclusively established. In recognition of changes of the laws concerning parentage, DCS seeks to update language in chapter 388-14A WAC so that references to "paternity" will also refer to "parentage."

Under RCW 74.20A.055 and 74.20A.056, DCS may serve a notice and finding of financial responsibility (NFFR) or a notice and finding of parental responsibility (NFPR) on a noncustodial parent (NCP) when the NCP is a legal parent of the child and there is not already an order setting or specifically relieving a support obligation for the NCP.

WAC 388-14A-3102 sets out the procedure for determining which administrative child support establishment notice is used, depending on the facts of a particular case. When the parents of a child born outside of Washington

state have established paternity by filing a paternity acknowledgment or affidavit of paternity, DCS uses either an NFFR or NFPR depending on when and where the acknowledgment or affidavit was filed.

WAC 388-14A-3115 sets out the rules for determining whether an NCP is a legal parent of a child. DCS may serve an NFFR if the parents filed a paternity acknowledgment or affidavit of paternity in another state and paternity is therefore conclusively established under that state's laws. The language in the current rule is ambiguous about what evidence is acceptable proof of the conclusive establishment of parentage in another jurisdiction. This ambiguity impacts administrative hearings held on administrative support establishment notices. Some but not all administrative law judges interpret the rule to require them to dismiss the administrative notice, which then requires DCS and/or the parties to go through a lengthier and costlier support establishment process in superior court. This results in inconsistent treatment of cases not only across the state but sometimes even within the same field office of the office of administrative hearings. Because this ambiguity exists, DCS proposes to amend the rules to address in-state acknowledgments and affidavits and out-of-state ones in separate parts of the rule.

In addition, DCS proposes to amend WAC 388-14A-3140 to add a subsection clarifying the findings to be made by an administrative law judge in an administrative support establishment proceeding when parentage of a child is conclusively established under another state's acknowledgment or affidavit process.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS/DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.childsupportonline.wa.gov or on the DSHS economic services administration's *Policy Review* web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>.

Rule-making forms and draft rules for the department of social and health services may also be found on the DSHS *Filings and Rules* page at <https://www.dshs.wa.gov/sesa/rpau/filings-and-rulings>.

DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, HQ, P.O. Box 9162, Olympia, WA 98507-9162, phone 360-664-5065, fax 360-664-5342, TTY 1-800-833-6384, email nkoptur@dshs.wa.gov, web site www.childsupportonline.wa.gov.

March 19, 2018
Katherine I. Vasquez
Rules Coordinator

WSR 18-07-078

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Economic Services Administration)

[Filed March 19, 2018, 1:00 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-444-0040 Can I volunteer for an unpaid work program in order to meet the work requirements under WAC 388-444-0030?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.04.500, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is planning to amend rules concerning able-bodied adults without dependents to incorporate the annual update to Washington's supplemental nutrition assistance program (SNAP) state plan, including time limits, work requirements, and applicable waivers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Services (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will amend rules that are consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

The state legislature authorizes the department to administer SNAP and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington basic food program.

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 Holly St. John, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-4570, phone 360-725-4895, fax 360-725-4905, email stjohhc@dshs.wa.gov.

March 19, 2018
Katherine I. Vasquez
Rules Coordinator

WSR 18-07-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Long-Term Support Administration)

[Filed March 19, 2018, 1:10 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-97-4425 Notice—Service complete, 388-97-4430 Notice—Proof of service, 388-97-4440 Appeal rights, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.620.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to WAC 388-97-4425 and 388-97-4430 will clarify that notices can be delivered and that proof of service can be obtained electronically through the federal web site.

Reports or notices regarding deficiencies cited under the Washington Administrative Code (WAC) are now delivered to facilities through a federal web site. Amendment of WAC 388-97-4440 will clarify the nursing home's right to appeal WAC deficient findings under the state appeal process, regardless of the delivery method of the deficiency report.

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 department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Herke, Nursing Home Policy Program Manager, P.O. Box 45600, Olympia, WA 98504, phone 509-225-2819, fax 360-438-7903, email lisa.herke@dshs.wa.gov.

Additional comments: Draft section language will be posted on aging and long-term support administration's professional internet web page for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the program manager listed above via phone, email or fax.

March 19, 2018
 Katherine I. Vasquez
 Rules Coordinator

WSR 18-07-089
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed March 20, 2018, 10:32 a.m.]

Subject of Possible Rule Making: Chapter 182-535 WAC, Dental-related services; chapter 182-535A WAC, Orthodontic services; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; SSB 5883, section 213 (1)(c), chapter 1, Laws of 2017.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is revising these rules to comply with legislation in SSB 5883 for providing dental services through managed care. The agency is also adding language in chapter 182-535 WAC for the coverage of teledentistry, as already allow [allowed] under WAC 182-531-1730.

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, phone 360-725-1346, fax 360-586-9727, TTY 1-800-848-5429, email katherine.pounds@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

March 20, 2018
 Wendy Barcus
 Rules Coordinator

WSR 18-07-091
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 20, 2018, 11:26 a.m.]

Subject of Possible Rule Making: Chapter 296-155 WAC, Safety standards for construction work.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.420, and 49.17.430.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed rule making, relating to crane decertification and reinstatement, is intended to provide clarity on the department's interpretation of these requirements. There has been documented confusion about when crane reporting and deactivation is required. These proposed changes would clarify what activities are covered, and will clearly state that damage to critical parts of the crane would require notification, rather than just implying it. The proposed language will also add crane tipovers as a reporting requirement, while the assumption is that a crane involved in a tipover would be given an inspection prior to returning to service. Additional [Additional] housekeeping changes will also be made.

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 Cynthia Ireland, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-5522, fax 360-902-5619, email cynthia.ireland@lni.wa.gov, web site www.lni.wa.gov.

March 20, 2018
Joel Sacks
Director

WSR 18-07-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed March 20, 2018, 11:27 a.m.]

Subject of Possible Rule Making: Chapter 296-128 WAC, Minimum wages.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.46.005, 49.46.010, 49.46.120, and chapter 49.46 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Most employees covered by the Washington Minimum Wage Act must be provided a minimum wage, overtime for working above forty hours in a seven-day workweek, and paid sick leave. The Minimum Wage Act exempts some workers from these requirements. RCW 49.46.010 (3)(c) exempts any individual "employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesperson as those terms are defined and delimited by rules of the director [of the department of Labor & Industries (L&I)]." The department promulgated rules in 1976 for the executive, administrative, professional, and outside salesperson exemptions, defining salary thresholds and duties tests for an employee to be considered exempt from the Minimum Wage Act under RCW 49.46.010 (3)(c). The department later promulgated an additional professional computer employees exemption, WAC 296-128-535, and other clarifying rules in chapter 296-128 WAC, which could be subject to revisions during this rule making.

These exemption rules have been largely untouched since 1976, and currently exempt more workers than originally intended. Updating the rules would restore appropriate function to the exemption rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (U.S. DOL) administers the federal Fair Labor Standards Act and regulates federal minimum wage and overtime requirements, including similar exemptions. Any needed coordination will be done by the department through review of U.S. DOL regulations and guidance.

Process for Developing New Rule: The department will develop the rule language with input from interested parties.

For more information on this rule making, visit L&I's web site at www.lni.wa.gov or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joshua Grice, P.O. Box 44000, phone 360-902-6711, fax 360-902-5300, TTY 1-800-833-6388, email EAPRules@lni.wa.gov, web site www.lni.wa.gov.

March 20, 2018
Joel Sacks
Director

WSR 18-07-093
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
[Filed March 20, 2018, 1:09 p.m.]

Subject of Possible Rule Making: WAC 182-552-1000 Respiratory care—Covered—Respiratory and ventilator equipment and supplies; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is revising this section to (1) clarify the clinical criteria for the rental of a back-up ventilator; (2) revise the authorization requirements for ventilators; and (3) remove the outdated clinical criteria for ventilators for clients seventeen years of age and younger.

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 Vance Taylor, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, TTY 1-800-848-5429, email vance.taylor@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

March 20, 2018
Wendy Barcus
Rules Coordinator

WSR 18-07-094
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
[Filed March 20, 2018, 1:40 p.m.]

Subject of Possible Rule Making: Amending WAC 326-02-030 Definitions and chapter 326-20 WAC, Certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.19.030 and 39.19.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of minority and

women's business enterprises (OMWBE) proposes to amend rules in chapters 326-02 and 326-20 WAC to eliminate unnecessary requirements and restrictions for state certification.

Process for Developing New Rule: OMWBE welcomes input from customers, stakeholders and members of the public. Anyone interested should contact the staff person identified below. At a later date, OMWBE will file a notice of proposed rule changes with the office of the code reviser. A copy of the proposal will be sent to persons on the agency's rule-making notice 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 Mark Kifowit, P.O. Box 41160, Olympia, WA 98504, phone 360-664-9750, fax 360-407-0955, email markk@omwbe.wa.gov, web site www.omwbe.wa.gov.

March 20, 2018
Mark Kifowit
Assistant Director of Policy

WSR 18-07-095
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Division of Consumer Services)
[Filed March 20, 2018, 1:49 p.m.]

Subject of Possible Rule Making: Amending the rules (chapter 208-620 WAC) under the Consumer Loan Act (chapter 31.04 RCW).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040, 31.04.165, sections 6(7) and 7, chapter 62, Laws of 2018. Proposed in compliance with OFM Guidance 3.a. dated October 12, 2011.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules must be amended to implement chapter 62, Laws of 2018, to add student education loan servicing and student education loan servicers to those activities and persons regulated under the Consumer Loan Act. Student education loan servicing will have a number of consumer protections and the agency will be able to monitor servicers' activities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education. As Washington law allows and when federal regulations provide adequate consumer protection and guidance to the industry, the department of financial institutions (DFI) insures that state regulations are consistent with the federal regulations.

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 Sara Rietcheck, P.O. Box 41200, Olympia, WA 98504-1200, phone 360-902-8793, email sara.rietcheck@dfi.wa.gov, web site www.dfi.wa.gov. Sign up for

the GovDelivery email subscription system from the DFI web site. Access the rule-making page on the DFI web site.

March 20, 2018
Charles Clark, Director
Division of Consumer Services

WSR 18-07-097
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
[Filed March 20, 2018, 2:20 p.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 18-04-054 on February 1, 2018, and distributed in the 18-04 State Register.

Wendy Barcus
Rules Coordinator

WSR 18-07-103
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION
[Filed March 21, 2018, 7:13 a.m.]

Subject of Possible Rule Making: WAC 352-44-060, updating recreational conveyances standards, adopting an effective date for ANSI B77.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.40.090 Rules and codes.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: At the current time there is no date listed when we adopt and enforce new safety standards under ANSI B77. Adding in an effective date of one year removes ambiguity and brings Washington state parks in alignment with the United States Forest Service (USFS) effective date, and other codes effective date.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USFS requested we add in an effective time. Presently there is no date listed, causing uncertainty. The update adding an effective date for clarity, and consistency between Washington state parks and USFS removes the uncertainty of when the standard will be enforced.

Process for Developing New Rule: Agency study; and USFS requested that the effective dates be set so there is consistency between state parks and USFS dates.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nata Jo Hurst, 1111 Israel Road S.W., Tumwater, WA 98501-6512, phone 360-902-8638, fax 360-586-0207, TTY 1-800-833-6388, email nata.hurst@parks.wa.gov, web site <http://parks.state.wa.us/>.

March 21, 2018
Valeria Evans
Management Analyst

WSR 18-07-109
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY

[Filed March 21, 2018, 9:49 a.m.]

Subject of Possible Rule Making: Washington's lottery proposes revisions to the following WAC 315-34-057 (1), (2)(a)(i), (3); 315-38-090 (3)(a), (4); 315-02-130; 315-06-040. These revisions correct the Lotto prize claim and payment methods, the jackpot prize claiming options available just prior to ticket validation (these choices include either the cash option or the annuity option), remove language that is no longer applicable, and add language in relation to second chance drawing promotions publications of odds, and advertisements for multiple games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 67.70 RCW and RCW 67.70.040 (1), (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery gaming system requires a payment option choice before a lottery ticket can be validated. The existing WAC allows for a choice after validation of the ticket. Lottery cannot change the existing gaming system without great cost to the state. Additionally, the lottery commission is proposing to revise WAC 315-12-130 and 315-06-040 to better conform to current agency practices. Therefore, the above referenced revisions to the Lotto prize claim and payment method, WAC 315-34-057 Jackpot prize payments, 315-38-090 Employee of the commission defined, 315-02-130 and 315-06-040 Disclosure of probability of purchasing a winning ticket, are necessary.

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 Audrey Price, P.O. Box 4300 [43000], Olympia, WA 98504-3000, phone 360-701-6672, fax 360-515-0416, email APrice@walottery.com, web site www.wa.lottery.com.

March 16, 2018
 Audrey Price
 Legal Assistant

WSR 18-07-110
PREPROPOSAL STATEMENT OF INQUIRY
OLYMPIC COLLEGE

[Filed March 21, 2018, 10:17 a.m.]

Subject of Possible Rule Making: Updates to rules regarding animals on campus.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this policy is to update existing rules and clarify regulation regarding the control of animals on and in all campuses and buildings

owned or controlled by Olympic College and how to deal with conflicts that may arise.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The law against discrimination governing service animals is addressed by RCW 49.60.215 and [49.60].218, the federal Americans with Disabilities Act and the Fair Housing Act.

Process for Developing New Rule: Agency study; and once drafted, review by president's cabinet and attorney general prior to review and adoption by 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 Kim Abel, Policy Development Coordinator, 1600 Chester Avenue, Bremerton, WA 98337, phone 360-473-2848, email kabel@olympic.edu.

March 21, 2018
 Kim E. Abel
 Public Records Manager and
 Policy Development Coordinator

WSR 18-07-111
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed March 21, 2018, 10:39 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests, the department is considering expanding the apple maggot quarantine area to include portions of Okanogan County.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.011 and 17.24.041, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The apple maggot is an invasive insect pest native to eastern North America. Its hosts include apples, crabapple, and native and ornamental Hawthorn. During the larval stage, apple maggot can cause extensive damage to fruit. It is also economically significant to the Washington's apple industry because fruit from the pest-free areas has greater access to international markets. See the pest risk analysis dated April 30, 2016, commissioned by the Washington state department of agriculture (WSDA) https://agr.wa.gov/PlantsInsects/InsectPests/AppleMaggot/docs/FINAL_PRA_30_4_2016_2.pdf.

The department is considering a recommendation by the apple maggot working group to include the Methow Valley north of Gold Creek in Okanogan County as part of the quarantine area. Recent apple maggot surveys provide evidence that the state's apple maggot population has expanded its range into portions of the county. Changes to the existing rule may better protect the apple industry by slowing possible movements of apple maggot from infested areas into the pest-free area, and by securing access to international and interstate markets.

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 including the apple industry, United States Department of Agriculture, Washington State University, county pest boards, public works and all municipalities in the proposed quarantine areas. 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, TTY 800-833-6388 or 711, email bwhite@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>; or Jim Marra, Pest Program Manager, Plant Protection Division, WSDA, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2071, fax 360-902-2094, TTY 800-833-6388 or 711, email JMarra@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>.

March 21, 2018
Brad White
Assistant Director

WSR 18-07-115
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed March 21, 2018, 11:25 a.m.]

Subject of Possible Rule Making: WAC 392-700-035 Student eligibility, 392-700-042 Program operating agreements and OSPI approval, 392-700-065 Instruction, 392-700-137 Award of credit, 392-700-155 Annual reporting calendar, and 392-700-175 Required documentation and reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.175.115.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering revising WAC 392-700-155 and related rules for the purpose of increasing the annual hours of instruction that must be provided by open doors programs from nine hundred to one thousand beginning with the 2018-19 school year as required under RCW 28A.150.260.

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, OSPI Enrollment Supervisor, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6306, fax 360-664-3683, TTY 360-664-3631, email becky.mclean@k12.wa.us, web site k12.wa.us.

March 20, 2018
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 18-07-116
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed March 21, 2018, 11:25 a.m.]

Subject of Possible Rule Making: WAC 392-140-973 Finance—Special Allocations—Salary bonus for teachers and other certificated staff who hold current certification by the national board—Eligibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1), 28A.405.415.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering adopting rules that would provide a common time frame with other school apportionment processes to compile and calculate student poverty data for the purposes of the national board bonus for instructional assignment in challenging, high poverty schools.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Bunda, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6308, fax 360-753-4201, TTY 360-664-3631, email ross.bunda@k12.wa.us, web site k12.wa.us.

March 20, 2018
Chris P. S. Reykdal
State Superintendent
of Public Instruction