

**WSR 20-07-002**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed March 4, 2020, 12:37 p.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.16 and 43.24 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing language is ambiguous, amending rules to provide for consistency in the application and complement new system efficiencies.

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: Parties interested in the formulation of these rules for proposal may contact the program listed below. 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 Cosmetology Program, P.O. Box 9026, Olympia, WA 98507, phone 360-664-6626, fax 360-664-2550, TTY 711, email [plssunit@dol.wa.gov](mailto:plssunit@dol.wa.gov), website [dol.wa.gov](http://dol.wa.gov).

March 4, 2020  
 Damon Monroe  
 Rules Coordinator

**WSR 20-07-021**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed March 6, 2020, 2:40 p.m.]

Subject of Possible Rule Making: Chapter 246-492 WAC, Vital statistics data release, the department of health (department) is considering creating a new chapter of rule to: Prescribe the direct and indirect identifiers for birth and fetal death records; establish a formalized procedure for requesting vital records data; and establish fees for data files, analysis, and data requests.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5332 (chapter 148, Laws of 2019).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2019, the Washington state legislature passed ESSB 5332, creating chapter 70.58A RCW and replacing chapter 70.58 RCW, governing vital records and the release of vital records data. Section 20 of the bill permits the department to release birth and fetal death record data with direct identifiers for research purposes with approval of the Washington institutional review board; birth and fetal death record data with direct identifiers to government agencies and tribal governments for nonresearch public health work by signing a data sharing agreement; and birth and fetal death data with indirect identifiers and death data with a signed data sharing agreement. Through rule making,

the department can establish formalized processes and enforceable standards for releasing vital records data in compliance with the new statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state institutional review board regulates human subjects research. The department will coordinate with Washington state institutional review board to develop the proposed rules.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop 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 Katitza Holthaus, P.O. Box 47814 Olympia, WA 98504-7814, phone 360-236-4311, fax 360-753-4135, TTY 711, email [katitza.holthaus@doh.wa.gov](mailto:katitza.holthaus@doh.wa.gov), website <http://www.doh.wa.gov/AboutUs/RuleMaking>.

Additional comments: Interested parties can participate in the drafting of the proposed rule. The department will use existing listserv and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To be included on an interested parties list, contact Katitza Holthaus.

March 5, 2020  
 Jessica Todorovich  
 Chief of Staff  
 for John Wiesman, DrPH, MPH  
 Secretary

**WSR 20-07-029**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**POLLUTION LIABILITY**  
**INSURANCE AGENCY**

[Filed March 9, 2020, 1:42 p.m.]

Subject of Possible Rule Making: The pollution liability insurance agency (PLIA) proposes to add a section to Title 374 WAC, Pollution liability insurance agency, to include necessary processes in the agency's program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.149.040 (5), (9); section 7, chapter 23, Laws of 2017.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2017, Washington's legislature adopted a bill which revised chapter 70.149 RCW to expand the advice and technical assistance provided by PLIA and include additional responsibilities to the agency's work.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: PLIA will provide advice and technical assistance to owners and operators of petroleum storage tanks identified by the Washington state department of ecology based on the relative risk posed to human health and the environment by the release. The department of ecology also regulates cleanup of hazardous waste sites under the Model Toxics Control Act. Because the department of ecology may be impacted by PLIA's work in these areas, throughout the rule-making pro-

cess PLIA will communicate with, and seek input from, the department of ecology.

Process for Developing New Rule: PLIA will follow the standard rule-making process as prescribed by 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 Phi V. Ly, P.O. Box 40930, Olympia, WA 98504-0930, phone 800-822-3905, email phi.ly@plia.wa.gov, website www.plia.wa.gov.

Additional comments: Interested parties can participate by: (1) Accessing PLIA's public web page; (2) emailing staff at rules@plia.wa.gov; or (3) participating in a public meeting during development of the rule proposal.

March 9, 2020

Phi V. Ly

Legislative and Policy Manager

#### WSR 20-07-046

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

[Filed March 10, 2020, 12:05 p.m.]

Subject of Possible Rule Making: The department is considering rule changes related to use of department lands for target practice.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, and 77.12.885.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to promote safety, provide a quality recreational experience, ensure protection of natural resources, and consistently regulate the use of department lands statewide.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department intends to coordinate the development and application of these proposed rule changes with the Washington department of natural 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 Eric Gardner, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-902-2515, email wildthing@dfw.wa.gov, website wdfw.wa.gov.

March 10, 2020

Michele K. Culver  
Rules Coordinator

#### WSR 20-07-047

#### WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed March 10, 2020, 12:20 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for home care aides, which was filed April 17, 2017, and published in WSR 17-09-046.

The department is withdrawing this CR-101 because the department is amending and filing a new CR-101 with corrected citations for legislative authority [authority].

Individuals requiring information on this rule should contact Stacey Saunders, program director, at 360-236-2813.

Tami M. Thompson  
Regulatory Affairs Manager

#### WSR 20-07-049

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed March 10, 2020, 12:26 p.m.]

Subject of Possible Rule Making: Chapter 246-980 WAC, Home care aides, the department of health is considering amending the rules to allow a one-time opportunity to extend the applicant's work period beyond the initial date of hire to allow individuals to complete their initial certification. The department is also considering revising the rules to reduce barriers to reentry and define additional terms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.88B.021 and 18.88B.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current statute allows only two hundred calendar days to work while pursuing a home care aide certification, unless exempt. After that, workers must complete training, pass the certification exam, and be issued a home care aide credential before returning to work. The rule may be needed because some applicants are not able to complete all requirement[s] within the existing two hundred days which exacerbates the current short supply of home care aides.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services also regulates aspects of home care aides, and will be consulted on an ongoing basis.

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 Stacey Saunders, P.O. Box 47852, Olympia, WA 98505, phone 360-236-2813, fax 360-236-2901, TTY 711, email homecareaided@doh.wa.gov.

Additional comments: All rule-making notices will be sent via GovDelivery to the home care aides mailing list. To receive notices, please sign up at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

March 9, 2020

Jessica Todorovich  
Chief of Staff  
for John Wiesman, DrPH, MPH  
Secretary

**WSR 20-07-054**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed March 11, 2020, 3:50 p.m.]

Subject of Possible Rule Making: Chapter 246-15 WAC, Whistleblower complaints in health care settings, the department of health (department) is considering revising sections of this chapter to implement SHB 1049 (chapter 62, Laws of 2019) and to ensure the rules are clear, up to date, and align with best practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SHB 1049 (chapter 62, Laws of 2019) which amended RCW 43.70.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary to align rule definitions and criteria with current law, which expanded whistleblower protections. These rule updates are needed to ensure consistency and enforceability.

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 Marlee O'Neill, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4845, TTY 711, email marlee.o'neill@doh.wa.gov.

Additional comments: Interested parties may receive emails or text alerts about this rule-making effort by subscribing to GovDelivery at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

March 10, 2020  
Jessica Todorovich  
Chief of Staff  
for John Wiesman, DrPH, MPH  
Secretary

**WSR 20-07-055**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF HEALTH**

[Filed March 11, 2020, 3:51 p.m.]

Subject of Possible Rule Making: Chapter 246-500 WAC, Handling of human remains, the state board of health (SBOH) is considering rules regarding final disposition of human remains through alkaline hydrolysis and natural organic reduction. The board may also consider other updates as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050 (2)(f).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 246-500 WAC, Handling of human remains, was last updated in 2006. During the 2019 legislative session, the legislature passed ESSB 5001, concerning human remains (chapter 432, Laws of 2019), legalizing two new methods for human disposition: Alkaline hydrolysis and natural organic reduction. The new law takes effect May 1, 2020. SBOH is undertaking rule making to further review questions related to the new methods of disposition and to consider possible revisions to chapter 246-500 WAC to protect public health and safety. The board will coordinate and consult with state agencies and other interested stakeholders on this rule-making project.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of licensing's funeral and cemetery board, department of health, and department of ecology will be invited to participate in the rule making to assure coordination.

Process for Developing New Rule: The board will use a collaborative rule-making approach. The board will work with partner health and natural resource agencies in drafting the rule and will convene a stakeholder group for additional input. The board will keep stakeholders and interested parties informed of the rule making through email, the board's list-serv and rule-making website, and notices in the Washington State Register. Stakeholders and interested parties will have opportunity to provide comments throughout the rule-making process, including informal review of the draft rule, formal review and comment on the proposed rule, and at the board's public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Caitlin Lang-Perez, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-628-7342, fax 360-236-4088, TTY 711, email caitlin.lang@sboh.wa.gov, website sbh.wa.gov.

March 9, 2020  
Michelle A. Davis  
Executive Director

**WSR 20-07-083**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed March 16, 2020, 2:37 p.m.]

Subject of Possible Rule Making: Membership default provisions in the public employees' retirement system (PERS), the teachers' retirement system (TRS) and the school employees' retirement system (SERS).

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 implement chapter 313, Laws of 2019 (HB [SB] 5360), changing the default retire-

ment plan for new members in PERS, TRS and SERS who do not make a plan choice selection within ninety days of hire, and to clarify provisions for new members with a break in service during their plan choice 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 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, website [www.drs.wa.gov/rules/](http://www.drs.wa.gov/rules/).

March 16, 2020  
Jilene Siegel  
Rules Coordinator

### WSR 20-07-090

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed March 17, 2020, 11:17 a.m.]

Subject of Possible Rule Making: The division of child support (DCS) is planning to amend, adopt, or repeal sections in chapter 388-14A WAC and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.050, 26.23.110, 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20.040, 74.20A.055, 74.20A.056, 74.20A.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DCS is updating its rules to do the following: (1) Implement ESSB 6037 (chapter 6, Laws of 2018) and the technical corrections made to ESSB 6037 by SSB 5333 (chapter 46, Laws of 2019); and (2) update terminology and clarify and streamline the rules and procedures regarding parentage from the Uniform Parentage Act (adopted as chapter 26.26A RCW) to conform with current state and federal laws.

In addition, DCS is implementing certain mandatory and optional provisions from the *Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs* rule ("Flexibility rule," which was published on December 20, 2016, in the Federal Register, Volume 81, Number 244, on page 93492), as well as other concepts.

DCS is planning to implement changes in state and federal law in order to clarify and streamline our processes, with the end goal of making our processes and procedures clearer, more flexible, and more understandable for the parties, children, and families who receive our services. This rule-making project is intended to improve the level of services we can provide to children and families by making the administrative support establishment process more efficient and user-friendly.

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: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact the DCS rules coordinator at the department of social and health services (DSHS) DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on the DSHS economic services administration's policy review website at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>.

Rule-making forms and draft rules may also be found on the DSHS Filings and Rules page at <https://www.dshs.wa.gov/office-of-the-secretary/filings-and-rulings/>.

DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Nancy Koptur, DCS Rules Coordinator, DCS HQ, P.O. Box 9162, Olympia, WA 98507-9162, phone 360-664-5065, fax 360-664-5342, TTY 1-800-833-6384, email [nkoptur@dshs.wa.gov](mailto:nkoptur@dshs.wa.gov), website [www.childsupportonline.wa.gov](http://www.childsupportonline.wa.gov); or Brady J. Horenstein, DCS HQ, P.O. Box 9162, Olympia, WA 98507-9162, phone 360-664-5291, fax 360-664-5342, TTY 1-800-833-6384, email [horenBJ@dshs.wa.gov](mailto:horenBJ@dshs.wa.gov), website [www.childsupportonline.wa.gov](http://www.childsupportonline.wa.gov).

Additional comments: Beginning April 1, 2020, Brady J. Horenstein will be the DCS rules coordinator.

March 17, 2020  
Katherine I. Vasquez  
Rules Coordinator

### WSR 20-07-092

**WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed March 17, 2020, 11:41 a.m.]

The Washington department of fish and wildlife is withdrawing preproposal WSR 19-21-037 filed on October 8, 2019.

Michele K. Culver  
Rules Coordinator

### WSR 20-07-093

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

[Filed March 17, 2020, 11:42 a.m.]

Subject of Possible Rule Making: Commercial whale watching licenses and activities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 77.65 RCW.

Rules Coordinator

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Southern resident killer whales (SRKW) are listed as endangered under the Endangered Species Act, and the species' decline led to an executive order from Governor Inslee to establish the Southern Resident Killer Whale Task Force. The task force produced a report that emphasized the importance of the SRKW, stating:

"The extinction of these orcas would be an unacceptable loss. They are an essential component of our broader marine ecosystem, serving as an indicator of the health of our waters. If these creatures - the mammals who inhabit the top of the food chain - are unable to survive, it portends trouble for the rest of the inhabitants of this region. Their extinction would also be an irreplaceable cultural loss as these orcas are beloved and hold significant value as an iconic and treasured species in Washington and throughout the Pacific Northwest. The orcas have vital cultural and spiritual importance to many sovereign tribal nations. Inaction is not an option. Swift and bold near-term actions and effective long-term actions are urgently needed to not only help secure a healthy and sustained Southern Resident orca population, but also the entire ecosystem we depend upon."

Some of the task force recommendations were incorporated into legislation passed during the 2019 session. Included was SSB 5577, an act relating to the protection of SRKW from vessels. Quoting the task force report, "vessels transiting near Southern Resident orcas can produce underwater noise that masks or impairs orca communication and echolocation (the method orcas use to find their prey). This makes it harder for orcas to find food and reduces the time orcas devote to foraging by almost twenty percent, reducing their potential prey intake and increasing their energy expenditure."

The purpose of rule making on this topic is to establish requirements for commercial whale watching license holders pursuant to 2019 legislation (codified as RCW 77.65.620). The purpose of such rules would be to enable sustainable whale watching while reducing the impacts of vessel noise and disturbance so whales can effectively forage, rest, and socialize.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington department of fish and wildlife is the sole state agency with authority to regulate this activity. The United States Coast Guard also has the authority to regulate maritime transportation, and the National Oceanic and Atmospheric Administration oversees conservation and management of marine mammals such as the southern resident killer whale. A government-to-government work group will be established that will include coordination of the rules with these agencies.

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 Julie Watson, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-902-2580, email killerwhales@dfw.wa.gov, website <https://wdfw.wa.gov/species-habitats/at-risk/species-recovery/orca/rule-making>.

March 17, 2020  
Michele K. Culver

## WSR 20-07-096

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed March 17, 2020, 11:46 a.m.]

Subject of Possible Rule Making: Chapter 246-337 WAC, Residential treatment facility, the department of health (department) is considering rule changes to incorporate the special terms and conditions of the medicaid transformation waiver signed by the health care authority (HCA) and the federal Centers for Medicare and Medicaid regarding medication assisted treatment and care coordination in residential treatment facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.12.670, 71.24.037, and 71.24.585 as amended by SSB 5380 (chapter 314, Laws of 2019).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HCA entered into an agreement with the federal Centers for Medicare and Medicaid for the 1115 Medicaid Transformation Waiver. Medicaid Transformation is an agreement with the federal government that allows the state of Washington to test new and innovative approaches to providing health coverage and care. Milestone 3 of the Special Terms and Conditions ([www.hca.wa.gov/assets/program/Medicaid-demonstration-terms-conditions.pdf](http://www.hca.wa.gov/assets/program/Medicaid-demonstration-terms-conditions.pdf)) requires our state to implement a requirement that residential treatment facilities offer medication assisted treatment on-site or facilitate access off site. Milestone 6 of the Special Terms and Conditions requires the state to implement a requirement that managed care organizations, residential treatment providers, and outpatient providers work to develop policies and practices that enhance care coordination, including transitions between levels of care following residential treatment stays. HCA has implemented contract changes that incorporate the requirements of these two milestones and the department is required to reflect these changes in rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is working closely with HCA and is utilizing the tribal consultation process to help align rule changes with contracts and established formal agreements

Process for Developing New Rule: The department will participate in collaborative rule making and will notify interested stakeholders and partners about rule development meetings and rule notices and related activities through email and on the department website. A public hearing on proposed rules will be held at a later date.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Tomaro, P.O. Box 47843, Olympia, WA 98504, phone 360-236-2937, fax 360-236-2321, TTY 711, email [julie.tomaro@doh.wa.gov](mailto:julie.tomaro@doh.wa.gov), website [www.doh.wa.gov/BHI](http://www.doh.wa.gov/BHI).

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting a rules workshop. The department will use exist-

ing GovDelivery lists and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit [doh.wa.gov/BHI](http://doh.wa.gov/BHI) and to be included on an interested parties select the "Subscribe" button at the bottom of that page.

March 13, 2020  
Jessica Todorovich  
Chief of Staff  
for John Wiesman, DrPH, MPH  
Secretary

### WSR 20-07-111

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed March 18, 2020, 9:15 a.m.]

Subject of Possible Rule Making: WAC 458-57-135 Washington estate tax return to be filed—Penalty for late filing—Interest on late payments—Waiver or cancellation of penalty—Application of payment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 83.100.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Part VI of SSB 5358 (2017) clarified and updated the penalties associated with the late filing of an estate tax return. The department is considering updating the rule to clarify these areas as well as possibly other parts of the rule based on comments received.

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 Darius Massoudi, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1559, fax 360-534-1606, TTY 800-833-6384, email [dariusm@dor.wa.gov](mailto:dariusm@dor.wa.gov), website [www.dor.wa.gov](http://www.dor.wa.gov).

Additional comments: Written comments may be submitted by mail or email and should be directed to Darius Massoudi using one of the contact methods above. Written and oral comments will be accepted at the public meeting, on April 15, 2020, at 10:00 a.m., at 6400 Linderson Way S.W., Tumwater, WA 98501.

March 18, 2020  
Atif Aziz  
Rules Coordinator

### WSR 20-07-112

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed March 18, 2020, 9:23 a.m.]

Subject of Possible Rule Making: WAC 458-20-243 Litter tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.19.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has received comments and questions regarding the administration of WAC 458-20-243, particularly as it relates to clarifying business use, and the consumption of items on the premises for certain business types. New examples are being added to the rule to help address these concerns. The department intends to provide clarity in these areas, and may update other parts of the rule based on comments received.

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 Katie Koontz, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1529, fax 360-534-1606, TTY 800-833-6384, email [katieko@dor.wa.gov](mailto:katieko@dor.wa.gov), website [www.dor.wa.gov](http://www.dor.wa.gov).

Additional comments: Written comments may be submitted by mail or email and should be directed to Katie Koontz using one of the contact methods above. Written and oral comments will be accepted at the public meeting, on April 16, 2020, at 10:00 a.m., at the Conference Room, 6400 Linderson Way S.W., Tumwater, WA 98501.

March 18, 2020  
Atif Aziz  
Rules Coordinator

### WSR 20-07-113

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed March 18, 2020, 9:28 a.m.]

Subject of Possible Rule Making: WAC 458-20-141 Duplicating activities and mailing bureaus.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending WAC 458-20-141 to address the taxability and sourcing of direct mail, to include examples, along with providing updated information on the taxability and sourcing of duplicating activities and mailing bureaus.

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

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

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

Additional comments: Written comments may be submitted by mail or email and should be directed to Leslie Mullin using one of the contact methods above. Written and oral comments will be accepted at the public meeting on April 15, 2020, at 11:00 a.m., at Conference Room 114A, 6400 Linder-son Way S.W., Tumwater, WA 98501.

March 18, 2020  
Atif Aziz  
Rules Coordinator

#### WSR 20-07-114

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed March 18, 2020, 9:47 a.m.]

Subject of Possible Rule Making: Notarized signature requirements.

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 provide alternatives to requirements for a notarized signature in retirement applications, forms, and documents.

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, website www.drs.wa.gov/rules/.

March 18, 2020  
Jilene Siegel  
Rules Coordinator

#### WSR 20-07-117

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed March 18, 2020, 10:32 a.m.]

Subject of Possible Rule Making: The gambling commission is considering adopting and/or amending its raffle

rules to allow for the use of equipment to facilitate 50/50 electronic raffles at sports venues.

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 received and accepted a rule-making petition submitted by the NHL Seattle Hockey Team, Seattle Mariners, Seattle Seahawks, and Seattle Sounders to modify existing rules to allow the teams of [to] hold 50/50 raffles using electronic devices and systems at their sports venues.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, fax 360-486-3632, TTY 360-486-3637, email rules.coordinator@wsge.wa.gov, website www.wsge.wa.gov.

March 17, 2020  
Ashlie Laydon  
Rules Coordinator

#### WSR 20-07-123

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed March 18, 2020, 11:21 a.m.]

Subject of Possible Rule Making: Distributions from the deferred compensation program, judicial retirement accounts and Plan 3 defined contribution accounts.

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: These revisions incorporate federal SECURE Act changes regarding required minimum distributions, and describe upcoming changes made possible by the transition to a different record keeper.

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, website www.drs.wa.gov/rules/.

March 18, 2020  
Jilene Siegel  
Rules Coordinator

**WSR 20-07-124**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed March 18, 2020, 11:44 a.m.]

Subject of Possible Rule Making: WAC 246-337-040 Construction review services requirements, the department of health (department) is considering updating residential treatment facility rules to reflect upcoming changes to the Washington state building code. Changes may reflect classification(s) of residential treatment facility occupancy types. The department may consider amending other rules in chapter 246-337 WAC directly related to this building code change, if necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.12.670.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state building code council (SBCC) updated its rules in WAC 51-50-0308, effective July 1, 2020 (WSR 20-01-090). The former building code classified all residential treatment facilities as Group I-1, Condition 2, occupancy type regardless of what type of service was provided in the facility. The updated building code, as of July 1, 2020, will state: "Residential treatment facilities licensed by Washington state under chapter 246-337 WAC shall be classified as one or more occupancy types in accordance with chapter 246-337 WAC."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department construction review services staff have participated in the department of enterprise services SBCC's rule-making project.

Process for Developing New Rule: The department will participate in collaborative rule making and will notify interested stakeholders and partners about rule development meetings and rule notices and related activities through email and on the department website. A public hearing on proposed rules will be held at a later date.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Hilger, P.O. Box 47843, Olympia, WA 98504, phone 360-236-2929, fax 360-236-2321, TTY 711, email [john.hilger@doh.wa.gov](mailto:john.hilger@doh.wa.gov), website [doh.wa.gov](http://doh.wa.gov).

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting a rules workshop. The department will use existing GovDelivery lists and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit [doh.wa.gov/BHI](http://doh.wa.gov/BHI) and to be included on an interested parties list select the "Subscribe" button at the bottom of that page.

March 18, 2020  
Jessica Todorovich  
Chief of Staff  
for John Wiesman, DrPH, MPH  
Secretary