

WSR 17-20-002
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed September 21, 2017, 10:17 a.m.]

Subject of Possible Rule Making: Chapter 246-803 WAC, East Asian medicine practitioner, the department of health (department) is considering revising the East Asian medicine practitioner rules consistent with statutorily authorized five-year rule review. The department is also considering to include new sections regarding recordkeeping, infection control, and expired licensure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.06.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule review is being done consistent with the five-year rule review under RCW 43.70.041. As part of the review, the department will be looking at areas to consolidate and clarify requirements to better reflect best practices and complete general housekeeping. In the process, the department is also considering adding new rules for recordkeeping, infection control and expired licenses. Rule making may be necessary to update, clarify, and modernize rule language to assure alignment with current practice and increase patient safety. Establishing clear recordkeeping and infection control rules will provide guidance to practitioners, potentially reducing the number and cost of disciplinary actions related to East Asian medicine practitioners.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vicki Brown, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4865, fax 360-236-2901, TTY 360-833-6388 or 711, email vicki.brown@doh.wa.gov, web site www.doh.wa.gov, <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: Interested parties who wish to keep up-to-date on activities related to this rule may sign up for updates through GovDelivery <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

September 21, 2017
 John Wiesman, DrPH, MPH
 Secretary

WSR 17-20-013
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed September 22, 2017, 12:51 p.m.]

Subject of Possible Rule Making: WAC 458-20-218 Advertising agencies.

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 458-20-218 (Rule 218) explains how Washington's business and occupation tax, retail sales tax, and use tax is applied to advertising agencies and the services these agencies provide. The department proposes to update Rule 218 to:

- Provide definitions for the terms "advertising agency" and "advertising services";
- Include examples that clarify the tax reporting classifications for various advertising activities; and
- Clarify when advertising agencies may exclude amounts received when acting as an agent for a client.

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

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or by giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Mullin, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1589, fax 360-534-1606, TTY 800-833-6384, email LeslieMu@dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Leslie Mullin using one of her contact methods above.

Written and oral comments will be accepted at the public meeting on November 1, 2017, at 10:00 a.m., Conference Room 114A, 6400 Linderson Way S.W., Tumwater, WA 98501.

September 22, 2017

Erin Lopez

Rules Coordinator

WSR 17-20-016
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed September 25, 2017, 9:44 a.m.]

Subject of Possible Rule Making: WAC 182-513-1215 Community first choice (CFC)—Eligibility, 182-513-1220 Community first choice (CFC)—Spousal impoverishment protections for noninstitutional Washington apple health clients, and other related rules, as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, section 2404 of the Affordable Care Act amending section 1924 of the Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 2404 of the Affordable Care Act amended section 1924 of the Social Security Act, for the five-year period beginning January 1, 2014, to require states to apply the spousal impoverishment rules to

additional individuals receiving long-term services and supports under 1915(d). This amendment will end the time-limited spousal impoverishment provisions for the CFC program. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vance Taylor, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, TTY 1-800-848-5429, email vance.taylor@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

September 25, 2017
Wendy Barcus
Rules Coordinator

WSR 17-20-017

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed September 25, 2017, 1:30 p.m.]

Subject of Possible Rule Making: The gambling commission is considering rules relating to its evaluation of gambling equipment and devices as part of agency rule making.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission has identified a need to include a review of gambling equipment as part of the agency's rule making to ensure the agency has a clear understanding of all regulatory issues before a final rule is considered by the commissioners.

Process for Developing New Rule: Negotiated rule making; and interested parties can participate in the discussion of this inquiry and any proposed rules by attending gambling commission public meetings to talk with staff or commissioners or present public testimony on any proposed rule or they may contact the rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting rules coordinator, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3447, fax 360-486-3624, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, web site www.wsgc.wa.gov.

September 25, 2017
Brian J. Considine
Legal and Legislative Manager

WSR 17-20-027

PREPROPOSAL STATEMENT OF INQUIRY EXECUTIVE ETHICS BOARD

[Filed September 27, 2017, 8:16 a.m.]

Subject of Possible Rule Making: The purpose of this rule making is to adopt a rule that implements the new Public Records Act (PRA) requirements and provide the necessary findings so that the executive ethics board may use the amended statutory default fee schedule effective July 23, 2017, and explain the procedures for payment of copies and waiver of fees. This rule making will also update the rule to provide clarity to state employees and the public.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.100, 42.56.040 (1)(d), 42.56.120, 42.56.360.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2017 legislature amended RCW 42.52.120 to require that if an agency uses the amended statutory default copy fee schedule the agency must have a rule declaring the reason it is not calculating the actual costs is because to do so would be burdensome. The rule will make those findings. RCW 42.52.120 was also amended to allow an agency to waive any charge assessed for a public record pursuant to agency rule.

Process for Developing New Rule: The executive ethics board will provide public notice of this rule making through filings in the Washington State Register and posting information on the agency web site www.ethics.wa.gov. The executive ethics board will also seek public comment as described in the rule-making form, CR-102, from persons who have requested notice of rule making and from persons who attend 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 Kate Reynolds, 2425 Bristol Court S.W., Olympia, WA 98504, phone 360-664-0871, fax 360-586-3955, email ethics@atg.wa.gov, web site www.ethics.wa.gov.

September 27, 2017
Ruthann Bryant
Administrative Officer

WSR 17-20-040

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF STATE AUDITOR

[Filed September 28, 2017, 3:07 p.m.]

Subject of Possible Rule Making: The purpose of this rule making is to adopt a permanent rule that implements ESHB 1594 and HB [EHB] 1595, Laws of 2017 and to adopt the new statutory fee schedule. WAC 48-13-010 Authority

and purpose, 48-13-20 Agency description—Contact information—Public records officer, 48-13-030 Availability of public records, 48-13-040 Processing of public records request—General, 48-13-060 Exemptions, and 48-13-070 Costs of providing copies of public records, will be amended.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.100 and 42.56.070, as amended by section 1, chapter 304, Laws of 2017.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2017 legislative session amendments were made to chapter 42.56 RCW that require the state auditor's office rules on public records to be updated. Additionally, there are some minor housekeeping updates.

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 office will be proposing a permanent rule and repealing a current rule in response to amendments made to chapter 42.56 RCW by chapter 304, Laws of 2017. The office will provide public notice of this rule making through filings in the *Washington State Register* and through posting information on the office web site at www.sao.wa.gov. During a public comment period, the office will also seek comment: (1) As to be described in the anticipated rule-making proposal form (CR-102); (2) from persons who have requested notice of office rule making; and (3) from persons who attend 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 Cindy Evans, 3200 Sunset Way S.E., P.O. Box 40031, Olympia, WA, 98501, phone 360-725-5585, fax 360-586-3105, TTY 711, email Cindy.Evans@sao.wa.gov, web site www.sao.wa.gov.

September 28, 2017

Al Rose

Director of Legal Affairs

WSR 17-20-062

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed October 2, 2017, 8:44 a.m.]

Subject of Possible Rule Making: WAC 246-224-0010 Definitions, 246-224-0040 What if we have separate locations with radiation machines?, 246-254-010 Definitions, and 246-254-053 Radiation machine facility registration fees, the department of health (department) is considering revising the fee structure for the registration of all X-ray radiation machines, which includes a facility base fee and a fee per tube.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.250, 43.20B.020, 70.98.080, and 43.70.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering revising the fee structure for WAC 246-254-053 Radia-

tion machine facility registration fees. Fees are for the registration of all X-ray radiation machines, which includes a facility base fee and a fee per tube. WAC 246-254-053 allows an exception to the per tube fee for registrants with multiple facilities on a contiguous site, under one administrative control and a single business license, who employ at least two full-time radiation safety personnel. Under these circumstances, the registrants pay a "flat" facility base fee. The department's X-ray program is completely supported through fees. An X-ray inspector must inspect every registered facility. The department is considering changing the rule language to allow the department to remove the exception allowing a "flat" facility base fee and instead charge a fee per tube for every X-ray machine. This change would allow the department to adequately charge for its services and to cover the cost of administering the program. As part of this rule making, the department is considering clarifying the definition of "facility" and adding a definition for "contiguous" in WAC 246-224-0010 and 246-254-010 to support assessment of the facility base fee. Similarly, the department is also considering changing WAC 246-224-0040 to simplify and explain facility and machine registration

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will coordinate with the department of revenue's business licensing service throughout the rule-making process, because the potential changes could affect the business licensing service's registration and fee collection processes.

Process for Developing New Rule: The department will use the collaborative rule-making approach. The department will inform stakeholders and interested parties with email and web postings. Stakeholders and interested parties will have the opportunity to provide comments throughout the rule-making process, during the formal comment period, and 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 Michelle K. Austin, Rules Coordinator, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-3250, TTY 360-833-6388 or 711, email michelle.austin@doh.wa.gov, web site www.doh.wa.gov; or Daniel Van Gent, Manager for the X-ray Section, P.O. Box 47827, Olympia, WA 98504-7820, phone 360-236-3231, TTY 360-833-6388 or 711, email daniel.vangent@doh.wa.gov, web site <http://www.doh.wa.gov/CommunityandEnvironment/Radiation>.

September 29, 2017

John Wiesman, DrPH, MPH

Secretary

WSR 17-20-064

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed October 2, 2017, 9:12 a.m.]

Subject of Possible Rule Making: WAC 246-815-XXX Suicide prevention education, the department is considering

creating a new section to establish a one-time continuing education requirement for dental hygienists in suicide prevention.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.29.130, 18.29.210 and E2SHB 1612 (chapter 262, Laws of 2017).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SHB 1612 directs the secretary of health to adopt rules to establish a one-time continuing education and training requirement for dental hygienists on suicide prevention education. The secretary may determine in rule a three or six hour requirement for suicide prevention education to include assessment of issues related to imminent harm by lethal means.

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

Process for Developing New Rule: Collaborative rule making

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bronoske, Jr., P.O. Box 47852, Olympia, WA 98504, phone 360-236-4843, fax 360-236-2901, TTY 360-833-6388 or 711, email bruce.bronoske@doh.wa.gov.

Additional comments: Interested parties may participate in the rule-making process by providing written comments on proposed language and/or attending a rules workshop. Notices will be sent to interested parties through the dental hygiene GovDelivery interested parties list. Interested parties may sign up for GovDelivery notifications at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

September 29, 2017
John Wiesman, DrPH, MPH
Secretary

WSR 17-20-065
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH

[Filed October 2, 2017, 9:44 a.m.]

Subject of Possible Rule Making: WAC 246-215-09150 Employee restrooms—Toilet facilities, this rule making will consider revising WAC 246-215-09150 to increase the minimum distance to employee restrooms for mobile food units.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050 and 43.20.145.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state board of health received a petition from the Washington State Food Truck Association, in which the petitioner identified minimum distance to restrooms as the most difficult requirement to meet when applying for mobile food unit permits. The state board of health will assess the appropriate standards and whether or not increasing the minimum distance will create more vending locations while still protecting public health.

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

cies: The state board of health considers the United States Food and Drug Administration model food code when developing rules.

Process for Developing New Rule: The state board of health and the department of health (department) will use a collaborative rule-making approach. The department will consult with the Washington State Food Truck Association and other stakeholders. In fall 2017 the department is forming a statewide food safety advisory council consisting of industry, local health, and other stakeholders. This issue will be addressed in meetings of this advisory committee. The department will keep stakeholders informed of the rule development through email correspondence and regular posting of information on department rule-making web site.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peter Beaton, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-4031, TTY 360-833-6388 or 711, email peter.beaton@doh.wa.gov; or Stuart Glasoe, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-236-4111, email stuart.glasoe@sboh.wa.gov.

October 2, 2017
Michelle A. Davis
Executive Director

WSR 17-20-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed October 2, 2017, 4:40 p.m.]

Subject of Possible Rule Making: Eligibility for membership in the public employees' retirement system (PERS), teachers' retirement system (TRS), school employees' retirement system (SERS), and public safety employees' retirement system (PSERS).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify that eligibility for early retirement does not make a member ineligible to establish membership in another state retirement system. Other revisions may be included if opportunities for further clarification are identified during this review.

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 Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email Rules@drs.wa.gov, web site www.drs.wa.gov/rules.

October 2, 2017
Jilene Siegel
Rules Coordinator

WSR 17-20-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed October 2, 2017, 4:41 p.m.]

Subject of Possible Rule Making: Eligibility for membership in the law enforcement officers' and firefighters' (LEOFF) retirement system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Eligibility for membership in LEOFF is defined in chapter 41.26 RCW. This amendment will clarify how the department interprets the statutes to determine eligibility. Other revisions may be included if opportunities for further clarification are identified during this review.

Process for Developing New Rule: Agency study; and amendments will be drafted in coordination with stakeholders representing the LEOFF 2 board.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email Rules@drs.wa.gov, web site www.drs.wa.gov/rules.

October 2, 2017
 Jilene Siegel
 Rules Coordinator

WSR 17-20-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed October 3, 2017, 11:14 a.m.]

Subject of Possible Rule Making: This is the initiation of rule making following the governor's signature of ESSB 5131 into law, Sections 18-23 of which authorize creation of a self-sustaining and voluntary program for the certification and regulation of marijuana products produced and processed, to the extent practicable, with 7 C.F.R. Part 205 (National Organic Program). Rule making will include the identification of a marketing claim for qualifying products, the development of a fee schedule to provide for the recovery of the full cost of the program, and other rules necessary for the implementation and administration of the certification service.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.125.020 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making will establish a self-sustaining and voluntary program to certify marijuana to a production standard in compliance with 7 C.F.R. Part 205. The authority granted to the agency requires rule making to establish the administrative details regarding this new service. Rule making is needed to identify a marketing claim for qualifying products, to develop a fee schedule to provide for the recovery of the full cost of the program, and other rules

necessary for the implementation and administration of the certification service.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state liquor and cannabis board (WSLCB) and Washington department of health (DOH): Communication will be maintained and primary contacts established so that marketing claims and enforcement activities are transparent to WSLCB, DOH and the department of agriculture (WSDA).

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brenda Book, WSDA Organic Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1805, email organic@agr.wa.gov, web site agr.wa.gov/foodanimal/organic.

October 3, 2017
 Candace A. Jacobs
 Assistant Director
 Food Safety and
 Consumer Services Division

WSR 17-20-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed October 3, 2017, 12:03 p.m.]

Subject of Possible Rule Making: Chapter 16-232 WAC, Use restricted herbicides in certain counties, as the result of a petition for rule making, the department is considering expanding the boundaries of Area 1 in Kittitas County.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.58.040, 17.21.030, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Restricted use pesticides are pesticides that the department has determined require additional restrictions for use to prevent unreasonable adverse effects. The restrictions may include limitations concerning the time when, and the conditions under which restricted use pesticides can be used. The rule currently has multiple areas where restrictions apply, including an area identified in Kittitas County as "Area 1." The department is considering expanding the southwest boundary of Area 1 in Kittitas County.

Placing restrictions on the use of certain pesticides helps to reduce the incident of crop damage, especially for sensitive crops.

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

cies: No coordination with any federal or state agency is necessary to adopt these rule amendments.

Process for Developing New Rule: The department will provide an extensive explanation of all changes and solicit feedback from affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rule amendments 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 Joel Kangiser, Acting Compliance Program Manager, Pesticide Management Division, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2013, fax 360-902-2093, email jkangiser@agr.wa.gov.

October 3, 2017
Robin Schoen-Nessa
Assistant Director

WSR 17-20-085

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed October 3, 2017, 12:15 p.m.]

Subject of Possible Rule Making: The gambling commission is considering amending and simplifying its current licensing fee structure in Title 230 WAC. This will also include amending how licensees report their activities and pay their licensing fees under Title 230 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission has approximately one hundred ninety-four different fees for commercial and nonprofit organizations and individuals. This fee schedule is typically based on a "class" system, which can be cumbersome for licensees and agency staff. The gambling commission is looking to simplify this current system to allow it to be easier to navigate and have a licensing fee schedule that is more predictable for both the agency and its licensees. Staff will bring forward the rules in several rule packages/filings. The third rules package will likely go before the commission at their meeting in November.

Process for Developing New Rule: Negotiated rule making; and interested parties can participate in the discussion of this proposed rules change by attending a gambling commission public meeting to talk with staff or commissioners for present public testimony on any proposed rule or they may contact the rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3447, fax 360-486-3624, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, web site www.wsgc.wa.gov.

October 3, 2017
Brian J. Considine
Legal and Legislative Manager

WSR 17-20-090

PREPROPOSAL STATEMENT OF INQUIRY WESTERN WASHINGTON UNIVERSITY

[Filed October 3, 2017, 2:19 p.m.]

Subject of Possible Rule Making: Amending WAC 516-52-020, relating to firearms and dangerous weapons.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Western Washington University proposes amending WAC 516-52-020 in order to identify and limit the possession of dangerous weapons and armaments.

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 Jennifer Sloan, Rules Coordinator, 516 High Street, Suite 332, Bellingham, WA 98225-9015, phone 360-650-3117, fax 360-650-6197, TTY 1-800-833-6384, email Jennifer.Sloan@wwu.edu, web site <https://wp.wwu.edu/rules/>; or Darin Rasmussen, Director for Public Safety, 516 High Street, Bellingham, WA 98225-9130, phone TTY 1-800-833-6384, email Darin.Rasmussen@wwu.edu.

October 3, 2017
Jennifer L. Sloan
Rules Coordinator

WSR 17-20-091

PREPROPOSAL STATEMENT OF INQUIRY WESTERN WASHINGTON UNIVERSITY

[Filed October 3, 2017, 2:20 p.m.]

Subject of Possible Rule Making: Amending chapter 516-36 WAC, Use of university facilities—Scheduling.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Western Washington University proposes amending chapter 516-36 WAC in order to preserve the integrity of the university's educational mission, to protect the health, safety and welfare of students, faculty and staff, and to preserve university property and scarce state resources.

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 Jennifer Sloan, Rules Coordinator, 516 High Street, Suite 332, Bellingham, WA 98225-9015, phone 360-650-3117, fax 360-650-6197, TTY 1-800-833-6384, email Jennifer.Sloan@wwu.edu, web site <https://wp.wwu.edu/rules/>; or Eric Alexander, Associate Dean for Student

Engagement/Director, Viking Union Facilities, 516 High Street, VU 545, Bellingham, WA 98225-9106, phone 360-650-3451, TTY 1-800-833-6384, email Eric.Alexander@wwu.edu.

October 3, 2017
Jennifer L. Sloan
Rules Coordinator

WSR 17-20-092
PREPROPOSAL STATEMENT OF INQUIRY
WESTERN WASHINGTON UNIVERSITY

[Filed October 3, 2017, 2:21 p.m.]

Subject of Possible Rule Making: Amending WAC 516-24-130, relating to demonstrations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Western Washington University proposes amending WAC 516-24-130 in order to preserve the integrity of the university's educational mission, to protect the health, safety and welfare of students, faculty and staff, and to preserve university property and scarce state resources, and uphold individual and group rights to freedom of expression without fear of harm.

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 Jennifer Sloan, Rules Coordinator, 516 High Street, Suite 332, Bellingham, WA 98225-9015, phone 360-650-3117, fax 360-650-6197, TTY 1-800-833-6384, email Jennifer.Sloan@wwu.edu, web site <https://wp.wwu.edu/rules/>; or Eric Alexander, Associate Dean for Student Engagement/Director, Viking Union Facilities, 516 High Street, VU 545, Bellingham, WA 98225-9106, phone 360-650-3451, TTY 1-800-833-6384, email Eric.Alexander@wwu.edu.

October 3, 2017
Jennifer L. Sloan
Rules Coordinator

WSR 17-20-108
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed October 4, 2017, 9:52 a.m.]

Subject of Possible Rule Making: Establishing requirement that providers who accept child care subsidy program (CCSP) subsidies use a digital attendance system to track attendance of the children who receive care. Establishing consequences for provider failure to use a digital attendance system to track attendance. Nonsubstantive edits may be made to chapter 170-290 WAC that are intended to improve clarity and readability.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.060 and 43.215.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Use of the digital attendance system will streamline provider attendance tracking and attendance record retention, simplify and improve how the department of early learning (DEL) tracks children's participation in subsidized child care, and prevent improper provider payments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state department of social and health services jointly administers the working connections and seasonal child care subsidy programs. DEL must follow United States Administration for Children and Families, CCDF regulations consistent with the state's CCDF plan. DEL plans to coordinate rule development with these state and federal agencies.

Process for Developing New Rule: To the extent practicable, DEL intends to seek stakeholder and public input during the rule drafting and development process. At a later date, DEL will file proposed rules, hold a public hearing(s), and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, P.O. Box 49070 [40970], Olympia, WA 98504-0970, phone 360-725-4670, fax 360-725-4925, email rules@del.wa.gov, web site www.del.wa.gov.

October 4, 2017
Heather Moss
Director

WSR 17-20-109
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 4, 2017, 9:57 a.m.]

Subject of Possible Rule Making: The Washington department of fish and wildlife (WDFW) plans to amend sections in chapter 220-660 WAC, Hydraulic code rules. These rules regulate aspects of construction projects in state waters for the protection of fish life. WDFW's general goal in this rule making is to incorporate statutory changes, accommodate other changed conditions to protect fish life, or respond to requests by customers and other interested parties for improved clarity.

WDFW's primary objective for initiating rule making at this time is to adopt emergency rule (WSR 17-14-079) modifying authorized work times under WAC 220-660-300 for the Sultan River as a permanent rule.

Other subjects WDFW has identified for rule making include:

- Consistency with chapter 77.55 RCW with respect to the curtailment of application fees (WAC 220-660-050);

- Ensure authorized work times in WAC 220-660-300 are based on the best available science;
- Update the department's mailing address published in WAC 220-660-460 and 220-660-470; and
- Make other essential changes to WAC 220-660-050 and 220-660-300 that clarify language or accommodate administrative changes.

The rule making as proposed will amend the following sections: WAC 220-660-050 Procedures, 220-660-300 Mineral prospecting, 220-660-460 Informal appeals, and 220-660-470 Formal appeals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012 directs the department to preserve, protect, perpetuate, and manage fish life.

RCW 77.04.020 grants the fish and wildlife commission the authority to delegate to the director any of the powers and duties vested in the commission.

RCW 77.12.047 grants the fish and wildlife commission authority to adopt, amend, or repeal rules necessary to carry out Title 77 RCW.

RCW 77.55.021 charges WDFW with approving the adequacy of means proposed for protection of fish life in association with the construction of a hydraulic project and authorizes formal and informal appeals.

RCW 77.55.091 prescribes that WDFW establish rules for small scale prospecting and mining.

RCW 77.55.051 and [77.55.]081 authorize the removal or control of aquatic noxious weeds [weeds] through rules published in a pamphlet format.

RCW 34.05.328 identifies rules implementing chapter 77.55 RCW as significant legislative rules.

RCW 34.05.350 compels the department to actively undertake procedures to adopt emergency rules as permanent.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WDFW proposes changes to sections under chapter 220-660 WAC to achieve the following outcomes:

- Adopt emergency rule (WSR 17-14-079) modifying work windows under WAC 220-660-300 for the Sultan River as a permanent rule.
 - RCW 34.05.350(2) relating to emergency rules indicates that emergency rules cannot be sequentially filed (i.e. filed for more than one one hundred twenty day period) unless the agency is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. Proposing changes to WAC 220-660-300 Sultan River authorized work times is necessary to allow the agency to refile Sultan River emergency rules. Another emergency rule will be promulgated to extend the change until permanent rules can be adopted.
- Consistency with chapter 77.55 RCW with respect to the curtailment of application fees:
 - Changes to WAC 220-660-050 remove provisions relating to hydraulic project approval (HPA) application fees that sunset at the end of 2016 per RCW 77.55.321; these changes simplify permitting by

removing the application fee from hydraulic code rules.

- Ensure authorized work times in WAC 220-660-300 are based on the best available science:
 - Changes to WAC 220-660-300 to revise Sultan River authorized work times are necessary to respond to new information about fish presence attributable to restoration of fish passage by Snohomish P.U.D. in a section of the Sultan River, as reflected in emergency rule WSR 17-14-079. These changes improve fish life protection.
 - Changes to WAC 220-660-300 to revise Lower Columbia River mainstem authorized work times to incorporate best available science in order to protect fish life and to simplify permitting by implementing consistency with federal agencies.
- Update the department's mailing address published in WAC 220-660-460 and 220-660-470, which will ensure WDFW receives correspondence mailed to the department.
- Make other essential changes to WAC 220-660-050 and 220-660-300 that clarify language or accommodate administrative changes:
 - Changes are proposed to WAC 220-660-050 that:
 - Allow for digital versions of gold and fish and aquatic plant control and removal pamphlets to be present onsite;
 - Clarify instructions for contacting WDFW staff outside of normal business hours;
 - Clarify procedures and criteria for transferring HPAs.
 - Changes to WAC 220-660-300:
 - Correct a typographic[al] error in referencing WAC 220-660-050;
 - Correct terminology within mineral prospecting provisions to ensure that fish habitat structures are left undisturbed;
 - Correct captioning for figure 8;
 - Clarify that embedded wood is to be left undisturbed; and
 - Correct a creek name that has been changed by United States Geological Survey.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WDFW is the sole authority regulating hydraulic projects under chapter 77.55 RCW, and the only agency that regulates hydraulic projects solely for the protection of all fish life. The United States Army Corps of Engineers, Washington department of ecology, Washington department of natural resources, Washington state parks, and local governments also regulate certain aspects of hydraulic projects under their own authorities. National Marine Fisheries Service and United States Fish and Wildlife Service regulate the "take" of threatened or endangered species listed under the federal Endangered Species Act. Tribes regulate fisheries and certain aspects of construction projects on tribal lands. Each of these entities will be invited to comment on draft rules during the rule-making process. Their comments and concerns will be carefully considered in rule change decisions.

In addition to the public comment and hearing process, WDFW is conducting additional outreach and coordination with federal and state agencies having an identified interest or regulatory authority for two of the proposed rules, WAC 220-660-050 and 220-660-300. Provisions of WAC 220-660-290 and 220-660-300 that authorize work times are being studied to incorporate science from multiple entities and determine whether work times can be aligned with federal entities and still meet the agencies' respective management objectives.

Process for Developing New Rule: WDFW will follow the standard process for the adoption of administrative rules under the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), and implement provisions for significant legislative rules under RCW 34.05.328. Information about the status of the HPA rule-making process can be found on the HPA rule-making web site at <http://wdfw.wa.gov/licensing/hpa/rulemaking/>. When or if a CR-102 for proposed rule making is filed, that web site will announce the dates when interested parties can submit public comment on proposed rules, and announce when and where the fish and wildlife commission will hold a public hearing on the rule proposals. The web site will also provide information about dates when the fish and wildlife commission will receive briefings on the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Randi Thurston, P.O. Box 43234, Olympia, WA 98504-3234, phone 360-902-2602, fax 360-902-2946, TTY 800-833-6388, email HPARules@dfw.wa.gov, web site <http://WDFW.wa.gov>, HPA rule-making web site <http://wdfw.wa.gov/licensing/hpa/rulemaking/>.

October 4, 2017
Scott Bird
Rules Coordinator

WSR 17-20-110

PREPROPOSAL STATEMENT OF INQUIRY THE EVERGREEN STATE COLLEGE

[Filed October 4, 2017, 10:07 p.m.]

Subject of Possible Rule Making: Rules governing the use of designated public forums on the college campus.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.40.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on this subject are needed to protect constitutional rights to engage in expressive activities while ensuring safety and fulfillment of the college's educational mission.

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 John Carmichael, 2700 Evergreen Parkway N.W., L3200, Olympia, WA 98505, phone 360-867-5100, fax 360-867-6577, email carmichj@evergreen.edu.