

WSR 22-11-014

PREPROPOSAL STATEMENT OF INQUIRY

PENINSULA COLLEGE

[Filed May 9, 2022, 11:09 a.m.]

Subject of Possible Rule Making: WAC 132A-122-021 Withholding services for outstanding debts. This WAC needs to be updated to bring [it] into compliance with state law that prohibits withholding official transcripts to collect debt.

Statutes Authorizing the Agency to Adopt Rules on this Subject: WAC 132A-350-020 and 132A-350-015 repealed with the code reviser's office on August 13, 2020. Washington state's law against discrimination, chapter 49.60 RCW; Title VI and VII of the Civil Rights Act of 1964; Age Discrimination Act of 1975; Section 504 and 508 Rehabilitation Act of 1973; Americans with Disabilities Act and ADA Amendment Act; Title IX of the Educational Amendments of 1972; Title II of the Genetic Information Nondiscrimination Act of 2008; Violence Against Women Reauthorization Act; and their implementing regulations.

Process for Developing New Rule: Amending to bring into compliance with state law.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Griffith, Rules Coordinator, Peninsula College, 1502 East Lauridsen, Port Angeles, WA 98382, phone 360-417-6201, email kgriffith@pencol.edu, website www.pencol.edu.

May 9, 2022
Kelly Griffith
Rules Coordinator

**WSR 22-11-016
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed May 9, 2022, 11:57 a.m.]

At the request of the petitioner, the Washington state gambling commission respectfully requests to withdraw WSR 20-12-007 filed on May 21, 2020, which included amending amusement game rules to change the square footage or size requirements for grocery or department store locations as the subject of possible rule making.

Ashlie Laydon
Rules Coordinator

WSR 22-11-023
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed May 10, 2022, 11:27 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-76-10455 to allow adult family home providers the authority to administer epinephrine to residents in their care who have an assessed condition requiring administration of epinephrine.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: When individuals with severe allergies causing anaphylaxis are prescribed epinephrine, the adult family home must be able to administer the medication to residents who require assistance. Current rule requires medication administration be performed by a "practitioner," by nurse delegation or by a family member or legally appointed resident representative. Adult family home providers do not meet the definition of "practitioner" and the task cannot be nurse-delegated. Due to the emergency nature of the medication, family or others outside the adult family home cannot administer the medication timely. Amending the rule will allow adult family home providers to administer these medications to residents, minimizing risk of a severe reaction or death.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health (DOH) also regulates the subject of epinephrine administration under chapter 70.54 RCW. The department of social and health services will consult with DOH staff in developing proposed rules to avoid creating conflicting or redundant requirements for long-term care facilities and homes.

Process for Developing New Rule: Negotiated rule making; and the department will use a collaborative rule-making process to develop and receive comments on draft rules. Contact the department staff listed below to receive draft material and information about how to participate in the 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 Colleen Jensen, P.O. Box 45600, Olympia, WA 98504, phone 564-999-3182, email colleen.jensen1@dshs.wa.gov.

May 5, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-11-025
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 10, 2022, 1:31 p.m.]

Subject of Possible Rule Making: Law enforcement officers' and firefighters' (LEOFF) Plan 2 return to work options.

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 language regarding the benefit options available to LEOFF Plan 2 retirees and members who return to work in a department of retirement systems (DRS) covered position.

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 Rubi Reaume, DRS, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7311, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/rules.

May 10, 2022
Rubi Reaume
Rules Coordinator

WSR 22-11-027

PREPROPOSAL STATEMENT OF INQUIRY

HEALTH CARE AUTHORITY

[Filed May 11, 2022, 8:32 a.m.]

Subject of Possible Rule Making: WAC 182-502-0110 Conditions of payment and prior authorization requirements—Medicare coinsurance, copayments, and deductibles; 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 (HCA) is amending WAC 182-502-0110 to add that for long-term civil commitments, if medicare and medicaid cover the service, HCA pays the greater of medicare or medicaid's allowed amount, minus what medicare paid. During the course of this review, HCA 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: Not applicable.

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, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Abby Frazier-Cole, Program Questions, P.O. Box 45500, Olympia, WA 98504-5500, phone 360-725-1835, fax 360-586-9727, TRS 711, email abby.frazier-cole@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 11, 2022
Wendy Barcus
Rules Coordinator

WSR 22-11-032
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed May 11, 2022, 12:00 p.m.]

Subject of Possible Rule Making: WAC 314-55-010 Definitions, and WAC 314-55-560 Evaluation of additives, solvents, ingredients or compounds used in the production of cannabis products. The Washington state liquor and cannabis board (WSLCB) is considering creating new, amending, or repealing existing rule sections as necessary to identify and further define terms including, but not limited to, additives, solvents, ingredients, compounds, or concentrates used in the production or processing of cannabis products. Additional revisions may be considered where appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.325, 69.50.342, 69.50.345, 69.50.348.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The production and processing of cannabis products may involve the use of potentially harmful additives, solvents, ingredients, compounds, or concentrates. Rules are needed to further define these additives, solvents, ingredients, compounds, or concentrates used in the production or processing of cannabis products that pose or may pose a risk to public health or youth access.

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 Robert DeSpain, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-664-4519, fax 360-704-5027, email rules@lcb.wa.gov, website lcb.wa.gov.

Additional comments: Interested persons can participate in the rule[-making] process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the WSLCB website at lcb.wa.gov.

May 11, 2022
Ollie Garrett
Acting Chair

**WSR 22-11-038
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 11, 2022, 4:39 p.m.]

The department of licensing requests the withdrawal of the Pre-proposal statement of inquiry for chapter 308-14 WAC, filed with office of the code reviser as WSR 21-19-094 on September 17, 2021.

Ellis Starrett
Rules Coordinator

WSR 22-11-043
PREPROPOSAL STATEMENT OF INQUIRY
SKAGIT VALLEY COLLEGE

[Filed May 12, 2022, 11:51 a.m.]

Subject of Possible Rule Making: WAC 132D-310-005 Antidiscrimination policy, 132D-150-500 Order of precedence, 132D-150-560 Evidence, and 132D-150-580 Appeals.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Over the past year, college staff have been in the process of reviewing college policies related to Title IX to ensure compliance with the law and to consolidate and clarify language. Based on that work, it is recommended to repeal WAC 132D-310-005 and revise WAC 132D-150-500, 132D-150-560, and 132D-150-580 to ensure that we have policy and procedures that allows for Title IX and non-Title IX harassment and discrimination procedures. The completion of this work is consistent with ongoing guidance from the assistant attorney general's office and is consistent with language of other colleges in the Washington community and technical college system.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education.

Process for Developing New Rule: Negotiated rule making and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Radeleff, 2405 East College Way, Mount Vernon, WA 98273, phone 360-416-7995, fax 360-416-7773, TTY 360-416-7718, email lisa.radeleff@skagit.edu, website www.skagit.edu; or Sandy Jordan, 2405 East College Way, Mount Vernon, WA 98273, phone 360-416-7923, fax 360-416-7773, TTY 360-416-7718, email sandy.jordan@skagit.edu, website www.skagit.edu.

May 12, 2022
Lisa Radeleff
Executive Assistant
and Rules Coordinator

WSR 22-11-045
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed May 12, 2022, 3:58 p.m.]

Subject of Possible Rule Making: WAC 458-20-23801 Watercraft excise tax—Watercraft depreciation schedule.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 82.49.040 requires the department of revenue (department) to prepare a depreciation schedule (at minimum annually) for use in the determination of fair market value for watercrafts, which is the basis for measuring the watercraft excise tax. The purpose of this rule-making effort is to evaluate the watercraft depreciation table values in WAC 458-20-23801. The department will propose amendments to the watercraft depreciation schedule if watercraft valuation, sales, and registration data indicates an adjustment to a table value(s) is necessary, as required by RCW 82.49.040. The department will also solicit comments and feedback from external stakeholders regarding the proposed watercraft depreciation schedule.

The department plans to share any proposed amendments to the watercraft depreciation schedule in advance of the public meeting and discuss any proposed amendments during the public meeting.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of licensing (DOL) uses the watercraft depreciation schedule to bill and collect the watercraft excise tax from registered watercraft owners. The department uses data from DOL concerning watercraft sales and registrations to consider whether any adjustments are necessary to the table.

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 giving oral testimony at the public meeting or hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brenton M. Madison, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1583, fax 360-534-1606, TTY 800-833-6384, email BrentonM@dor.wa.gov, website dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Brenton M. Madison using one of the contact methods above. Written and oral comments will be accepted at the public meeting on Tuesday, July 19, 2022, at 10:00 a.m., telephonic/internet meeting only. Contact Atif Aziz at AtifA@dor.wa.gov for dial-in/login information.

May 12, 2022
Atif Aziz
Rules Coordinator

WSR 22-11-048

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF REVENUE

[Filed May 13, 2022, 9:11 a.m.]

Subject of Possible Rule Making: WAC 458-29A-200.

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

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: The department intends to modify WAC 458-29A-200 to
clarify the amount of contract rent subject to leasehold excise tax
when the rent includes payment for both the leasehold interest as well
as a concession or other right.

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 Ryan Becklean, P.O. Box 47453, Olympia, WA 98504-7453,
phone 360-534-1576, fax 360-534-1606, TTY 800-833-6384, email
RyanBe@dor.wa.gov.

Additional comments: Written comments may be submitted by mail or
email and should be directed to Ryan Becklean using one of the contact
methods above. Written and oral comments will be accepted at the pub-
lic meeting on Wednesday, June 15, 2022, at 11:00 a.m., telephonic/
internet meeting only. Contact Atif Aziz at AtifA@dor.wa.gov for dial-
in/login information.

May 13, 2022
Atif Aziz
Rules Coordinator

WSR 22-11-060
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed May 16, 2022, 11:19 a.m.]

Subject of Possible Rule Making: WAC 182-550-3830 Adjustments to inpatient rates; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5693, section 211(52), chapter 297, Laws of 2022; RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-550-3830 to align with ESSB 5693 by extending the rate for an additional year and adding language for an additional increased rate for providers who take single [single] bed certifications. Language updated for readability. During the course of this review, the health care authority 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 Valerie Freudenstein, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Melissa Craig, Program Questions, P.O. Box 55687, Olympia, WA 98504-5687, phone 360-725-0938, fax 360-586-9727, TRS 711, email melissa.craig@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

March 16, 2022
Wendy Barcus
Rules Coordinator

WSR 22-11-061
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed May 16, 2022, 11:23 a.m.]

Subject of Possible Rule Making: WAC 182-550-7500 OPPS rate, 182-550-7550 OPPS payment enhancements; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5693, section 211(52), chapter 297, Laws of 2022; RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-550-7500 by removing duplicate language found in subsections (6), (7), and (8). The same language can be found in WAC 182-550-7550. The agency is amending WAC 182-550-7550 to align with ESSB 5693 by extending the rate for an additional year and adding language for an additional increased rate for providers who take single [single] bed certifications. Language updated for readability. During the course of this review, the health care authority 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 (CMS).

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Tracy Huynh, Program Questions, P.O. Box 55686, Olympia, WA 98504-5686, phone 360-725-1311, fax 360-586-9727, TRS 711, email tracy.huynh@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 16, 2022
Wendy Barcus
Rules Coordinator

WSR 22-11-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 16, 2022, 12:32 p.m.]

Subject of Possible Rule Making: WAC 246-976-010 through 246-976-310, 246-976-330 through 246-976-400, 246-976-890, 246-976-920, 246-976-960 and 246-976-970, Emergency medical services (EMS) and trauma care systems. The department of health (department) is considering updating the EMS sections of the chapter to align with current national standards, improve timelines for application processes, and respond to new legislative requirements. New sections may be added as required.

The department is withdrawing the existing CR-101 filed on November 27, 2017, and published in WSR 17-24-013, and refileing this updated CR-101 to include rule making required by legislation that has passed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.040, 18.71.205, 18.73.081, 70.168.050. ESSB 5751 (chapter 70, Laws of 2017), SHB 1258 (chapter 295, Laws of 2017), ESHB 1551 (chapter 76, Laws of 2020), ESSB 5229 (chapter 276, Laws of 2021), SSB 5380 (chapter 314, Laws of 2019), SHB 1276 (chapter 69, Laws of 2021), SHB 1893 (chapter 136, Laws of 2022).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is opening WAC 246-976-010 through 246-976-310, 246-976-330 through 246-976-400, 246-976-890, 246-976-920, 246-976-960 and 246-976-970 to: (1) Propose updates to align with current national standards; (2) make rules more clear, concise, and organized; (3) propose changes to address barriers to initial and renewal application processes for prehospital services licenses and EMS provider certification; (4) reduce barriers to obtain recognition as a senior EMS instructor; (5) clarify roles and responsibilities for medical program directors, local and regional EMS and trauma care councils; (6) clarify staffing standards for EMS services authorized to use nonmedically trained drivers to implement ESSB 5751; (7) update education requirements for certified EMS providers to implement SHB 1258, ESHB 1551, and ESSB 5229; (8) clarify licensing standards for EMS services for reporting to the statewide EMS data registry and roles and responsibilities for medical program directors, and regional councils to implement SSB 5380; (9) propose minimum standards for emergency services supervisory organizations to use certified EMS providers to implement SHB 1276; and (10) clarify scope of practice for certified EMS providers and propose minimum standards for provisional certification of EMS providers to implement SHB 1893.

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 Catie Holstein, P.O. Box 47853, Olympia, WA 98504, phone 360-236-2841, fax 360-236-2830, TTY 711, email catie.holstein@doh.wa.gov, website <https://doh.wa.gov>; or Jill Hayes, P.O. Box 47853, Olympia, WA 98504, phone 360-236-2830, fax 360-236-2830, TTY 711, email jill.hayes@doh.wa.gov, website <https://doh.wa.gov>.

Additional comments: Interested parties may participate in the development of draft rules prior to a formal proposal by joining the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>, and may provide

input on draft and proposed materials. Interested parties may receive information on how to participate by contacting Catie Holstein, EMS manager, at department of health.

May 12, 2022
Kelly Cooper, Director
Policy and Legislative Relations
for Umair A. Shaw, MD, MPH
Secretary

**WSR 22-11-068
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed May 16, 2022, 4:13 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for emergency medical services (EMS) and trauma care systems, which was filed November 27, 2017, and published in WSR 17-24-013.

Due to the COVID-19 pandemic, access to EMS stakeholders was limited and we experienced delays in conducting rule-making activities. During this time, additional legislation has been passed that impact our rules. A new CR-101 will be filed to reflect the necessary updates.

Individuals requiring information on this rule should contact Catie Holstein, EMS section manager, phone 360-236-2841, or email catie.holstein@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

WSR 22-11-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 17, 2022, 8:50 a.m.]

Subject of Possible Rule Making: The department is conducting rule making related to chapter 296-880 WAC, Unified safety standards for fall protection.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In August 2021, the division of occupational safety and health (DOSH) received notification from the Federal Occupational Safety and Health Administration (OSHA) relating to DOSH's fall protection standard. The notification advised the department of labor and industries (L&I) that DOSH needed to amend the fall protection rule in chapter 296-880 WAC in order to be at-least-as-effective-as those administered by OSHA. This rule making will consider changes to sections of the current fall protection rule that address roofing activities, including leading edge work; work performed on a flat pitch roof; and ski area facility and operations to make them at-least-as-effective-as OSHA, as required by the Washington state plan.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual 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 Carmyn Shute, Administrative Regulations Analyst, L&I, DOSH, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-6081, fax 360-902-5619, email Carmyn.Shute@Lni.wa.gov, website www.Lni.wa.gov.

May 17, 2022
Joel Sacks
Director

WSR 22-11-071
PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION COMMISSION

[Filed May 17, 2022, 9:03 a.m.]

Subject of Possible Rule Making: State Route 16 Tacoma Narrows Bridge (TNB) toll rates, fees, and policies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.165, 47.46.190, 47.46.100, 47.46.105, 47.56.030, 47.56.240, and 47.56.795.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Per RCW 47.46.100(3), the Washington state transportation commission (WSTC) shall set toll rates for TNB to be sufficient to meet maintenance and operations costs, insurance costs, make repayments to the motor vehicle fund, and make principal and interest payments on the debt. In order to meet the requirements in state law, WSTC will review and possibly adjust TNB toll rates, fees, and policies. Per RCW 47.56.165, WSTC is also authorized to assess system-wide administrative fees as appropriate for toll collection processes.

In 2022, the state legislature provided \$130,000,000 to enable a toll rate reduction on TNB. It is the intent of the legislature that WSTC will adjust tolls accordingly, in consideration of annual contributions from nontoll sources and the costs required to be covered under RCW 47.46.100.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Other agencies that regulate this subject are WSTC as the operator of the tolled facilities, and the office of the state treasurer who oversees the financing of tolled facilities. WSTC works closely and coordinates with both agencies in developing toll setting proposals and carrying out the rule-making process for making toll adjustments.

Process for Developing New Rule: Enacted legislation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Transportation Commission, Carl See, P.O. Box 47308, Olympia, WA 98504-7308, phone 360-705-7070, fax 360-705-6802, email transc@wstc.wa.gov, website <http://www.wstc.wa.gov>.

May 17, 2022
Reema Griffith
Executive Director

WSR 22-11-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed May 17, 2022, 9:04 a.m.]

Subject of Possible Rule Making: Chapter 16-306 WAC, Hemp program. In response to changes in federal law that occurred when the United States Department of Agriculture (USDA) published its final rule for the domestic production of hemp (final rule) in January of 2021, the department is considering the following amendments:

- Updating various sections of this chapter to align with the USDA's final rule;
- Updating multiple sections throughout the chapter in order to add clarity and transparency to the existing language; and
- Revising current fees listed in rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.140.030 and 15.140.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Subsequent to the passage of the 2018 Farm Bill, USDA provided the interim final rule (IFR) on the establishment of a domestic hemp production program (84 F.R. 58522), on October 31, 2019. The Washington state department of agriculture (WSDA) hemp program created a plan in alignment with the IFR, and submitted that plan to USDA, while finalizing state rules for the hemp program. As the legalization of hemp is a recent development, the federal government provided a comment period on the IFR so that states and those subject to the regulatory requirements of the IFR during the 2020 production cycle could provide feedback about how the IFR was being operationalized in their jurisdictions.

The IFR presented several challenges to the department and its stakeholders, as the 15-day window for inspection and sampling prior to harvest made it challenging for the hemp program to schedule inspections throughout the state. A lack of options for remediation meant that farmers with noncompliant hemp plants had to destroy their crops, despite processes available to reduce the THC concentration of their plant materials. Finally, the IFR did not provide options or opportunities for farmers producing nonflowering hemp plants, including microgreens, seedlings, and clones to receive certification within the program. USDA addressed these challenges by incorporating less restrictive components in the final rule, which was published on January 19, 2021, and effective on March 22, 2021.

Since September 21, 2021, the hemp producers have been able to comply with these federal standards under WSDA's Policy Statement CI-21-0002 (WSR 21-20-061). These amendments will incorporate those changes into the hemp program rule in chapter 16-306 WAC. Additionally, updating other sections throughout the chapter will provide clarity and transparency to hemp licensees in regard to testing, the appeals process, and enforcement.

The department must establish license fees in an amount that will fund the implementation of chapter 15.140 RCW and sustain the hemp program. The level of fees currently exceeds the needs of the program, and may be decreased. Revising some of the current fees listed in rule will reduce overall costs to hemp producers, and therefore make it easier for hemp producers to conduct business with the program.

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

ton state liquor and cannabis board, and the Washington state department of health. The department will provide notice to these agencies of our rule-making process via email.

Process for Developing New Rule: The department will discuss any proposed amendments with affected stakeholders and individual businesses that may be affected. Affected stakeholders will also have an opportunity to submit written comments on the proposed rule 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 Trecia Ehrlich, Hemp Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-584-3711, fax 360-902-2085, TTY 800-833-6388, email tehrlich@agr.wa.gov, website www.agr.wa.gov.

May 10, 2022
Jessica Allenton
Assistant Director

WSR 22-11-080
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 17, 2022, 3:19 p.m.]

Subject of Possible Rule Making: Transportation network companies and drivers, chapter 296-128 WAC, new section.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 2076; chapter 49.46 RCW; RCW 43.22.270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state legislature passed ESHB 2076 during the 2022 legislative session, which sets new requirements for transportation network companies and gives drivers new rights and protections.

Section 1 (13)(f) of ESHB 2076 requires the department of labor and industries (L&I) to conduct rule making regarding deduction and remittance reimbursements from the driver resource center to a transportation network company. Additional rules are needed to clarify the new requirements for transportation network companies and new driver protections relating to minimum compensation, paid sick leave, retaliation and deactivations, and administrative violations. Rules are also needed to carry out and enforce the new requirements and help L&I coordinate with the driver resource center.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of licensing and Washington state office of the insurance commissioner.

Process for Developing New Rule: L&I will develop the proposed rule language in conjunction with a group of stakeholders, including transportation network company representatives, driver representatives, and other interested parties, with the opportunity for broader interested parties to review and provide input before the proposed rules are filed. The public may also participate after rules are proposed by providing written comments and/or testimony during the public hearing and comment period.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bridget Osborne, L&I, Employment Standards, P.O. Box 44510, Olympia, WA 98504-4510, phone 360-902-5552, email ESRules@Lni.wa.gov.

May 17, 2022
Joel Sacks
Director

WSR 22-11-081
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 17, 2022, 3:30 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-424-0015 Immigrant eligibility restrictions for the state family assistance, ABD cash, PWA programs, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.770, 74.04.805, 74.04.820, 74.08.090, 74.08A.100, 74.08A.120, 74.09.035, 74.09.530, and 74.62.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective July 1, 2022, HB 1748 (chapter 208, Laws of 2022) expands aged, blind, or disabled, housing and essential needs referral, and pregnant women assistance eligibility to include victims of human trafficking. This rule change will also update other definitions within WAC as needed.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sanela Maksic, P.O. Box 45470, Olympia, WA 98504-5470, phone 425-272-3880, fax 360-725-4905, email Sanela.Maksic@dshs.wa.gov.

May 17, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-11-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 17, 2022, 3:33 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-310-0800 WorkFirst—Support services, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120, and 74.08A.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments implement an expansion of supports services to directly address housing and utilities needs in state fiscal year 2022-2023 per the 2021-2023 supplemental operating budget (ESSB 5693).

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathryn Gussett, P.O. Box 45470, Olympia, WA 98504-5470, fax 509-290-8435, email gussekr@dshs.wa.gov.

May 17, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-11-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 17, 2022, 3:34 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-418-0011 What is a mid-certification review, and do I have to complete one in order to keep receiving benefits?, 388-447-0130 What referral to the housing and essential needs (HEN) program rules may the department implement during a state of emergency?, 388-449-0230 What aged, blind or disabled (ABD) program rules may the department implement during a state of emergency?, 388-400-0060 Who is eligible for aged, blind or disabled (ABD) cash assistance?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.655, 74.04.770, 74.08.025, 74.08.043, 74.08.090, 74.08.335, 74.08A.100, 74.09.530, and 74.62.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective July 1, 2022, mid-certification reviews are no longer required for ABD program recipients.

The 2022 supplemental operating budget (ESSB 5693) includes funding to support this change.

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: The department of social and health services (DSHS) welcomes the public to take part in developing 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 Erin Summers, P.O. Box 45470, Olympia, WA 98504, phone 253-307-2118, email erin.summers@dshs.wa.gov.

May 17, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-11-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 18, 2022, 11:42 a.m.]

Subject of Possible Rule Making: Amendments to hydraulic code rules, chapter 220-660 WAC, necessary to implement SSB 5273 (chapter 279, Laws of 2021), which became effective on July 25, 2021. Rule sections requiring amendment may include WAC 220-660-030 Definitions, 220-660-050 Procedures—Hydraulic project approvals, and 220-660-370 Bank protection in saltwater areas.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.12.047, 77.55.021, 77.55.231, 34.05.328; and SSB 5273 (chapter 279, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule amendments are needed to implement SSB 5273 regarding replacement of marine residential shoreline stabilization or armoring.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of fish and wildlife (WDFW) is the sole authority regulating hydraulic projects under chapter 77.55 RCW, and the only state 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. State, federal, and local government entities will be invited to comment on draft rules during the rule-making process. WDFW will conduct government-to-government consultation with tribes.

Process for Developing New Rule: Changes to chapter 77.55 RCW made in SSB 5273 compel associated changes to the implementing hydraulic code rules in chapter 220-660 WAC.

The standard process for the adoption of administrative rules under the Administrative Procedure Act (chapter 34.05 RCW) and the applicable provisions for significant legislative rules (RCW 34.05.328) is the most appropriate process for this hydraulic code rule making. Negotiated rule making is not practicable because rule language will largely mirror statute language, which reflects collaboration during the legislative session, and because negotiated rule making would increase the time needed and the cost of rule making without added benefit. Pilot rule making is not applicable because the statutory changes, and therefore the proposed amendments, apply statewide.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting shoreline stabilization rule making, <https://publicinput.com/shorelinestabilizationCR101>, voicemail comments 855-925-2801, project code 2265, TTY 360-902-2207, email shorelinestabilizationCR101@PublicInput.com, website <https://wdfw.wa.gov/about/regulations/development/shoreline-stabilization-rule>; or Theresa Nation, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-902-2562.

May 18, 2022
Annie Szvetecz
Rules Coordinator