

**WSR 19-03-006**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARAEDUCATOR BOARD**

[Filed January 3, 2019, 9:17 a.m.]

Subject of Possible Rule Making: Chapter 179-13 WAC, English language learner certificate.

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: English language learner 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.

January 3, 2019  
 David Brenna  
 Senior Policy Analyst

**WSR 19-03-007**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed January 3, 2019, 9:38 a.m.]

Subject of Possible Rule Making: Implementing the paid family and medical leave (PFML) program (Title 50A RCW) requires substantial rule making. Consistent with agile methodology, rule making is being done in several distinct phases. This preproposal statement of inquiry begins phase 5 of the program's rule making. This phase includes, but is not limited to, overpayments, collections, job protection, and possible changes to PFML rules already promulgated.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.04.215.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Being a new state entitlement, the PFML program needs clear and usable guidance for the public regarding program operations. These rules will contribute to that guidance.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal agencies and no other state agencies regulate this program as it is a new state entitlement with authority granted solely to the employment security department.

Process for Developing New Rule: The draft rules will be shared with the public, stakeholders, and the program's advisory committee. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Christina Streuli, 640 Woodland Square Loop S.E., Lacey, WA 68503 [98503], phone 360-

791-6710, TTY Teresa Eckstein, State EO Officer, 771 [711] or 360-902-9354, email Rules@esd.wa.gov.

January 3, 2019  
 Matthew J. Buelow  
 Policy and Rules Manager for  
 Paid Family and Medical Leave

**WSR 19-03-011**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Developmental Disabilities Administration)

[Filed January 3, 2019, 12:24 p.m.]

Subject of Possible Rule Making: The department is planning to amend existing sections in chapter 388-845 WAC including WAC 388-845-0600, 388-845-0605, 388-845-0610, 388-845-1410, other related rules as may be required, and create other new sections in chapter 388-845 WAC.

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: The developmental disabilities administration (DDA) is considering amending sections in chapter 388-845 WAC to replace the term "community access" with "community inclusion." Additionally, DDA is considering adding new sections to chapter 388-845 WAC about when DDA can reject a client's choice of provider and the actions DDA may take when a client's choice of provider is rejected.

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, 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.

January 3, 2019  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 19-03-013**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)

[Filed January 3, 2019, 1:02 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-76-10000 Definitions, 388-76-10105 Application—Change of ownership, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040, 70.128.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is looking to clarify rules around entity representatives, ownership entities, and associated issues of adult family homes.

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 Libby Wagner, 20425 72nd Avenue South, Kent, WA 98032, phone 253-234-6061, email WagneE@dshs.wa.gov.

January 3, 2019  
Katherine I. Vasquez  
Rules Coordinator

**WSR 19-03-018**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed January 4, 2019, 8:39 a.m.]

Subject of Possible Rule Making: Subsidized child care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.216 RCW, RCW 43.216.055 and 43.216.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update working connections and seasonal child care program rules as necessary to comply with federal and state law, remove barriers to program participation, and promote program integrity. Changes may include, but not be limited to, establishing conditions under which certain children and families may receive program benefits regardless of meeting eligibility threshold of approved work or education activities, or where the child is living with an adult who is not financially or legally responsible for the child; incorporating anticipated changes resulting from 2019-2021 collective bargaining between the state of Washington and the representative for family home child care; clarifying program violations and enforcement process; establishing when provider's authorization may be terminated and how the provider may bill for absent days during a ten day notice of termination; copayments; and income verification. Clarify how certain providers bill for services. Align child welfare programs' child care subsidy rules with working connections and seasonal child care program rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state department of social and health services jointly administers the working connections and seasonal child care subsidy programs. The department of children, youth, and family's (DCYF) rules must comply with the United States Administration for Children and Families' child care development fund (CCDF) regulations and DCYF's CCDF plan. DCYF plans to collaborate with these agencies during rule development.

Process for Developing New Rule: Negotiated rule making; and collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting DCYF Rules Coordinator, P.O. Box 40975, Olympia, WA 98504-0975, phone 360-902-7956, fax 360-902-7903, email dcyf.rulescoordinator@dcyf.wa.gov, web site www.dcyf.wa.gov, https://del.wa.gov/PolicyProposalComment/Detail.aspx.

January 4, 2019  
Brenda Villarreal  
Rules Coordinator

**WSR 19-03-028**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed January 4, 2019, 1:23 p.m.]

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

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

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

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara McClellan, 48 Devonshire Road, Montesano, WA 98563, phone 360-249-1213, fax 360-249-1229, email Barbara.Mcclellan@dfw.wa.gov.

Additional comments: Contact by April 12, 2019. Expected proposal filing on or after April 24, 2019.

January 4, 2019  
Scott Bird  
Rules Coordinator

**WSR 19-03-042**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**

[Filed January 8, 2019, 2:02 p.m.]

Subject of Possible Rule Making: The college is proposing the adoption of new chapter 132T-22 WAC, Student code of conduct.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The college is proposing changes to its student code of conduct. This proposal will include an update of the administrative review processes, appeals, and related adjudicative roles, as well as clarification of prohibited student conduct actions.

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

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sherry Hartford, Vice President of Human Resources, 500 Tausick Way, Walla Walla, WA 99362, phone 509-527-4300, fax 509-527-4313, TTY 509-527-4412, email sherry.hartford@wwcc.edu.

Additional comments: Interested parties will have an opportunity to comment on the proposed rules during a public comment period and to give testimony at a public hearing.

January 8, 2019  
Jerri Ramsey  
Rules Coordinator  
Executive Assistant  
to the President

**WSR 19-03-043**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed January 8, 2019, 3:04 p.m.]

Subject of Possible Rule Making: WAC 458-16-266 Homeownership development.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.08.010 and 84.36.865.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending WAC 458-16-266 to incorporate legislation passed in 2018 (ESSB 5143). This legislation allows a nonprofit housing developer to be eligible for the property tax exemption under RCW 84.36.049, if it leases land it owns to a low-income household for life or ninety-nine years, and the nonprofit

housing developer has sold the residence located on that land to the low-income household.

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 February 20, 2019, at 10:00 a.m., at Conference Room 114A, 6400 Linderson Way S.W., Tumwater, WA 98501.

January 8, 2019  
Erin T. Lopez  
Rules Coordinator

**WSR 19-03-044**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed January 8, 2019, 3:44 p.m.]

Subject of Possible Rule Making: As a result of recently passed legislation, the department is considering establishing in rule a voluntary program for farms exempt or partially exempt from the federal produce safety rule (21 C.F.R. Part 112) to verify that such farms comply with the federal rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.135.050, 15.135.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The federal Food Safety Modernization Act (FSMA) was adopted in 2011. This federal law is the first comprehensive update to federal food safety laws since 1938. It sets new standards for food handling across the food chain with rules for farms and food processors. Under FSMA, the United States Food and Drug Administration (FDA) adopted the produce safety rule (21 C.F.R. Part 112). The produce safety rule established, for the first time, science-based minimum standards for the safe growing, harvesting, packing, and holding of produce. This regulation focuses on preventing microbial contamination and reducing foodborne illnesses associated with fresh produce. It establishes six categories of requirements that must be met by farms subject to the rule, including water quality; biological soil amendments; sprouts; domesticated and wild animals; worker training, health, and hygiene; and equipment, tools, and buildings. These standards apply to fruits and vegetables normally consumed raw, such as apples, carrots, lettuce, onions, and tomatoes. There are several

instances in which a farm will be exempt from complying with the federal produce safety rule, including: Farms selling produce that is rarely consumed raw (such as potatoes) or is grown for personal consumption; produce that is being sold to a larger commercial production/distribution facility; and when a farm sells less than a certain dollar threshold established by the FDA (about \$25,000).

During the 2018 legislative session, the legislature passed SB 6319 (codified as chapter 15.135 RCW), the Produce Safety Rule Implementation Act. This state law allows the department to establish by rule a **voluntary** program for farms exempt or partially exempt from the federal produce safety rule to verify that such farms comply with the rule. The law specifies that farms participating in the voluntary compliance program must bear the cost of the program. Produce farms that choose to participate in the voluntary program may benefit by having additional marketing opportunities as a result of demonstrating that their produce meets federal standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: FDA's Produce Safety Network, the department will communicate any rule amendments with the FDA.

Process for Developing New Rule: Washington state department of agriculture (WSDA) staff will discuss rule making with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will also 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 Jill Wisheart, WSDA Produce Safety Program, Management Analyst, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-545-7071, fax 360-902-2087, TTY 800-833-6388, email [FSCS@agr.wa.gov](mailto:FSCS@agr.wa.gov), web site <https://agr.wa.gov/FoodAnimal/ProduceSafety/>; or Roger Beekman, WSDA Produce Safety Program, Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-742-8472, fax 360-902-2087, TTY 800-833-6388, email [FSCS@agr.wa.gov](mailto:FSCS@agr.wa.gov), web site <https://agr.wa.gov/FoodAnimal/ProduceSafety/>.

January 8, 2019  
Steve Fuller  
Assistant Director  
Food Safety and  
Consumer Services Division

**WSR 19-03-060**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed January 10, 2019, 2:31 p.m.]

Subject of Possible Rule Making: Chapter 314-05 WAC, Special occasion licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.010, 66.24.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules will be reviewed and updated to clarify requirements for special occasion license applications. Updates will also include general clarifying and technical revisions to ensure enforceability and proper intent.

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 Janette Benham, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1760, fax 360-664-9689, email [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov), web site [www.lcb.wa.gov](http://www.lcb.wa.gov).

January 9, 2019  
Jane Rushford  
Chair

**WSR 19-03-062**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed January 10, 2019, 3:19 p.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the liquor and cannabis board is withdrawing rule making for WSR 18-01-057 (CR-101) relating to the placement and storage of mini spirits bottles.

At this time the board will not pursue rule making on this subject. WSR 18-16-040 (supplemental CR-102) and 18-08-090 (CR-102) are also being withdrawn in a separate notification.

Jane Rushford  
Chair

**WSR 19-03-070**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF TRANSPORTATION**

[Filed January 11, 2019, 3:02 p.m.]

Subject of Possible Rule Making: Administration of toll and fee collection, accounts and penalties on Washington state toll facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.63.160(5), 47.01.101(5), 47.56.030(1), and 47.56.795.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state department of transportation (WSDOT) has statutory authority to administer tolls on designated toll facilities. Rules are needed to define customer requirements to use toll facilities and WSDOT procedures for processing transactions and penalties. This rule making is required to update specific requirements and procedures that will change when a new toll back office system becomes operational.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

cies: This rule making will be coordinated with the Washington state transportation commission.

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 WSDOT Toll Division, 401 Second Avenue South, #300, Seattle, WA 98104, phone 206-464-1220, fax 206-464-1189, email TollingReferrals@wsdot.wa.gov, web site <http://wsdot.wa.gov/tolling>.

January 11, 2019  
Kara Larsen, Director  
Risk Management and Legal Services

### WSR 19-03-086

#### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed January 14, 2019, 11:35 a.m.]

Subject of Possible Rule Making: WAC 182-531-1600 Bariatric surgery 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 WAC 182-531-1600 Bariatric surgery, to reflect coverage changes made by the health technology clinical committee. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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 Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication relay services 711, email [jason.crabbe@hca.wa.gov](mailto:jason.crabbe@hca.wa.gov), web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

January 14, 2019  
Wendy Barcus  
Rules Coordinator

### WSR 19-03-087

#### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed January 14, 2019, 11:42 a.m.]

Subject of Possible Rule Making: WAC 182-531-1730 Telemedicine, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, SSB 5157 [5175], Section 2, chapter 23, Laws of 2015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is revising WAC 182-531-1730 Telemedicine, to include renal dialysis centers to the list of originating sites for telemedicine, as allowed in SSB 5157 [5175]. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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 Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication relay services 711, email [jason.crabbe@hca.wa.gov](mailto:jason.crabbe@hca.wa.gov), web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

January 14, 2019  
Wendy Barcus  
Rules Coordinator

### WSR 19-03-088

#### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed January 14, 2019, 11:48 a.m.]

Subject of Possible Rule Making: WAC 182-538A-060 Fully integrated managed care and choice, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, and 74.09.873.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is revising WAC 182-538A-060 Fully integrated managed care and choice, to remove language indicating that enrollment in a behavioral health services only managed care organization is mandatory for American Indian and Alaska native clients and their descendants. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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 Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication relay services 711, email [jason.crabbe@hca.wa.gov](mailto:jason.crabbe@hca.wa.gov), web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

January 14, 2019  
Wendy Barcus  
Rules Coordinator

**WSR 19-03-089**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed January 14, 2019, 2:45 p.m.]

Subject of Possible Rule Making: WAC 182-513-1340 Determining excluded income for long-term care (LTC) services, 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 rule to clarify excluded income requirements by removing the reference in subsection (1)(j) to child support received from a noncustodial parent. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services.

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 Michael Williams, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1346, fax 360-586-9727, telecommunication relay services 711, email michael.williams@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

January 14, 2019  
 Wendy Barcus  
 Rules Coordinator

**WSR 19-03-095**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed January 15, 2019, 9:56 a.m.]

Subject of Possible Rule Making: The gambling commission is considering amending its rules regarding possession, transportation, and storage of gambling devices and gambling equipment that will be allowed at tradeshow.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarification is needed as to what types of gambling devices can be brought into the state, for what purpose, and in what manner they can be displayed and/or stored, including display of gambling equipment at tradeshow.

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 Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, fax 360-486-3624, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, web site www.wsgc.wa.gov.

January 15, 2019  
 Ashlie Laydon  
 Rules Coordinator

**WSR 19-03-104**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed January 16, 2019, 9:00 a.m.]

Subject of Possible Rule Making: WAC 182-513-1620 Tailored supports for older adults—Presumptive eligibility (PE), 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 amending the presumptive eligibility period from twelve to twenty-four months to align with Title 388 WAC. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication relay services 711, email melinda.froud@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

January 16, 2019  
 Wendy Barcus  
 Rules Coordinator

**WSR 19-03-109**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF MINORITY AND**  
**WOMEN'S BUSINESS ENTERPRISES**

[Filed January 16, 2019, 12:59 p.m.]

The office of minority and women's business enterprises seeks to withdraw the preproposal filed under WSR 18-07-

094 on March 20, 2018. We will refile a preproposal at a later date.

Mynor Lopez  
Assistant Director  
Legislative Affairs and Outreach

**WSR 19-03-114**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)

[Filed January 16, 2019, 2:21 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 18-07-079 on March 19, 2018 (chapter 388-97 WAC), regarding nursing homes.

Katherine I. Vasquez  
Rules Coordinator

**WSR 19-03-117**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)

[Filed January 16, 2019, 3:40 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 18-17-160 on August 21, 2018 (chapter 388-76 WAC), regarding adult family homes.

Katherine I. Vasquez  
Rules Coordinator

**WSR 19-03-127**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARAEDUCATOR BOARD**

[Filed January 18, 2019, 10:09 a.m.]

Subject of Possible Rule Making: Chapter 179-05 WAC, Methods to attain the paraeducator certificate.

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: Requirements for receiving a paraeducator certificate.

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 pub-

lication 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.

January 18, 2019  
David Brenna  
Senior Policy Analyst

**WSR 19-03-137**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed January 22, 2019, 10:20 a.m.]

Subject of Possible Rule Making: The department is considering amending current recreational fishing rules resulting from stakeholder recommendations made during North of Falcon meetings and to incorporate changes in the rules brought about from the department's freshwater recreational rule simplification project.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The recreational fishing rules based on North of Falcon recommendations change from year-to-year to reflect resource availability and to achieve conservation goals. Amendments to recreational fishing rules are needed to implement the agreed-upon changes. In addition, the rules need to be amended to incorporate recent rule changes brought about from the freshwater recreational rule simplification project.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are several other agencies involved in this rule making in association with the Pacific Fisheries Management Council (PFMC) season-setting process including the National Oceanic and Atmospheric Agency (NOAA) fisheries division (National Marine Fisheries Service). These agencies, as well as the Washington department of fish and wildlife, all provide input and/or take part in the PFMC/North of Falcon season-setting meeting.

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 Scott Bird, P.O. Box 43200, Olympia, WA 98501-3200, phone 360-902-2403, fax 360-902-2155, email Rules.Coordinator@dfw.wa.gov.

January 22, 2019  
Scott Bird  
Rules Coordinator

**WSR 19-03-139**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed January 22, 2019, 10:45 a.m.]

Subject of Possible Rule Making: WAC 182-513-1363 Evaluating an asset transfer for people applying for or receiving long-term care (LTC) services, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 74.09.500, 74.09.585, Social Security Act (SSA) 1917 (42 U.S.C. 1396p(a)).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending language to clarify the presumptions and burdens regarding asset transfers for LTC to be more in line with SSA 1917 (42 U.S.C. 1396p). During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services, aging and long-term support administration, and the developmental disabilities administration.

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, telecommunication relay services 711, email vance.taylor@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

January 22, 2019  
 Wendy Barcus  
 Rules Coordinator

**WSR 19-03-140**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed January 22, 2019, 10:50 a.m.]

Subject of Possible Rule Making: The department is considering amending current Puget Sound commercial fishing rules resulting from stakeholder recommendations made during North of Falcon meetings.

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

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

ments to Puget Sound commercial salmon fishing rules are needed to implement the agreed-upon changes.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Bird, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-902-2403, fax 360-902-2466, email Rules.Coordinator@dfw.wa.gov.

January 22, 2019  
 Scott Bird  
 Rules Coordinator

**WSR 19-03-147**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Developmental Disabilities Administration)

[Filed January 22, 2019, 12:25 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-845-1410 Are there limits to the prevocational services you may receive?, 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, 42 C.F.R. Section 441.301 (c)(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is amending this rule to ensure that prevocational services are no longer available as of March 1, 2019. Prevocational services do not meet federal integration requirements under 42 C.F.R. Section 441.301 (c)(4) for home and community based services settings. DDA must enact this mass change to comply with the Centers for Medicare and Medicaid Services-approved waiver amendments that eliminate prevocational services on the basic plus and core waivers by March 1, 2019. DDA is also amending this rule to replace "community access" with the service's new name, "community inclusion."

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, 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.

January 22, 2019  
Katherine I. Vasquez  
Rules Coordinator

**WSR 19-03-148**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed January 22, 2019, 12:34 p.m.]

Subject of Possible Rule Making: The department is considering amending chapter 388-76 WAC, Adult family home minimum licensing requirements; including WAC 388-76-10510 Resident rights—Basic rights, 388-76-10515 Resident rights—Exercise of rights, 388-76-10520 Resident rights—General notice, 388-76-10522 Resident rights—Notice—Policy on accepting medicaid as a payment source, 388-76-10525 Resident rights—Description, 388-76-10530 Resident rights—Notice of services, 388-76-10532 Resident rights—Standardized disclosure of services form, 388-76-10540 Resident rights—Disclosure of fees and charges—Notice requirements—Deposits, 388-76-10545 Resident rights—Admitting and keeping residents, 388-76-10555 Resident rights—Financial affairs, 388-76-10560 Resident rights—Adult family home management of resident financial affairs, 388-76-10561 Resident rights—Resident security deposit account, 388-76-10565 Resident rights—Adult family home system for management of resident financial affairs, 388-76-10585 Resident rights—Examination of inspection results, 388-76-10600 Resident rights—Mail and telephone privacy, 388-76-10615 Resident rights—Transfer and discharge, 388-76-10685 Bedrooms, 388-76-10695 Building codes—Structural requirements, 388-76-10700 Building official—Inspection and approval, 388-76-10710 Construction and remodeling—Relocation of residents, 388-76-10720 Electronic monitoring equipment—Audio monitoring and video monitoring, 388-76-10735 Kitchen facilities, 388-76-10750 Safety and maintenance, 388-76-10765 Storage, 388-76-10770 Telephones, 388-76-10784 Water hazards—Fences, gates and alarms, 388-76-10795 Windows, 388-76-10800 Adult family home located outside of public fire protection, 388-76-10805 Automatic smoke detectors, 388-76-10810 Fire extinguishers, 388-76-10830 Emergency and disaster plan—Required, 388-76-10835 Elements of an emergency and disaster plan, 388-76-10840 Emergency food supply, 388-76-10850 Emergency medical supplies, 388-76-10870 Resident evacuation capability levels—Identification required, 388-76-10885 Elements of emergency evacuation floor plan, 388-76-10890 Posting the emergency evacuation floor plan—Required, 388-76-10895 Emergency evacuation drills—Frequency and participation, 388-76-10900 Documentation of emergency

evacuation drills—Required, 388-76-10905 Emergency evacuation—Notification of department required, and other related rules as may be required. The department may also develop new rule sections related to discharge and transfer notice and compliance with 42 C.F.R. 441.302.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040, 70.128.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has worked collaboratively with external and internal stakeholders in the revisions to chapter 388-76 WAC to accomplish the following: To protect the health and safety of residents in adult family homes; clarify language as requested by adult family home business owners, department staff, and those affiliated with adult family homes; as well as updating to reflect current issues identified by adult family home business owners, individuals affiliated with the adult family home business, and department staff.

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 Libby Wagner, 20425 72nd Avenue South, Kent, WA 98032, phone 253-234-6061, email WagneE@dshs.wa.gov.

January 22, 2019  
Katherine I. Vasquez  
Rules Coordinator

**WSR 19-03-149**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed January 22, 2019, 12:38 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: Planned amendments to WAC 388-97-4425 and 388-97-4430 will clarify that notices can be delivered and proof of service can be obtained electronically through the federal web site.

Reports or notices regarding deficiencies cited under the Washington Administrative Code are now delivered to facilities through a federal web site. The planned 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](mailto:lisa.herke@dshs.wa.gov).

Additional comments: Draft section language will be posted on the aging and long-term support administration 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.

January 22, 2019  
Katherine I. Vasquez  
Rules Coordinator

### WSR 19-03-150

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed January 22, 2019, 12:42 p.m.]

Subject of Possible Rule Making: The department is considering adding a new section to chapter 388-76 WAC, Adult family home minimum licensing requirements, to comply with federal home and community based services requirements. The department may also amend other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040, 70.128.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In order to meet the requirements of the home and community based services requirements outlined by the Centers for Medicare and Medicaid Services, department regulations need to reflect the requirements of the program. The new section will incorporate into the WAC the federal requirements for home and community based settings found in 42 C.F.R. § 441.530.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services, aging and long-term support administration, home and community services, Centers for Medicare and Medicaid Services.

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 Libby Wagner, 20425 72nd Avenue

South, Kent, WA 98032, phone 253-234-6061, email [WagneE@dshs.wa.gov](mailto:WagneE@dshs.wa.gov).

January 22, 2019  
Katherine I. Vasquez  
Rules Coordinator

### WSR 19-03-151

#### PREPROPOSAL STATEMENT OF INQUIRY

#### SUPERINTENDENT OF

#### PUBLIC INSTRUCTION

[Filed January 22, 2019, 1:19 p.m.]

Subject of Possible Rule Making: Chapter 392-725 WAC, College in the high school programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.600.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering amending chapter 392-725 WAC to clarify provisions of the college in the high school (CHS) program that would explicitly define "college in the high school program," explain the process for colleges to regain eligibility to offer a CHS program after being held accountable for unmet program standards, modify a high school faculty standard pertaining to instructor participation in annual professional development, and add language from WAC 180-51-050 to the explanation of conferring high school credit.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WAC 392-725-005 requires that changes to chapter 392-725 WAC be done by joint agreement with OSPI, the state board of [for] community and technical colleges, the Washington student achievement council, and an organization representing the interest of the public baccalaureate institutions. The College of Presidents will be the organization that will represent the public baccalaureate institutions. OSPI staff has collaborated with appropriate members of all these agencies, as well as a representative from the Association of Washington School Principals, to work on the proposed revisions to chapter 392-725 WAC.

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 Katherine Mahoney, Assistant Director for Policy, OSPI, P.O. Box 47200, Olympia, WA, phone 360-725-6630, TTY 360-664-3631, email [katherine.mahoney@k12.wa.us](mailto:katherine.mahoney@k12.wa.us), web site [k12.wa.us](http://k12.wa.us); or Kim Reykdal, Supervisor for School Counseling, OSPI, P.O. Box 47200, Olympia, WA, phone 360-725-6168, TTY 360-664-3631, email [kim.reykdal@k12.wa.us](mailto:kim.reykdal@k12.wa.us), web site [k12.wa.us](http://k12.wa.us).

January 22, 2019  
Chris P. S. Reykdal  
State Superintendent  
of Public Instruction

**WSR 19-03-154****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed January 22, 2019, 1:32 p.m.]

Subject of Possible Rule Making: Amendments under consideration to the boiler rules, specifically WAC 296-104-010 Administration—What are the definitions of terms used in this chapter?, 296-104-040 Administration—When should inspectors submit inspection reports and on what forms?, and 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses?

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW, Boilers and unfired pressure vessels.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of boiler rules and department of labor and industries is considering amending the boiler rules. The amendments under consideration:

- Amend the definition of "places of public assembly or assembly hall" to clarify the meaning of assisted living facility as seven or more residents.
- Amend language to require inspectors to submit reports of inspections of boilers and unfired pressure vessels directly into the state's electronic inspection reporting system or pay applicable processing fees to the department for processing of the reports.
- Establish a new fee for processing of reports of inspections by the department.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other federal and/or state agencies regulating this subject that requires coordination of the rules.

Process for Developing New Rule: The board of boiler rules reviews and approves all rule changes. Interested parties can participate in the adoption process for 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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, 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.

January 22, 2019  
Terry Chapin, Chair  
Board of Boiler Rules

**WSR 19-03-157****PREPROPOSAL STATEMENT OF INQUIRY  
EDMONDS COMMUNITY COLLEGE**

[Filed January 22, 2019, 2:25 p.m.]

Subject of Possible Rule Making: Amending chapter 132Y-100 WAC, relating to traffic rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To streamline the current WAC, removing outdated information and allowing the college to update policies and procedures and reporting structures to better serve the campus community.

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 Jade Jeter-Hill, Director of Safety, Security, and Emergency Preparedness, 20000 68th Avenue West, Lynnwood, WA 98036, phone 425-640-1877, email jade.jeter-hill@edcc.edu.

January 22, 2019  
Casey King  
Interim Executive  
Director of HR

**WSR 19-03-162****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed January 22, 2019, 4:16 p.m.]

Subject of Possible Rule Making: 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: During 2018, the department of labor and industries (L&I) engaged in rule makings that adopted new safety codes and amended existing rules. During the past 2018 process, L&I received proposals from stakeholders for additional potential rule revisions.

The purpose of this current rule making is to consider those proposals and to further update and clarify existing rules. At present, L&I intends to review the following existing rules:

**Part A - ADMINISTRATIVE**

- WAC 296-96-00500 Scope, purpose, and authority.
- WAC 296-96-00650 Adopted standards.
- WAC 296-96-00700 Chapter definitions.

**Part B - ELEVATOR CONTRACTOR AND CONVEYANCE  
MECHANIC LICENSES AND REGULATIONS AND FEES****Part 1 - Licensing Requirements**

- WAC 296-96-00902 Exceptions to elevator mechanic license requirements.

- WAC 296-96-00912 License renewal requirements.

**Part B-1 PERMIT REGULATIONS AND FEES, PENALTIES AND INSPECTION TYPES FOR ALL CONVEYANCES**

- WAC 296-96-01000 Permits for new construction and alterations.
- WAC 296-96-01006 Work requiring permits.
- WAC 296-96-01030 Plan approval.
- WAC 296-96-01055 Technical services and consultations.
- WAC 296-96-01057 Accident investigations.

**Part C - REGULATIONS FOR NEW AND ALTERED ELEVATORS AND LIFTING DEVICES**

**Car(s), Section 6**

**Correction Facility Elevators**

- WAC 296-96-02530 Handrails.

**Hoistway and Pit**

- WAC 296-96-02552 Location of equipment in hoistway.

**Outside Hoistway**

- WAC 296-96-02580 Keys required on-site.

**Part C1 - MINIMUM STANDARDS FOR NEW AND ALTERED STANDARD APPLICATION MATERIAL LIFTS**

- All sections under review (WAC 296-96-05000 through 296-96-05290).

**Part C2 - PRIVATE RESIDENCE INCLINED ELEVATORS**

- WAC 296-96-07150 Guide rails, track supports and fastenings.

**Part C5 - ADDITIONAL TYPES OF CONVEYANCES**

**Casket Lifts**

- WAC 296-96-11080 Five-year test.

**Part D - REGULATIONS FOR EXISTING ELEVATORS, DUMBWAITERS, AND ESCALATORS**

**Subpart I Additional Requirement**

- WAC 296-96-23117 Car top railings for traction elevators.
- WAC 296-96-23118 Car top railings for hydraulic elevators.

**Subpart III Alterations, Repairs, Maintenance, and Testing**

- WAC 296-96-23605 Examination of standard application material lifts, special purpose lifts, electric manlifts, and hand elevators.
- WAC 296-96-23606 Installations placed in voluntary red tag status.

**Subpart IV Lifts for Physically Handicapped**

- WAC 296-96-23700 Lifts for persons with disabilities.
- WAC 296-96-23701 Periodic examinations and tests on commercial accessibility lifts.

**Subpart V Standard Application Material Lifts**

- WAC 296-96-24000 Applicable codes and rules.

**Subpart VI Alterations, Repairs, Maintenance, and Testing**

**Subpart VIII Inclined Private Residence Elevators**

- All sections under review (WAC 296-96-24100 through 296-96-24178).

**Subpart IX Private Residence Inclined Conveyances for Transporting Only Property**

- All sections under review (WAC 296-96-24200 through 296-96-24279).

**Subpart X Material Hoists**

- WAC 296-96-24301 Applicable regulations.
- WAC 296-96-24350 Inspection of jumps.

**Subpart XI Belt Manlifts**

- All sections under review (WAC 296-96-24401 through 296-96-24480).

**Subpart XII Special Purpose Elevators (Formerly Known as Electric Manlifts)**

- WAC 296-96-24500 Scope.
- WAC 296-96-24516 Maintenance requirements.
- WAC 296-96-24519 Hoistway and landing construction.
- WAC 296-96-24525 Car enclosures and frames.
- WAC 296-96-24528 Car doors and gates.
- WAC 296-96-24537 Suspension means.
- WAC 296-96-24543 Car safeties.
- WAC 296-96-24553 Drive machines.
- WAC 296-96-24560 Additional applicable requirements.

**Subpart XIII Hand Elevators (Previously Called Hand-Powered Manlifts).**

- WAC 296-96-24670 Hoistway requirements.

This review is intended to address requests from stakeholders held over from the past 2018 process and to further update and clarify existing rules, including editorial and reference corrections, general housekeeping, and other rule changes. Washington's elevator stakeholders will have the opportunity to review the existing rules, submit proposals and provide recommendations to the department regarding adoption of future rules.

This review may also include consideration of adopted national safety standards from American Society of Mechanical Engineers (ASME) A17.1, Parts 5.4, 7.1, 7.5, 7.6, and 7.9 and ASME A17.3, Part 3, Requirement 3.10.3 (FEO 1987).

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 elevator safety advisory committee.

L&I is seeking input from interested parties to be used in the formulation of the proposed elevator rules. Interested parties may submit rule proposals for changes to the rules from 12:01 a.m., February 1, 2019, to 11:59 p.m., February 28, 2019. 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 elevator industry. Interested parties may submit an application to become a TAC member from February 1, 2019, to February 28, 2019.

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

Interested parties can sign up for email updates at <http://www.lni.wa.gov/Main/Listservs/>.

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

January 22, 2019  
Joel Sacks  
Director

### WSR 19-03-163

#### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

[Filed January 22, 2019, 4:29 p.m.]

Subject of Possible Rule Making: Amending chapters 326-02 and 326-20 WAC.

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.

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

Process for Developing New Rule: OMWBE welcomes input from customers, stakeholders, and members of the public. At a later date, OMWBE will file a notice of proposed rule change 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 Mynor Lopez, P.O. Box 41160, Olympia, WA 98504, phone 360-664-9750, fax 360-586-7079, email mynorL@omwbe.wa.gov, web site [www.omwbe.wa.gov](http://www.omwbe.wa.gov).

January 22, 2019  
Mynor Lopez  
Assistant Director  
of Legislative Affairs

### WSR 19-03-164

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed January 23, 2019, 9:27 a.m.]

Subject of Possible Rule Making: Chapter 308-20 WAC, Cosmetology, barber, manicurist, esthetician rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.16.030 and 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will review the chapter for effectiveness, clarity, intent, and 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: Direct notice will be made to stakeholders and all active licensees under chapter 18.16 RCW. Details will be posted on our web site and distributed through the cosmetology listserv.

To receive information by email, please sign up on the cosmetology listserv at <http://www.dol.wa.gov/business/cosmetology/maillinglist.html>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cameron Dalmas, P.O. Box 9026, Olympia, WA 98507, phone 360-664-6643, fax 360-664-2550, TTY 711, email [plssunit@dol.wa.gov](mailto:plssunit@dol.wa.gov), web site [dol.wa.gov/business/cosmetology/lawsrules.html](http://dol.wa.gov/business/cosmetology/lawsrules.html).

January 23, 2019  
Damon Monroe  
Rules Coordinator

### WSR 19-03-167

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Aging and Long-Term Support Administration)

[Filed January 23, 2019, 10:36 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-97-1090 Direct care hours, 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: The department is planning to amend WAC 388-97-1090 to implement ESHB 1548, which requires the department to establish rules that allow a geriatric behavioral health worker to be recognized in the minimum staffing requirement as part of the direct care ser-

vice delivery. ESHB 1548 requires these rules to include standards or requirements for work skills, work experience, training, and supervision.

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 invites the public to review and provide input on the draft language in 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, Policy Program Manager, P.O. Box 45600, Olympia, WA 98504, phone 509-225-2819, fax 360-725-3224, email herkela@dshs.wa.gov.

January 16, 2019  
Katherine I. Vasquez  
Rules Coordinator

**WSR 19-03-168**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed January 23, 2019, 10:50 a.m.]

Subject of Possible Rule Making: WAC 314-11-025  
What are the forms of acceptable identification?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule will be reviewed and revised to add tribal enrollment cards from Indian tribes located outside of Washington as acceptable forms of identification. Revisions will also include general clarifying and technical updates if necessary.

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 Janette Benham, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1760, fax 360-664-9689, email rules@lcb.wa.gov, web site www.lcb.wa.gov.

January 23, 2019  
Jane Rushford  
Chair

**WSR 19-03-170**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed January 23, 2019, 11:06 a.m.]

Subject of Possible Rule Making: The department is considering amending and consolidating its hearing rules into one chapter under Title 220 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, the department provides the public certain administrative hearing rights based on agency actions and decisions that are described in numerous rules scattered within Title 220 WAC. To better inform the public and satisfy the requirements of the Administrative Procedure Act under chapter 34.05 RCW, the department needs to consolidate and clarify its administrative hearing rules into one chapter.

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 Scott Bird, P.O. Box 43200, Olympia, WA 98501-3200, phone 360-902-2403, fax 360-902-2155, email Rules.Coordinator@dfw.wa.gov.

January 23, 2019  
Scott Bird  
Rules Coordinator

**WSR 19-03-171**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed January 23, 2019, 11:13 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 17-21-086 on October 17, 2017 (WAC 388-97-1090), regarding nursing home staff training.

Katherine I. Vasquez  
Rules Coordinator

**WSR 19-03-172**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed January 23, 2019, 11:26 a.m.]

Subject of Possible Rule Making: The department is considering amending commercial fishing rules to help reduce the dumping of filleted fish carcasses and offal in Washington ports.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, the dumping of filleted fish carcasses and offal in Washington ports has

attracted large numbers of sea lions which is affecting port operations and public safety. To reduce the dumping of this material and mitigate the descent of sea lions into Washington ports, the department seeks to amend rules allowing ports to contract with licensed fish dealers to receive the transfer of recreationally-caught filleted fish carcasses for commercial purposes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: National Oceanic and Atmospheric Administration.

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 Scott Bird, P.O. Box 43200, Olympia, WA 98501-3200, phone 360-902-2403, fax 360-902-2155, email [Rules.Coordinator@dfw.wa.gov](mailto:Rules.Coordinator@dfw.wa.gov).

January 23, 2019  
Scott Bird  
Rules Coordinator