

**WSR 24-19-015**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**ENTERPRISE SERVICES**

[Filed September 5, 2024, 5:44 p.m.]

Subject of Possible Rule Making: Washington small business certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.26.090, 43.19.011, and 43.19.725.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of the state is to spend more state dollars with Washington small businesses. Because of this, rules are needed to make sure Washington small businesses that want to do business with the state are properly identified and registered as small businesses.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of transportation, institutions of higher education, and the office of women and minority business enterprises regulate similar, but different, aspects of increasing state business with Washington small businesses. We will work with these agencies during the development of the proposed rule to make sure the similar aspects are aligned and in harmony.

Process for Developing New Rule: We encourage anyone interested to participate in all our rule making. We will include anyone interested in developing a proposed rule with us. We will give anyone an opportunity to comment in writing on the proposed rules during the public comment period and give oral testimony at the public hearings. Opportunities to participate in our rule-making activities will be listed on our website <https://des.wa.gov/policies-legal/rulemaking>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Zeigler, email [jack.zeigler@des.wa.gov](mailto:jack.zeigler@des.wa.gov), website <https://des.wa.gov/policies-legal/rulemaking>.

September 5, 2024  
Jack Zeigler  
Policy and Rules Manager

**WSR 24-19-018**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF REGISTRATION**  
**FOR PROFESSIONAL ENGINEERS**  
**AND LAND SURVEYORS**

[Filed September 9, 2024, 6:51 a.m.]

Subject of Possible Rule Making: Chapter 196-26A WAC, Registered professional engineers and land surveyor fees; and chapter 196-30 WAC, Fees for on-site wastewater treatment system designers and inspectors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035, 18.210.050, 18.210.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are being proposed to correct and clarify language throughout chapter 196-26A WAC. Also, we are proposing the repeal of chapter 196-30 WAC because there is a large amount of language in chapter 196-30 WAC that is a duplication of language found in chapter 196-26A WAC. Any specific language regarding on-site wastewater treatment system designers will be moved into chapter 196-26A WAC.

Process for Developing New Rule: Notice will be made to stakeholders and licensees and will be posted on our website and distributed through the board of registration for professional engineers and land surveyors and board staff. Interested parties may contact the individual listed below and the public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shanan Gillespie, P.O. Box 9025, phone 360-664-1570, TTY 711, email [jshanan.gillespie@brpels.wa.gov](mailto:jshanan.gillespie@brpels.wa.gov), website <https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity/>.

September 9, 2024  
Ken Fuller  
Director

**WSR 24-19-028  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed September 9, 2024, 3:39 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 24-10-100 on April 30, 2024, WAC 388-106-1800, 388-106-1805, 388-106-1810, 388-106-1815, and 388-106-1820, regarding long-term services and support presumptive eligibility phase two. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez  
Rules Coordinator

**WSR 24-19-029**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed September 9, 2024, 3:47 p.m.]

Subject of Possible Rule Making: Chapter 110-148 WAC, Licensing requirements for child foster homes, and all other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.15.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The licensing division (LD) is updating chapter 110-148 WAC, Licensing requirements for child foster homes, and other related rules to be more developmentally appropriate and flexible to meet the individual child's and youth's needs. LD will engage in negotiated rule making for foster care placements, identify sections that need to be updated to meet those goals, and make general housekeeping updates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

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 Jason Churchwell, 316 West Boone Avenue, Spokane, WA 99201, phone 509-385-9364, email Jason.churchwell@dcyf.wa.gov, website www.dcyf.wa.gov; or Libby Wagner, 1500 Jefferson Street S.E., Olympia, WA 98501, phone 360-999-7613, email Elizabeth.wagner@dcyf.wa.gov, website www.dcyf.wa.gov.

September 9, 2024  
Brenda Villarreal  
Rules Coordinator

**WSR 24-19-044**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 11, 2024, 12:33 p.m.]

Subject of Possible Rule Making: Chapter 16-350 WAC, Registration and certification of fruit tree planting stock. The department of agriculture (department) is considering updates to this chapter that:

- Reflect changes to horticultural practices of the fruit tree nurseries since the rule was last updated in 2005;
- Align the certification standards with those found in the North American Plant Protection Organization (NAPPO) Regional Standards for Phytosanitary Measures (RSPM) 35;
- Adopt new international terminology for defining the relationship of propagation material to the virus tested foundation source;
- Address certification of tissue cultures; and
- Update application fees and how they are applied to assessment fees as necessary under WAC 16-350-045.

The department will also consider additional safeguards to the Washington tree fruit industry, aimed at reducing harmful pest introductions into the state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.14.015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington's cherry orchards are experiencing high levels of little cherry virus 2 (LChV2) and X disease phytoplasma (Western X), resulting in an increased demand for virus-tested certified planting stock as the basis of an effective disease management strategy. This places the department's fruit tree certification program at the center of the solution, with an unprecedented number of requests for certification of budwood mother trees, certified seed trees, and rootstock stoolbeds.

Through a United States Department of Agriculture (USDA) funded grant, the department hired a facilitator to lead a working group of industry stakeholders aimed at increasing use of certified virus tested stock, improving communication with growers on best practices and harmonizing the certification rule with national and NAPPO standards. The working group has recommended a number of changes to the rule that would safeguard nursery production in the state by developing management strategies for the mitigation of pests and pathogens in nursery settings, as well as harmonize standards to support audit-based nursery certification initiatives.

Updating this rule to reflect updated practices and certification standards would result in:

(1) Supporting the continued export of certified planting stock by harmonizing the department's fruit tree certification program rules with the recently published national model standard and the recently revised NAPPO RSPM 35 standard, utilizing recommendations from a stakeholder driven working group to conduct rule making.

(2) Demonstrating model best practices to educate orchard growers and nurseries on how certification works to safeguard planting stock through comprehensive pest management.

(3) A reliable supply of pathogen tested nursery trees for re-planting orchards affected by Western X and LChV2 by safeguarding registered mother trees from field vectors for these regionally occurring threats.

(4) Increased utilization of certified planting stock by orchardists in the Pacific Northwest through building confidence in the department's certified fruit tree program and improved communication with stakeholders.

(5) Provide a more equitable application of fees between growers and nurseries.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. 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 Scott Brooks, Plant Services Program Manager, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-485-1235, fax 360-902-2094, TTY 800-833-6388 or 711, email sbrooks@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>; or Greg Haubrich, Assistant Director, Plant Protection Division, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-902-2071, fax 360-902-2094, TTY 800-833-6388 or 711, email ghaubrich@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>.

September 9, 2024  
Greg Haubrich  
Assistant Director

WSR 24-19-050

PREPROPOSAL STATEMENT OF INQUIRY  
BUILDING CODE COUNCIL

[Filed September 11, 2024, 4:22 p.m.]

Subject of Possible Rule Making: Amendment of WAC 51-54A-0904, adoption and amendment of the 2021 International Fire Code requirements for licensing for work on alternative automatic fire extinguishing systems.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.035 and 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The requirement for only National Institute for Certification in Engineering Technologies licensing will leave the Washington workforce without enough personnel to complete required work on existing automatic fire extinguishing systems. The state building code council has filed an emergency rule and needs to develop permanent rules that meet the need for qualified persons conducting work under appropriate licenses.

Process for Developing New Rule: Technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dustin Curb, P.O. Box 41449, Olympia, WA 98504-1449, phone 360-972-4158, email sbcc@des.wa.gov, website sbcc.wa.gov.

September 11, 2024  
Daimon Doyle  
Council Chair

**WSR 24-19-053**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed September 12, 2024, 12:55 p.m.]

Subject of Possible Rule Making: Amending WAC 388-880-042 Resident records—Purposes, 388-880-043 Resident records—Location and custody, 388-880-044 Resident records—Access, 388-880-150 Requests for public disclosure and 388-880-151 Requests for resident medical information; repealing WAC 388-880-045 Resident records—Retention; and possible other related sections in chapter 388-880 WAC as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.09.025, 71.09.050, 71.09.070, 71.09.080, 71.09.120, and 71.09.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of social and health services (DSHS) recognizes these WAC have not been updated since 2013 and since then, there have been policy and RCW changes that require an update. DSHS is updating the WAC related to resident records.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Christina Wells, P.O. Box 88450, Steilacoom, WA 98504, phone 253-363-0274, email christina.wells2@dshs.wa.gov.

September 12, 2024  
Katherine I. Vasquez  
Rules Coordinator



**WSR 24-19-060**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed September 13, 2024, 3:39 p.m.]

Subject of Possible Rule Making: WAC 182-531-1400 Psychiatric physician-related services and other professional mental health services, 182-531-1710 Alcohol and substance misuse counseling, 182-538D-0200 Behavioral health services—Definitions, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 18.227.100 (SSB 5189, chapter 270, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is revising these sections to add behavioral support specialists as an eligible provider type and add behavioral health support specialist definition to align with the state plan definition. During the course of this review, the agency may identify additional related 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 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 Jason Crabbe, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication relay services (TRS) 711, email Jason.crabbe@hca.wa.gov, website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Yvonne Keller, Program Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9993, fax 360-586-9727, TRS 711, email Yvonne.keller@hca.wa.gov, website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

September 13, 2024  
Wendy Barcus  
Rules Coordinator

**WSR 24-19-070**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed September 16, 2024, 3:55 p.m.]

Subject of Possible Rule Making: WAC 182-552-0400 Respiratory care—Continuous positive airway pressure (CPAP) device and supplies; 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 health care authority (agency) is amending WAC 182-552-0400 to update medical necessity criteria based on evidence reviews. During this review, the agency may identify additional related changes that are required to improve clarity or update policy.

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 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 Brian Jensen, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication relay services (TRS) 711, email [brian.jensen@hca.wa.gov](mailto:brian.jensen@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Fawn Ross, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1611, fax 360-586-9727, TRS 711, email [fawn.ross@hca.wa.gov](mailto:fawn.ross@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

September 16, 2024  
Wendy Barcus  
Rules Coordinator

**WSR 24-19-071**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
(Division of Consumer Services)  
[Filed September 16, 2024, 6:49 p.m.]

Subject of Possible Rule Making: Fee increase related to information system required pursuant to the Check Casher and Seller Act, chapter 31.45 RCW. This rule making would amend WAC 208-630-556 (11) and (13).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 31.45.093 and 43.320.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since January 1, 2010, borrowers are not permitted to receive more than eight small loans from any payday lender in any 12-month period. RCW 31.45.073(4). Payday lenders are required to verify the number of small loans a borrower has received to ensure the eight small loan limit is not exceeded by checking the required information database. RCW 31.45.093; WAC 208-630-555 and 208-630-556. Payday lenders must pay \$1 per small loan registered. WAC 208-630-556. This \$1 fee has not been amended or increased since 2010. The division of consumer services is increasing the fee to ensure the information database can continue to be used to assist and inform lenders on a borrower's eligibility to take out a small loan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Consumer Financial Protection Bureau implements a number of federal laws and regulations that industry must comply with.

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 Rochelle Henderson, P.O. Box 41200, Olympia, WA 98504-1200, phone 360-701-0581, email rochelle.henderson@dfi.wa.gov, website www.dfi.wa.gov.

September 16, 2024  
Ali Higgs, Director  
Division of Consumer Services

**WSR 24-19-073**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 17, 2024, 8:24 a.m.]

Subject of Possible Rule Making: Updating attending providers and adding psychologists in claims solely for mental health conditions. Chapter 296-14 WAC, Industrial insurance; chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations; chapter 296-16 WAC, Employer—Worker reemployment incentives; chapter 296-19A WAC, Vocational rehabilitation; chapter 296-20 WAC, Medical aid rules; chapter 296-21 WAC, Reimbursement policies: Psychiatric services, biofeedback, physical medicine; chapter 296-23 WAC, Radiology, radiation therapy, nuclear medicine, pathology, hospital, chiropractic, physical therapy, drugless therapeutics and nursing—drugless therapeutics, etc.; and chapter 296-23A WAC, Hospitals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to implement HB 1197 (chapter 171, Laws of 2023) Defining attending provider and clarifying other provider functions for workers' compensation claims, and adding psychologists as attending providers for mental health only claims. The department of labor and industries (L&I) intends to add psychologists in the case of claims solely for mental health conditions, and physician assistants, to the definition of "attending provider" in WAC 296-20-01002. Additional amendments under consideration include within WAC 296-20-01002 and to other workers' compensation WAC for clarity and to be consistent with the bill. Terms such as "attending provider" will be used consistently in multiple workers' compensation rule chapters within Title 296 WAC.

L&I is also considering amending WAC 296-20-01501 to align language with ESHB 2041 (chapter 62, Laws of 2024) Physician assistant collaborative practice, and the department of health, Washington medical commissions' corresponding rule updates to chapter 246-918 WAC. ESHB 2041 authorizes physician assistants to engage in a collaborative practice where a written agreement describes the manner in which the physician assistant is supervised by or collaborates with at least one physician.

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 these rules may contact the individual listed below. The public may also participate by providing written comments and/or testimony during the public comment process after amendments are proposed. Public hearings will be held during that period.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka, L&I, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, fax 360-902-6315, email Jami.Lifka@lni.wa.gov.

Additional comments: For more information on L&I rule making, visit the Rulemaking Activity web page at <https://www.lni.wa.gov/rulemaking-activity/>.

September 17, 2024  
Joel Sacks



**WSR 24-19-074**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 17, 2024, 8:25 a.m.]

Subject of Possible Rule Making: Sanitary conditions for construction workers; chapter 296-155 WAC, Safety standards for construction work, Part B-1, Occupational health and environmental control.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of occupational safety and health (DOSH) is initiating rule making for chapter 296-155 WAC, Safety standards for construction work.

This rule making will implement the requirements of EHB 2266 (chapter 258, Laws of 2024), codified under RCW 49.17.530, which became effective June 6, 2024.

EHB 2266 requires employers in the construction industry to provide workers performing construction activities and who menstruate or express milk the following:

- Access to an adequate portable toilet or restrooms on the work-site or access to a permanent structure with a restroom/bathroom. Requirements include:
  - o Minimum size bathroom, equivalent to a standard sized portable chemical toilet;
  - o Internal latch (lock) to prevent inadvertent entry; and
  - o Adequate time to accommodate for multiple layers of clothing while using the bathroom.
- Adequate and convenient supply of menstrual hygiene products at no cost to employees:
  - o Products must be located in all gender-neutral bathrooms and bathrooms designated for workers who menstruate; or
  - o Provided in kits for each worker who needs such product.
- Reasonable accommodations to express milk after the child's birth each time such employee has a need to express to include:
  - o Flexible scheduling, including breaks;
  - o Private dedicated space, other than a bathroom, lockable (if possible) and free from intrusion;
  - o Convenient hygienic refrigeration on the worksite for the storage of milk; and
  - o Convenient water source in a private location near the location where milk is expressed for the worker to clean and wash hands and milk expression equipment.

EHB 2266 requires the department of labor and industries' (L&I) rules identify minimum reasonable accommodations for expressing milk that include alternatives for worksites of varying numbers of employees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state attorney general's office and the United States Department of Labor.

Process for Developing New Rule: DOSH will conduct stakeholder meetings to allow those affected by the rule to provide input to this rule preproposal. Parties interested in the formulation of these rules may contact the individual listed below. After L&I proposes amend-

ments, the public may also participate by giving oral testimony or submitting written comments during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathy Coates, Administrative Regulations Analyst, L&I, DOSH, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-280-2003, fax 360-902-5619, email Cathy.Coates@Lni.wa.gov.

Additional comments: For more information on L&I rule making, visit L&I's Rulemaking Activity web page at <https://www.lni.wa.gov/rulemaking-activity/>.

September 17, 2024  
Joel Sacks  
Director

**WSR 24-19-077**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed September 17, 2024, 8:53 a.m.]

Subject of Possible Rule Making: Finance—Categorical appointment; establish a new section under chapter 392-122 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2SSB 5882 (chapter 191, Laws of 2024); RCW 28A.150.260.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In alignment with 2SSB 5882 (2024), passed by the Washington state legislature in 2024, the office of superintendent of public instruction (OSPI) is considering rule making to establish requirements for school districts to utilize allocated funding for the 2024-25 school year to support paraeducators, office support, and non-instructional aides. Additionally, consistent with legislative directive to collect data on the use of allocations, the rules would require local education agencies to provide reports that detail the uses of the allocations.

Process for Developing New Rule: Early solicitation of feedback and recommendations concerning new or amended rules, and consideration of comments and recommendations in the course of drafting rule language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting T.J. Kelly, OSPI, P.O. Box 47200, Olympia, WA 98504, TTY 360-664-3631, email [Thomas.kelly@k12.wa.us](mailto:Thomas.kelly@k12.wa.us), website [ospi.k12.wa.us](http://ospi.k12.wa.us).

September 17, 2024

Chris P. S. Reykdal

State Superintendent of Public Instruction



**WSR 24-19-083**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Filed September 17, 2024, 10:15 a.m.]

Subject of Possible Rule Making: Update to geothermal lease rates on department of natural resources (DNR)-managed properties, WAC 332-22-200 through 332-22-230.

Statutes Authorizing the Agency to Adopt Rules on this Subject: This rule making is mandated by an amendment to RCW 79.15.590 [79.13.530] and section 465, chapter 334, Laws of 2003 through section 2 of SB [ESSB] 6039.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DNR is required to commence rule making to update its geothermal resources lease rates for DNR-managed properties so that the lease rates are competitive with geothermal resource lease rates adopted by the federal government and other western states. The updated lease rates must optimize DNR's competitiveness at attracting geothermal exploration and development while balancing the obligations to trusts and not adversely impacting federally reserved tribal rights. The process may also address other language in WAC 332-22-200 through 332-22-230 to improve clarity. This rule making only addresses WAC 332-22-200 through 332-22-230 and will not address any other regulations on geothermal resources.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DNR is the only agency managing leases of DNR-managed properties.

Process for Developing New Rule: Full rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelsay Stanton, P.O. Box 47014, Olympia, WA 98504-7014, phone 360-790-8179, fax 360-902-1789, email Kelsay.stanton@dnr.wa.gov.

September 11, 2024  
Michael Kearney  
Division Manager  
Product Sales and Leasing

**WSR 24-19-091**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed September 17, 2024, 12:48 p.m.]

Subject of Possible Rule Making: Revising WAC 139-07-040 to remove the requirement that the criminal justice training commission (commission) adopt into policy model questions pertaining to polygraph examinations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule change will remove the requirement that the commission adopt into policy polygraph examination model questions. Model questions are not an industry best practice.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Intergovernmental rule making that only applies to other governmental agencies or solely impacts the commission's rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lacey Ledford, 19010 1st Avenue South, Burien, WA 98148, phone 206-835-7300, email Lacey.Ledford@cjtc.wa.gov, website cjtc.wa.gov.

September 17, 2024  
Lacey Ledford  
Rules Coordinator

**WSR 24-19-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 24-12—Filed September 17, 2024, 1:46 p.m.]

Subject of Possible Rule Making: The department of fish and wildlife (department) is considering a recommendation to classify the island marble butterfly as state endangered, threatened, or sensitive as defined under chapter 220-610 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, and 77.12.240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is responsible for making recommendations regarding the listing status of certain animal species, and if those species should be classified as sensitive, threatened, or endangered as defined under chapter 220-610 WAC. To properly classify the status of the island marble butterfly, the department will review all relevant data pertaining to the population status and factors affecting existence in Washington state. An initial department review indicates that the island marble butterfly is already listed as endangered as a species under the federal Endangered Species Act, its population has declined significantly, and multiple factors negatively affect its continued existence in Washington state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal and state agencies that regulate or support occurrences of this species include the United States Fish and Wildlife Service, Bureau of Land Management, National Park Service, and the Washington department of natural resources. The department will coordinate with appropriate federal and state agencies during the review period.

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 S.E., WA 98504, phone 855-925-2801, project code 10565, fax 360-902-2162, TTY 360-902-2349 or 711, email [islandmarblebutterflycr101@publicinput.com](mailto:islandmarblebutterflycr101@publicinput.com), website <https://publicinput.com/islandmarblebutterflycr101>; or Heather Bonagofski, 1111 Washington Street S.E., WA 98504, phone 360-902-2512, TTY 1-800-833-6388, email [heather.bonagofski@dfw.wa.gov](mailto:heather.bonagofski@dfw.wa.gov).

Additional comments: Department rule-making information <https://wdfw.wa.gov/about/regulations>.

September 17, 2024  
Scott Bird  
Rules Coordinator