

**WSR 19-11-010**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed May 2, 2019, 3:09 p.m.]

The Washington state department of agriculture is providing notice of withdrawal of WSR 18-19-097, filed on September 19, 2018, regarding amendments to chapter 16-305 WAC, Industrial hemp research program.

Jessica Allenton  
 Assistant Director  
 Commodity Inspection Division

**WSR 19-11-011**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF CORRECTIONS**

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

Subject of Possible Rule Making: Chapter 137-104 WAC, Community custody violation hearings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ensure that the rules are consistent with desired hearing practices.

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 Thomas Layne, Administrator, Hearings and Violations, P.O. Box 41113, Olympia, WA 98504-1113, phone 360-725-9301, email Thomas.layne@doc.wa.gov, web site www.doc.wa.gov; or Maria Puccio, Rule[s] Coordinator, P.O. Box 41114, Olympia, WA 98504-1114, phone 360-725-8362, fax 360-664-2009, email maria.puccio@doc.wa.gov, web site www.doc.wa.gov.

May 3, 2019  
 Stephen Sinclair  
 Secretary

**WSR 19-11-021**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed May 7, 2019, 9:45 a.m.]

Subject of Possible Rule Making: Chapter 246-50 WAC, Coordinated quality improvement program (CQIP), the department of health will review the CQIP chapter and will consider updating the rules for clarification, streamlining, modernization, and other necessary updates for compliance with state statute.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules in chapter 246-50 WAC provide criteria and an approval process for health care entities who choose to apply for a department of health (department) approved CQIP under RCW 43.70.510. Health care entities under RCW 43.70.510 include: Health care institutions and medical facilities, other than hospitals, that are licensed by the department; professional societies or organizations; health care service contractors; health maintenance organizations; health carriers approved pursuant to chapter 48.43 RCW; and any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision. Health care provider groups may also apply for an approved CQIP. A comprehensive chapter review has not been completed since 2006. The department has determined clarification, streamlining, modernization, and other updates for compliance with state statute may be necessary to more fully implement and enforce the rules.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jovi Swanson, P.O. Box 47890, Olympia, WA 98504-7890, phone 360-545-7315, TTY 360-833-6388 or 711, email jovi.swanson@doh.wa.gov.

Additional comments: Interested parties may participate by contacting Jovi Swanson and request being added to the interested parties list.

May 3, 2019  
 John Wiesman, DrPH, MPH  
 Secretary

**WSR 19-11-022**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed May 7, 2019, 10:12 a.m.]

Subject of Possible Rule Making: WAC 260-70-685 Alphabetical listing of all drugs, medications, and foreign substances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update this section with new substances found and reclassified drugs and medications.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516,

phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

May 7, 2019  
Douglas L. Moore  
Executive Secretary

whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

May 7, 2019  
Douglas L. Moore  
Executive Secretary

### WSR 19-11-023

#### PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed May 7, 2019, 10:14 a.m.]

Subject of Possible Rule Making: WAC 260-20-090 Association security.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add language requiring licensees to comply with request[s] and direction from association security in a respectful manner.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

May 7, 2019  
Douglas L. Moore  
Executive Secretary

### WSR 19-11-024

#### PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed May 7, 2019, 10:21 a.m.]

Subject of Possible Rule Making: WAC 260-36-062 Fitness to participate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add language to allow the commission to require submittal of a baseline concussion test for licensees as a condition of licensure.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@

### WSR 19-11-025

#### PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed May 7, 2019, 10:24 a.m.]

Subject of Possible Rule Making: Chapter 260-80 WAC, Prohibited practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add language to ensure that licensees conduct safe practices for all stakeholders["] protection, including but not limited to, vehicle usage and fire prevention practices.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

May 7, 2019  
Douglas L. Moore  
Executive Secretary

### WSR 19-11-026

#### PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed May 7, 2019, 10:29 a.m.]

Subject of Possible Rule Making: Chapter 260-24 WAC, Association officials and employees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update duties and responsibilities of racing officials to reflect current model rule standards.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

May 7, 2019  
Douglas L. Moore  
Executive Secretary

**WSR 19-11-027**

**PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed May 7, 2019, 10:31 a.m.]

Subject of Possible Rule Making: WAC 260-40-280 Impaired horses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To prohibit the entry of horses that have been "heel nerved."

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

May 7, 2019  
Douglas L. Moore  
Executive Secretary

**WSR 19-11-029**

**PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed May 7, 2019, 11:18 a.m.]

Subject of Possible Rule Making: Chapter 260-84 WAC, Penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update penalty matrix to reflect new amendments and changes.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

May 7, 2019  
Douglas L. Moore  
Executive Secretary

**WSR 19-11-031**

**PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed May 7, 2019, 1:12 p.m.]

Subject of Possible Rule Making: WAC 260-28-295 Trainer responsibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add language that would require trainers, upon request, to provide veterinarian treatment reports for horses not stabled on the grounds of a licensed race meet when they are scheduled to race.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

May 7, 2019  
Douglas L. Moore  
Executive Secretary

**WSR 19-11-032**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ECOLOGY**

[Order 19-02—Filed May 7, 2019, 4:53 p.m.]

Subject of Possible Rule Making: The department of ecology (ecology) is beginning a rule making for multiple revisions to chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington. This rule making would consider:

Amending the numeric criteria for total dissolved gas in the Snake and Columbia rivers: WAC 173-201A-200 (1)(f)(ii).

Amending specific sections of the rule to meet legal obligations in a 2018 stipulated order (see discussion below): WAC 173-201A-200 (1)(c)(ii)(B), 173-201A-210 (1)(c)(ii)(B), and 173-201A-240(5) Table 240 footnote dd.

Aligning the rule with the Washington state department of health (DOH) shellfish harvesting program: WAC 173-201A-210 (2)(b).

Revising and clarifying the descriptions of marine water aquatic life use designations: WAC 173-201A-210 (1)(a) and 173-201A-610 Table 610.

Other sections of chapter 173-201A WAC may be amended, as necessary, to support any revisions to the sections noted above.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.035 provides clear and direct authority to ecology to revise the surface water quality standards (SWQS). Additionally, 40 C.F.R. 131.20 requires states and tribes with Federal Clean Water Act authority to periodically review and update the SWQS.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We are considering multiple revisions to chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington, which include: (Revision A) modifying total dissolved gas (TDG) criteria, (Revision B) meeting legal obligations, (Revision C) aligning shellfish criteria, and (Revision D) clarifying definitions.

**(Revision A) Amending the numeric criteria for TDG in the Snake and Columbia rivers:** The goal of this rule making is to improve fish passage for salmon and steelhead migrating downstream in the Snake and Columbia rivers. Dams release water through spillways over the dam and fish using the spillway have a better chance for survival compared to those that pass through the dams' turbines. However, spilling water also increases TDG that can negatively impact aquatic life. This rule making would aim to amend the TDG limit to allow for greater water flow through spillways for improved salmon migration, while ensuring that TDG limits minimize negative impacts to aquatic life through sufficient biological monitoring.

These revisions would:

- Provide a new adjusted TDG criteria that could be applied at dams that operate increased spills for the purpose of improving downstream juvenile salmon and steelhead migration in the Snake and Columbia rivers.
- Establish biological thresholds that must be met to apply an adjusted criteria up to one hundred twenty-five percent TDG.

**(Revision B) Meeting obligations made in a 2018 United States District Court Stipulated Order of Dismissal between Northwest Environmental Advocates (NWEA), the United States Environmental Protection Agency (EPA), and ecology:** We are considering revisions to sections of the SWQS as agreed to in a 2018 United States District Court stipulated order of dismissal (order) between NWEA, EPA, and ecology. In the order, ecology agreed to take action on several sections of the surface water quality standards by October 2021, including the following two revisions:

- Remove two subsections in the fresh and marine water temperature criteria related to an incremental temperature allowance from nonpoint source activities.
  - Although these provisions for nonpoint temperature increases have been in the standards for decades, they have not been applied in ecology's nonpoint protection program. The provisions may also conflict with our current antidegradation requirements that already prescribe a different temperature allowance when water is cooler than the assigned numeric criterion. For these reasons, ecology agreed to remove these subsections of temperature criteria and is including the revision in this rule making to be compliant with the order.
- Amend footnote "dd" in Table 240 to clarify that an adjustment of metals criteria (water effects ratio) pursuant to this footnote requires EPA approval pursuant to 33 U.S.C. § 1313(c).
  - Ecology agreed to amend the footnote in Table 240 to clarify that adjustments to metals criteria require EPA approval. EPA previously indicated to ecology that any efforts to revise metals criteria by developing water effects ratios would need to go through a separate rule making, which ecology agreed to. This amendment would codify the agreed-upon intent of this footnote and would not change how the footnote is currently implemented.

**(Revision C) Aligning the rule with DOH shellfish harvesting program:** We are considering a revision to portions of the shellfish harvesting use criteria to come into alignment with the DOH shellfish harvesting program and the associated Federal Food and Drug Administration's (FDA) National Shellfish Sanitation program. Ecology would adopt the same bacteria data averaging and duration periods as these programs.

DOH requested ecology to align this section of the surface water quality standards with state and federal shellfish harvesting program requirements. Due to changes that occurred as a result of ecology's January 2019 rule adoption for recreational use criteria (RUC), recreation and shellfish harvesting are now protected using different bacteria indicators. The DOH formal request was submitted during the comment period of the RUC rule making. Now that shellfish harvesting use criteria is "decoupled" from recreational use criteria, ecology has the opportunity to meet the DOH request.

This action to revise averaging and duration portions of the shellfish harvesting use criteria would simplify compliance goals by making FDA and Clean Water Act compliance requirements the same. This would minimize confusion between the two state agency programs that implement these federal programs to ensure that consumers and the public are protected.

**(Revision D) Clarifying the descriptions of marine water aquatic life use designations:** We intend to revise the aquatic life use designation descriptions for marine waters. In a 2003 rule making to update Washington's water quality standards, the restructuring of aquatic life use designations resulted in an unintentional change that applied these use designations to cold water fisheries. This error was recently discovered when the city of Everett petitioned ecol-

ogy to revise dissolved oxygen criteria for marine waters. The city pointed out the discrepancies in the marine use designation descriptions, and upon review, ecology agreed that this was an unintended error and that the agency would correct [it] in a future rule making. This clarification would return the descriptions to their original intent and improve the ability for the public to apply SWQS appropriately.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will work with tribes, EPA, DOH, and other federal and state agencies that also coordinate implementation of SWQS to discuss, and seek input on, rule making activities and language development.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chad Brown, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-6128, people with speech disability may call TTY at 877-833-6341, people with impaired hearing may call Washington relay service at 711, email [swqs@ecy.wa.gov](mailto:swqs@ecy.wa.gov), web site <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-201A-revisions>, <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=ECOLOGY-WATER-QUALITY-INFO&A=1>.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

May 7, 2019  
Heather R. Bartlett  
Water Quality Program Manager

**WSR 19-11-036**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed May 9, 2019, 1:00 p.m.]

Subject of Possible Rule Making: WAC 182-538A-160 Program integrity requirements; chapter 182-502A WAC, Program integrity; 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 updating the rules for program integrity activities related to managed care to align with federal rules. As part of this rule making, the agency intends to repeal WAC 182-538A-160 and replace it with revisions to chapter 182-502A WAC. 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 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](mailto:Melinda.froud@hca.wa.gov), web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

May 9, 2019  
Wendy Barcus  
Rules Coordinator

**WSR 19-11-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STUDENT ACHIEVEMENT COUNCIL**

[Filed May 10, 2019, 3:35 p.m.]

Subject of Possible Rule Making: Through passage of ESS House Bill [E2SHB] 1439, new requirements and prohibitions are established for nonexempt degree-granting institutions under jurisdiction of the Degree-Granting Institutions Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.85.230.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Need to adopt requirements and fees related to the tuition recovery trust fund, other revisions as needed to strengthen consumer protection from unfair business practices through increased regulation and oversight of authorized institutions.

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; and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sam Loftin, Director of Consumer Protection, P.O. Box 43430, Olympia, WA 98504-3430, phone 360-753-7866, fax 855-265-0066, email [SamL@wsac.wa.gov](mailto:SamL@wsac.wa.gov), web site [www.wsac.wa.gov](http://www.wsac.wa.gov); or Tivoli Sharp, P.O. Box 43430, Olympia, WA 98504-3430, phone 360-753-7869, fax 855-265-0066, email [TivoliS@wsac.wa.gov](mailto:TivoliS@wsac.wa.gov), web site [www.wsac.wa.gov](http://www.wsac.wa.gov).

May 10, 2019  
Don Bennett  
Deputy Director

**WSR 19-11-057****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed May 14, 2019, 9:22 a.m.]

Subject of Possible Rule Making: WAC 260-34-030 Testing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend the current language on which licensees fall under the random drug testing program to include any individual with a groom's or assistant trainer license.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

May 14, 2019  
Douglas L. Moore  
Executive Secretary

**WSR 19-11-070****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

[Filed May 16, 2019, 12:50 p.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 18-14-098 on July 3, 2018, and distributed in the 18-14 State Register.

The CR-101 states that the agency wants to amend rules to allow the agency's dispute resolution process under WAC 182-502-0050 to providers denied enrollment or terminated for convenience. The agency instead intends to file a new CR-101 to give providers a process to request that the agency reconsider these denials and terminations, but through a process that is separate from the dispute resolution process in WAC 182-502-0050, as well as separate from the reconsideration process in chapter 182-526 WAC.

Wendy L. Barcus  
Rules Coordinator

**WSR 19-11-078****PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

[Filed May 17, 2019, 9:01 a.m.]

Subject of Possible Rule Making: WAC 182-530-2000 Covered—Outpatient drugs, devices, and drug-related supplies, 182-530-2001 Noncovered—Outpatient drugs and pharmaceutical supplies, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; Sec. 1927 (42 U.S.C. 1396r-8) (d)(2)(D); Sec. 1927 (42 U.S.C. 1396r-8) (d)(2)(G); Sec. 1927 (42 U.S.C. 1396r-8) (d)(7)(A); Sec. 1927 (42 U.S.C. 1396r-8) (k)(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is removing language exceptions to prescription requirements for over-the-counter products to promote smoking cessation. The agency is also updating language and adding products to comply with the Centers for Medicare and Medicaid Services (CMS) prescription requirements and the apple health preferred drug list. 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: CMS.

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.

May 17, 2019  
Wendy Barcus  
Rules Coordinator

**WSR 19-11-079****PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

[Filed May 17, 2019, 9:03 a.m.]

Subject of Possible Rule Making: WAC 182-531-0100 Scope of coverage for physician-related and health care professional services—General and administrative, 182-531-1720 Tobacco cessation counseling, 182-533-0400 Maternity care and newborn delivery, 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 these sections to update and clarify language, and to cross-reference details of coverage to the appropriate WAC sections. 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 42176 [42716], Olympia, WA 98504-2716, phone 360-725-1346, fax 360-586-9727, telecommunication relay services 711, web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

May 17, 2019  
Wendy Barcus  
Rules Coordinator

**WSR 19-11-086**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BIG BEND**  
**COMMUNITY COLLEGE**

[Filed May 17, 2019, 9:52 a.m.]

Subject of Possible Rule Making: WAC 132R-04-063 Disciplinary action.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to process.

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 Melinda Dourte, 7662 Chanute Street N.E., Moses Lake, WA, phone 509-793-2001, email [melindad@bigbend.edu](mailto:melindad@bigbend.edu), web site [www.bigbend.edu](http://www.bigbend.edu).

May 17, 2019  
Melinda Dourte  
Executive Assistant  
to the President

**WSR 19-11-087**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BIG BEND**  
**COMMUNITY COLLEGE**

[Filed May 17, 2019, 9:53 a.m.]

Subject of Possible Rule Making: WAC 132R-02-050 Brief adjudicative procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to process.

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 Melinda Dourte, 7662 Chanute Street N.E., Moses Lake, WA, phone 509-793-2001, email [melindad@bigbend.edu](mailto:melindad@bigbend.edu), web site [www.bigbend.edu](http://www.bigbend.edu).

May 17, 2019  
Melinda Dourte  
Executive Assistant  
to the President

**WSR 19-11-089**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BIG BEND**  
**COMMUNITY COLLEGE**

[Filed May 17, 2019, 9:54 a.m.]

Subject of Possible Rule Making: WAC 132R-117-020 Trespass.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to process.

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 Melinda Dourte, 7662 Chanute Street N.E., Moses Lake, WA, phone 509-793-2001, email [melindad@bigbend.edu](mailto:melindad@bigbend.edu), web site [www.bigbend.edu](http://www.bigbend.edu).

May 17, 2019  
Melinda Dourte  
Executive Assistant  
to the President

**WSR 19-11-090**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SECRETARY OF STATE**

[Filed May 17, 2019, 2:35 p.m.]

Subject of Possible Rule Making: Elections.  
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is necessary to update the WAC to reflect recent legislative changes and to update and clarify procedures.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sheryl Moss, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4146, fax 360-664-4619, email sheryl.moss@sos.wa.gov, web site vote.wa.gov; or Lisa Tuerk, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4167, fax 360-664-4619, email lisa.tuerk@sos.wa.gov, web site vote.wa.gov.

May 17, 2019

Mark Neary  
Assistant Secretary of State

### WSR 19-11-095

#### PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed May 20, 2019, 8:33 a.m.]

Subject of Possible Rule Making: Adjusting the hours unemployment claimants must be available for work in order to be eligible for unemployment benefits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department (ESD). RCW 50.12.042 provides specific rule-making authority regarding the requirement that unemployment claimants be able to work, available for work, and actively seek work.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under current rules, unemployment claimants must be available for work during all the usual hours and days of the week customary for their occupation. This requirement can be unobtainable for some claimants who work in 24/7 professions, especially those claimants who have family caregiving responsibilities. Rule making is necessary to set a more obtainable standard.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: The proposed rule will be shared with stakeholders as identified through the standard rule-making process. ESD will solicit input and consider all comments in the development of the final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott E. Michael, P.O. Box 9046, phone 360-902-9587, fax 360-902-9662, TTY relay 711,

email rules@esd.wa.gov, web site <https://esd.wa.gov/newsroom/rulemaking/benefits>.

May 20, 2019

Daniel Zeitlin  
Employment System Policy Director

### WSR 19-11-096

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 20, 2019, 8:57 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.16A.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Adding a new section to chapter 308-96A WAC will allow the department to create definitions for the types of electric, hybrid and alternative fuel vehicles for the purposes of implementing EHB 2042 passed during the 2019 legislative session.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will work closely with department of revenue to define these types of vehicles in rule.

Process for Developing New Rule: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jill Johnson, Department of Licensing, P.O. Box 9020, Olympia, WA 98507, phone 360-902-0183, email jjjohnson@dol.wa.gov.

May 20, 2019

Damon Monroe  
Rules Coordinator

### WSR 19-11-097

#### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed May 20, 2019, 10:20 a.m.]

Subject of Possible Rule Making: WAC 182-502-0012 When the medicaid agency does not enroll, 182-502-0040 Termination of a provider agreement—For convenience, 182-502-0060 Reapplying for participation, 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 WAC 182-502-0012(5) and 182-502-0040(2) to allow providers to request the agency to reconsider agency decisions to deny enrollment applications, and to request the agency to reconsider terminations of a provider agreement for convenience. The reconsideration process being added to WAC 182-502-0012 is a separate process from the reconsideration



process in chapter 182-526 WAC and separate from the dispute resolution process in WAC 182-502-0050. The agency is amending WAC 182-502-0060 to remove subsections (1) and (2) that prohibit providers from reapplying for participation after the agency denies enrollment or removes a provider from participation. The agency has determined that the rules need to be amended to allow for due process and for reporting purposes. 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 Amy Emerson, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1348, fax 360-586-9727, telecommunication relay services 711, email amy.emerson@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

May 20, 2019  
Wendy Barcus  
Rules Coordinator

**WSR 19-11-099**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed May 20, 2019, 12:24 p.m.]

**Subject of Possible Rule Making:** The department seeks to amend the following rules in chapter 220-330 WAC: WAC 220-330-110 Clams other than razor clams, and mussels—Areas and seasons, 220-330-140 Oysters—Areas and seasons, 220-330-040 Crab—Areas and seasons—Personal use, and 220-330-100 Personal-use crab, shrimp, crawfish—Unlawful acts.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 77.04.012, 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 department seeks to make several changes to shellfish rules located in chapter 220-330 WAC which include the following: (1) Remove sections from two shellfish rules which decriminalize the possession and/or harvesting of oysters and clams during the closed season, (2) clarify that violations described in a shellfish rule apply to use of unlawful gear without possession of shellfish, and (3) correct invalid RCW references in two shellfish rules.

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

**Process for Developing New Rule:** 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, email scott.bird@dfw.wa.gov.

May 16, 2019  
Scott Bird  
Rules Coordinator

**WSR 19-11-104**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed May 21, 2019, 8:36 a.m.]

**Subject of Possible Rule Making:** Chapter 16-501 WAC, WSDA procedural rules—Commodity boards or commissions.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 43.23.033.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** These rules establish the means by which agricultural commodity commissions fund the department's commodity commissions coordinator position. Amendments are needed to clarify definitions, to clarify that commodity commissions fund one-half full-time equivalent, to clarify on what a commission's contribution is based, and to provide additional time for a commission to remit the billed amount to the department. Making clarifications to the rules remove unintentional ambiguities, promote and increase clarity and usability, and reflect normal practices.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Norman, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2043, fax 360-902-2092, TTY 800-833-6388, email tnorman@agr.wa.gov, web site www.agr.wa.gov.

May 15, 2019  
Jason Ferrante  
Assistant Director

**WSR 19-11-108**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BUILDING CODE COUNCIL**

[Filed May 21, 2019, 12:25 p.m.]

Subject of Possible Rule Making: Chapter 51-04 WAC, Policies and procedures for consideration of statewide and local amendments to the State Building Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The council was directed by the legislature to adopt changes to their process for adopting statewide amendments and the process for review of local amendments to the State Building Code.

Process for Developing New Rule: Agency study; and stakeholder survey.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Richard Brown, P.O. Box 41449, Olympia, WA 98504-1449, phone 360-407-9277, email sbcc@des.wa.gov, web site sbcc.wa.gov.

May 21, 2019  
 Doug Orth  
 Council Chair

**WSR 19-11-112**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed May 21, 2019, 2:48 p.m.]

Subject of Possible Rule Making: Chapter 392-141 WAC, Transportation—State allocation for operations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Districts received a one-time legislative salary and benefit increase included in the transportation operations allocation for the 2018-19 school year to reflect the compensation increase with the passage of E2SSB 6362. Districts may not have time to utilize the increase in funds and may face recovery of transportation funds not expended. A new section to WAC 392-141-410 would allow a one year only carryover of unspent funds for the 2019-20 school year to prevent the recovery of 2018-19 allocation.

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 Patti Enbody, Director, Student Transportation, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6122, TTY 360-664-3631, email patti.enbody@k12.wa.us, web site www.k12.wa.us/transportation.

May 21, 2019  
 Chris P. S. Reykdal  
 State Superintendent  
 of Public Instruction

**WSR 19-11-114**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed May 22, 2019, 7:14 a.m.]

Subject of Possible Rule Making: WAC 458-20-17802 Collection of use tax by county auditors and department of licensing—Measure of tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-20-17802 provides a framework for county auditors and the department of licensing to determine and collect use tax imposed by chapter 82.12 RCW when a person applies to transfer the certificate of title of a vehicle acquired without the payment of retail sales tax. As part of the process, an automated valuing system is used to verify the purchase price of the vehicle represents the true value.

A presumption is made in the rule that the purchase price represents the true value of the vehicle if one of the following conditions is met:

- (a) The vehicle's average retail value (as determined by the automated valuing system) is less than \$5,000; or
- (b) The vehicle's purchase price is not more than \$2,000 below the vehicle's average retail value (as determined by the automated valuing system).

The department proposes to update WAC 458-20-17802 to adjust the conditions discussed above. Specifically, for condition (a), the department proposes increasing the threshold from \$5,000 to \$7,500. Therefore, if the vehicle's average retail value (as determined by the automated valuing system) is less than \$7,500, the purchase price will be used as the measure of the use tax. For condition (b), the department requests stakeholder input as to whether the threshold should be adjusted.

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 process or giving oral testimony at the public meeting and/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 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: Written comments may be submitted by mail or email and should be directed to Brenton Madison using one of the contact methods above. Written and oral comments will be accepted at the public meeting on June 20, 2019, at 10:00 a.m., at Conference Room 252, 6400 Linderson Way S.W., Tumwater, WA 98501.

May 22, 2019  
Kevin Dixon  
Program Manager

**WSR 19-11-115**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed May 22, 2019, 7:32 a.m.]

Subject of Possible Rule Making: WAC 363-116-301  
New revenue collection.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: Title 88 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: The board of pilotage com-  
missioners (BPC) is complying with the legislative intent  
through the passage of ESHB 1160, which stipulates certain  
conditions in order for BPC to receive state appropriation  
from the pilotage account solely for self-insurance liability  
premium expenditures. This revised rule defines these two  
stipulated conditions.

Other Federal and State Agencies that Regulate this Sub-  
ject and the Process Coordinating the Rule with These Agen-  
cies: None.

Process for Developing New Rule: BPC adopted this  
new rule under emergency provisions in order to promptly  
comply with the provisos described in ESHB 1160, section  
108, effective May 16, 2019. A public hearing will be held at  
a future date in order to adopt the rule permanently.

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

May 22, 2019  
Jaimie Bever  
Executive Director

AMENDATORY SECTION (Amending WSR 17-20-009,  
filed 9/22/17, effective 10/23/17)

**WAC 363-116-301 New revenue collection.** With  
respect to the passage of Engrossed (~~Senate Bill No. 5096~~)  
Substitute House Bill No. 1160, Section 108, the board of  
pilotage commissioners is appropriated (~~one million one  
hundred thousand~~) three million one hundred twenty-five  
thousand dollars from the (~~multimodal transportation~~)  
pilotage account state appropriation solely for self-insurance  
liability premium expenditures. This appropriation is contin-  
gent upon (~~three~~) two stipulated conditions:

(1) The Puget Sound pilots shall pay to the board, from  
its tariffs, one hundred fifty thousand dollars annually on July  
1, (~~2017~~) 2019, and July 1, (~~2018~~) 2020. These amounts  
shall be deposited by the board into the pilotage account and  
used solely for the expenditure of self-insurance premiums;  
and

(2) (~~The board shall maintain the Puget Sound pilotage  
district pilotage tariff at the rate which became effective on  
January 1, 2017; and~~

(~~3~~)) A self-insurance premium surcharge of sixteen dol-  
lars shall be added to each Puget Sound pilotage assignment  
on all vessels requiring pilotage in the Puget Sound pilotage  
district. The Puget Sound pilots shall remit the total amount  
of such surcharges generated to the board by the tenth of each  
month. The surcharge shall be in effect from July 1, (~~2017~~)  
2019, through June 30, (~~2019~~) 2021. These amounts shall  
be in addition to those fees to be paid to the board pursuant to  
subsection (1) of this section and shall be deposited by the  
board into the pilotage account solely for the expenditure of  
self-insurance premiums.

These (~~three~~) two directives are in effect beginning  
May (~~18, 2017~~) 16, 2019, through June 30, (~~2019~~) 2021.

**WSR 19-11-116**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed May 22, 2019, 7:34 a.m.]

Subject of Possible Rule Making: Chapter 16-610 WAC,  
Livestock brand inspection, the department is considering  
amending chapter 16-610 WAC to align with recently  
enacted legislation to:

- Establish definitions for call out fee, certified veterinar-  
ian, electronic official individual identification, field  
livestock inspector, and livestock legacy brand;
- Increase the membership of the livestock identification  
advisory committee;
- Expand the electronic cattle transaction reporting  
(ECTR) system to allow for all cattle producers to report  
change of ownership and movement out of state transac-  
tions electronically;
- Establish an ECTR licensing and renewal fee;
- Modify those able to perform livestock inspections and  
the requirements associated with being a certified  
inspector;
- Reflect livestock inspection fees;
- Reflect a legacy brand transfer fee; and
- Reflect brand transfer fees.

The department is also considering amending chapter  
16-610 WAC to increase the certified inspector certification  
fee and revise language to increase clarity and readability and  
to conform with current industry practices.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 16.57.015, 16.57.020, 16.57.025, 16.57.080,  
16.57.160, 16.57.220, 16.57.350, 16.57.450, 16.58.030, and  
16.65.020.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: April 2019, the Washington  
state legislature passed ESSB 5959. This bill increases the  
membership of the livestock identification advisory commit-  
tee, modifies livestock inspection fees, allows field livestock  
inspectors to perform livestock inspections, and expands the  
ECTR system to all cattle.

The department is initiating rule making to align with ESSB 5959.

The livestock inspection program is supported one hundred percent by user fees; deriving revenue from livestock inspections, brand recordings, and licensing fees. User fees had not been increased since 2006 and the program was facing a significant budget shortfall by the end of the 2017-19 biennium. ESSB 5959 not only increased fees but also allows the department to move animal disease traceability forward by expanding ECTR and the use of official electronic individual identification. The United States Department of Agriculture announced in April 2019 that official electronic cattle identification will become an industry-wide requirement as of 2023.

The department supported this industry requested legislation as a step forward for animal disease traceability, food safety, international trade, and the long-term economic viability of the livestock industry.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, P.O. Box 42577, Olympia, WA 98504-2577, phone 360-902-1889, fax 360-902-2087, email [jjones@agr.wa.gov](mailto:jjones@agr.wa.gov), web site [www.agr.wa.gov](http://www.agr.wa.gov).

May 22, 2019

Jodi Jones

Acting Assistant Director

#### WSR 19-11-124

#### PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed May 22, 2019, 9:34 a.m.]

Subject of Possible Rule Making: Amend Title 390 WAC to implement ESHB [SHB] 1195, Laws of 2019, concerning the efficient administration of campaign finance and public disclosure reporting and enforcement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2019 legislature passed SHB 1195, Laws of 2019, concerning the efficient administration of campaign finance and public disclosure reporting and enforcement. To comply with SHB 1195, Laws of 2019, current Title 390 WAC must be amended, repealed and new sections added. The effective date of the law is May 21, 2019.

Process for Developing New Rule: Other [no further information supplied by agency].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Sean Flynn, 711 Capitol Way South, Suite 206, Olympia, WA 98504, phone 360-753-1111, fax 360-753-1112, email [Pdc@pdc.wa.gov](mailto:Pdc@pdc.wa.gov), web site [www.pdc.wa.gov](http://www.pdc.wa.gov).

May 22, 2019

B. G. Sandahl

Deputy Director

#### WSR 19-11-127

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed May 22, 2019, 10:11 a.m.]

Subject of Possible Rule Making: The department is considering modifying its existing recreational fish Washington package and creating multiple new recreational packages for the public.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.240, 77.12.800, 77.32.090, and 77.32.470.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is modifying one of its existing packages and creating new packages to improve convenience and ease of purchase for the public as well as to reduce overall purchasing costs.

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, 600 Capitol Way North, Olympia, WA 98501, phone 360-902-2403, fax 360-902-2162, email [scott.bird@dfw.wa.gov](mailto:scott.bird@dfw.wa.gov), web site [www.dfw.wa.gov](http://www.dfw.wa.gov).

May 22, 2019

Scott Bird

Rules Coordinator

#### WSR 19-11-128

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed May 22, 2019, 10:13 a.m.]

Subject of Possible Rule Making: The department needs to change its rules concerning the Columbia River salmon and steelhead endorsement (CRSSE) to conform to state law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.240, 77.12.800, 77.32.090, and 77.32.470.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Based on the expiration of RCW 77.12.712, 77.12.714 and 77.15.718 concerning CRSSE, the department must amend its existing rules to conform to state law.

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

Process for Developing New Rule: 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, 600 Capitol Way North, Olympia, WA 98501, phone 360-902-2403, fax 360-902-2162, email [scott.bird@dfw.wa.gov](mailto:scott.bird@dfw.wa.gov), web site [wdfw.wa.gov](http://wdfw.wa.gov).

May 22, 2019  
Scott Bird  
Rules Coordinator

**WSR 19-11-131**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed May 22, 2019, 10:34 a.m.]

Subject of Possible Rule Making: Amending existing rules affected by passage of SB 5148 during the 2019 legislative session.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, and 77.12.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: For the purpose of hunter safety, the commission has adopted rules determining the times and manner when a person hunting must wear fluorescent hunter orange clothing. The proposal will add the color fluorescent pink. A person hunting must wear either fluorescent orange or fluorescent pink clothing, or both, in order to meet a visible clothing requirement when hunting.

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 Eric Gardner, 1111 Washington Street, Olympia, WA 98501, phone 360-902-2515, fax 360-902-2162, email [wildthing@dfw.wa.gov](mailto:wildthing@dfw.wa.gov), web site [wdfw.wa.gov](http://wdfw.wa.gov).

May 22, 2019  
Scott Bird  
Rules Coordinator

**WSR 19-11-133**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF ACCOUNTANCY**

[Filed May 22, 2019, 11:40 a.m.]

Subject of Possible Rule Making: WAC 4-30-130 What are the quality assurance review (QAR) requirements for licensed CPA firms?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of accountancy proposes amending WAC 4-30-130 to: (1) Rename the rule; (2) eliminate the thirty day notification requirement for peer review; (3) require participation in the AICPA facilitated state board access program; and (4) correct reference numbers to various WAC sections and subsections where the numbers have changed or been eliminated.

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 Kirsten Donovan, Rules Coordinator, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-664-9191, fax 360-664-9190, TTY 711, email [Kirsten.donovan@acb.wa.gov](mailto:Kirsten.donovan@acb.wa.gov), web site [www.acb.wa.gov](http://www.acb.wa.gov).

May 22, 2019  
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