

WSR 18-19-006
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed September 7, 2018, 9:21 a.m.]

The department of health (department) is withdrawing the preproposal notice (CR-101) for chapter 246-805 WAC, which was filed August 7, 2017, and published in WSR 17-17-020.

The department filed a CR-101 to consider creating a new rule to establish the requirements for temporary licensing for applied behavior analysis as authorized by RCW 18.380.080. After applied behavior analysis advisory committee and stakeholder input, the department has decided not to pursue rules at this time.

Individuals requiring information on this rule should contact Brett Lorentson, program manager, at 360-236-4611 or Brett.Lorentson@doh.wa.gov.

Tami M. Thompson
 Regulatory Affairs Manager

WSR 18-19-014
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed September 7, 2018, 2:54 p.m.]

Subject of Possible Rule Making: Departmental agreements with urban public transportation systems regarding the operation, maintenance, and demand management of park and ride lots.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.577.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Utilization is very high at a majority of park and ride lots, particularly those that are large and well served by transit in urban areas. Overcrowding leads to commuters parking in travel lanes and fire lanes, parking on local streets surrounding the lots, and circling the lots and local streets looking for parking. In addition, overcrowded park and ride lots also lead to crush-loaded buses and trains filled with riders who commute early not out of convenience or need, but simply to get a parking space. Limited park and ride expansion and the free, first-come first-served nature of park and rides contributes to this dynamic.

New rules would allow the Washington state department of transportation (WSDOT) to work more effectively with local partners who want to manage parking. Ultimately, this change will deliver a better experience for commuters at park and ride lots, increase the number of people benefitting from the lots, improve transit operations and meet other community needs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: A number of park and ride lots under WSDOT jurisdiction that would potentially be affected by the rule change were built in part using Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funds.

These agencies have been notified of this action, and may play an advisory role in developing new rule language.

Process for Developing New Rule: WSDOT staff have developed the proposed rule with guidance and input from regional transit agencies (including King County Metro, Sound Transit, Pierce Transit, and Community Transit), the Puget Sound Regional Council, and federal partners such as FTA and FHWA.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Zachary Howard, Regional Transit Coordination Planner, phone 206-464-1253, email HowardZ@wsdot.wa.gov.

September 7, 2018
 Kara Larsen, Director
 Risk Management and
 Legal Services Division

WSR 18-19-042
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed September 13, 2018, 3:09 p.m.]

Subject of Possible Rule Making: WAC 392-343-019 Definitions—Instructional space.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 392-343-019 references the American Institute of Architects (AIA) Document D101, "The Architectural Area and Volume of Buildings," as the standard for calculating gross square feet. However, D101 does not clearly define how to address vertical shafts and stairwells. The office of superintendent of public instruction (OSPI) is considering revising this rule to clarify that stairwells and vertical shafts (mechanical shafts, elevator shafts, etc.) must be counted at each level of a building, excluding unoccupied basements and attics. The revision may also clarify that all double or triple height spaces (gyms, commons, etc.) must be counted only once, at the lowest level of such spaces.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Black, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6268, fax 360-586-3946, TTY 360-664-3631, email schoolfacilitiesrules@k12.wa.us.

September 13, 2018
 Chris P. S. Reykdal
 Superintendent of
 Public Instruction

WSR 18-19-057**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed September 17, 2018, 8:31 a.m.]

Subject of Possible Rule Making: WAC 363-116-078 Training program and 363-116-080 Licensing of pilots.

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 will be considering amendments to these rules in anticipation of training program commencement for the 2018 exam class. The purpose of modifying these rules is to incorporate established board statements of policy, modernize the training program rules to better align with current practices and recent changes, improve the alignment of WAC 363-116-078 and 363-116-080, and moderate housekeeping for clarity.

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

Process for Developing New Rule: Discussions regarding proposed amendments to these rules will occur at regular session board meetings as well as trainee evaluation committee and WAC/legislative committee meetings. Upon committee review, the board's assistant attorney general will review the proposed language. Stakeholder comments are welcome. Upon review and consideration of recommended revisions, a public hearing will be scheduled 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 C. Bever, Executive Director, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone 206-515-3887, fax 206-515-3904, email BeverJ@wsdot.wa.gov, web site www.pilotage.wa.gov.

September 17, 2018
Jaimie C. Bever
Executive Director

WSR 18-19-059**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL**

[Filed September 17, 2018, 9:03 a.m.]

The Washington state patrol would like to withdraw the preproposal notice of intent filed as WSR 18-15-004 on July 6, 2018.

The agency will file a new CR-101 at a later date.

Kimberly Mathis
Rules Coordinator

WSR 18-19-060**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL**

[Filed September 17, 2018, 9:17 a.m.]

Subject of Possible Rule Making: Ignition interlock device.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.43.395, 43.37.005, and 46.04.215.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to the following chapter are necessary to cleanup and provide clarification to the existing language to ensure the rules reference and comply with current laws in the state of Washington: WAC 204-50-050 Modifications to a certified ignition interlock device and 204-50-070 Variable calibration of an ignition interlock device.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of licensing, attorney general.

The Washington state patrol (WSP) anticipates providing draft language to impacted stakeholders for review and input as part of the process.

Process for Developing New Rule: WSP welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent 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 Kimberly Mathis, Agency Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email wsprules@wsp.wa.gov, web site www.wsp.wa.gov/rules-development; or Sergeant Brandon Villanti, 811 East Roanoke Street, Seattle, WA, email Brandon.villanti@wsp.wa.gov.

September 17, 2018
John R. Batiste
Chief

WSR 18-19-074**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL**

[Filed September 17, 2018, 6:31 p.m.]

Subject of Possible Rule Making: Registered tow trucks, WAC 204-91A-120 Business office hours and records and 204-91A-140 Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.55.115, 46.37.005, 46.55.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With the passage of SHB 1218 during the 2017 legislative session, the bill changed the starting time for the calculation of storage fees and the time is charged in fifteen minute increments and may not exceed an hour. The proposed changes will ensure the rules reference and will comply with current laws in the state of Washington.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of licensing.

Process for Developing New Rule: The Washington state patrol (WSP) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent 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 Kimberly Mathis, Agency Rules Coordinator, 106 11th Avenue S.W., Olympia, WA 98504, phone 360-596-4017, email wsprules@wsp.wa.gov, web site wsp.wa.gov.

September 17, 2018
John R. Batiste
Chief

WSR 18-19-077

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed September 18, 2018, 9:36 a.m.]

Subject of Possible Rule Making: WAC 458-61A-219 Developmentally disabled persons—Housing—Transfers and improvements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.45.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-61A-219 (Rule 219) explains the real estate excise tax (REET) exemption provided by RCW 82.45.010 (3)(t) for transfers of real property by a legal representative of a person with a developmental disability to a qualified entity as defined in RCW 82.45-010 (3)(t)(iii).

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 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 Brenton M. Madison, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1583, fax 360-534-1606, TTY 800-833-6384, email brentonm@dor.wa.gov, web site dor.wa.gov.

Additional comments: A preliminary draft of the new rule will be available upon request shortly before the public meeting.

Written comments may be submitted by mail and should be directed to Brenton M. Madison at either email brentonm@dor.wa.gov, or mailing address Brenton M. Mad-

ison, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453.

Written and oral comments will be accepted at the public meeting on November 1, 2018, at 10:00 a.m., at Conference Room 114A, 6400 Linderson Way S.W., Tumwater, WA 98501.

September 18, 2018
Erin T. Lopez
Rules Coordinator

WSR 18-19-083

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed September 18, 2018, 10:54 a.m.]

Subject of Possible Rule Making: Amendment or repeal of state board of education (SBE) rules in chapter 180-17 WAC pursuant to collaboration on required action districts between SBE and the office of superintendent of public instruction (OSPI).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.657.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SBE has determined that current rule in chapter 180-17 WAC prevents SBE and OSPI from making changes to improve the required action process. SBE and OSPI are engaged in a collaborative effort to improve the required action process and these rule changes will reflect the outcomes of that collaboration. The purposes are to repeal obsolete rules, amend or repeal rules inconsistent with board policy, update rules to be compatible with new circumstances and policy issues, and make necessary technical corrections.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: OSPI.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Andrew Parr, 600 Washington Street S.E., Room 253, phone 360-725-6063, fax 360-586-2357, email Andrew.parr@k12.wa.us, web site www.sbe.wa.gov; or Parker Teed, 600 Washington Street S.E., Room 253, phone 360-725-6047, fax 360-586-2357, email parker.teed@k12.wa.us, web site www.sbe.wa.gov.

September 18, 2018
Dr. Randy Spaulding
Executive Director

WSR 18-19-089
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2013-11—Filed September 18,
2018, 4:32 p.m.]

I am withdrawing the CR-101 for R 2013-11: Issuer disclosures, notices and processes to protect privacy of health care information. The code reviser's office published this rule in WSR 13-11-144.

Our agency's reason for proposing the rule was to further ensure that issuer practices in disseminating explanation of benefit documents do not contain protected personal health information. As we progressed through the process for this proposed rule, we became aware that the language in RCW 48.43.510 (2)(f) may prevent us from ensuring full protection of confidential health information because it requires insurance companies to provide an annual accounting upon request. Based on the information provided in the accounting, it may not be difficult for that person to determine that someone else on the health plan received a service without their knowledge. 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 18-19-090
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2015-16—Filed September 18,
2018, 4:36 p.m.]

I am withdrawing the CR-101 for R 2015-16: Health plan special enrollment rules. The code reviser's office published this rule in WSR 15-23-064.

Our agency's reason for proposing the rule was to revise language and potentially create additional rules to reduce confusion. As we progressed through the process for this proposed rule, changes in federal regulations and office of insurance commissioner guidance sufficiently addressed our concerns regarding potential confusion. As a result, our agency has decided to withdraw the CR-101.

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

Mike Kreidler
Insurance Commissioner

WSR 18-19-096
PREPROPOSAL STATEMENT OF INQUIRY
GREEN RIVER COLLEGE

[Filed September 18, 2018, 5:54 p.m.]

Subject of Possible Rule Making: Revision to WAC 132J-276-090 based on amendments [to] RCW 42.56.120 of the Public Records Act regarding charging costs for public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.120, as amended by chapter 304, Laws of 2017 (EHB 1595), RCW 42.56.040 (1)(d) and 28B.50-140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision to WAC 132J-276-090 based on EHB 1595 legislation; effective July 23, 2017, which amends RCW 42.56.120 (section 3, chapter 304, Laws of 2017). The amendments to RCW 42.56.120 require that before an agency uses the amended statutory default copy fee schedule in the new law (rather than determining actual costs of copies), the agency must have a rule declaring the reason that it is not calculating actual costs because to do so would be unduly burdensome. The rule amendments to WAC 132J-276-090 makes those findings. RCW 42.56.120, as amended, also allows an agency to waive any charge assessed for a public record pursuant to a rule. WAC 132J-276-090 also provides for fee waivers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state community and technical college system.

Process for Developing New Rule: Regular rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting George Frasier, 12401 S.E. 320th Street, Auburn, WA 98092-3622, phone 253-288-3338, fax 253-288-3460, email gfrasier@greenriver.edu, web site greenriver.edu.

September 18, 2018
George Frasier
Executive Director
of Resource Development

WSR 18-19-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed September 19, 2018, 8:09 a.m.]

Subject of Possible Rule Making: Chapter 16-305 WAC, Industrial hemp research program, the department is considering the following changes:

- Increasing industrial hemp research program licensing fees to include:
 - o A single grower or processor/marketer license fee increasing from \$300 to approximately \$7,500.
 - o A combination grower and processor/marketer license fee increasing from \$300 to approximately \$14,500.

- o A seed distributor license fee increasing from \$300 to approximately \$7,500.
- Reducing the application fee for a combination (grower and processor) license from \$800 to \$450.

Additionally, the department is considering revising how application and licensing fees are calculated.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.120.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending WAC 16-305-220 to increase application and licensing fees for participation in the voluntary industrial hemp research program. The department is also considering revising how application and licensing fees are calculated. The current fee structure does not support the operational costs of the program. During the 2018 legislative session, the program received funding for one additional year. By increasing fees, the department aims for the industrial hemp research program to be self-sustaining so that it can operate beyond the one additional year funded by the legislature. By considering revising how application and licensing fees are calculated, the department can identify options that would ensure adequate funding for the program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will provide notice of the proposed rules to federal agencies involved with regulating industrial hemp, such as United States Department of Agriculture and Drug Enforcement Agency, and to the state liquor and cannabis board and will consider timely comments from those agencies in the development of the proposed rules.

Process for Developing New Rule: The department will make available through its industrial hemp listserv (<https://listserv.wa.gov/cgi-bin/wa?SUBED1=AGR-INDUSTRIAL-HEMP&A=1>) and on its web site (<https://agr.wa.gov/LawsRules/Rulemaking/default.aspx>) opportunities for interested parties to provide input on the subject of this rule making. 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 Jeff Larsen, 1111 Washington Street S.E., Olympia, WA 98504-2560, phone 360-902-1960, fax 360-902-2085, TTY 711, email jlarsen@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>; or Rachel Furth, 1111 Washington Street S.E., Olympia, WA 98504-2560, phone 360-902-1997, fax 360-902-2085, TTY 711, email rfurth@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>.

September 19, 2018
Jessica Allenton
Assistant Director

WSR 18-19-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed September 19, 2018, 11:55 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-845-1615 Who may be qualified providers of respite care?, 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.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Waiver amendments approved by the Centers for Medicare and Medicaid Services require homecare agencies to be contracted with area agencies on aging to be qualified providers. Adding this requirement to rule ensures that the developmental disabilities administration (DDA) receives federal funds for working with qualified providers.

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, DDA, 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 19, 2018
Katherine I. Vasquez
Rules Coordinator