

WSR 18-18-002
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY

[Filed August 22, 2018, 2:47 p.m.]

Subject of Possible Rule Making: WAC 4-30-062 How do I apply to take the CPA examination?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of accountancy proposes amending WAC 4-30-062 to: (1) Rename the rule; and (2) ACB works with its partner organizations including the National Association of State Boards of Accountancy and the American Institute of Certified Public Accountants to administer the certified public accountants (CPA) examination. The intent of this rule change is to accommodate the development of a continuously available examination process. Continuous testing will provide more flexibility and convenience for those individuals who seek licensure as CPAs in the state of Washington.

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

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 Charles E. Satterlund, CPA, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-586-0785, fax 360-664-9190, TTY 711, email customerservice@acb.wa.gov, web site www.acb.wa.gov.

August 22, 2018
Charles E. Satterlund, CPA
Executive Director

WSR 18-18-026
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 27, 2018, 10:14 a.m.]

The Washington department of fish and wildlife seeks to withdraw the preproposal filed under WSR 10-02-110 on January 6, 2010.

Scott Bird

WSR 18-18-028
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed August 27, 2018, 2:45 p.m.]

Subject of Possible Rule Making: State parks staff will review chapters 352-32, 352-12, 352-20, and 352-37 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 79A.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington state parks and recreation commission will conduct a review of the above chapters to update terminology, to reflect current practices, and to correct statutory authority.

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

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 Heather Colwell, Operations Division, 1111 Israel Road S.W., Olympia, WA 98504-2650, phone 360-902-8507, fax 360-586-0355, TTY 800-833-6388, email Heather.Colwell@parks.wa.gov.

August 27, 2018
Valeria Veasley
Management Analyst

WSR 18-18-033
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 28, 2018, 11:40 a.m.]

The Washington department of fish and wildlife seeks to withdraw the preproposal filed under WSR 09-14-078 on June 29, 2009.

Scott Bird

WSR 18-18-047
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 29, 2018, 1:59 p.m.]

The Washington department of fish and wildlife seeks to withdraw the preproposal filed under WSR 14-01-114 on December 18, 2013. This rule has been completed through another filing.

Scott Bird

WSR 18-18-048
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 29, 2018, 3:41 p.m.]

The Washington department of fish and wildlife seeks to withdraw the preproposal filed under WSR 13-20-100 on October 1, 2013.

Scott Bird

WSR 18-18-061
PREPROPOSAL STATEMENT OF INQUIRY
PARAEDUCATOR BOARD

[Filed August 30, 2018, 3:36 p.m.]

Subject of Possible Rule Making: Chapter 179-05 WAC, Standards of practice, paraeducators standards of practice as required by 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: Minimum standards for paraeducators to perform in the classroom.

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.

August 30, 2018
David Brenna
Senior Policy Analyst

WSR 18-18-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 31, 2018, 1:02 p.m.]

Subject of Possible Rule Making: Amendments for consideration to the elevator rules, chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators, and other conveyances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.87 RCW, Elevators, lifting devices, and moving walks.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On June 5, 2018, the department filed proposed rule amendments to the elevator rules (chapter 296-96 WAC) following a formal review of the rules and new safety code requirements from the 2016 edition of the American Society of Mechanical Engineers (ASME) and

other related codes (WSR 18-12-103). The proposed rules were developed using a technical advisory committee of diverse elevator stakeholder representatives and were reviewed and approved by the elevator safety advisory committee. The proposed rules included adoption of the 2015 ASME A17.3 safety codes for existing elevators and escalators. The ASME A17.3 code contains several provisions already adopted in existing requirements under chapter 296-96 WAC but also some new requirements.

On August 31, 2018, the department adopted only those provisions of ASME A17.3 that were consistent with existing requirements and decided to pursue adoption of the remaining provisions in this separate rule making to address concerns that elevator owners did not understand how the rule changes would affect them. Specifically, this rule making will consider amendments to the elevator rules, chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators, and other conveyances. The amendments for consideration would adopt additional requirements from the 2015 ASME A17.3 safety codes for existing elevators and escalators. The additional requirements include:

- ASME A17.3 requirement 2.7.6 Hoistway Emergency Door Contacts;
- ASME A17.3 requirement 3.3.5 Protection of Platforms Against Fire;
- ASME A17.3 requirement 3.10.7 Operating of Driving Machine;
- ASME A17.3 requirement 3.10.12 System to Monitor and Prevent Automatic Operation of the Elevator with Faulty Door Contact Circuits;
- ASME A17.3 requirement 3.11.3 Firefighter's Service;
- ASME A17.3 requirement 3.9.5 Piston Connections; and
- ASME A17.3 requirement 5.5.3 Adjacent Floor Surfaces.

This rule making allows the department to further engage in discussions with building owners and other interested parties on the impacts of adopting the additional requirements from ASME A17.3.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. All rule proposals will be reviewed by the elevator safety advisory committee.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Department of Labor and Industries, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@lni.wa.gov, web site www.lni.wa.gov.

August 31, 2018
Joel Sacks
Director

WSR 18-18-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 31, 2018, 4:35 p.m.]

Subject of Possible Rule Making: Chapter 246-453 WAC, Hospital charity care, the department of health (department) is considering revisions to this chapter to implement SHB [SSB] 6273 (chapter 263, Laws of 2018) regarding delineating charity care and notice requirements without restricting charity care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.170.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending chapter 246-453 WAC, Hospital charity care, to comply with SHB [SSB] 6273 that was enacted by the 2018 Washington state legislature. SHB [SSB] 6273 adds several definitions to RCW 70.170.020 that modify or replace definitions currently in chapter 246-453 WAC. SHB [SSB] 6273 also amends RCW 70.170.060 to create new opportunities for patients to apply for charity care that are not currently addressed in chapter 246-453 WAC. To be compliant with SHB [SSB] 6273 the rules may need to be revised.

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 by contacting Randall Huyck, P.O. Box 47853, Olympia, WA 98504-7853, phone 360-236-4210, fax 360-236-2830, TTY 360-833-6388 or 711, email Randall.Huyck@doh.wa.gov.

Additional comments: Notices will be emailed through GovDelivery (<https://public.govdelivery.com/accounts/WADOH/subscriber/new>) to the program's interested parties list. At the formal proposal stage of rule making, proposed rule language will be posted on the department's rules comments web site for public comment up to the date of the public hearing. Other information may be found at <https://www.doh.wa.gov/DataandStatisticalReports/HealthcareinWashington/HospitalandPatientData/HospitalPatientInformationandCharityCare>.

August 31, 2018
 John Wiesman, DrPH, MPH
 Secretary

WSR 18-18-081
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 4, 2018, 10:51 a.m.]

Subject of Possible Rule Making: Review of the electrical rules to consider amendments in chapter 296-46B WAC, Electrical safety standards, administration, and installation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations including RCW 19.28.031 and 19.28.251.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I), electrical program is performing a review of the electrical rules in chapter 296-46B WAC. The purpose of the review is to update and clarify existing rules, make house-keeping changes, accept stakeholder proposals, implement new legislation, and adopt the 2020 edition of the National Fire Protection Agency (NFPA) 70, the National Electrical Code (NEC) by reference with an effective date. The review process will provide Washington's electrical stakeholders the opportunity to review the existing rules, submit proposals and provide recommendations to the department regarding adoption of the rules.

ESHB 1952 (chapter 240, Laws of 2018), passed the legislature in 2018. ESHB 1952 authorizes incorporated cities and towns that conduct electrical inspections to enforce applicable electrical licensing and certification rules within their respective jurisdictions. The bill became effective June 7, 2018. Amendments are needed to implement the new statutory requirements.

SSB 6126 (chapter 249, Laws of 2018), passed the legislature in 2018. SSB 6126 requires completion of an apprenticeship program to qualify for examination to obtain a general journey level electrician certificate of competency. The bill takes effect July 1, 2023. Amendments are needed to clarify and implement the new apprenticeship requirements for apprentices or trainees in training or planning to begin training to become a general journey level electrician.

The 2020 NEC will be published by NFPA in August 2019. NEC sets the standard for safe electrical installations in homes, businesses, and institutions to protect people and property from hazards arising from the use of electricity. It provides the most up-to-date electrical safety requirements that impact electrical installations and is adopted in all fifty states. The program is considering adopting the 2020 edition of NEC by reference with an effective date of July 1, 2020 (*tentative*). Adopting the 2020 NEC at this time will give stakeholders advance notice of the effective date and more opportunity for review and comment on adoption of the 2020 NEC, prior to its publication and the department's review process. The program plans to begin its standard review process of the 2020 NEC next year. At that time, stakeholders will have the opportunity to submit proposals for changes to the new code requirements and make recommendations to the department on adoption of the rules prior to the effective date.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. All rule proposals will be reviewed by a technical advisory committee (TAC) and the electrical board.

L&I is seeking input from interested parties to be used in the formulation of the proposed electrical rules. Interested parties may submit rule proposals for additions and/or revisions to the rules from 12:01 a.m., September 5, 2018, to 11:59 p.m., October 19, 2018. The department is also appointing a general TAC made up of experts and interested group representatives to review and make recommendations on proposals from the electrical industry. Interested parties may submit an application to become a TAC member and participate in the rules development process from September 5, 2018, to October 19, 2018.

For more information on this rule making, visit the L&I web site at <http://www.lni.wa.gov/TradesLicensing/Electrical/LawRulePol/RuleDev/default.asp> or contact the individual below.

Interested parties can sign up for email updates at https://public.govdelivery.com/accounts/WADLI/subscriber/new?topic_id=WADLI_40.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, L&I, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, web site www.lni.wa.gov.

September 4, 2018
Joel Sacks
Director

WSR 18-18-088
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2018-13—Filed September 4, 2018, 4:17 p.m.]

Subject of Possible Rule Making: Charitable gift annuities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.38.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recent financial accounting rule changes, FASB ASU 2016-14, have changed the definition of what is considered unrestricted net assets for charities. The commissioner will consider adopting rules to update the accounting requirements for licensing in the state of Washington for charities offering charitable gift annuities to comply with this change in accounting rules.

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

Process for Developing New Rule: Submit written comments by October 19, 2018.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Tompkins, P.O. Box 40620, Olympia, WA 98504-0260, phone 360-725-7036, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, web site www.insurance.wa.gov.

September 4, 2018
Mike Kreidler
Insurance Commissioner

WSR 18-18-090
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed September 4, 2018, 4:28 p.m.]

I am withdrawing the CR-101 for R2017-04: Adjuster Licensing Requirements. The code reviser's office published this rule in WSR 17-13-079.

Our agency's reason for proposing the rule was to interpret the breadth of activities to be licensed under the definition of adjuster and to clarify education alternatives to adjuster training. As we progressed through the process for this proposed rule, we became aware that the broad language in RCW 48.17.010(1) that defines "adjuster" will not allow us to narrowly identify the role of adjusting in insurance claims. The statutory definition will need to be amended. As a result, our agency has decided to withdraw the CR-101 and engage with stakeholders to encourage proposing amending legislation.

We will contact stakeholders and make them aware of this withdrawal.

Mike Kreidler
Insurance Commissioner

WSR 18-18-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed September 5, 2018, 7:22 a.m.]

Subject of Possible Rule Making: Chapter 308-108 WAC, Driver training schools.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.82.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing (DOL) intends to revise chapter 308-108 WAC in accordance with ESHB 1481 passed during the 2017 session. DOL and the office of superintendent of public instruction (OSPI) developed a required curriculum as required in ESHB 1481 to be followed by school districts, private schools, and commercial driving schools. These rules will define the curriculum audit practices for commercial schools.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DOL will consult with OSPI for this rule making who is also doing rule making under WSR 18-13-102.

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 Loni Miller, Driver Training School Program Manager, DOL, P.O. Box 9027, Olympia, WA 98507-9027, phone 360-664-6692, fax 360-570-4976, TTY 711, email TSE@dol.wa.gov, web site dol.wa.gov/business/drivertraining; or Sirena Walters, Management Analyst, DOL, P.O. Box 9027, Olympia, WA 98507-9027, phone 360-664-6692, fax 360-570-4976, TTY 711, email TSE@dol.wa.gov, web site dol.wa.gov/business/drivertraining.

September 5, 2018
Damon Monroe
Rules Coordinator

WSR 18-18-094

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed September 5, 2018, 8:50 a.m.]

Subject of Possible Rule Making: The agency is proposing to revise multiple sections in several chapters of Title 182 WAC, Washington apple health rules to remove nonessential restrictions and limitations as required in SSB 5779. The agency is in the process of determining the specific chapters and sections that are affected.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5779, chapter 226, Laws of 2017, 65th legislature, 2017 regular session, RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To remove nonessential restrictions and limitations as required in SSB 5779.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services, the department of social and health services, the department of health.

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 Wendy Barcus, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, fax 360-586-9727, telecommunication relay services 711, email wendy.barcus@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

September 5, 2018
Wendy Barcus
Rules Coordinator

WSR 18-18-097

PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed September 5, 2018, 9:18 a.m.]

Subject of Possible Rule Making: Permanent adoption of amendments to WAC 434-208-060 and 434-250-120 relating to electronic return of ballots for non-UOCAVA voters. Changing the ballot return process for nonservice and non-overseas voters to require return of ballots using the mail or a ballot drop box. Reducing email and fax ballot return to only service and overseas voters.

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: The office of the secretary of state has been alerted to evidence of ongoing illegal attempts to gain access to, and interfere with, electronic systems that Washington elections officials use during an election. None of these attempts were successful, but election security experts have recently advised Washington elections officials to take steps to reduce opportunities for bad actors to attempt to interfere with Washington elections through electronic means. These amendments maintain the ability of service and overseas voters to submit ballots by fax or email as required by federal and state statutes, while eliminating email and fax submission of other ballots in order to limit vulnerability and reduce the risk of election tampering. Accurate and fair elections are central to the general welfare of Washington's citizens.

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 360-664-4169, email sheryl.moss@sos.wa.gov, web site vote.wa.gov.

September 5, 2018
Mark Neary
Assistant Secretary of State

WSR 18-18-099

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF THE INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2018-14—Filed September 5, 2018, 10:54 a.m.]

Subject of Possible Rule Making: Adjuster licensing special education criteria.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.17.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule would likely create new and amend existing sections of WAC 284-17-123 to clarify the special education condition found in RCW 48.17.380 (3)(d) for an adjuster license candidate.

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

Process for Developing New Rule: Submit written comments by October 15, 2018.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Forte, P.O. Box 40258, Olympia, WA 98504-0258, phone 360-725-7042, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, web site www.insurance.wa.gov.

September 5, 2018
Mike Kreidler
Insurance Commissioner

WSR 18-18-101
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed September 5, 2018, 11:32 a.m.]

The developmental disabilities administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 18-17-154 on August 21, 2018 (WAC 388-828-091 and chapter 388-837 WAC), regarding federal ICF/IID eligibility requirements.

Katherine I. Vasquez
Rules Coordinator

WSR 18-18-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed September 5, 2018, 11:35 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-825-091 Am I eligible for residential habilitation center (RHC) services?; chapter 388-837 WAC, Residential habilitation center (RHC) ICF/ID program; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule-making action is necessary to comply with federal medicaid law.

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 of social and health services (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 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

September 4, 2018
Katherine I. Vasquez
Rules Coordinator

WSR 18-18-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 5, 2018, 11:37 a.m.]

Subject of Possible Rule Making: The department is planning to amend sections in chapter 388-14A WAC in order to streamline procedures regarding the use of a form called the notice to payee. The division of child support (DCS) uses the notice to payee to do the following: (1) Provide notice to a custodial parent (CP) when DCS serves a notice of support debt or notice of support owed to establish the amount of back support debt or proportionate share of expenses owed by a noncustodial parent (NCP); or (2) provide notice to an NCP when DCS serves a notice of support owed to establish the amount of back support debt or proportionate share of expenses owed by a CP.

In order to carry out this rule-making project, the department may also amend, repeal, or adopt other related sections of chapter 388-14A WAC as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.09.105, 26.18.170, 26.23.110, 34.05.220, 74.04.055, 74.08.090, 74.20.040, 74.20A.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules regarding the notice to payee require DCS to wait to send a notice to payee until after DCS has successfully served a notice of support debt or notice of support owed on an NCP, or to wait to send a notice to payee until after DCS has successfully served a notice of support owed on a CP. Experience has shown that delaying the mailing of the notice to payee until after DCS receives proof of service occasionally leads to delayed or no notice, which creates due process concerns.

The planned change will allow DCS to send the notice to payee at the same time DCS starts the process to serve the notice of support debt or notice of support owed, instead of waiting until after service.

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

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 department of social and health services (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 <https://www.dshs.wa.gov/esa/division-child-support> 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 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 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, DCS Headquarters, 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.

September 4, 2018
Katherine I. Vasquez
Rules Coordinator

WSR 18-18-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 5, 2018, 11:39 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-460-0010 Do I have an authorized representative for basic food if I live in a treatment center or group home? and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.500, 74.04.050, 74.04.055, 74.04.57 [74.04.057], 74.04.510, 7 C.F.R. 273.11.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes planned under this filing will amend WAC 388-460-0010 and other related rules as may be required to comply with changes to federal regulations effective in March 2018.

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 Service (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.

The department of social and health services (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 Ezra Paskus, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4611, fax 360-725-4905, email paskuet@dshs.wa.gov.

September 5, 2018
Katherine I. Vasquez
Rules Coordinator

WSR 18-18-105
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed September 5, 2018, 11:44 a.m.]

Subject of Possible Rule Making: The office of superintendent of public instruction (OSPI) is considering amending WAC 392-140-600 through 392-140-685 regarding school district eligibility for state special education safety net funding for the purpose of adopting recommendations from the safety net legislative workgroup. The possible rule making may also involve the addition of new definitions, a section on purpose and procedures, and technical and housekeeping revisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.155.090; 20 U.S.C. § 1400 et seq., the Individuals with Disabilities Education Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Safety net funding is available to local education agencies (i.e., school districts and charter schools) that demonstrate a need for special education funding in excess of state and federal funding available to the district. The Washington state legislature directed OSPI in 2017 and 2018 to review the current safety net process and make recommendations regarding possible adjustments to improve the safety net process and evaluate the appropriate funding level to meet the purpose of safety net. A safety net legislative workgroup was formed in fall 2017. The workgroup, after analyzing safety net trends, fiscal data, and soliciting public input, developed a set of finalized recommendations to address the legislative requests. OSPI, in turn, is required to submit recommendations to the governor and the legislature's education and operating budget committees by

November 1, 2018, and review and revise rules and procedures necessary to administer the special education funding and safety net award process by December 1, 2018.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: OSPI is coordinating with the legislature's education and operating budget committees by November 1, 2018.

Process for Developing New Rule: OSPI will hold a public hearing for comment, seek written input and recommendations from stakeholders pertaining to new, amended, or repealed rules, and consider 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 Glenna Gallo, Assistant Superintendent, Special Education, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6075, fax 360-586-0247, TTY 360-586-0126, email speced@k12.wa.us, web site www.k12.wa.us.

August 31, 2018
Chris P. S. Reykdal
State Superintendent
of Public Instruction